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- NOTE:**
- a) The Council Committee Minutes Item numbers may be out of sequence. Please refer to Section 10 of the Agenda – Information Report - Committee Decisions Under Delegated Authority for these items.
 - b) Declaration of Councillors and Officers Interest is made at the time the item is discussed.

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET MUNDIJONG ON MONDAY 23RD APRIL, 2007. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.00PM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

1. ATTENDANCE & APOLOGIES:

IN ATTENDANCE:

COUNCILLORS: DL Needham Presiding Member
JE Price
AW Wigg
K Murphy
JC Star
JA Scott
EE Brown
WJ Kirkpatrick
MJ Geurds
M Harris

OFFICERS: Ms J Abbiss Chief Executive Officer
Mr D Long Director Corporate Services
Mr S Bell Director Engineering
Mr B Gleeson Executive Manager Planning & Regulatory Services
Ms S van Aswegen Executive Manager Strategic Community Planning
Ms K Norrish Communications Officer
Mr M Daymond Planning Officer
Mr T Turner Principal Environmental Health Officer
Ms M Khadpekar Strategic Planning Consultant
Mrs S Langmair Minute Secretary

APOLOGIES:

GALLERY:

2. PUBLIC QUESTION TIME:

2.1 Response To Previous Public Questions Taken On Notice

The following questions were submitted on Council's Question Time Forms but were not asked and taken on notice at the April Sustainable Development Committee. However, they have been answered here to provide a response.

Paul McMahon, 110, 100 & 101 Gobby Road, Keysbrook

Regarding Music Festival

This question relates to insurance matters in the event of damages claim.

Q1 Does the Council require the promoters to hold public liability insurance and if so, to what extent?

A1 The Committee Recommended Resolution requires the proponent to provide proof of adequate public liability insurance.

Q2 Does the Council have any liability in the event of a major claim?

A2 Any liability by any party could only be determined when the details of any claim are known.

Q3 Will the Council request a deposit arrangement from the promoters to cover loss, damage etc and if so what dollar sum will be required?

A3 The Committee Recommended Resolution does not require the provision of a bond.

Denise Armitage, "Myara Brook", Keysbrook

Q1 If the applicant is granted a liquor licence will Shire require that registered crowd controllers be employed?

A1 The proponent has submitted that security personnel will be employed as part of his application.

Q2 Is it a prerequisite that shire would require the applicant to show proof of a current Public Liability Policy showing endorsement of the Music Festival to a value of \$20million.

A2 The Committee Recommended Resolution requires the proponent to provide proof of adequate public liability insurance.

Q3 Has Council received and responded to the objections of the owners of the three (3) properties with common boundaries of Myaravale, Mr & Mrs Stallwood, Mr & Mrs Urquhart and Mr & Mrs Grunder?

A3 The Shire has received these objections and the issues raised have been summarised in the Officers Report. Once Council has made a decision, all submitters will be advised of the outcome.

2.2 Public Questions

Public Question Time commenced at 7.02pm

Kevin Fidge, Booragoon

Q Mr Fidge had faxed and POSTED a letter to the Shire attention to Michael Daymond, Planning Officer regarding an over sized shed and stables at 14 Kentucky Drive, Darling Downs. This matter was to be heard at the March Council Meeting and was deferred to the April Council Meeting. He has not been informed of what has been happening and has travelled from Booragoon to attend this meeting where this matter was to be discussed.

A The Executive Manager Planning and Regulatory Services (EMPRS) advised that this matter was considered at the March Council Meeting and was deferred pending further information. Officers have had discussions with the proponents and the proponents are going to submit new drawings. He did acknowledge that there was a commitment to keep the neighbours informed and apologised that the matter was not on the agenda for tonight's meeting and that the neighbours had not been notified. The EMPRS advised that when the revised plans are received the neighbours will be notified.

Mrs Bond, Stockmans Close

Q Are Council meetings recorded and if so, for how long are the tapes kept?

A The Presiding Member advised that Council meetings are not recorded.

Q Further to previous advice that the agenda is on the web site on the Friday before the Council meeting, this is not correct and Mrs Bond has not been able to find the agenda on the website.

A The Chief Executive Officer (CEO) advised that the Council agenda is placed on the website on the Friday afternoon before the Council meeting and we have checked the records for last month after Mrs Bond's questions to confirm this is in fact the case. We have however been experiencing problems with our website recently and the reason it was unavailable today was due to our web host's server being hacked.

Mr Paul Nield, 195 Boomerang Road, posed a question relation to the personal affairs of a Councillor.

The Presiding Member advised that Mr Nield's questions did not have any relevance to Council business and therefore will not be received or recorded.

Cr Murphy stated that this question was out of order and asked Mr Nield to take his seat.

The CEO instructed Mr Nield to take his seat or he would be ejected from the meeting.

Mr Fidge, Booragoon

Q Received a letter from Planning dated 12th February 2007 advising that the matter can be approved.

A The EMPRS took this question on notice and Mr Fidge will be advised of the answer in due course.

The CEO advised that questions taken on notice and their answers are provided in the agenda for the following meeting.

Public Question Time concluded at 7.15pm.

3. PUBLIC STATEMENT TIME:

3.1 Questions Taken On Notice Prior to the Meeting

Nil

Public Statement Time commenced at 7.15pm.

Mrs Bond, Stockmans Close

At a previous Council meeting I asked for my questions to be replied to in writing. What I expected was for someone to take responsibility for questions which are of serious importance. I did not expect someone to photocopy a sheet and send to me.

I am alarmed as to why there is nothing pertaining to two councillors who at a recent meeting clearly gave a truthful assessment of a situation but there is noting in the minutes regarding this matter and this is certainly not the first time this has occurred.

Cr Wigg acknowledged the presence Cr Richard Smith, Deputy President, City of Rockingham in the gallery this evening. The Presiding Member welcomed Cr Smith to the Council meeting.

Esther Price regarding Music Festival. Previously involved in the communications and marketing plan for the Shire and believes she knows the ethos. Stated publicly her support for Matt Porter (Matt) a young person with the vision and drive to put this festival, which can be a high risk venture, together. There has been a lot of discussion on this matter which has been good as it has meant that those responsible for planning this event have been able to take this into account. She has been saddened by some of the voices in this debate. It's important in a small community to work together. She is sure that there is a way forward for this event and would counsel wise discussion. It is a fantastic opportunity for Keysbrook. Thanked all the people who have debated this matter.

Michelle Rich, Burns Road, Serpentine and the President of the Serpentine P&C who have been offered to cater for the event. The Executive Committee took the view of the glass being half full rather than half empty with regard to this event. The P&C felt it was a good opportunity for fund raising. Very appreciative for the opportunity to fund raise at such an event.

Simone Urquhart, thinks that Matt is trying to do a good thing. It is just the location that is the issue. She is a university student and has empathy with other cultures. Her empathy is for Africa. Believes that if you want to help East Timor then she would recommend pursuing avenues through going to the country and making a difference there rather than compromising one community here. If the venue was moved elsewhere the community would not be compromised.

Jill Urquhart, nobody is saying that Matt is not an enterprising young man and does not have a good vision. This is not about the event, a music festival in Keysbrook and Serpentine is OK however she agreed with Simone that the venue is wrong. It is putting peoples' lifestyles and life at risk. If the venue was at say Tumblegum or a more open area, it would be better for the whole community and the P&C could still benefit.

James Thompson, Nedlands

Long term visitor to the area and especially Myaravale wanted to attend this meeting and describe the calibre of people attending this event. This event is not a reincarnation of the Bindoon event. When visiting Myaravale he has met scientists, physios, engineers, architects, musicians and artists. It is not a place for druggies or bikies. The people attending are decent types of people. While there they have done works to reduce the fire risk and rehabilitate the stream zone. Myaravale is a forum for discussion and interaction. Planning and holding the event also ensures that great care is taken of the native flora and fauna. Myaravale has an extended network of friends. 500 people is just 20 ministers inviting 25 friends. An alternative venue would not be appropriate as the funds would be taken away from those areas that would benefit.

Shane Rowley, Keysbrook

Neighbour to the Myaravale property forever. Would like Council to assess the matter on the facts and not on some of the fiction that is being spoken about. 700 people are enough for the property and enough for Matt to do what he wants. There is no 80 metre cliff. It is a prestige property surrounded by bush. Moving the venue to Tumblegum will not be appropriate. He urged Councillors to vote on the facts.

Barry Urquhart, L15 South West Highway, Keysbrook

Hopes that those people will continue to visit Myravale and continue to weed the creek. But transporting bands to a rural property with an 80 foot drop in Keysbrook is inappropriate. Keysbrook is a rural zoned peaceful community and the people adjoining the property are against it. He applauded the P&C for raising money and suggested the venue for the P&C fair would be a good place to hold such an event. The local community of Keysbrook is against this proposition.

Cameron Rowley, direct neighbour.

Mr Urquart is advising that the majority of people are against it, however there are a number of names on a petition that are for it.

Catherine Buttfeld, Keysbrook

Has lived on a property on Gobby Road for over 30 years and is in support of this festival. Vocally aggressive, negative minority have advertised it to the masses. Is sure that the event will be too tame for some undesirable people to attend. Organisers have gone to great lengths to ensure diverse event. Many people in Keysbrook want to attend despite what is said by the vocal negatives who choose to have little to do with the local community and belittle groups who are working hard in the area. She challenged the Shire to make a positive decision for the Shire.

Kathy Williams, Keysbrook

In support of the music festival. The strategies that these young people have put in place will be worthwhile.

Gail Porter, Director of Myravale

Gail and husband support the music festival and the organising committee. Matt is a young man who has long held a vision for a better world and she encouraged the Shire to harness all the positives he and his team can offer. They are the future and it is about celebrating community. Congratulated Matt and his team in the dignified way they have gone organising this event. She urged Council to support the event.

Jan Buttfeld, Gobby Road, Keysbrook

Most of the speakers have covered what she wanted to say. Fortunate to live in the hills at Keysbrook. Great that an event such as this can be held in the area so this can be shared. Doesn't believe we have the right to no disturbance. It is only for a couple of days. If music was too loud for people, then it would certainly be too loud to be held in a venue such as Serpentine.

Amanda Breeman

Helping out to make sure this venue is environmentally sound. The location is stunning and the view is incredible. It will be good for the whole Shire and generate interest in investing in the area. Myravale is such a stunning place and this event allows it to be shared in a controlled way.

Matt Porter, Lot 15 Gobby Road

Some men see things as they are and ask 'Why'? I dream of things that never were and ask 'Why Not?'

That is what I am asking you tonight. Why Not. Why not give me a chance. Why not support your planners who have all visited the site and assessed its various risks and still fully and comprehensively endorse the proposal. Why not support the emergency services and police viewpoint, who are more than satisfied with the proposal?

Why not allow the local parents and citizens community to raise funds for their local kids? Why not allow the Keysbrook fire brigade to raise money through a car tax? Why not make a charitable donation for the people of East Timor? Why not support an event supporting not only WA music but local businesses? Why not allow the people of Keysbrook an event that will create a sense of community for those who attend?

When you assess the proposal objectively, there is no reason why not. The only reason why not, and why some of you have admitted to me you are concerned, is that you fear backlash from voters... and that you were elected to represent the views of your electorate. Yes, there have been some vocal calls of objection. But how many of them are really affected? The reality is only a handful of people will be affected. Perhaps even more important however is that you must realise that the majority of people are in favour of the event - the petition has some 45 signatures of people from Jarrahdale to Serpentine to Wandi to Keysbrook to Byford in favour of the event. Members of this community want this event.

There will always be opposition to proposals. That is the nature of humans. We have a right to choose. However, in my opinion, rejecting a proposal of this nature - fully endorsed by council officers, the police and emergency services, and where all proceeds go to the community and charity and not the organizers it makes it pretty hard to get anything off the ground then doesn't it?

To knock it back would leave us with two options, neither of them savoury, but alas one will result. The first is to have the event anyway, as a private party, whereby charity and the community do not benefit. The second would be to appeal to the State Administrative Tribunal who would assess it objectively, and support it as the planners have done. I do not desire either of those outcomes. My preference is to work with council, work with the community, to hold the event.

May I finally use my last few moments to publicly thank the staff at the Shire who have been very professional and helpful throughout the whole process. I would also like to thank my neighbours who have supported me so much throughout and no matter tonight's result, I am thankful this experience has been of benefit, at least in that regard. The Parkins, the Millers, the Hambleys and of course the Rowleys, who have gone as far as opening up one of their tracks to make the event happen - to them all I am incredibly indebted and very thankful.

Simone Urquhart

Matt has put in a fantastic proposal but it needs to be moved. Matt is not a resident of the area and it will have an effect on those on the immediate boundary. If the venue was to change then it would be supported.

Mr Stallwood, Boyd Road, in the Murray Shire

Back boundary abuts Myravale. Has lived in the area for 12-14 years and it is one of those things that has completely split the community and created a them and us. It is up to the Shire to resolve this matter. Should be looking to the ratepayers to what they want, what is in their interest. Respect that there are a lot of young people all over Perth who enjoy the

property and the surrounds. Due to the location and the precipitous terrain there is a big chance of accidents happening. With regard to the drug chill-out area, he has sought advice from the Police and it is not a lawful requirement. It may be wet and the ground is steep and people not equipped to handle this slippery terrain, combine the rain, alcohol and drugs, this may be a recipe for disaster. The track that runs alongside the property, ie the Munda Bindi track, a walking track, one of the things that concerns Mr Stallwood with this track, it would be impossible to police this and stop people illegally entering. A lot of people would also be leaving the event along Scarp Road, not sure how this is going to work out? In the officer comments, the adjoining Shire have to agree with the event. If this shire allows this event to go ahead, this event cannot proceed without the Shire of Murray giving their consent. Mr Stallwood has received a letter from the CEO of the Shire of Murray advising that they do not support this event proceeding.

Mark Hambley, Gobby Road

From a young persons' point of view, there is excitement about the event happening in a place like Keysbrook. He is sad that people are against this event.

Cameron Rowley

Knows the previous owner of the property, Don Turtin, better than anyone and he would have been proud that this event was going to be held.

Public Statement Time concluded at 7.49pm.

4. PETITIONS & DEPUTATIONS:

Nil

5. PRESIDENT'S REPORT:

Nil

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

The Chief Executive Officer (CEO) advised that clarification had been sought from the proponent regarding the indication in his development application that he would be providing money to local charities and gave an example of the Alcoa Action Group. The proponent has since advised in writing that he would not be providing any money to the Alcoa Action Group. The CEO wished this to be recorded in the minutes as she is the Chair of the Alcoa Action Group known as the Keysbrook Hills Community Group and if this had been the proponents intention then the CEO would have been required to declare a financial interest.

Cr Needham declared an interest in common in item SD099/04/07 as she is a neighbour within a 2km radius that was notified in writing by the Shire that this event would occur. Even though she is declaring an interest, this will not affect the way she votes.

The CEO declared an interest in common in item SD099/04/07 as she is a neighbour within a 2km radius that was notified in writing by the Shire that this event would occur.

7. RECEIPT OF MINUTES OR REPORTS AND CONSIDERATION OF ADOPTION OF RECOMMENDATIONS FROM COMMITTEE MEETINGS HELD SINCE THE PREVIOUS COUNCIL MEETINGS:

7.1 Ordinary Council Meeting – 26th March, 2007

COUNCIL DECISION

**Moved Cr Price seconded Cr Star
That the minutes of the Ordinary Council Meeting held on 26th March, 2007 be confirmed.
CARRIED 10/0**

REPORTS OF COMMITTEES:

SD098/04/07 TOWARDS A BIODIVERSITY STRATEGY FOR SERPENTINE JARRAHDAL (A0397)		
Proponent:	Serpentine Jarrahdale Shire	In Brief Council is requested to consider Milestone 3 and part of Milestone 4 application for \$15,000 from the South West Biodiversity Project (SWBP). The application is subject to Council matching the \$15,000 allocation for biodiversity planning in the 2007/2008 budget deliberations. It is recommended: - Council gives in principle support for the development of a Local Planning Policy for Biodiversity Conservation (Milestone 3). - Council allocate \$15,000 to be able to pursue matching funds from SWBP to undertake the \$30,000 Milestone 3 and part of Milestone 4 Project.
Owner:	Not applicable	
Officer:	Chris Portlock - Environmental Coordinator	
Signatures Author:		
Senior Officer:		
Date of Report	19 March 2007	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Milestone 1 & 2

The Serpentine Jarrahdale Shire was granted funding (\$15,000) in the 2006/2007 Round 1 Western Australian Local Government Association (WALGA) South West Biodiversity Targeted Grants Project to undertake a local planning process for Scoping, Training and Resource Identification (Milestone 1) and to complete the Local Biodiversity Discussion Paper (Milestone 2) by June 2007. The completion of this Round 1 project will see the Shire having completed:

- The Setting of the Vision;
- Local Biodiversity Objectives;
- Local Biodiversity Targets;
- Identification of local and regional Ecological Linkages; and a
- Draft Biodiversity Action Plan.

To progress the discussion paper from this point into a Local Biodiversity Strategy, the following will need to be incorporated following the public consultation period and Council endorsement:

- Local Biodiversity Strategy Action Plan
- Management Action Targets and Management Actions
- Monitoring & Evaluation Indicators

Milestone 3

Once the Action Plan is drafted, the following four key components of the Biodiversity Strategy can be developed:

1. Local Planning Policy (Milestone 3)

The preparation of a Local Planning Policy (LPP) ensures that biodiversity can be adequately considered in Local Government land-use planning decision-making processes. The application of a LPP is triggered by proposals to rezone, subdivide or develop land containing natural areas. The LPP will ensure that the biodiversity values of natural areas likely to be impacted by development proposals are adequately assessed and where possible retained or protected. During the structure planning process, information collected through application of the LPP should enable identification, prioritisation and designation of those areas to be protected for all Locally Significant Natural Areas occurring within structure plan areas.

2. Incentives Strategy (Milestone 4)

Based on the objectives and targets identified in the Local Biodiversity Strategy Action Plan, the portion of Local Natural Areas (LNA) required to be retained, protected and managed on private land will be known or will be able to be determined. Knowledge of the extent of LNA that need to be protected (to meet the targets and objectives) and the possible opportunities and constraints to protection will enable determination of the preferred incentives to be offered.

3. Managing Biodiversity on Local Government Land (Milestone 5)

Employment of an officer or consultant to assess all Local Government managed natural areas using Natural Area Assessment Templates (Desk Top and Field Assessments). Implementation of management activities for natural areas managed by Local Government based on either an action plan or conservation management plan.

4. Finalising the Protection Status of Locally Significant Natural Areas through Town Planning Scheme Review and Amendments (Milestone 6)

Employment of an officer or consultant to identify ecologically significant land in areas zoned for development to assist Council decision makers on where best to restrict development and make recommendations on the provision of facilities for active or passive recreation taking into account the biodiversity values of the whole development. Ecological surveys would be undertaken to provide recommendations and or provide assistance to Local Government for analysing and interpreting ecological information provided as part of major development proposals to ensure that priority natural areas are protected.

Expression of Interest

The Environmental Coordinator has forwarded to the South West Biodiversity Project Officers an expression of interest targeting a further \$15 000 to be matched and used by the Shire to engage a consultant to prepare a Local Planning Policy for Biodiversity Conservation.

This proposal seeks:

- * Council's support to apply for the next round of Targeted Grants funding in order to achieve Milestone 3 and part of Milestone 4.

- * Council's consideration for financial support (\$15 000) in the 2007/2008 budget to match WALGA's South West Biodiversity Project funding.

A copy of the SWBP Targeted Grants 2007 Application Form is with the attachments marked [SD098.1/04/07](#).

Sustainability Statement

Effect on Environment: This proposal will see a significant advancement towards protecting biodiversity within the Shire through both the maintenance and continued development of a database / decision support system and progress towards developing a Biodiversity Strategy and Policy based on WALGA 's South West Biodiversity Program.

Resource Implications: The proposal seeks to strategically protect biodiversity assets in the Shire.

Use of Local, renewable or recycled Resources: Local renewable biodiversity resources will be protected and enhanced and seed potentially collected for further resource enhancement.

Economic Viability: This proposal is designed to strategically protect vegetation that remains within the Shire. This Shire has already experienced significant loss of biodiversity assets and this proposal seeks to identify what biodiversity assets should be protected or reinstated and how that should be done.

Environmental management has an ongoing cost. However, there is also a significant cost if environmental assets are not managed. Once biodiversity values have been destroyed, they are very expensive to put back. Many people consider it impossible to put back natural vegetation communities.

Economic Benefits: The proposal will work towards protecting that image of "beauty" that attracts residents and tourists to the Shire. The proposal will also create a part time position or provide work for a consultant.

Social – Quality of Life: Biodiversity is an essential component of our heritage and identity. In addition to providing social values such as recreational opportunities and spiritual renewal, biodiversity also provides essential ecosystem services.

Social and Environmental Responsibility: The four phase WALGA approach includes community and other stakeholder participation.

Social Diversity: The proposal does not impact or disadvantage any social group.

Statutory Environment:

The preparation of a Local Biodiversity Strategy and Policy will enable the Shire to proactively address the requirements of the following legislation as they relate to biodiversity conservation:

- * Environment Protection and Biodiversity Conservation Act 1999
- * Wildlife Conservation Act 1950
- * Environmental Protection Act 1986
- * Soil and Land Conservation Act 1945 (to be replaced by amendments to the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 with A Guide for Local Government Clearing Native Vegetation under the Environmental Protection Act 1986)

The conservation of biodiversity is also a relevant factor in the application of the Planning and Development Act and the Shire's Town Planning Scheme.

Once prepared, parts of a Local Biodiversity Strategy and Policy will need to be incorporated into the Shire's Town Planning Scheme to have effect and standing in town planning processes. This will require the approval of the Western Australian Planning Commission.

State Government environmental policies addressed in a Local Biodiversity Strategy and Policy include:

- * Bush Forever (Government of Western Australia 2000a, 2000b & 2000c) and related bushland policies (e.g. Urban Bushland Strategy)
- * Environmental Protection Authority (EPA) Guidance Statement No. 10: Guidance for the Assessment of Environmental Factors – Level of assessment for proposals affecting natural areas within the System 6 region and Swan Coastal Plain portion of the System 1 region (Environmental Protection Authority 2003a)
- * EPA Guidance Statement No. 33 (Draft): Policies, Guidelines and Criteria for Environmental Impact Assessment - Guidelines for Environment and Planning (Environmental Protection Authority 1997)
- * Forest Management Plan 2004 – 2013 (Conservation Commission 2003)
- * System 6 report (Department of Conservation and Environment 1983) and the System 6 Update program (Department of Environmental Protection unpublished (1996)
- * Wetlands Conservation Policy for Western Australia (Government of Western Australia 1997)
- * EPA Position Statement No. 4: Environmental Protection of Wetlands (preliminary) (Environmental Protection Authority 2001)
- * EPA Position Statement No 2: Environmental Protection of Native Vegetation in Western Australia (Environmental Protection Authority 2000b)
- * State Weed Plan (State Weed Plan Steering Group 2001);
- * Draft Policy Statement No. 9 Conserving Threatened Species and Ecological Communities (Department of Conservation and Land Management 2003a)
- * EPA Guidance Statement No. 51: Guidance for the Assessment of Environmental Factors – Terrestrial flora and vegetation surveys for environmental impact assessment in Western Australia. (Draft) (Environmental Protection Authority 2003c)
- * EPA Guidance Statement No. 56: Guidance for the Assessment of Environmental Factors – Terrestrial fauna surveys for environmental impact assessment in Western Australia. (Draft) (Environment Protection Authority 2003d)
- * Draft Statement of Planning Policy: Bushland Policy for the Perth Metropolitan Region (Western Australian Planning Commission in preparation)
- * Western Australian State Sustainability Strategy (Government of Western Australia 2003a)
- * Environment and Natural Resources Statement of Planning Policy No. 2 (Government of Western Australia 2003b)
- * Peel-Harvey Coastal Plain Catchment Statement of Planning Policy No. 2.1 (Government of Western Australia 1992d)
- * Jandakot Groundwater Protection Policy Statement of Planning Policy No. 2.3 (Government of Western Australia 1998b)
- * Development Control Policy No. 2.3 Public Open Space in Residential Areas (Western Australian Planning Commission 2002)
- * Position Statement: Wetlands. (Water and Rivers Commission 2001)
- * Wildlife Conservation (Rare Flora) Notice 2001 (Government of Western Australia 2001b)
- * Wildlife Conservation (Specially Protected Fauna) Notice 2001 (Government of Western Australia 2001c)

Policy/Work Procedure

Implications:

There are no work procedures/Shire policy implications directly related to this agenda item. However, a Biodiversity Strategy and Policy will provide clearer pathways for development by identifying important natural areas at the earliest possible stage. Hence, the

preparation of a Local Biodiversity Strategy and Policy is a key to the Shire achieving its sustainability objectives.

Financial Implications:

The proposal requests that Council consider an allocation of \$15,000 in biodiversity management during the 2007/2008 budget deliberations.

Strategic Implications:

This proposal relates to the following Key Sustainability Result Areas:-

1. People and Community

Objective 1: Good quality of life for all residents

Strategy:

5. Value and enhance the heritage character, arts and culture of the Shire.

Objective 2: Plan and develop towns and communities based on principles of sustainability

Strategy:

5. Protect built and natural heritage for economic and cultural benefits.

Objective 3: High level of social commitment

Strategy:

1. Encourage social commitment and self determination by the SJ community.

2. Environment

Objective 1: Protect and repair natural resources and processes throughout the Shire

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
2. Develop partnerships with community, academia and other management agencies to implement projects in line with Shire objectives.
3. Encourage protection and rehabilitation of natural resources.
6. Value, protect and develop biodiversity.

Objective 2: Strive for sustainable use and management of natural resources

Strategy:

1. Implement known best practice sustainable natural resource management.

3. Economic

Objective 1: A vibrant local community

Strategy:

3. Develop tourism potential.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

1. Identify and implement best practice in all areas of operation.
2. Promote best practice through demonstration and innovation.

Objective 2: Formation of Active Partnerships to progress key programs and projects

Strategies

1. Improve coordination between Shire, community and other partners.
3. Develop specific partnerships to effectively use and leverage additional resources.

Objective 3: Compliance to necessary legislation

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.
3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

Community Consultation:

The approach to participate in the South West Biodiversity Project toward the development of a Biodiversity Strategy and LPP for Biodiversity Conservation recognises the need for broad consultation.

Formal community consultation will occur once the Biodiversity Strategy Discussion Paper has been finalised. A Steering Group guiding the preparation of the Strategy will also include community representatives from the environment and development sectors, as well as indigenous communities. The community's existing involvement in management of local bushland and other natural areas will be strengthened by the Strategy and LPP.

Comment:

The preparation of a Strategy and LPP will be a significant environmental and land planning initiative. Whilst the Strategy and LPP will focus on biodiversity as a primary concern, it will allow the Shire to integrate biodiversity targets into land planning decisions, reserve management and other aspects of Council's business.

The Strategy and LPP will refine a rigorous ongoing process to assess developments for their impact on biodiversity. With each development proposal, Council will be able to see whether they are moving towards or away from their biodiversity targets.

Voting Requirements: Simple Majority

SD098/04/07 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Star seconded Cr Brown

1. Council gives in principle support for the development of a Local Planning Policy for Biodiversity Conservation (Milestone 3 and part of Milestone 4) as outlined in the *Local Government Biodiversity Planning Guidelines 2007*.
2. Council considers the allocation of \$15 000 of Shire funds during the 2007 / 2008 budget deliberations with matching funds being sought from WALGA's South West Biodiversity Project to undertake the \$30 000 Milestone 3 Project.

CARRIED 10/0

The Director Corporate Services (DCS) left the meeting at 7.51pm.

SD099/04/07 PROPOSED PUBLIC AMUSEMENT (MUSIC FESTIVAL) – LOT 15 GOBBY ROAD, KEYSBROOK (P02346/01)		
Proponent:	Myravale Pty Ltd	In Brief The applicant seeks planning approval for a Public Amusement event (Music Festival) on Lot 15 Gobby Road, Keysbrook. The event will be held over three days on 4 to 6 May 2007. It is recommended that the application be conditionally approved.
Owner:	As Above	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	2 April 2007	
Previously	NA	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt:	19 February 2007
Advertised:	Yes
Submissions:	Yes
Lot Area:	40.22 ha
L.A Zoning:	Rural
MRS Zoning:	Rural
Byford Structure Plan:	NA
Rural Strategy Policy Area:	NA
Rural Strategy Overlay:	Landscape Protection
Municipal Inventory:	NA
Townscape/Heritage Precinct:	NA
Bush Forever:	NA
Date of Inspection:	30 March 2007

Background

The applicant is seeking approval to run a Music Festival from 4 to 6 May 2007 on the subject property (Myravale Farm). Myravale Farm is located in the hills of Keysbrook and is owned by the Porter family. In May 2006, the applicant organised and ran a small music festival at the farm to raise funds for overseas communities.

The applicant is seeking approval to run a similar event this year, albeit on a larger scale, in cooperation with the community. The aim of the event is to raise funds as well as promoting the environment, Western Australian music, sustainable farming practices and the Shire of Serpentine Jarrahdale.

Details of the event that have been submitted by the applicant include:

Days & Times

The proposed event is split over three days from Friday the 4th of May to Sunday 6th May 2007. Friday will consist of solo acoustic performances with low level amplification. The performances will run from 7pm to 10pm with a short film festival running after this until 11pm. Saturday will be a full day of amplified music from 10:30am to 11:30pm. On Sunday a number of workshops will be held in regards to revegetation, landscaping and gardening. Further, a farmers market will be held whereby local farmers can sell their produce to the festival patrons. There will be no music at all on Sunday.

Crowd Dynamics

Anticipated audience is between 500 to 700 patrons over the duration of the festival with audience demography of 18 to 60 years of age. The site has a series of levels that will help

disperse the crowd to ensure no overcrowding and orange barriers will serve to channel the flow of the crowd as required.

Operational Issues

Last year we notified the police, fire and ambulance in the lead up to the event and provided them all with a map. We will do so again this year and look forward to working with them. The Keysbrook Fire Brigade will station a fire unit close to the main site.

Alcohol & Drug Issues

We do not intend on having glass available and security personnel will be employed to manage the crowd. Measures will be taken to ensure the safety of patrons in the event of drug misuse. These include the chill out area with free water, open areas with natural ventilation and the first aid tent.

Toilets

We will hire portaloos and provide at a rate in excess of Council requirements.

Water

Potable tap water will be available around the venue for free at all times. This will be available for fire fighting and drinking purposes. Bottled water will also be sold at a nominal cost.

Electrical & Lighting

An electrical contractor will certify that all temporary electrical installations comply with the Health Regulation Act 1992.

Crowd Control & Security

A licenced crowd control agency will be hired with their own distinct uniform and accompanying gear.

Medical & First Aid

The applicant has engaged the Royal Life Saving Society Australia to provide First Aid services for the duration of the event on the Friday and Saturday.

Vehicles & Transport

Adequate parking on site has been arranged. Private vehicles will provide the transport to and from the venue. There will be no public transport available. Camping overnight will ensure the movement of vehicles is confined to daylight hours.

Cleanup & Rubbish Removal

A cleanup and rubbish plan has been prepared. Recycling will be strongly encouraged on site and rubbish will be disposed of in accordance with Council requirements. A number of Sulo and other bins will be positioned on site for patron use.

Camping

An area provided for short term camping is provided on site. No caravans are permitted and there will be a total fire ban in camping areas. Adequate sanitary facilities will be provided near all camping areas. There are two proposed camping areas, one in the top paddock east of the festival site for people staying one night, the other south of the festival site for people staying the whole weekend.

Structures & Marquees

There will be marquees to house food and drink stalls and also to provide shelter from the elements.

Food Stalls

There will be food stalls on site of a basic 'sausage sizzle' type nature.

A copy of the location and site plans is with attachments marked [SD099.1/04/07](#).

Sustainability Statement

Effect on Environment: The three day festival represents a range of activities occurring in the natural environment which has the potential for impacts to occur. To help mitigate and avoid these impacts, the applicant has prepared an Environmental Management Plan (EMP) for the event which details the steps that will be taken to avoid any immediate impacts as well as outlining the longer term strategies that will be employed to improve the health of the surrounding environment. These strategies will continue after the event has been held.

Resource Implications: Any waste and effluent that is created on site will be properly disposed of. On-site toilet facilities and rubbish collection receptacles will be provided for patrons' use with a majority of rubbish being recycled. Separate bins will be provided for glass and aluminium (to be recycled) and general rubbish and a compost bin will be constructed for organic wastes. The recyclable materials will be washed and separated on site and taken to the City of Armadale tip on Hopkinson Road along with the general rubbish collected during the festival. The 'Green Team' volunteers will ensure that patrons abide by the rubbish policies and dispose of rubbish in an appropriate way.

The event will not place any increased demand on any existing services on site. Water consumed by patrons will be bottled with any additional water required being carted in. All electrical systems will be operated by generators on site.

Economic Benefits: The proposal will result in economic benefits for the community. A farmers market will be held on the Sunday providing an opportunity for local farmers and producers to sell their produce to the festival attendees. Further, the applicant is attempting to source all food and drink from the local community where possible.

It is considered that this event may also encourage tourism within the Shire. Although the event is by invitation only, people from all over Perth will be attending the event providing an opportunity for the Shire to be showcased to those who may be visiting the Shire for the first time.

Economic Viability & Social – Quality of Life: The proposal has the potential to impact on surrounding landowners by way of noise and increased traffic along Gobby Road. The applicant has endeavoured to take all precautions necessary to help minimise the potential impacts on the locality. Firstly, the Music Festival is split into three distinct days. Friday is proposed to consist of acoustic performances with low level amplification and film screening, Saturday will be a full day of bands and Sunday will consist of gardening workshops, markets and revegetation works. There will not be any music on Sunday. A Traffic Management Plan has been prepared and submitted to Council which ensures that suitable management is in place for vehicle ingress and egress from the site, provides a safe environment for patrons and minimises disruption, delays and congestion to all road users.

Social and Environmental Responsibility: The event organisers have placed a high emphasis on the safety of the community and patrons through the preparation of a comprehensive Emergency and Risk Management Plan. This includes the employment of Paramount Security to oversee the event and the provision of First Aid and Medical facilities administered by the Royal Lifesaving Society Australia.

An EMP has also been prepared to help mitigate any impacts on the natural environment and details how the land will be rehabilitated soon after the event to ensure that impacts on the environment are minimal. Further, proposed gardening workshops and the revegetation of the Myara Brook will be undertaken on Sunday by festival volunteers and coordinated by the Murdoch University Environmental Science Association.

Social Diversity: The proposed festival does not disadvantage any social groups but rather will provide an event that will be attended by a variety and diverse range of people.

Statutory Environment:

Town Planning Scheme No.2
Environmental Protection (Noise) Regulations 1997
Health Act 1911
Health (Public Buildings) Regulations 1992

Policy/Work Procedure Implications:

LPP 8 – Landscape Protection

Financial Implications:

There are no financial implications to Council related to this application.

Strategic Implications:

This proposal relates to the following Key Sustainability Result Areas:-

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Provide recreational opportunities.
5. Value and enhance the heritage character, arts and culture of the Shire.

Objective 2: Plan and develop towns and communities based on principles of sustainability

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.
5. Protect built and natural heritage for economic and cultural benefits.

2. Environment

Objective 1: Protect and repair natural resources and processes throughout the Shire

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
3. Encourage protection and rehabilitation of natural resources.

3. Economic

Objective 3: Effective management of Shire growth

Strategy:

1. Enhance economic futures for Shire communities.

4. Governance

Objective 1: An effective continuous improvement program

Strategy:

1. Identify and implement best practice in all areas of operation.

Strategy

Objective 3: Compliance to necessary legislation

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.
2. Develop a risk management plan.
3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

Community Consultation:

The application was referred to adjoining land owners for comment in accordance with clause 6.3 of the Town Planning Scheme No. 2. As a result of the advertising, 14 submissions of objection, an eleven signature petition of objection, 17 submissions of support and a 23 signature petition of support were received. As the submissions cover similar issues, these are summarised below:

SUMMARY OF OBJECTIONS

General

- There is no economic, social, lifestyle or communal advantages or benefits to the locality, neighbouring properties or the environment from the proposed event.
- The applicant is not a registered charity and therefore promotion of the event as a fund raising activity may be inappropriate.
- The proposed music festival and market is incompatible with the area and will significantly devalue the property values and lifestyles of the local residents.
- The event, once accepted, will set a precedent for future escalated commercial activities

Officer Comment

- There are a number of benefits that will be derived from this event including economic benefits to local businesses and producers, as well as environmental benefits through the revegetation and landscaping workshops that will be held on the Sunday.
- Local organisations have been engaged as part of this event.
- The proposed festival is a discretionary use that can be considered by Council within the Rural zone. The applicant has advised that they would like to run the event on an annual basis, however this application is for the 4 to 6 May 2007 only. There is no substantiated evidence to indicate that an approval for this event will devalue surrounding properties.

Zoning & Location

- The proposal is incompatible with zoning regulations and the rural character of the locality.
- If an application, catering for up to 700 people, is allowed in the Rural zone, Town Planning Scheme No.2 requires immediate amendment.
- The proposed fresh food market is a commercial activity and is inconsistent with the zoning of the property and an imposition on the economic viability of existing rural businesses in the municipality.
- There are a number of alternative locations far more suited and already set up for these events with appropriate access and facilities eg Serpentine Oval, Fairbridge Farm and Tumbulgun Farm.

Officer Comment

- The proposed event is defined as 'Public Amusement' under the Town Planning Scheme and is a discretionary use within the Rural zone. The scheme does not require any amendments in this regard as Council supports a range of land use activities in the Rural zone.
- As the proposed Farmers Market on the Sunday is part of the overall Music Festival, this use is also considered under the definition of 'Public Amusement'.
- One of the purposes of the event is to showcase the beauty of the Shire, something that could not be achieved to this extent at a different venue. Further, the proposed practical workshops on Sunday will be held within the applicant's orchard on the property. A different venue would likely result in the cancellation of these workshops.

Attendance

- The projected attendance of between 500-700 people may be an understatement. No limitation mechanism for the sale of the tickets has been declared. It is improbable that the numbers attending can be limited.

Officer Comment

- The event is strictly by invitation only with the invitees being friends of the applicant and his family. An attendee list has been drafted and will be scrutinised very closely to ensure that only those who were invited attend. This will ensure that patron numbers are kept within the range as specified in the application.

Traffic & Access

- Access roads for the event, being Gobby and Scarp Roads, are gravel, steep and winding. The many hundreds of vehicles expected for the event are considered particularly dangerous for the local residents particularly with the potential inclusion of darkness, drugs and alcohol.
- Gobby Road is unsealed and unsuitable for heavy vehicular movement over three days. Hundreds of vehicles will generate continuous clouds of dust making the road unsafe to use.

Officer Comment

- A Traffic Management Plan has been prepared for the event and forwarded to the Shire for assessment. Traffic issues are discussed further on in this report.
- Camping on site is proposed in order to break up the flow of traffic from attendees and to ensure that all attendees do not enter the site at the same time.
- A car tax of \$20 per vehicle is being imposed by the applicant to encourage car pooling, therefore helping to reduce car numbers and disturbance to the road and neighbours.

Noise

- The specific topography of the site and the proposed three day festival exacerbates the amplification of the loud music from various bands.
- The amplification of the music will involve multiple speakers. The sound of amplified brass bands has the capacity to carry over multiple kilometres.

Officer Comment

- It is acknowledged that some surrounding landowners will be impacted by the noise emitted from the event. However, the music is proposed for the Friday (low levels of noise) and Saturday only.
- A Noise Management Plan has been prepared for the event and assessed by Council's Principal Environmental Health Officer. This plan will be discussed further on in this report.

Fire Risk

- The forest area near the festival site has not been subject to a controlled burn for many years. Therefore there is a strong fire risk as a result of the proposal as people will be smoking and lighting fires to keep warm within the dry fuel zone.

Officer Comment

- A Risk Management Plan has been prepared for the event and forwarded to Council's Community Emergency Services Manager for comment. This plan will be discussed later in the report.

Facility Provision

- The lack of facilities, amenities and the nature of the site will necessitate the transport, erection, operation and dismantling of staging, structures, tents, toilets and possibly accommodation amenities. This could and probably will involve increases in commercial vehicular traffic, workforce and noise on Gobby Road, South Western Highway, arterial routes and on the property.

Officer Comment

- A Traffic Management and Noise Management Plan have been prepared for this event to address these concerns. These plans will be discussed later in the report.

Trespassing and Security

- Measures need to be put in place to ensure trespassing of neighbouring properties is avoided in order to gain access by non-ticket holders.
- The boundary fencing of the proposed site is not secure and it is not possible to prevent those attending the festival from entering neighbouring properties.
- If the event is approved, landowners will be obliged to remain in situ for the entirety of the event for fear of any repercussions this event may incur upon our property.

Officer Comment

- The applicant has engaged seven security guards for the event and has advised that even though there was no trespassing last year, at least one guard will be posted on the fence line of adjoining properties to make sure that no trespassing occurs. As a result, it is considered that surrounding landowners will not be forced to remain in situ on their properties for the duration of the festival.

Environmental Impacts

- The forest to the east of the subject site includes the Mundabiddi walking and bike trail. This is already being decimated by motorbikes. The proposed event is likely to further destroy the natural environment.
- No measures are proposed to protect the environment such as fencing off sensitive areas and banning vehicle access to steep areas to reduce erosion.

Officer Comment

- The applicant advises that being a previous president of the Murdoch University Environmental Science Association, he places very high importance on the environmental values of the property and surrounding environment. As such, an EMP has been prepared and assessed by Council staff. The plan details various management strategies, with respect to flora, fauna, weeds, water resources and disease control, to minimise any adverse impacts on the area.
- It is considered that the proposal is unlikely to detrimentally impact on the existing environment in any way.

Safety

- The property is very gravelly and steep with near vertical cliffs near the creek. With the combination of alcohol, drugs and darkness there is a significant danger.

Officer Comment

- The part of the property with the cliff does not form part of the main festival site and will be closed off once music begins. Patrons will have an opportunity to walk around the property in the mornings on Saturday and Sunday. Any steep areas in the main festival site that are a hazard will be fenced off by the applicant.

Anti Social Behaviour

- The proposed availability of alcohol and liquor, together with the prospect of anti-social behaviour, is undesirable, unwanted and detrimental to the well being of Keysbrook.

Officer Comment

- The event will be providing alcohol to patrons subject to licencing requirements from the Department of Racing and Gaming.
- The applicant does not condone the use of drugs in any way nor encourages it. It is acknowledged that some patrons may take drugs, but as the organiser of the event the applicant has included all measures practicable to ensure that these people do not put themselves or anyone else in danger (ie provision of a chill out area).

SUMMARY OF SUPPORT

Fundraising

- The event promises to provide wholesome entertainment for many whilst raising money for a worthwhile cause.
- It is quite clear that this event is in no way for personal monetary gain.

Officer Comment

- The proposal represents a great opportunity for the proponents and patrons to give back to the community whilst donating to a worthwhile cause.

Local Business Benefits

- The proposed festival presents an opportunity to showcase the local wine and produce and provide sponsorship to an event that is raising money for overseas communities.
- Invitation to businesses, clubs, farmers, community groups and producers in the Shire to sell and show case their produce is a wonderful opportunity to promote and market these businesses to people outside of the Shire.

Officer Comment

- A number of local businesses and producers have been invited to attend the festival and even sponsor the event. Millbrook Winery and Mundella Farm are both involved in the event, which will showcase their products to a diverse range of people, most of whom do not live within the Shire.

Community Benefits

- Business and community groups, such as the Serpentine P&C and the Keysbrook Fire Brigade, have been given the opportunity to benefit.

- In the lead up to this year's event, the applicant has focussed on ensuring that it is not just a way of introducing his friends to the region but to see how the local community can be involved and benefit as well.
- The proposed event will give neighbours the opportunity to come together and get to know one another. In rural communities such as Keysbrook, this is very important.

Officer Comment

- The proposed event places strong emphasis on the community as the applicant is more than willing to give back to the community of which he has been part of for the past nine years.

SJ Shire Showcase

- An event of this nature is never held in this beautiful environment. The property is 160 acres with beautiful views and is the perfect location to hold this event.
- The applicant is obviously passionate about the ambience of his family's property and is very keen to share this with others.
- The most memorable aspect of last years event was to visit the region of Serpentine Jarrahdale. The applicant is an ambassador for the region, always talking about how beautiful and unique the area is. I now see what he was talking about.
- As a property developer, it highlighted to me the need to retain large sections of bush land as Myaravale indeed is.
- Events such as the Myaravale Music Festival add much needed cultural elements to our lives in Western Australia and enable new groups to experience the beauty and uniqueness of the Serpentine Jarrahdale area.
- The applicant's vision is to bring people to his property to celebrate what he values most about that area. That is the farmscape and the rural lifestyle, a sense of place and connection to nature and an interesting history and heritage.

Officer Comment

- The proposed festival is unique as an event of this nature has never before been proposed to be held in Keysbrook.
- The festival gives a fantastic opportunity for people who live outside of the Shire to visit the region and experience all that Serpentine Jarrahdale has to offer.

Previous Event

- Last years event, for the applicant's birthday, was a fabulous night. There was a good vibe to the whole event with not one incident. It brought something different into the Shire that we would otherwise have not had the benefit of.
- All necessary amenities were catered for and steps taken to ensure that no anti-social or unsafe behaviour took place. This demonstrated that the applicant is capable of organising a very professional event of this kind.

Officer Comment

- It is acknowledged that the event held last year did have some impacts on the surrounding area. All necessary steps have been taken to avoid/minimise any impacts of this years event.

Comment:

Town Planning Scheme No. 2

The subject land is zoned Rural under Council's Town Planning Scheme No.2. It is considered that the proposed use falls under the use class of 'Public Amusement' under the scheme which is defined as "*land and buildings used for the amusement or entertainment of the public, with or without charge*". This use is an SA use in the Rural zone.

Health Comments

The applicant has discussed the health issues with the Principal Environmental Health Officer, including temporary structures, toilet numbers, waste management, provision of food and details relating to electrical appliances. The applicant has provided sufficient information to allow officers to make a comprehensive assessment.

Noise

The applicant's noise management plan provides predicted noise levels for the nearest dwelling which is at a radius of 685m from the location proposed for the stage. These are:

- Friday 4 May - Acoustic and short films, duration 7:00pm – 11:00pm
 - Maximum Noise Level: 60dB(A) and predicted average noise level of 50-55dB(A).
- Saturday 5 May - A range of musical styles made up of acoustic acts and live bands, duration 10:30am to 11:30pm
 - Maximum Noise level 75dB(A) and a predicted average noise level of 65 – 70dB(A).

These levels are likely to contravene the allowable noise levels and standards prescribed under Regulation 7 of the *Environmental Protection (Noise) Regulations 1997* (the Regulations) particularly on the Saturday night. However, it is acknowledged that the event may lose much of its intent and character if it were required to comply with the standard.

There are provisions under the Regulations to approve "non-complying events". The provision allows the CEO of a Local Government to issue an approval and the approval may include conditions that restrict noise levels and the duration of the event. Where the non-complying event is likely to result in residences being subject to noise greater than 65dB(A) between 7:00am and 7:00pm and 60dB(A) between 7:00pm and 7:00am the following morning, the applicant is required by the Regulations to pay for noise monitoring.

The detail provided in the applicant's noise management plan have been discussed with Department of Environment and Conservation (DEC) Noise Officers. It was estimated that a condition setting the maximum noise level to 100dB(A) at the mixing desk would alleviate the need for the noise monitoring fee set under this provision of the regulations as the levels requiring noise monitoring to occur would be unlikely to be breached.

Given the ambience, the local topography and to provide greater surety that the noise levels at the closest residence would not exceed the level to require noise monitoring, it was resolved to set a maximum level of 90 dB(A) and 95dB(A) at the mixing desk for Friday and Saturday respectively.

The DEC is providing noise monitoring equipment for the mixing desk and field equipment for use by Shire Environmental Health Officers who are Authorised Inspectors under the Environmental Protection Act. The monitoring equipment at the mixing desk will record a noise level every minute for the duration of the event and field data will also be recorded for assessment by DEC Noise Officers. If during the event, Shire Environmental Health Officers consider that the noise is intrusive, the organiser will be required to reduce their level at the mixing desk.

The noise conditions for a “non-complying event” will be included as part of the officer recommendation.

Environmental Comments

To address the environmental issues of the area, the applicant has prepared an EMP for the event. The plan outlines the existing flora and fauna found on the property, bush land condition and water quality. Also included are the threatening processes associated with the Myravale Music Festival, which may impact upon biodiversity, bush land health or water quality. Finally, the plan outlines management strategies and recommendations that will help to ameliorate the effects of the festival on the surrounding natural environment.

Concerns from Council’s Environmental staff relate to the nature of the access track into the site, being very steep in parts, as well as the potential erosion issues resulting from this. These concerns are mirrored by the DEC who has granted access to the site through the State Forest subject to a number of conditions. In order to address these concerns, the DEC requires the following:

- *The western portion of the track that descends steeply to the eastern edge of Lot 15 is not to be used to access the festival. Festival patrons will instead divert onto the adjoining property immediately north of the track, just prior to the steep descent, and complete the final section to Lot 15 via the adjoining landowner’s firebreak.*
- *The remaining majority of the forest track that is approved for use by festival patrons accessing the festival must be graded by a local landowner prior to the event.*

The adjoining landowners have put their full support behind the festival and support the use of their land for access purposes.

The EMP addresses many of the original concerns of Council Officers and surrounding landowners. A condition will be included to ensure compliance with the EMP and the recommendations from the DEC.

Access, Traffic & Emergency Management

Traffic issues with respect to the event are a significant concern from adjoining residents. The applicant has prepared a Traffic Management Plan (TMP) for Council approval and this has been submitted and assessed by Council staff.

The executive summary of the TMP is as follows:

- *Vehicles will enter from Gobby Road and then arrive via an easement through State Forest (entry to the site has now been altered in accordance with the requirements of the DEC as detailed previously). Vehicles leaving the site will exit via a neighbour’s property and then along Scarp Road to ensure that two-way traffic is minimal to negligible.*
- *Two-way traffic will be minimal given the fact that patrons are extremely unlikely to be leaving the site before Sunday morning. It is not envisaged that anyone will be arriving on Sunday.*
- *A vehicle levy of \$20 per car will be implemented to encourage car pooling, thus minimising the impact of patron’s vehicles on local roads.*
- *A series of risk management measures outlined in the Traffic Management Plan, coupled with traffic controllers, should ensure a smooth and minimal impact on local roads.*

The comprehensive TMP has been assessed by Council staff and is deemed to be of a very high standard. The applicant has taken all approaches necessary to ensure that ingress and egress to the site by patrons is safe and that impacts on surrounding properties are reduced. Further, a site visit to the property was undertaken by Council staff to assess the standard of

the roads and access tracks that will be used by festival patrons. Council staff deemed that the proposed access tracks to be of a suitable standard.

To further help with ease of access on site by festival patrons, a Lighting Report has been prepared which details that pathway lighting will be provided for safety purposes and to allow access to the campsites during the hours of dusk till dawn. Further, the upper camping ground will be illuminated by lighting towers between dusk and 1am. The concert area will also be lit during performances. The provision of these lighting systems between the hours of dusk till dawn will ensure that patrons can move around the campsite safely. The lights will not cast any light onto adjoining properties.

In terms of Emergency Management, the Risk Management Plan provided by the applicant clearly details how any potential risk that may eventuate as a result of the festival can be handled. The Keysbrook Fire Brigade will be providing a fire vehicle on site with emergency access tracks identified on site in case any other emergency vehicles are required to access the site. The Risk Management Plan has been assessed and is to the satisfaction of Council's Community Emergency Services Manager. It is understood the applicant has public liability insurance in place for the event

Conclusion

The proposed Myravale Music Festival provides a fantastic opportunity for a unique event to be held in the hills of Keysbrook. The event has a number of aims, these being to raise funds for charity as well as promoting local business, the environment, Western Australian music, sustainable farming practices and the Shire of Serpentine Jarrahdale. The applicant's family has owned the subject property in Keysbrook for the past nine years and the applicant, being a keen environmentalist, is eager to showcase the area to people outside of the Shire.

As with any event of this nature, issues of traffic and access, fire and risk management, environmental protection and impacts on surrounding landowners always needs to be taken into consideration. In response to these concerns, a number of management plans have been prepared to Council's satisfaction to ensure that any potential impacts on the locality are mitigated and to ensure that the event runs smoothly without detrimentally impacting on the area. The applicant has been willing to work with Council staff along every step of the way to ensure that any concerns are addressed promptly and professionally. Although impacts on surrounding landowners are likely to occur, mainly as a direct result of noise and traffic, the event is only for one weekend out of the entire year. Further, Council staff will be visiting the site and noise monitoring undertaken for the duration of the event on Friday and Saturday, to ensure compliance with the conditions of approval. The noise monitoring results will be forwarded to the DEC for assessment. The set up of the event, being low level music on Friday, amplified music on Saturday, and revegetation workshops and seminars on Sunday is considered to reduce the intensity and duration of impacts to the locality. Taking all these issues into consideration, it is considered that the proposed music event is compatible on the subject property.

It is therefore recommended that the application be conditionally approved.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

The application for a 'Public Amusement' event (Myravale Music Festival) on Lot 15 Gobby Road, Keysbrook be approved subject to the following conditions:

1. Approval for the event is valid from 9am Friday, 4 May 2007 to 5pm Tuesday, 8 May 2007 only.
2. The starting time for live music, pre-recorded music or amplified announcements shall not be earlier than 7.00pm on Friday, 4 May 2007 and 10:00am on Saturday, 5 May 2007.
3. The finishing time for live music, rehearsals and/or pre-recorded music or amplified announcements shall not continue past 11.30pm for both Friday the 4th of May and Saturday the 5th of May 2007.
4. The sound level at the mixing desk resulting from any amplified announcement, pre-recorded broadcast or music and / or any live music during the times and days detailed above shall not exceed a nominal desk level of LAeq,1min level of 90dB(A) on Friday and 95dB(A) on Saturday.
5. The noise monitoring is to be done at the mixing desk which shall be located no further than 20 metres from the stage and at locations that are representative of the levels that may be received at the nearest sensitive receptor. Noise monitoring shall be carried out at the proponent's cost:
 - a) using approved and certified monitoring equipment;
 - b) for the duration and days detailed above;
 - c) by a Shire Authorised Noise Inspector as appointed under Section 88 of the Act; and
 - d) recorded noise levels will be assessed and reported on by the noise officers from the Department of Environment and Conservation.
6. Any direction by the Shire's Authorised Noise Inspector appointed under Section 88 of the Act to reduce the sound levels shall be complied with immediately.
7. The proponent paying the application fee of \$500 for approval of a non-complying event under part (6)(b) of Regulation 18 of the Environment Protection (Noise) Regulations 1997.
8. A maximum number of 700 people is permitted to attend the entire event at any one time.
9. Adequate toilet facilities are to be provided in accordance with the requirements under the guidelines for the Health (Public Building) Regulations 1992 Appendix 7A – Recommended Toilet Facilities for Temporary Events. This shall include at least one portable disabled toilet.
10. A minimum of 7 Female and 7 Male portable toilets to be provided for the duration of the event.
11. No temporary structures with a floor area greater than 25 square metres are permitted without Engineers Certification and approved under the Public Building Regulations.
12. A Certificate of Approval Form 4 under the Health (Public Building) Regulations 1992 is to be obtained prior to the start of the event.
13. No electrical appliances, cables or ancillary electrical equipment is to be used without them being certified as compliant by an electrical contractor on Form 5 – Certificate of Electrical Compliance in accordance with Regulation No.10 of the Public Building Regulations 1992.
14. All stages and other significant temporary structures such as marquees are to be certified by a suitably qualified engineer and the construction and installation of the structures are to be certified by the installer.
15. No lasers, fireworks, pyrotechnics or any related or similar activity shall be permitted at the event.
16. No signs for the event are permitted to be displayed on any road reserves except entry and exit signs.
17. All food offered for sale is to be prepared in an approved food preparation area under the Health (Food Hygiene) Regulations 1993.

18. Adequate rubbish receptacles to be provided and a suitable disposal system to be in place to ensure litter and waste material do not cause a litter and health problem. Regular collection of litter is to occur to ensure that no litter escapes the site into the surrounding natural vegetation.
19. All structures and facilities erected for the purpose of the event must be removed at the applicant's expense by 5pm Tuesday, 8 May 2007.
20. The premises must be cleaned and all rubbish disposed of at the expense of the applicant to the satisfaction of the Principal Environmental Health Officer by 5pm Tuesday, 8 May 2007.
21. Any outdoor display lighting or security lighting used in conjunction with the event shall be located or shielded so that no additional light is cast on land adjoining the premises or so as to provide a distraction to traffic on roads surrounding or nearby to the premises.
22. The land is to be returned to the state as if it were prior to the event by the operator/landowner by 20 May 2007 to the satisfaction of the Shire.
23. Entry and Exit to the event is to be in accordance with the approved Traffic Management Plan subject to any changes as requested by the Department of Environment and Conservation.
24. Camping on the property shall be in accordance with the Caravan Parks and Camping Grounds Regulations 1997 and is to be confined to the 'camping' area only as shown on the approved site plan.
25. Development to be in accordance with the development and management plans attached to and forming part of this approval.

Advice Notes:

1. The applicant shall comply with the advice provided by the Department of Environment and Conservation dated 3 April 2007.
2. The applicant liaise with the Shires Community Emergency Services Manager with regard to any additional preparation or measures that are needed to be taken to prevent any fire related hazards as a result of the event.

SD099/04/07 Committee Recommended Resolution:

The application for a 'Public Amusement' event (Myravale Music Festival) on Lot 15 Gobby Road, Keysbrook be approved subject to the following conditions:

1. Approval for the event is valid from 9am Friday, 4 May 2007 to 5pm Tuesday, 8 May 2007 only.
2. The starting time for live music, pre-recorded music or amplified announcements shall not be earlier than 7.00pm on Friday, 4 May 2007 and 10:00am on Saturday, 5 May 2007.
3. The finishing time for live music, rehearsals and/or pre-recorded music or amplified announcements shall not continue past 11.30pm for both Friday the 4th of May and Saturday the 5th of May 2007.
4. The sound level at the mixing desk resulting from any amplified announcement, pre-recorded broadcast or music and / or any live music during the times and days detailed above shall not exceed a nominal desk level of LAeq,1min level of 90dB(A) on Friday and 95dB(A) on Saturday.
5. The noise monitoring is to be done at the mixing desk which shall be located no further than 20 metres from the stage and at locations that are representative of the levels that may be received at the nearest sensitive receptor. Noise monitoring shall be carried out at the proponent's cost:
 - a) using approved and certified monitoring equipment;
 - b) for the duration and days detailed above;
 - c) by a Shire Authorised Noise Inspector as appointed under Section 88 of the Act; and
 - d) recorded noise levels will be assessed and reported on by the noise officers from the Department of Environment and Conservation.

6. Any direction by the Shire's Authorised Noise Inspector appointed under Section 88 of the Act to reduce the sound levels shall be complied with immediately.
7. The proponent paying the application fee of \$500 for approval of a non-complying event under part (6)(b) of Regulation 18 of the Environment Protection (Noise) Regulations 1997.
8. A maximum number of 700 people is permitted to attend the entire event at any one time.
9. Adequate toilet facilities are to be provided in accordance with the requirements under the guidelines for the Health (Public Building) Regulations 1992 Appendix 7A – Recommended Toilet Facilities for Temporary Events. This shall include at least one portable disabled toilet.
10. A minimum of 7 Female and 7 Male portable toilets to be provided for the duration of the event.
11. No temporary structures with a floor area greater than 25 square metres are permitted without Engineers Certification and approved under the Public Building Regulations.
12. A Certificate of Approval Form 4 under the Health (Public Building) Regulations 1992 is to be obtained prior to the start of the event.
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21. Any outdoor display lighting or security lighting used in conjunction with the event shall be located or shielded so that no additional light is cast on land adjoining the premises or so as to provide a distraction to traffic on roads surrounding or nearby to the premises.
22. The land is to be returned to the state as if it were prior to the event by the operator/landowner by 20 May 2007 to the satisfaction of the Shire.
23. Entry and Exit to the event is to be in accordance with the approved Traffic Management Plan subject to any changes as requested by the Department of Environment and Conservation.
24. Camping on the property shall be in accordance with the Caravan Parks and Camping Grounds Regulations 1997 and is to be confined to the 'camping' area only as shown on the approved site plan.
25. Development to be in accordance with the development and management plans attached to and forming part of this approval.
26. The applicant is to provide proof of adequate public liability insurance prior to the event.

Advice Notes:

1. The applicant shall comply with the advice provided by the Department of Environment and Conservation dated 3 April 2007.
2. The applicant liaise with the Shires Community Emergency Services Manager with regard to any additional preparation or measures that are needed to be taken to prevent any fire related hazards as a result of the event.

CARRIED 4/3

Committee Note: The Officer Recommended Resolution was amended by adding condition 26 requesting that the applicant provide proof of adequate public liability insurance prior to the event.

SD099/04/07 SUPPLEMENTARY REPORT

Officers from the Shire met on Wednesday the 18th of April 2007 with Officers and the Chief Executive Officer (CEO) from the Shire of Murray to review the noise related aspects of the application under Regulation 18 of the Environmental Protection (Noise) Regulations 1997. Part 12 of Regulation 18 states in relation to granting a noise approval for a “non complying noise event”, such as a music festival:

(12) An approval must not be granted unless the local government of each district in which noise emissions received from the event are likely to fail to comply with the standard prescribed under regulation 7 agrees to proposed conditions applicable to the approval

Copies of the development application, officer assessments and the Sustainable Development Committee report were provided for background to the Shire of Murray before the meeting. The Officers at the Shire of Murray indicated that the conditions relating to noise proposed by the Serpentine Jarrahdale Shire Officers appeared appropriate for a music festival.

However, the Shire of Murray CEO, Mr Neil Leach, requested that should the Serpentine Jarrahdale Shire Council approve the application, that they be advised as soon as possible of the decision. A report will then be presented to the Shire of Murray Council Meeting to be held on Thursday the 26th of April, 2007 to consider the proposed conditions recommended to be placed on the noise approval for the event under Regulation 18 of the Environmental Protection (Noise) Regulations.

It was agreed at the meeting on 18th April, that the speakers should be faced in a north easterly direction to reduce the impact of noise on nearby residents. A new condition is thereby recommended.

New Condition:

- 27. The proposed festival stage and all speakers associated with the event shall be located to face north east.**

Council is being requested to consider the planning application only. The applicant must have a planning approval to hold an event and a Regulation 18 noise approval, if that event is likely to have noise that will exceed Regulation 7 of the Environmental Protection (Noise) Regulations 1997. Officers are able to grant the Regulation 18 approval under delegation upon agreement on the noise conditions with the Shire of Murray.

The Director Corporate Services returned to the meeting at 7.52pm.

SD099/04/07 Revised Officer Recommended Resolution:

The application for a 'Public Amusement' event (Myravale Music Festival) on Lot 15 Gobby Road, Keysbrook be approved subject to the following conditions:

1. Approval for the event is valid from 9am Friday, 4 May 2007 to 5pm Tuesday, 8 May 2007 only.
2. The starting time for live music, pre-recorded music or amplified announcements shall not be earlier than 7.00pm on Friday, 4 May 2007 and 10:00am on Saturday, 5 May 2007.
3. The finishing time for live music, rehearsals and/or pre-recorded music or amplified announcements shall not continue past 11.30pm for both Friday the 4th of May and Saturday the 5th of May 2007.
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5. The noise monitoring is to be done at the mixing desk which shall be located no further than 20 metres from the stage and at locations that are representative of the levels that may be received at the nearest sensitive receptor. Noise monitoring shall be carried out at the proponent's cost:
 - a) using approved and certified monitoring equipment;
 - b) for the duration and days detailed above;
 - c) by a Shire Authorised Noise Inspector as appointed under Section 88 of the Act; and
 - d) recorded noise levels will be assessed and reported on by the noise officers from the Department of Environment and Conservation.
6. Any direction by the Shire's Authorised Noise Inspector appointed under Section 88 of the Act to reduce the sound levels shall be complied with immediately.
7. The proponent paying the application fee of \$500 for approval of a non-complying event under part (6)(b) of Regulation 18 of the Environment Protection (Noise) Regulations 1997.
8. A maximum number of 700 people is permitted to attend the entire event at any one time.
9. Adequate toilet facilities are to be provided in accordance with the requirements under the guidelines for the Health (Public Building) Regulations 1992 Appendix 7A – Recommended Toilet Facilities for Temporary Events. This shall include at least one portable disabled toilet.
10. A minimum of 7 Female and 7 Male portable toilets to be provided for the duration of the event.
11. No temporary structures with a floor area greater than 25 square metres are permitted without Engineers Certification and approved under the Public Building Regulations.
12. A Certificate of Approval Form 4 under the Health (Public Building) Regulations 1992 is to be obtained prior to the start of the event.
13. No electrical appliances, cables or ancillary electrical equipment is to be used without them being certified as compliant by an electrical contractor on Form 5 – Certificate of Electrical Compliance in accordance with Regulation No.10 of the Public Building Regulations 1992.
14. All stages and other significant temporary structures such as marquees are to be certified by a suitably qualified engineer and the construction and installation of the structures are to be certified by the installer.
15. No lasers, fireworks, pyrotechnics or any related or similar activity shall be permitted at the event.
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22. The land is to be returned to the state as if it were prior to the event by the operator/landowner by 20 May 2007 to the satisfaction of the Shire.
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24. Camping on the property shall be in accordance with the Caravan Parks and Camping Grounds Regulations 1997 and is to be confined to the 'camping' area only as shown on the approved site plan.
25. Development to be in accordance with the development and management plans attached to and forming part of this approval.
26. The applicant is to provide proof of adequate public liability insurance prior to the event.
27. The proposed festival stage and all speakers associated with the event shall be located to face north east.

Advice Notes:

1. The applicant shall comply with the advice provided by the Department of Environment and Conservation dated 3 April 2007.
2. The applicant liaise with the Shires Community Emergency Services Manager with regard to any additional preparation or measures that are needed to be taken to prevent any fire related hazards as a result of the event.

The Director Corporate Services left the meeting at 7.59pm.

The Principal Environmental Health Officer left the meeting at 8.25pm and returned at 8.26pm.

SD099/04/07 COUNCIL DECISION

Moved Cr Price seconded Cr Star

The application for a 'Public Amusement' event (Myravale Music Festival) on Lot 15 Gobby Road, Keysbrook be approved subject to the following conditions:

1. **Approval for the event is valid from 9am Friday, 4 May 2007 to 5pm Tuesday, 8 May 2007 only.**
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 - a) using approved and certified monitoring equipment;
 - b) for the duration and days detailed above;
 - c) by a Shire Authorised Noise Inspector as appointed under Section 88 of the Act; and
 - d) recorded noise levels will be assessed and reported on by the noise officers from the Department of Environment and Conservation.
6. Any direction by the Shire's Authorised Noise Inspector appointed under Section 88 of the Act to reduce the sound levels shall be complied with immediately.
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13. No electrical appliances, cables or ancillary electrical equipment is to be used without them being certified as compliant by an electrical contractor on Form 5 – Certificate of Electrical Compliance in accordance with Regulation No.10 of the Public Building Regulations 1992.
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21. Any outdoor display lighting or security lighting used in conjunction with the event shall be located or shielded so that no additional light is cast on land adjoining the premises or so as to provide a distraction to traffic on roads surrounding or nearby to the premises.
22. The land is to be returned to the state as if it were prior to the event by the operator/landowner by 20 May 2007 to the satisfaction of the Shire.

23. **Entry and Exit to the event is to be in accordance with the approved Traffic Management Plan subject to any changes as requested by the Department of Environment and Conservation and consideration of using Scarp Road.**
24. **Camping on the property shall be in accordance with the Caravan Parks and Camping Grounds Regulations 1997 and is to be confined to the ‘camping’ area only as shown on the approved site plan.**
25. **Development to be in accordance with the development and management plans attached to and forming part of this approval.**
26. **The applicant is to provide proof of adequate public liability insurance prior to the event.**
27. **The proposed festival stage and all speakers associated with the event shall be located to face north east.**

Advice Notes:

1. **The applicant shall comply with the advice provided by the Department of Environment and Conservation dated 3 April 2007.**
2. **The applicant liaise with the Shires Community Emergency Services Manager with regard to any additional preparation or measures that are needed to be taken to prevent any fire related hazards as a result of the event.**

CARRIED 6/5

Council Note: Crs Murphy, Scott, Kirkpatrick, Brown & Wigg voted against this motion.

Council Note: The Revised Officer Recommended Resolution was changed by adding consideration of using Scarp Road to Part 23 of the motion.

SD100/04/07 FINALISATION OF PROPOSED TOWN PLANNING SCHEME AMENDMENTS 152 AND 153 – MUNDIJONG/WHITBY DISTRICT STRUCTURE PLAN AREA (A1381 & A1382)		
Proponent:	Serpentine Jarrahdale Shire	In Brief The purpose of this report is for Council to consider finalisation of Amendments 152 and 153 to Town Planning Scheme No. 2 (TPS 2). It is recommended that both amendments be finalised with minor modifications.
Owner:	Not applicable	
Officer:	Jocelyn Ullman – Senior Strategic Planner	
Signatures Author:		
Senior Officer:		
Date of Report	5 April 2007	
Previously	SD27/09/06; SD141/06/06; SD123/04/06	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

At its meeting on the 25 September 2006, Council resolved to initiate Amendments 152 and 153 to Town Planning Scheme No. 2 (TPS2) to rezone land in the Mundijong/Whitby cell that is currently not zoned ‘Urban Development’ to ‘Urban Development’, introduce ‘Development Area No 1 – Mundijong’ and ‘Development Area No 2 – Whitby’ into Appendix 15 and modify the Scheme Map accordingly.

A copy of the plans showing Amendments 152 and 153 are with the attachments marked [SD100.1/04/07](#).

The Amendments were advertised from 19 December 2006 until 2 March 2007 and referred to government agencies and service authorities in accordance with the requirements of the Planning and Development Act 2005. The outcome of the advertising and referral process is included in this report.

Sustainability Statement

Effect on Environment: The proposed Amendments will bring TPS2 into line with the Metropolitan Region Scheme (MRS) and also require Structure Planning to be carried out prior to any development being allowed to occur in the cell. Structure Planning will ensure that development occurs in an orderly, proper manner with sustainability being the guiding principles.

The Amendments propose to introduce a number of requirements into Appendix 15 of TPS2 that will need to be addressed through the Structure Planning process. These requirements include such things as addressing the development interface with the Manjedal Brook and Bush Forever sites, ensuring noise attenuation measures are considered and put into place and prevention of development within buffers associated with incompatible land uses.

Resource Implications: All services and infrastructure such as power, gas, reticulated water and sewer will be required to be brought down into the Mundijong/Whitby cell. Alternative wastewater treatment systems will be investigated as part of the District Structure Planning process.

Investigations into storm water management for the entire cell are currently being carried out by the Department of Water.

Use of Local, renewable or recycled Resources: Promotion of the use of local, renewable and recycled resources will be carried out during the local structure planning, subdivision and development processes.

Economic Viability: There will be a need in the future to introduce Development Contribution Areas over the entire Mundijong/Whitby cell. An amendment to introduce these areas will be initiated at the time of completing the District Structure Plan and any infrastructure requirements and costs are known.

Community Consultation:

The Amendments were advertised for public comment and referred to relevant government authorities for 74 days as opposed to the required 42 days. This was as a result of the Christmas break. All landowners within and adjacent to the Amendment areas were advised in writing of the proposed Amendment. Advertisements were also placed in the Examiner and Comment newspapers on 19 and 21 December 2006 and 6 and 8 February 2007 with the advertising period closing on 2 March 2007.

The following government agencies and services providers were also advised of the Amendments:

- Western Power
- Alinta Gas
- Water Corporation
- Telstra
- Department of Indigenous Affairs
- Department of Environment and Conservation
- Perth Transport Authority
- Department of Health
- FESA
- Main Roads

- Department for Planning and Infrastructure – Land Asset Management Services Branch
- CALM

Fifteen submissions were received on Amendment 152 – Mundijong, one submission requesting deferral and two objections.

Eleven submissions were received on Amendment 153 – Whitby, one submission requesting deferral and one objection.

A schedule of submissions for each Amendment is with the attachments marked [SD100.2/04/07](#).

Statutory Environment:

Planning and Development Act 2005 (as amended)
Town Planning Regulations 1967 (as amended)
Town Planning Scheme No. 2

Policy/Work Procedure Implications:

There are no work procedures/policy implications directly related to this application/issue.

Financial Implications:

A budget of \$225,000 has been approved for the Mundijong/Whitby District Structure Plan project for 2006/2007.

Strategic Implications:

This proposal relates to the following Key Sustainability Result Areas:-

1. People and Community

Objective 1: Good quality of life for all residents

Strategy:

1. Provide recreational opportunities.

Objective 2: Plan and develop towns and communities based on principles of sustainability

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.
2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.
3. Design and develop clustered neighbourhoods in order to minimise car dependency.
4. Foster a strong sense of community, place and belonging.
5. Protect built and natural heritage for economic and cultural benefits.

2. Environment

Objective 1: Protect and repair natural resources and processes throughout the Shire

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
2. Encourage protection and rehabilitation of natural resources.
3. Value, protect and develop biodiversity.

Objective 2: Strive for sustainable use and management of natural resources

Strategy:

1. Implement known best practice sustainable natural resource management.

3. Economic

Objective 1: A vibrant local community

Strategies:

1. Attract and facilitate appropriate industries, commercial activities and employment.
2. Identify value-adding opportunities for primary production.
3. Develop tourism potential.
4. Promote info-technology and telecommuting opportunities.

Objective 2: Well developed and maintained infrastructure to support economic growth

Strategies:

1. Improved freight, private and public transport networks.
2. Consider specific sites appropriate for industry /commercial development.

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.
2. Represent the interests of the Shire in State and Regional planning processes.
3. Integrate and balance town and rural planning to maximise economic potential.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.
2. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

Environmental Protection Authority (EPA) Comments

Prior to the commencement of public advertising, both Amendments were referred to the EPA under section 48A of the Environmental Protection Act. The EPA advised in writing that both amendments did not warrant assessment under Part IV of the Environmental Protection Act. The EPA did, however, provide the following advice:

Amendment 152 – Mundijong cell

1. *Environmental Issues*
 - *Acid Sulfate Soils*
 - *Native vegetation and fauna*
2. *Advice and recommendations regarding Environmental Issues*

The amendment raises a number of environmental issues, most of which have been considered and will be managed through the scheme provisions. In order to address the EPA advice, it is recommended that Scheme Provision No. 5 be amended as follows:

“In addition to the requirements of Clause 5.18.2 of the Scheme the following matters are to be addressed when preparing a Local Structure Plan(s) for the area to the satisfaction of Council on advice from the relevant State Government agency”.

Acid Sulfate Soils

Generic Acid Sulfate Soils (ASS) risk mapping predicts areas of low to moderate risk of ASS occurring. The EPA expects the extent and severity of the risk of ASS will be determined in accordance with the WAPC Planning Bulletin No 64 – Acid Sulfate Soils (November 2003). Investigations and any management plans must be prepared and implemented in accordance with the Acid Sulfate Guidelines Series (DoE, 2003) and to the satisfaction of the Department of Environment and Conservation's (DEC) Land and Water Quality Branch prior to any development or ground disturbing activities commencing.

In regard to the above, it should be noted that the DEC and Department for Planning and Infrastructure (DPI) are currently refining the protocols for ASS testing in the planning process. It is expected that investigations and management plans will be in accordance with DPI's and DEC's requirements of the time.

To assist with structure planning and water management planning it is recommended a provision for ASS investigation is added to the amendment.

Native Remnant Vegetation and Fauna

Aerial and GIS mapping indicates there are areas of remnant vegetation including Conservation Category Wetlands within the amendment area. Whilst provisions are proposed to ensure adequate buffers to wetlands and watercourses are determined during the structure planning process, there is no provision to ensure vegetation surveys are undertaken or that any areas of remnant vegetation considered worthy of protection, including potential cockatoo nesting trees, are protected. The EPA recommends the inclusion of a provision(s) to ensure remnant vegetation and fauna is considered during the structure planning process.

As the outcome of the structure planning is not yet known, and therefore the potential impact on the environment unknown, the issue of native vegetation and fauna has been deferred by the EPA.

3. *Environmental Issues not assessed*

Without limiting the EPA's discretion under Section 5(e) of the Environmental Protection Act to require the referral of proposals arising from the amendment and your discretion, as the responsible authority, under Section 48I of the Environmental Protection Act to refer proposals arising from the amendment, the EPA advises that the following environmental issues are not assessed:

- *Native vegetation and fauna*

4. *Advice and recommendations regarding Environmental Issues not assessed*

Sufficient information is not available at this stage regarding the nature of the impacts on the environment arising from the implementation of the scheme amendment. Accordingly, the EPA advises that the environmental issues listed in paragraph 3 above are not assessed and recommends further consideration of the need to assess proposals arising from the scheme amendment when more information is available, for example, subsequent rezoning, preparation of a Development Guide Plan, Structure Plan, Outline Development Plan, subdivision or development.

Officer Comments

Modifications to Scheme Provision No. 5 to require that matters be addressed to the satisfaction of Council on advice from relevant State Government Agencies is supported. This provision should also be modified to delete the term "Local".

As part of the District Structure Planning process for the Mundijong/Whitby cell an Environmental Study will be carried out. This study will include investigation into a wide range of environmental issues including such issues as:

- Terrestrial flora and fauna
- Landscape and landform
- Land degradation
- Wetlands, Linear Watercourses, Groundwater Dependent Ecosystems and Groundwater quantity
- Surface and ground water quality
- Site contamination
- Acid sulfate soils
- Air quality
- Noise

The brief for the preparation of this Study is currently being prepared by Council officers and has been considered by the EPA officers who have provided feedback. Council officers are reviewing this feedback.

The EPA will also form part of the Technical Team for the preparation of the District Structure Plan which will require EPA officers to actively participate and provide advice during and after the preparation of the District Plan. This will also assist in addressing EPA's concerns on native vegetation and fauna which have been identified as issues that will require further investigation.

Inclusion of requirements for investigations being required into Acid Sulfate Soils and native remnant vegetation and fauna at the Structure Plan stage is supported as Clause 5.18.2 does not specify these two specific issues be investigated and addressed. It is recommended that this requirement be included in Appendix 15 – Provision No. 5 of both Amendments.

Amendment 153 – Whitby

1. *Environmental Issues*
 - *Acid Sulfate Soils*
 - *Native vegetation and fauna*
2. *Advice and recommendations regarding Environmental Issues*

The amendment raises a number of environmental issues, most of which have been considered and will be managed through the scheme provisions. However it is recommended that Scheme Provision No. 5 be amended as follows:

“In addition to the requirements of Clause 5.18.2 of the Scheme the following matters are to be addressed when preparing a Local Structure Plan(s) for the area to the satisfaction of Council on advice from the relevant State Government agency”.

Acid Sulfate Soils

Same advice provided as per Amendment 152 (above).

Native Remnant Vegetation and Fauna

The EPA understands agreement has been reached with the Bush Forever Interagency Technical Advisory Group (BFITAG) on modifications to the boundary of Bush Forever site 354 and that the BFITAG has made several recommendations regarding the management buffers, the closure of Norman Road and protection of other remnant vegetation etc. The EPA supports the BFITAG advice as detailed in DPI's letter to Cardno BSD dated 21 September 2006. In particular, the EPA strongly recommends the closure and rehabilitation

of Norman Road as this will enable Bush Forever site 354 and 361 to be consolidated into a single and very significant conservation area. In addition, it is important that the bushland immediately east of Zone A, containing the Threatened Ecological Community FCT 20b Eastern Banksia Woodland, is protected by a buffer along the full length of the southern side of the bushland. The inclusion of a buffer should be an outcome from structure planning.

It is noted that a biological assessment identified a number of potential nesting trees outside the Bush Forever NPS boundary. The EPA recommends that these trees be retained where possible within areas of Public Open Space or given some form of protection, such a tree preservation clause or through development conditions.

As the outcome of the structure planning is not yet known, and therefore the potential impact on the environment unknown, the issue of native vegetation and fauna has been deferred by the EPA.

3. *Environmental Issues Not Assessed*

Same advice as per Amendment 152 (above).

4. *Advice and recommendations regarding Environmental Issues Not Assessed*

Same advice as per Amendment 152 (above).

Officer Comments

Refer to Officer Comments as per Amendment 152 (above).

With regard to the advice provided by the EPA regarding the Negotiated Planning Solution (NPS) and Bush Forever site 354 the following comments are made:

- Closure of Norman Road – Council has appointed consultants to carry out a Traffic Study for the Mundijong/Whitby urban cell. This Study will consider what impacts the proposed closure of Norman Road might have on traffic in the area. The recommendations from this Study and the Environmental Study will be considered as part of the preparation of the District Structure Plan;
- Protection of Threatened Ecological Community FCT 20b Eastern Banksia Woodland – Council officer's have sought clarification from DPI – Bush Forever on how Council can address this requirement given that Council had advised DPI that an extra 10 metre "buffer" should be included in the Bush Forever site itself to provide for the protection for this Community. DPI have advised that this issue needs to be addressed through the structure planning phase and that it will be up to the developer to provide justification of the width and use of the buffer, with the aim of maintaining the integrity of the Bush Forever site. DPI further advises that the Bush Forever Interagency Group does not support any or part of the Bush Forever site being granted as Public Open Space (POS) credits.
- Protection of potential cockatoo nesting habitats – this issue will need to be considered and addressed through the local structure planning process.

Further Comments from EPA

After receiving the initial advice from the EPA on Amendment 153, Council officers were concerned that the EPA may not have been aware of the difference between the Amendment 153 boundary and the NPS boundary for Bush Forever Site 354. As a result a second letter was sent to the EPA pointing out the differences and requesting the EPA to provide further comments. The EPA's response was as follows:

“The EPA recognises that negotiated planning solutions are required in relation to some sites, particularly those in the Urban Deferred category and considers that a reasonable outcome protecting the core conservation area has been achieved for this site. The EPA’s advice and recommendations contained in the Level of Assessment letter dated 27 November 2006 are unchanged.”

Western Australian Planning Commission (WAPC) Comments on Amendments 152 and 153

As resolved by Council at its meeting on 25 September 2006 both Amendments were referred to the WAPC for consent to advertise. Although they did not contravene Planning Bulletin No. 29, given the complexity of the amendments, the differences between the existing MRS ‘Urban Deferred’ and ‘Urban’ zones and TPS 2 ‘Urban Development’ zones and the history of previous scheme amendments, the proposal was referred to the WAPC.

On the 20 November 2006 the DPI advised that consent to advertise Amendment 153 – Whitby was not required given that the WAPC had on the 14 November 2006 agreed to lift the Urban Deferred zoning from the Whitby land. However, DPI officers advised that it will be necessary for the Council, prior to the finalising the amendment, to verify the correct north-eastern boundary of the amendment in relation to the Region Open Space/Bush Forever area.

DPI advised at the same time that consent could not be given to advertise Amendment 152 – Mundijong until the WAPC received a formal request for the lifting of the Urban Deferred zoning, and for the relevant processing being carried out.

This matter was raised with the DPI officers immediately given that a meeting had been held with the DPI officers on the 1 November 2006 to outline both Amendments and Council officers intentions to use the Mundijong/Whitby District Structure Plan as the basis for the lifting of the ‘Urban Deferment in’ the Mundijong cell. No objections were raised at this meeting by the DPI officers.

On the 29 November 2006 a further letter was received from the WAPC advising that consent was granted to advertise Amendment 152 – Mundijong. This consent was granted on the basis that Council would, as soon as possible, request the Commission to lift the ‘Urban Deferred’ zoning of the relevant portions of the amendment area, such that this action can be completed prior to the finalisation of the amendment.

Officer Comments

Further discussions have been had with DPI officers regarding this issue. It is considered by the Council officers that the District Structure Plan should form the basis for the lifting of Urban Deferred zoning for that land in the Mundijong/Whitby cell for the following reasons:

- Council is progressing the preparation of a District Structure Plan for the Mundijong/Whitby urban cell which is being carried out through an Enquiry-by-Design type process. A three day workshop will be held later in 2007 where a Draft District Structure Plan will be produced. In the meantime information is being gathered on environmental, traffic, infrastructure and servicing, drainage etc for the cell;
- The information required as outlined in the WAPC Guidelines for the lifting of Urban Deferment will be gathered and collated as part of the District Structure Plan process. If Council is required to lodged a request now there will essentially be a doubling up on information gathering;
- During the advertising of the District Structure Plan, Council will find out the general extent of agreement of landowners to the lifting of the Urban Deferment, as the Structure Plan will indicate urban type uses in the affected areas. If Council was to lodge the request now Council would be required to write to the affected landowners seeking their

feedback on the lifting proposal. This is likely to only cause further confusion in the community without a plan to show the proposed future development of the area;

- A Technical Group is being set up as part of the District Structure Plan project that will include technical representatives from service and government agencies who will participate in the three day workshop and provide technical input on the provision of services and infrastructure to the area. Again, to lodge a request now would essentially involve a doubling up on information gathering;
- More than half of the cell is already zoned 'Urban' under the MRS and 'Urban Development' under TPS 2. The purpose of the Amendments 152 and 153 is to rectify the inconsistencies between the TPS2 and MRS; and
- Council would like both Amendments to move through the process together to prevent any potential for sections of the urban cell being split off and Structure Plans being prepared before the District Structure Plan is completed.

It is recommended that Council advise the WAPC that the District Structure Plan is considered the most appropriate document to form the basis for the request to lift the 'Urban Deferment' over the remaining parts of the Mundijong/Whitby cell and that the request for the lifting be lodged at the time of the advertising of the draft District Structure Plan.

If the WAPC insists that the request be lodged prior to the draft District Structure Plan being prepared it is recommended that Council resolve to lodge this request immediately.

Further Comments from WAPC on Amendment 153

Following concerns raised by Roberts Day on behalf of Urban Pacific on the differences between the boundaries of the 'Urban Development' zone proposed under Amendment 153 and the 'Urban' zone under the MRS, on 14 February 2007 a letter was received from the DPI providing clarification as to the extent of the area proposed to be rezoned to 'Urban Development' in Amendment 153. DPI advised:

"It is acknowledged that the Shire initiated Amendment 153 prior to the Commission's lifting of the 'Urban Deferred' zoning and associated decision on the Bush Forever negotiated planning solution. The land now zoned 'Urban' in the Metropolitan Region Scheme (MRS) represents the outcome of this negotiated planning solution. As you will be aware, all local planning schemes and amendments are required to be consistent with the MRS. Consequently, it will be necessary for the finalised version of Amendment 153 to correctly reflect the MRS, by ensuring that the proposed 'Urban Development' zone is consistent with the MRS 'Urban' zone."

Officer Comments

As the DPI's advice states Council's TPS is required to be consistent with the MRS, therefore it is recommended that the 'Urban Development' zone boundary for Amendment 153 be modified to reflect the NPS boundary for Bush Forever site 354.

A copy of the plan showing the Metropolitan Region Scheme including modifications to the Whitby land is with the attachments marked [SD100.3/04/07](#).

Objection from Gray and Lewis (Lot 500 Paterson Street) – Amendment 152

During the advertising period an objection was received on Amendment 152 from Gray and Lewis (acting on behalf of M Gangemi Nominees, owners of Lot 500 Paterson Street which currently contains the IGA supermarket), shown as submission number 14 ***in the Schedule of Submissions marked [SD100.2/04/07](#).***

It is recommended that Council proceed with the proposed rezoning of the 'Commercial' zone under Amendment 152 to 'Urban Development'. This is considered necessary to ensure that while the Structure Plan is in process, development in the area will be carefully controlled.

Objection from Hanson – Amendment 153

An objection was received on Amendment 153 from Hanson Construction Materials Pty Ltd, the owner and operator of a hard rock quarry on Lot 202 South Western Highway during the advertising period, shown as submission number 9 *in the Schedule of Submission marked [SD100.2/04/07](#)*. Following receipt of this submission, discussion has been held with Urban Pacific and their consultants regarding Hansons objection and the following information has been provided:

- a. Urban Pacific has carried out a draft Noise Impact Assessment for their land. The purpose of this assessment was to determine whether a number of land uses had any material noise impact on the Urban Pacific land. These uses included;
 - Cardup Landfill;
 - Hanson Quarry;
 - WA Bluemetal Quarry;
 - Hendley Park Motorcycle track;
 - South Western Highway; and
 - Existing and possible future freight and passenger rail services.
- b. The draft Noise Assessment involved the placement of "noise loggers" on site to capture the representative ambient noise conditions arising from the above and also modelling to capture future changes to these (primarily involving the South Western Highway and rail services). Current WA noise guidelines criteria (Noise Regulations and the Transport Infrastructure Noise SPP) were used as the basis of determining the significance of noise emissions and therefore impacts.
- c. This Assessment is being used to inform the Local Structure Planning process and based on the preliminary results indicated that noise is a manageable issue through the structure planning and future development process.
- d. Current EPA guidelines for Separation Distances between Industrial and Sensitive Land Uses states that a 1,000 metre separation distance should be maintained between such uses as hard rock quarries and residential development. ***A copy of the plan showing the surrounding land uses and separation distances for the Urban Pacific land is with the attachments marked [SD100.4/04/07](#)***. The 1,000 metre buffer from Hanson's operation marginally extends into the Whitby site, however, only into Bush Forever site 354, which is to be ceded to the Crown as Parks and Reserve in the future. Urban Pacific's consultants state that given the size and boundaries of the Bush Forever site the nearest residential development would be even further away than the 1,000 metre buffer and that the Local Structure Plan for the Urban Pacific land will clearly show the location of the Hanson quarry buffer in relation to the proposed residential development.
- e. Concern was raised by Councillors about the potential impact of the proposed concrete batching plant on Hanson's site. The EPA's guidelines recommend a separation distances of 300-500 metres be maintained between concrete batching plants and residential development. Any proposed residential development on Urban Pacific's land will be well outside this separation distance.

It should also be noted that proposed provision 4 in Appendix 15 of Amendment 153 specifically states that:

"No subdivision or development of incompatible land use will be supported within the separation distances associated with:

- *Extractive Industry on lot 202 South Western Highway;*

Until these uses cease or the separation distances are scientifically determined and approved by Council and the Department of Environment and Conservation. Separation distance requirements are to be determined in consultation with the Council and the Department of Environment and Conservation and are to be shown on the Structure Plan.”

Proposed provision 6 in Appendix 15 of Amendment 153 goes on further to state:

“Noise attenuation measures will need to be addressed during the preparation of Local Structure Plan for those properties affected by noise from South Western Highway, the railway line and any other major roads as identified by Council. These measures are to be to the satisfaction of the local government.”

Given the above, it is considered that the concerns raised by Hanson’s in their submission have and will be sufficiently addressed in the proposed provisions of Amendment 153 and further through the structure planning processes, and it is therefore recommended that Hanson’s submission be noted.

Proposed Development Areas 1 and 2

Amendment 113 to TPS 2 was granted final approval by the WAPC on 3 January 2007 which introduced the Byford Development Area and Byford Development Contribution and associated provisions for both into Appendix 15 of the Scheme Text.

Amendments 152 and 153 propose to introduce ‘Development Area No. 1 – Mundijong’ and ‘Development Area No. 2 – Whitby’ into Appendix 15 in a different way to what was gazetted in Amendment 113.

Section 5.18.1 of TPS 2 requires a Structure Plan for a Development Area, or for any particular part or parts of a Development Area, before recommending subdivision or approving development of land within the Development Area. Appendix 15 describes the Development Areas in more detail and set out the purpose and particular requirements that may apply to the Development Area.

This section of TPS 2 is confusing and should be reworked during the preparation of the new Town Planning Scheme. However, it is considered that the proposed provisions in Amendments 152 and 153 relating to Development Areas are more manageable and clearer than those provisions gazetted in Amendment 113 and therefore it is recommended that Amendments 152 and 153 remain unchanged. There is however a need to include a notation in the Scheme Maps that identifies ‘Development Areas 1 and 2’.

Report Conclusion

The rezoning of the land within the Mundijong/Whitby urban cell to ‘Urban Development’ is a necessary process in ensuring that ongoing orderly and proper planning occurs and will allow the Council to proceed with the preparation of a District Structure Plan for the cell.

It is recommended that Council finalise amendments 152 and 153 with minor modifications that address issues raised in the submission received during the advertising period.

Voting Requirements: ABSOLUTE MAJORITY

The Principal Environmental Health Officer left the meeting at 8.30pm.
The Planning Officer left the meeting at 8.30pm and returned at 8.34pm
The Communications Officer left the meeting at 8.31pm and returned at 8.34pm.
The Director Corporate Services returned to the meeting at 8.32pm.
The Director Corporate Services left the meeting at 8.33pm and returned at 8.33pm.

SD100/04/07 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Star seconded Cr Kirkpatrick

- A. Council endorses the schedule of submissions prepared in respect of Amendments 152 and 153 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 and a copy of the schedule of submissions along with Council's resolution be forwarded to all those who made a submission.
- B. Council continues to lobby the Minister for Planning and Infrastructure to have the construction/upgrading/widening of Tonkin Highway and South Western Highway brought forward as discussed in submission number 3 on Amendment 152 and 153.
- C. Advice be provided to the Chang Yuang Group Company Limited that any proposal to expand Tumbulgum Farm will require Council approval as discussed in submission number 5 on Amendment 152 and 153.
- D. Pursuant to Section 72 of the Planning and Development Act 2005, the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 be amended by:-

AMENDMENT NO. 152

1. Rezoning Lot 9500 Mundijong Road, Mundijong from 'Rural' to 'Urban Development';
2. Rezoning all land in Keirnan/Evelyn Street, Mundijong zoned 'Special Rural No. 9' to 'Urban Development';
3. Rezoning Lots 100 and 101 Keirnan Street, Mundijong from 'Rural' to 'Urban Development';
4. Rezoning part of Lot 492 Galvin Road, Mundijong from 'Rural' to 'Urban Development';
5. Rezoning Lot 0 Galvin Road, Mundijong from 'Rural' to 'Urban Development';
6. Rezoning Crown Land Reserve 4395 South Western Highway, Mundijong from 'Rural' to 'Urban Development';
7. Rezoning all lots on Paterson Street, Mundijong that are currently zoned 'Commercial' to 'Urban Development';
8. Amending the Scheme Map accordingly;
9. Including the following in Appendix 15 – Structure Plan Boundaries:

Ref. No.	Area	Provisions
DA 1	Mundijong (Urban Development Zone)	<ol style="list-style-type: none"> 1. A District Structure Plan is to be adopted to guide subdivision, land use and development and will cover Development Areas No. 1 and 2. Any Local Structure Plans prepared within Development Area No. 1 or 2 are to reflect the District Structure Plan. 2. The provisions of the Scheme shall apply to the land uses classified under the Local Structure Plan, in accordance with clause 5.18.6. 3. The local government may adopt Design Guidelines and Detailed Area Plans for any development precincts as defined on the

Ref. No.	Area	Provisions
		<p>Structure Plan. All development in such precinct is to be in accordance with the adopted guidelines and plans in addition to any other requirements of the Scheme and where there is any inconsistency between the design guidelines or plans and the Scheme, the Scheme shall prevail.</p> <p>4 No subdivision or development of incompatible land uses will be supported within the separation distances associated with:</p> <ul style="list-style-type: none"> • Dairy on Lot 11 Taylor Road; • Dairy on Lot 123 Randell Street; • Poultry Farm on Lot 2 Adamson Street; • Poultry Farm on Lot 56 Shanley Road; • Garden and hire business on Lot 410 Watkins Road; • Stockfeeds on Lot 100 and 101 Keirnan Street; • Council’s Pound on Reserve 37149 Watkins Road; • Council’s Depot on Lots 48, 50, 221 and 222 Butcher Street; • Telecommunications Tower on Lot 180 Shanley Road; <p>until these uses cease or the separation distances are scientifically determined and approved by Council and the Department of Environment and Conservation. Separation distance requirements are to be determined in consultation with the Council and the Department of Environment and Conservation and are to be shown on the Structure Plan.</p> <p>5. In addition to the requirements of Clause 5.18.2 of this Scheme the following matters are to be addressed when preparing a Structure Plan(s) for the area to the satisfaction of Council on the advice from the relevant State Government agency:</p> <ul style="list-style-type: none"> • Development interface with Bush Forever Sites 360 and 362 and Manjedal Brook; • Preparation and implementation of an interim Management Plan for Bush Forever Sites 360 and 362. This Plan is to address

Ref. No.	Area	Provisions
		<p>management of the sites until the site is ceded to the Crown;</p> <ul style="list-style-type: none"> • Bush fire risk and the preparation of an Emergency Management Plan; • Buffers associated with wetlands and Manjedal Brook; • An adequate buffer to all watercourses from the top of the bank to protect the beds and banks of the stream; • Water Sensitive Urban Design and Drainage Management; • Native remnant vegetation and fauna; • Acid Sulfate Soils; and • Cat control relevant to environmentally sensitive areas. <p>6. Noise attenuation measures will need to be addressed during the preparation of Structure Plan(s) for those properties affected by noise from South Western Highway, the railway line, Mundijong Road, the proposed Tonkin Highway extension through to South Western Highway and any other major roads as identified by Council. These measures are to be to the satisfaction of the Council.</p>

10. Amending the Scheme Map to include Development Area No. 1 – DA 1 accordingly.

E. Pursuant to Section 72 of the Planning and Development Act 2005, the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 be amended by:-

AMENDMENT NO. 153

1. Rezoning Lot 302 and portion of Lot 399 Reilly Road, Lots 24, 25, 26, 27, 45 and portion of Lots 23 and 29 South Western Highway, Whitby from 'Rural' to 'Urban Development';

2. Amending the Scheme Map accordingly;

3. Including the following in Appendix 15 – Structure Plan Boundaries:

Ref. No.	Area	Provisions
DA 2	Whitby (Urban Development Zone)	<p>1. A District Structure Plan is to be adopted to guide subdivision, land use and development and will cover Development Areas No. 1 and 2. Any Local Structure Plans prepared within Development Area No. 1 or 2 are to reflect the District Structure Plan.</p> <p>2. The provisions of the Scheme shall apply to the</p>

Ref. No.	Area	Provisions
		<p>land uses classified under the Local Structure Plan, in accordance with clause 5.18.6.</p> <p>3. The local government may adopt Design Guidelines and Detailed Area Plans for any development precincts as defined on the Structure Plan. All development in such precinct is to be in accordance with the adopted guidelines and plans in addition to any other requirements of the Scheme and where there is any inconsistency between the design guidelines or plans and the Scheme, the Scheme shall prevail.</p> <p>4. No subdivision or development of incompatible land use will be supported within the separation distances associated with:</p> <ul style="list-style-type: none"> • Extractive Industry on Lot 202 South Western Highway; • Extractive Industry on Lot 344 South Western Highway; • South Cardup Landfill on Lots 200 & 201 Shale Road; • Sawmill, manufacture and distribution of timber and related products on Lots 2, 20, 60 and 21 Norman Road; • Hendley Park Motorcross track on Reserve 7125 South Western Highway; <p>until these uses cease or the separation distances are scientifically determined and approved by Council and the Department of Environment and Conservation. Separation distance requirements are to be determined in consultation with the Council and the Department of Environment and Conservation and are to be shown on the Structure Plan.</p> <p>5. In addition to the requirements of Clause 5.18.2 of this Scheme the following matters are to be addressed when preparing a Structure Plan(s) for the area to the satisfaction of Council on the advice from the relevant State Government agency:</p> <ul style="list-style-type: none"> • Development interface with Bush Forever Site 354 and Manjedal Brook; • Preparation and implementation of an interim Management Plan for Bush Forever Site 354. This Plan is to address management of the site until the site is

Ref. No.	Area	Provisions
		<p>ceded to the Crown.</p> <ul style="list-style-type: none"> • Bush fire risk and the preparation of an Emergency Management Plan; • Buffers associated with the Conservation Category Wetlands along the railway line and Manjedal Brook; • Buffers associated with wetlands and Manjedal Brook; • An adequate buffer to all watercourses from the top of the bank to protect the beds and banks of the stream; • Water Sensitive Urban Design and Drainage Management; • Native remnant vegetation and fauna; • Acid Sulfate Soils; and • Cat control relevant to environmentally sensitive areas. <p>6. Noise attenuation measures will need to be addressed during the preparation of Structure Plan(s) for those properties affected by noise from South Western Highway, the railway line and any other major roads as identified by Council. These measures are to be to the satisfaction of the local government.</p>

4. Amending the Scheme Map to include Development Area No. 1 – DA 1 accordingly.

F. The amendment documentation be signed and sealed and submitted to the Western Australian Planning Commission along with the endorsed schedule of submissions and steps taken to advertise the amendment with a request for the endorsement of final approval by the Minister for Planning and Infrastructure.

G. Council advise the Western Australian Planning Commission that the District Structure Plan is considered the most appropriate document to form the basis for the request for the lifting of the Urban Deferment over the remaining parts of the Mundijong/Whitby cell and that the request will be lodged at the time of the advertising of the draft District Structure Plan.

H. If the Western Australian Planning Commission does not support G. above Council authorises the Executive Manager Strategic Community Planning to lodge a request for the lifting of the Urban Deferment with the Western Australian Planning Commission immediately for that land within the Mundijong/Whitby cell that is currently zoned Urban Deferred under the Metropolitan Region Scheme.

CARRIED 10/0 ABSOLUTE MAJORITY

Committee Note: The Officers Recommended Resolution was amended by changing D(9)(5) and E(3)(5) – last dot points of the Provisions “Cat control adjacent to

environmentally sensitive areas” to “Cat control relevant to environmentally sensitive areas”. The Presiding Officer advised that this was a minor amendment and did not alter the intent of the Officer Recommended Resolution.

CGAM106/04/07		STREETVISION STREET LIGHTING AGREEMENT (A0451-02)	
Proponent	Serpentine Jarrahdale Shire	In Brief Council is requested to endorse the new StreetVision Street Lighting Agreement for a period of twelve (12) months.	
Officer	Donna Colum Engineering Support Officer		
Signatures - Author:			
Senior Officer:	Stephen Bell Director Engineering		
Date of Report	29 March 2007		
Previously			
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Council		

Background

In May 1999, Council entered into a Street Lighting Agreement with Western Power which is termed “StreetVision”. The agreement was initially for a period of one (1) year with Council having the option to extend the agreement every twelve (12) months up to a maximum cumulative term of five (5) years. Since the initial agreement was entered into, Council has opted to extend the agreement annually.

By letter dated 22 January 2007, Synergy has written to the Shire seeking agreement to sign up to a new Street Vision Street Lighting Agreement.

Sustainability Statement

Provision of street lighting to an appropriate standard is necessary to facilitate the safe and efficient use of the Shire’s transport network by the travelling public, pedestrians, and cyclists. The recommendation of this report allows the continued operation of the street lighting system within current annual financial constraints.

Council does not currently have a policy in relation to the use of sustainable Street Lighting within the Shire. It is envisaged that a policy may be developed by the Strategic Community Planning directorate during the 2007/2008 financial year for consideration by Council.

The Streetvision Lighting Agreement with Western Power is for a period of twelve (12) months after which Council can consider other sustainable alternatives in line with future policy directions.

Statutory Environment: Local Government Act 1995

Policy Implications: There are no policy implications for this report.

Financial Implications: The costs associated with the Officer’s Recommendation will be allocated into the 2007/2008 operating budget. The budget expenditure in previous years is as follows:

Financial Year	Annual Allocation
2003 / 2004	\$113,217.38
2004 / 2005	\$123,110.66
2005 / 2006	\$130,999.80
2006 / 2007	\$130,999.80 *

* estimated annual cost

Financial Year	Annual Allocation
2007 / 2008 Costs (fixed charge)	\$131,520.40 gst inc

Strategic Implications:

The recommendation is in accordance with Objective 1: *An Effective Continuous Improvement Program* of the Governance Key Sustainability Result Area of the Strategic Plan.

Community Consultation:

No community consultation has resulted from this report.

Comments

The major advantage for Local Authorities entering into the StreetVision agreement is the Bulk Globe Replacement (BGR) program which is included in the annual cost. The Bulk Globe Replacement will ensure that all street light globes are replaced over a four (4) year period, and all globes upgraded to an appropriate standard.

It has been beneficial to be party to the agreement as a higher standard of lighting now exists within the Shire. Prior to the agreement, the majority of lighting was below the Australian Standard in terms of design brightness. A significant number of globes were functioning, but had reduced luminosity and effectiveness due to their age.

It is anticipated that the increase for the ensuing twelve (12) months will be minimal (approximately \$43.00 per month). The residential development occurring in the Byford area has seen a significant increase in the numbers of street lights being installed; however this has not been reflected at this time in the increased charges proposed by Synergy. The anomaly will no doubt be reflected in the next agreement.

Council Officers approached the Western Australian Local Government Association (WALGA) seeking their comment on the new Agreement. WALGA have advised in a letter dated 5 February 2007 that the amendments forwarded by Synergy to Council on the 22 January 2007 cover most of the issues raised by the Association on the original Synergy StreetVision Street Lighting Agreements. Accordingly, WALGA advised that Councils are now in a position to sign the original agreement as well as the letters of amendment and forward them directly to Synergy.

A copy of the Streetvision Agreement is with attachments marked [CGAM106.1/04/07](#).

A copy of the letters of amendment are with attachments marked [CGAM106.2/04/07](#) and [CGAM106.3/0/07](#).

WALGA will continue to liaise with Western Power and Synergy regarding the quality of their works as well as raise concerns where the bulk globe replacement program is not being fully implemented in accordance with the Agreement.

Voting Requirements:

ABSOLUTE MAJORITY

CGAM106/04/07 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Wigg seconded Cr Star

That Council:

1. **Endorses the StreetVision Street Lighting Agreement as at attachment CGAM106.1/04/07 for a one (1) year period to 30 June 2008.**
2. **Agrees to the annual charge of \$131,520.40 (inc gst) (being \$10,960.03 per month) for the 2007/2008 financial year.**

CARRIED 10/0 ABSOLUTE MAJORITY

CGAM107/04/07		RESERVE (LOT 8004 ON DEPOSITED PLAN 52147) FOR THE PURPOSE OF DRAINAGE
Proponent:	Department for Planning and Infrastructure	In Brief The Department for Planning and Infrastructure are seeking Council approval to accept management of a drainage reserve.
Owner:	Not applicable	
Officer:	Donna Colum Engineering Support Officer	
Signatures Author:		
Senior Officer:		
Date of Report	2 April 2007	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The Department for Planning and Infrastructure have advised that a reserve has recently been created under Section 152 of the Planning and Development Act 2005 for the purpose of Drainage Reserve.

This Reserve was created from the Byford Central development and is an integral part of the drainage requirements highlighted by the Shire's adopted strategy being the Byford Urban Stormwater Management System (BUSMS).

By letter dated 15 March 2007 the Department for Planning and Infrastructure is requesting that Council provide formal advice as to whether it will accept management of the Drainage Reserve.

A copy of the correspondence dated 15 March 2007 is with the attachments marked [CGAM107.1/04/07 \(IN07/3712\)](#).

Statutory Environment:

Local Government Act 1995

5.42 . Delegation of some powers and duties to CEO

(1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

** Absolute majority required.*

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

Planning and Development Act 2005
Land Administration Act 1997

Policy/Work Procedure Implications:

Byford Urban Stormwater Management Strategy

Financial Implications:

There are no financial implications to Council to accept the management of the Reserve, however there will be costs associated with ongoing maintenance of the swale drain within the Reserve.

Strategic Implications:

This proposal relates to the following Key

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.

2. Environment

Objective 1: Protect and repair natural resources and processes throughout the Shire

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
3. Encourage protection and rehabilitation of natural resources.
4. Reduce water consumption.

Objective 3: Compliance to necessary legislation

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.
3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

Community Consultation:

No community consultation is required for this report.

Comment:

The Reserve is on the corner of Thomas Road and Alexander Road at Byford and is approximately 4488 m² (or 0.4488 ha) in land area. The Reserve envelopes a swale drain which is integral to the conveyance of stormwater drainage in the Byford area.

It is recommended that the Shire accept responsibility for the management of Reserve (Lot 8004) on Deposited Plan 52147 for the purpose of drainage.

It is also recommended that Council delegate authority to the Chief Executive Officer to accept responsibility for the management of Reserves created under Section 152 of the Planning and Development Act 2005, as a result of subdivisional development in the Shire.

Voting Requirements:

ABSOLUTE MAJORITY

CGAM107/04/07 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Kirkpatrick seconded Cr Scott

That Council:

- 1. Accept responsibility for the management of Reserve (Lot 8004) on Deposited Plan 52147 for the purpose of drainage.**
- 2. Pursuant to Section 5.42(1) of the Local Government Act 1995, delegate authority to the Chief Executive Officer to accept responsibility for the Management of Reserves created under Section 152 of the Planning and Development Act 2005, as a result of subdivisional development within the Shire of Serpentine Jarrahdale.**

CARRIED 10/0 ABSOLUTE MAJORITY

CGAM108/04/07		OVERSIZE VEHICLE APPLICATION TO SERVICE BIO ORGANICS - 945 ABERNETHY ROAD, OAKFORD (P05577)
Proponent:	Ironman Haulage	In Brief An application has been made by Ironman Haulage for Council consent to use long vehicles (27.5 m) to cart to 945 Abernethy Road, Oakford. Conditional approval is recommended.
Owner:	Not applicable	
Officer:	Donna Colum Engineering Support Officer	
Signatures Author:		
Senior Officer:		
Date of Report	30 March 2007	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

An application has been received from Ironman Haulage for the use of oversize vehicles up to 27.5m in length with tri-axle dolly to cart to 945 Abernethy Road Oakford, (Bio Organics) along the following roads within the Shire of Serpentine Jarrahdale:

- King Road (included in Notice Network)
- Abernethy Road

Sustainability Statement:

Effect on Environment: The proposal would reduce Greenhouse Gas Emissions by allowing oversize vehicles to carry out this transport service. The use of medium size trucks would be minimized resulting in less vehicle trips.

Resource Implications: Properly managed permit vehicle operations would minimize road resource use.

Use of Local, renewable or recycled Resources: The proposal utilizes regionally available resources.

Economic Viability: The proposal is economically viable as the use of oversize vehicles can result in real cost savings of 25% of freight transport tonnage costs. A reduction in

heavy vehicle numbers, combined with suitable axle configurations on oversized vehicles will assist in slowing the deterioration of road pavements through reduced loading.

This proposal should also not incur any ongoing costs or requirement of funding in the future for Council above routine maintenance.

Economic Benefits: Properly managed permit vehicle operations have potential sustainability benefits in reduced transport and road maintenance costs.

Social – Quality of Life: By creating endorsed heavy haulage routes, while retaining the ability to issue permits for other routes, the movement of freight vehicles can be controlled and, in the case of as-of-right vehicles, encouraged onto fit for purpose routes. This will assist in ensuring the local road network is safer for general traffic movements.

Social and Environmental Responsibility: Properly managed permit vehicle operations have potential sustainability benefits in reduced social impact from transport vehicles and reduced environmental emissions.

Social Diversity: This proposal does not directly affect any social or community groups.

Statutory Environment: Motor Vehicle Act and Regulations

Policy/Work Procedure Implications: Delegation *AS-3 B-double and Long Vehicle Permits* allows the Chief Executive Officer authority to grant or refuse approval for permits for roads in the district where current permits are in place.

Financial Implications: There are no financial implications to Council related to this application/issue.

Strategic Implications: This proposal relates to the following Key Sustainability Result Areas:-

2. Environment
Objective 1: Protect and repair natural resources and processes throughout the Shire
Strategies:
5. Reduce green house gas emissions.

3. Economic
Objective 1: A vibrant local community
Strategies:
1. Attract and facilitate appropriate industries, commercial activities and employment.
2. Identify value-adding opportunities for primary production.
Objective 2: Well developed and maintained infrastructure to support economic growth
Strategies:
1. Improved freight, private and public transport networks.

4. Governance
Objective 3: Compliance to necessary legislation
Strategies:
1. Ensure development and use of infrastructure and land complies with required standards.

Community Consultation:

No consultation was undertaken for this report.

Comment:

The applicant, Ironman Haulage, is seeking Council approval to operate a 27.5 metre vehicle with tri-axle dolly to Bio-Organics located at 945 Abernethy Road Oakford, anticipating two (2) trips per week.

Given the ability of Council to apply conditions to the operation of the vehicles, officers recommend that approval be granted in this instance for a twelve (12) month period, after which time the applicant may apply for an extension. This will allow Council to grant future approvals based on the performance of the operator during the permit period and any issues that may arise such as public complaints.

It is recommended that this application be approved subject to conditions.

Voting Requirements: Simple Majority

CGAM108/04/07 Officers Recommended Resolution:

That:

1. Consent is conditionally granted to the use of oversize vehicles (up to 27.5 metres in length) by Ironman Haulage for a period of twelve (12) months for access to Bio-Organics of 945 Abernethy Road Oakford, via King Road and Abernethy Road, subject to compliance with the following conditions:

- (i) Vehicle speeds on King Road and Abernethy Road to not exceed 90km/h or less where either appropriate for safety reasons or posted at a lesser speed;
- (ii) Vehicles are to operate during daylight hours only between Monday and Saturday;
- (iii) Vehicles are not to operate during school bus travel times;
- (iv) Any application for extension to the permit(s) being referred to Council;
- (v) All owner/operators adhering to the Motor Vehicle Act and Regulations and to any road closures as prescribed in Section 3.50 of the Local Government Act 1995;
- (vi) Council reserves the right to revoke its support if any of the above conditions are not adhered to, or road conditions and user safety is compromised.
- (vii) Any damage to the road pavement and bitumen seal at the entrance to Bio Organics at 945 Abernethy Road being reported within twenty four (24) hours of damage occurring and rectified at the expense of Ironman Haulage where such damage is caused as a direct result of heavy haulage operations;

2. Main Roads Western Australia be advised in writing of the Council's decision in relation to the use of oversize vehicles (B-Doubles and Road Trains up to 27.5 metres in length) by Ironman Haulage, to deliver goods and services to 945 Abernethy Road Oakford.

CGAM108/04/07 Committee Recommended Resolution:

That:

1. Consent is conditionally granted to the use of oversize vehicles (up to 27.5 metres in length) by Ironman Haulage for a period of twelve (12) months for access to Bio-Organics of 945 Abernethy Road Oakford, via King Road and Abernethy Road, subject to compliance with the following conditions:

- (i) Vehicle speeds on King Road and Abernethy Road to not exceed 90km/h or less where either appropriate for safety reasons or posted at a lesser speed;
- (ii) Vehicles are to operate during daylight hours only between Monday and Saturday;
- (iii) Vehicles are not to operate during school bus travel times;
- (iv) Any application for extension to the permit(s) being referred to Council;

- (v) All owner/operators adhering to the Motor Vehicle Act and Regulations and to any road closures as prescribed in Section 3.50 of the Local Government Act 1995;
 - (vi) Council reserves the right to revoke its support if any of the above conditions are not adhered to, or road conditions and user safety is compromised; and
 - (vii) Any damage to the road pavement and bitumen seal at the entrance to Bio Organics at 945 Abernethy Road being reported within twenty four (24) hours of damage occurring and rectified at the expense of Ironman Haulage where such damage is caused as a direct result of heavy haulage operations.
2. That Council does not support any application for extra-mass vehicles.
 3. Main Roads Western Australia be advised in writing of the Council's decision in relation to the use of oversize vehicles (B-Doubles and Road Trains up to 27.5 metres in length) by Ironman Haulage, to deliver goods and services to 945 Abernethy Road Oakford.

Committee Note: The Officer Recommended Resolution was amended by adding point (2) clarifying Council's position in regard to the trailer configuration that Council is willing to permit.

CGAM108/04/07 COUNCIL DECISION

Moved Cr Murphy seconded Cr Kirkpatrick (proforma)

**That item CGAM108/04/07 OVERSIZE VEHICLE APPLICATION TO SERVICE BIO ORGANICS - 945 ABERNETHY ROAD, OAKFORD be deferred to the May Corporate Governance & Asset Management Committee, to seek clarification from the proponent as to the nature of the material and its origin.
CARRIED 10/0**

Council Note: The Council deferred this item to enable Councillors to have the knowledge if the material restricted by the planning conditions is proposed to be carted.

CGAM109/04/07		CLASSIFICATION REVIEW OF THOMAS ROAD – MAIN ROADS WA
Proponent:	Main Roads WA	In Brief Main Roads Western Australia (MRWA) is seeking in-principle support from Council for the reclassification of a section of Thomas Road, west of Tonkin Highway, to State Road. If approved, the subject section of Thomas Road would revert to the care and control of MRWA.
Owner:	Not applicable	
Officer:	Stephen Bell Director Engineering	
Signatures Author:		
Senior Officer:		
Date of Report	2 April 2007	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

By letter dated 8 May 2006, Main Roads Western Australia (MRWA) advised that a classification assessment was being undertaken for Thomas Road following the extension of the Tonkin Highway to Byford.

By letter dated 14 March 2007, MRWA advised that the assessment had been completed with the findings being that the section of Thomas Road west of Tonkin Highway warrants classification as a State Road. The review also found that the section of Thomas Road between the Tonkin Highway and South Western Highway is presently operating as more than a local road, however, the level of traffic and its role in the overall network is expected to reduce once the Tonkin Highway is extended south of Thomas Road.

In view of the classification assessment, MRWA has stated that it is prepared to accept management responsibility for the section of Thomas Road west of Tonkin Highway, subject to the Shire agreeing to several conditions, these being:

- MRWA receiving additional funding in the next State Budget (2007/2008) to meet the cost of the increase to the network it manages;
- If additional funding is not forthcoming, the transfer of responsibility will need to be deferred until the necessary funds are available;
- The road being in a condition acceptable to our Director Metropolitan Operations;
- The present Thomas Road special maintenance allocation to the Shire being reduced to \$6,200 per annum;
- The present Thomas Road special maintenance allocation is to cease once Tonkin Highway is extended south of Thomas Road; and
- The Town of Kwinana giving consent to transfer of its section of Thomas Road to Main Roads.

Statutory Environment:

Local Government Act 1995; and
Main Roads Act 1930

**Policy/Work Procedure
Implications:**

There are no policy implications for this report.

Financial Implications:

Should Council agree in-principle to the transfer of Thomas Road west of the Tonkin Highway to MRWA, the Shire would no longer be responsible for the management and ongoing maintenance of the road. Hence there would be savings in the annual budget.

Under the MRWA proposal, the section of Thomas Road east of the Tonkin Highway would remain vested with the Serpentine Jarrahdale Shire. Hence the responsibility for the management and ongoing maintenance of the road would remain with the Shire.

At present the Shire receives \$20,000 per annum from MRWA as a contribution towards road maintenance. Under the MRWA proposal, this would be reduced to \$6,200 per annum.

Strategic Implications:

This proposal relates to the following Key Sustainability Result Areas:-

3. Economic

Objective 2: Well developed and maintained infrastructure to support economic growth

Strategies:

1. Improved freight, private and public transport networks.

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

2. Represent the interests of the Shire in State and Regional planning processes.

4. Governance

Objective 2: Formation of Active Partnerships to progress key programs and projects

Strategies

1. Improve coordination between Shire, community and other partners.

Objective 3: Compliance to necessary legislation

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.
3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

Community Consultation:

No consultation has been undertaken for this report.

Comment:

MRWA are seeking Council's in-principle support to the transfer of the section of Thomas Road west of Tonkin Highway. This transfer is likely to occur during the 2007/2008 financial year subject to the conditions outlined in the background to this report.

MRWA has indicated that Thomas Road east of the Tonkin Highway is presently operating "as more than a local road" but traffic volumes are expected to reduce once the Tonkin Highway is extended south to Orton Road and then onto Mundijong. The timing for the design and construction of the Tonkin Highway south of Thomas Road is not identified on the MRWA forward plan and hence will be dependent on political intervention based on current State Government priorities.

Thomas Road performs a vital road function by providing a strategic linkage between the South Western Highway (also a State Road) and Kwinana. Traffic volumes and the mix of vehicles using this section of Thomas Road are only likely to increase once Byford is fully developed irrespective of whether the Tonkin Highway is extended in a southerly direction. Hence, it is appropriate that the Shire request MRWA to classify the full length of Thomas Road as State Road rather than a significant part thereof from the Tonkin Highway west. This will ensure that Thomas Road is managed by one authority instead of two and maintained to a uniform and higher standard to reflect the increased traffic volumes and mix.

Council currently receives an annual allocation of \$20,000 (GST exclusive) from MRWA. This will be reduced to \$6,200 (GST exclusive) if Council accepts the MRWA proposal. It is intended that Shire Officers will open discussions with MRWA with regards to increasing the annual allocation as both the current and future amounts are not adequate to maintain Thomas Road to a satisfactory level of service.

Voting Requirements: Simple Majority

CGAM109/04/07 Officer Recommended Resolution:

That Council advise Main Roads Western Australia (MRWA) that it supports in principle the reclassification of Thomas Road to 'State Road' on the provision that the full length of Thomas Road, from the South Western Highway to the Shire of Serpentine Jarrahdale/Town of Kwinana local government boundary, is included in any reclassification to 'State Road' status.

NEW MOTION

That Council advise Main Roads Western Australia that it supports in principle the reclassification of Thomas Road to 'State Road' from the intersection of Tonkin Highway west to the Shire Boundary. With a request from the Shire for MRWA to consider reclassification of the section of Thomas Road from South West Highway west to Tonkin Highway.
LOST 3/4

The Director Corporate Services left the meeting at 8.54pm and did not return.

CGAM109/04/07 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Kirkpatrick seconded Cr Geurds
That Council advise Main Roads Western Australia that it supports in principle the reclassification of Thomas Road to 'State Road' from the intersection of Tonkin Highway west to the Shire Boundary.
CARRIED 10/0

Committee Note: The Officer Recommended Resolution was changed to provide in principle support to the initial request from Main Roads Western Australia.

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

9. CHIEF EXECUTIVE OFFICER'S REPORT

OCM036/04/07		INFORMATION REPORT
Proponent	Chief Executive Officer	In Brief Information Report for the month of April, 2007.
Officer	S Langmair – PA to the Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	19 April, 2007	
Previously		
Disclosure of Interest		
Delegation	Council	

OCM036.1/04/07 COMMON SEAL REGISTER REPORT –MARCH, 2007(A1128)

The Common Seal Register Report for the month of March, 2007 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the attachments marked [OCM036.1/04/07](#).(E02/5614)

OCM036.2/04/07 POLICY FORUM – APRIL, 2007 (A0429/05)

The following items were discussed at the April, 2007 Policy Forum:

ITEMS FOR PRELIMINARY DISCUSSION	
1.	L778 Karnup Road, Serpentine, Serpentine Medical Clinic – Request for Extension of Opening Hours
2.	Local Government (Official Conduct) Amendment Bill 2005
3.	Allan Brown (visiting Councillor from France) Presentation

OCM036.3/04/07 USE OF DELEGATION REPORT (A0039-02)

The Chief Executive Officer exercised the following delegations during the month of March, 2007:

AF-29 Write Off of Rates or Rate Interest
Writing off small rate (470) balances totalling \$663.00.

CS-9 Internal & External Funding Applications Seeking Council Endorsement
Letter of Support – Jarrahdale Heritage Society – Application for Grant (OC07/2031).

OCM036.4/04/07 BYFORD ENVIRO LINK – LOBBYING STATE GOVERNMENT TO BRING IN A CAT ACT (A0028)

In the attachments marked [OCM036.4/04/07](#) (IN07/4987) is a letter from Byford Enviro Link requesting Council contact the Western Australian Local Government Association to lobby State Government to bring in Cat Legislation.

OCM036.5/04/07 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – SOUTH EAST METROPOLITAN COUNCIL MEETING MINUTES APRIL 2007 (A1164)

The Minutes of the WALGA South East Metropolitan Council Meeting held on 4th April, 2007 are with the attachments marked [OCM036.5/04/07](#) (IN07/4653).

OCM036.6/04/07 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – PEEL ZONE MEETING MINUTES APRIL 2007 (A1164)

The Minutes of the WALGA Peel Zone Meeting held on 5th April, 2007 are with the attachments marked [OCM036.6/04/07](#) (IN07/4793).

OCM036.7/04/07 COMMUNITY SAFETY & SECURITY CONFERENCE MAY 2007 – SYDNEY (A0153/H0017)

The Community Emergency Services Manager, Dave Gossage requests Council's consideration under Council Policy CSP25 – Council Training, Development & Conference Attendance Policy to attend the Community Safety and Security Conference 2007 to be held on 17-18 May in Sydney (*details of the conference are with attachments marked [OCM036.7/04/07](#)*). The Conference Registration fee is \$870.00.

OCM036/04/07 COUNCIL DECISION/Officers Recommended Resolution

Moved Cr Brown seconded Cr Scott

1. The Information Report to 19th April, 2007 is received.
2. Through the Western Australian Local Government Association South East Metropolitan Zone, Council request the Western Australian Local Government Association to lobby State Government to bring in Cat Legislation.
3. The Community Emergency Services Manager, Dave Gossage be granted approval to attend the Community Safety and Security Conference 2007 to be held in Sydney from 17-18 May.

CARRIED 10/0

10. URGENT BUSINESS:

Nil

11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

Nil

12. CLOSURE:

There being no further business, the Presiding Member closed the meeting at 8.57pm.

I certify that these minutes were confirmed at the
ordinary council meeting held on 28th May, 2007

.....
Presiding Member

.....
Date

13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

SD096/04/07 BUILDING INFORMATION REPORT		
Proponent:	N/A	In Brief Information report
Owner:	N/A	
Officer:	Jason Robertson - Principal Building Surveyor	
Signatures Author:		
Senior Officer:		
Date of Report	3 April 2007	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM051/06/04	

SD096/04/07 COMMITTEE DECISION/Officer Recommended Resolution

**That Council accepts the March 2007 Building Information Report.
CARRIED 7/0**

SD097/04/07 HEALTH INFORMATION REPORT		
Proponent:	N/A	In Brief Information report
Owner:	N/A	
Officer:	Tony Turner - Principal Environmental Health Officer	
Signatures Author:		
Senior Officer:		
Date of Report	2 April 2007	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM051/06/04	

SD097/04/07 COMMITTEE DECISION/Officer Recommended Resolution

**That Council accepts the March 2007 Health Information Report.
CARRIED 7/0**

SD101/04/07 PLANNING INFORMATION REPORT		
Proponent	Executive Manager Planning & Regulatory Services	In Brief Information Report.
Officer	Lisa Fletcher - Support Officer Planning & Regulatory Services	
Signatures – Author:		
Senior Officer:		
Date of Report	2 April 2007	
Previously		
Disclosure of Interest		
Delegation	Committee – in accordance with resolution SM046/05/04	

SD101/04/07 COMMITTEE DECISION/Officer Recommended Resolution

**The Planning Information Report to 13 April 2007 be received.
CARRIED 7/0**

CGAM105/04/07 REQUEST TO WAIVE LEGAL FEES ASSOCIATED WITH THE PREPARATION OF LEASE AND CANCELLATION OF THE AGREEMENT (RS0158/01)		
Proponent:	Serpentine Jarrahdale Family Centre Inc.	In Brief That Council: (a) Consent to the cancellation of the Lease Agreement with the Serpentine Jarrahdale Family Centre Inc for “The House”; and (b) Consider waiving the costs of the legal fees associated with the preparation of the Lease Agreement for the “The House”.
Owner:	Shire of Serpentine Jarrahdale	
Officer:	Darren Long Director Corporate Services	
Signatures Author:		
Senior Officer:		
Date of Report	2 nd April 2007	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995.	
Delegation	Committee in accordance with resolution SM051/06/04	

CGAM105/04/07 COMMITTEE DECISION/Officers Recommended Resolution:

That Council:

- 1. Consent to the cancellation of the Lease Agreement dated 1st July 2006 with the Serpentine Jarrahdale Family Centre Inc for ‘The House’.**
- 2. Waive the legal fees associated with the preparation of the Lease Agreement for the Serpentine Jarrahdale Family Centre.**
- 3. Advise the Serpentine Jarrahdale Family Centre of the Council decisions.**

CARRIED 7/0

CGAM110/04/07		REQUEST TO CLOSE A PORTION OF THE UNMADE ROAD RESERVE ADJACENT TO WEBB ROAD EQUESTRIAN RESERVE, MUNDIJONG (RS0069/01)
Proponent:	Mundijong Thoroughbred and Standardbred Trainer's Association	In Brief Council advertise its intent to consider the closure and amalgamation of part of the unmade road reserve adjacent to Lot 94 Webb Road Equestrian Reserve 2166.
Owner:	Under care, control, and management of Local Government	
Officer:	Paula Haro - Reserves Officer	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

CGAM110/04/07 COMMITTEE DECISION/Officer Recommended Resolution:

That:

- (1) Council publicly advertise its intention to consider an application by the Mundijong Thoroughbred & Standardbred Trainers Association to close a portion of unmade road reserve (as shown on attachment CGAM110.3/04/07) adjacent to Reserve 2166 and amalgamate the land with Reserve 2166.**
- (2) Council publicly advertise and seek submissions on the proposal for a period of 35 days pursuant to Section 58, subsection (3), of the Land Administration Act 1997.**

CARRIED 7/0

CGAM111/04/07 MONTHLY FINANCIAL REPORT – MARCH 2007 (A0924/07)		
Proponent:	Local Government Act 1995	In Brief To receive the Monthly Financial Report as at 31 March 2007
Owner:		
Officer:	Casey Mihovilovich - Manager Finance Services	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995	
Delegation	Committee in accordance with resolution SM051/06/04	

CGAM111/04/07 COMMITTEE DECISION/Officer Recommended Resolution:

**Council receives the Monthly Financial Report, as at 31 March 2007, in accordance with Section 6.4 of the Local Government Act 1995.
CARRIED 7/0**

CGAM112/04/07 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent:	Director Corporate Services	In Brief To confirm the creditor payments made during March 2007
Owner:	N/A	
Officer:	Tracy Mladenovic – Assistant Accountant	
Signatures Author:		
Senior Officer:		
Date of Report	2 nd April 2007	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

CGAM112/04/07 COMMITTEE DECISION/Officer Recommended Resolution:

**That Council notes the payments authorised under delegated authority and detailed in the list of invoices for the month of March 2007, presented to the Corporate Governance & Asset Services Committee and to Council, per the summaries set out above include Creditors yet to be paid and in accordance with the Local Government (Financial Management) Regulations 1996.
CARRIED 7/0**

CGAM113/04/07 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the sundry debtor balances as at 31 st March 2007
Owner:	Not Applicable	
Officer:	Melissa Armitage– Finance Officer - Debtors	
Signatures Author:		
Senior Officer:		
Date of Report	2 nd April 2007	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

CGAM113/04/07 COMMITTEE DECISION/Officer Recommended Resolution:

**That Council receive and note the report on Sundry Debtor Outstanding Accounts as at 31st March 2007.
CARRIED 7/0**

CGAM114/04/07 RATE DEBTORS REPORT (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the rates report as at 31 st March 2007
Owner:	Not Applicable	
Officer:	P Yaxley – Finance Officer (Rates)	
Signatures Author:		
Senior Officer:		
Date of Report	4 th April 2007	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

CGAM114/04/07 COMMITTEE DECISION/Officer Recommended Resolution:

**That Council receive and note the report on the Rate Debtors accounts as at 31st March 2007.
CARRIED 7/0**

CGAM115/04/07 INFORMATION REPORT	
Proponent:	Director Corporate Services
Owner:	Not Applicable
Officer:	Various
Signatures Author:	
Senior Officer:	
Date of Report	10 th April 2007
Previously	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act
Delegation	Committee in accordance with resolution SM051/06/04

In Brief
To receive the information report to 31ST March 2007

CGAM115/04/07 COMMITTEE DECISION/Officer Recommended Resolution:

1. The information report to 17th April 2007 to be received.
2. Cr Brown be granted approval to attend the Community Safety and Security Conference 2007 to be held in Sydney from 17-18 May.

CARRIED 6/0