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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, 23<sup>RD</sup> MARCH 2009. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.00PM AND WELCOMED COUNCILLORS, STAFF AND MEMBERS OF THE GALLERY.

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**1. ATTENDANCE & APOLOGIES:**

IN ATTENDANCE:

**COUNCILLORS:** DL Needham ..... Presiding Member  
M Harris  
C Randall  
WJ Kirkpatrick  
K Murphy  
C Buttfield  
MJ Geurds  
JE Price  
S Twine  
E Brown (until 8.24pm)

**OFFICERS:** Ms J Abbiss ..... Chief Executive Officer  
Mr R Gorbunow ..... Director Engineering  
Mr B Gleeson ..... Director Development Services  
Mrs L Fletcher ..... Minute Secretary

**APOLOGIES:** Director Corporate Services  
Director Strategic Community Planning

**GALLERY:** 7

**2. PUBLIC QUESTION TIME:**

SD085/03/09 - Charmaine Kennedy (510 King Road, Oldbury)

Would like to be advised of what is happening on the next door property at Lot 494 King Road. A submission has been made regarding the proposed business and the Planning Department were to advise. Phone calls and emails have been sent however no response has been received.

The Shire President advised that the item was advertised for public comment and the Planning Department have assessed these submissions.

Mrs Kennedy advised that they were awaiting the conclusion and had then heard the proposal had been approved by Council. They were not consulted regarding this outcome and were only given one days notice of the Committee meeting.

The Director Development Services advised that this item was considered last week at the Sustainable Development Committee meeting where a report including a schedule of submissions was presented. These submissions were analysed and it was recommended that the application be granted approval.

Mrs Kennedy advised that the Planning Department did not provide enough notice of the meeting to the people who had made submissions.

The Director Development Services acknowledged that it was normal practice for submitters to be advised generally a week before the meeting and apologised for the oversight that meant that in this case attempts were made to contact submitters the day before.

Mrs Kennedy queried with regard to every issue in the submissions being addressed in the report – how can she be assured this has occurred?

The Director Development Services advised that the report prepared to Committee is a public document and a copy can be provided. Council will also write to the surrounding landowners advising them of Council's decision and also address each of their concerns.

The Chief Executive Officer acknowledged the error in the Planning Department however there was not an error in the way the submissions were dealt with. The application was thoroughly assessed.

Mrs Kennedy advised that the error has resulted in a decision being made that they have not been a party to.

The Chief Executive Officer advised that neighbours have been a party to the decision as their submissions were assessed and the conditions placed on this development have addressed these submissions.

The Shire President advised that the item to Committee has all the objections from neighbours outlined in the attachment to the item of which the elected members have all read. The matter was dealt with by Council as objections were received. Councillors viewed this very long report and made a decision based on the application being conditioned to address all concerns. Objections and concerns relating to how dust, nutrients and noise would be managed have all been considered in the conditions placed on the development. Council's Compliance Officer follows up on these conditions to ensure compliance.

Mrs Kennedy requested that she be informed of the progress of this compliance.

The Shire President stated that Council will advise of the issues being followed up on.

SD082/03/09 - William Hornsby (2391 South Western Highway, Serpentine)

Was the draft Trails Master Plan completed by consultants?

The Director Development Services advised that he was unsure of the dates that this Plan was finalised and that he would take the question on notice.

University students conducted a feasibility study on the Trails Master Plan, has anything further been done?

The Chief Executive Officer advised that the Trails Master Plan has been adopted by Council as a Local Planning Policy (LPP). The Plan does have statutory weight under Council's Town Planning Scheme and every application that comes to Council is assessed against this Plan.

Has this been done for every trail?

The Chief Executive Officer advised that every rezoning application received by Council is assessed against the Trails Master Plan.

The document states that there are to be no trails on road reserves or water courses.

The Chief Executive Officer advised of the preference of the Trails Master Plan was not to have trails on the sides of roads and also endeavoured to separate traffic and animals. Where there is an unconstructed road reserve which is not carrying vehicular traffic, in this instance there may be a trail constructed.

Mr Hornsby stated that many landowners have had to give up land in addition to roads so that horses and cars are kept separate.

The Chief Executive Officer advised that Council has to consider the Trails Master Plan LPP which advises that in the rezoning of Lot 5 Karnup Road there is a requirement to give up land for trails. When a rezoning is assessed, Council has to consider its Local Planning Policies and determine application of these policies. Under the Trails Master Plan, this land has a trail marked as 'indicative' only. The final location of the trail is further examined as the detailed environmental analysis, location of roads, location of lots and other work that occurs at the rezoning stage is progressed.

Mr Hornsby asked when the draft Plan was put forward with draft trails marked – could these be altered without public consultation?

The Chief Executive Officer advised that these trails are marked as indicative trails only. Everyone who makes application of this kind has been treated equally.

#### Rosie Moszczynski – Lot 89 Lefroy Street, Serpentine

Ms Moszczynski asked if there was an update on the drainage issues in the Serpentine Downs Estate? She understands Council had an extension until mid February.

The Director Development Services advised that the Shire has forwarded a full report to the State Ombudsman addressing issues including drainage. One part of this report which Planning and Engineering will look into relates to landowners disposing of water into roadside stormwater drains.

Ms Moszczynski advised of a drainage issue at the rear of her property. The developer has written to the Shire however the issue is yet to be resolved.

Ms Moszczynski advised that there were still some outstanding queries of which she has emailed, sent letters and attended Council meetings. She has also contacted Cr Butfield and the Shire President who then advised that Council's Manager Executive Services was dealing with the issues including one relating to the path in front of her residence.

The Chief Executive Officer advised that she is aware of the large portion of time that Council's Manager Executive Services has spent dealing with these requests and endeavouring to respond to various queries and acknowledged there is three queries still outstanding from the large number received.

#### 2.1 Response To Previous Public Questions Taken On Notice

#### Sandra Hawkins – Chairperson for the Byford Scarp Residents Association Inc

My questions are in relation to Lot 116 Coulterhand Circle, Byford:

Q1. It is correct to assume that each Councillor is elected to serve on Council by the electorate?

A1. Councillors are elected by eligible voters within their Ward.

Q2. It is correct that those Councillors duly elected are on Council to represent the views of the electorate?

A2. The role of a councillor is defined by the Local Government Act 1995.

Q3. Why is it that the views clearly and unanimously expressed by the people are ignored and overridden to satisfy some serving Councillors?

- A3. Councillors are required to make decisions in the best interests of electors, ratepayers and residents of the entire district. This may, at times, be different to the views of some members of the community.
- Q4. It is appropriate to continue to try to establish a new facility in Bush Forever and River Foreshore Reserve as registered in the Bush Forever Protection Area BFS271? (plan 3.1888 also provided)
- A4. Council is yet to determine whether the existing building will be considered as part of the feasibility study for a community facility within Byford by the Scarp.

**3. PUBLIC STATEMENT TIME:**

SD082/03/09 - Jim Stokman (Lot 5 Karnup Road, Serpentine)

In the recent Sustainable Development meeting of 17 March 2009, the current Town Planning Officer stated that there was no statutory requirement to give up land in a subdivision of this size. This is reflected with telephone calls made to the Department for Planning and Infrastructure.

1. We have been lumbered with the cost of giving up land for the trail, construction costs, including gates, earthworks, signage etc, according to the incomplete trails policy for Serpentine Jarrahdale Shire  
(Land cost approx \$75 000)  
(Fencing approx \$15 000)  
(Pathway material and construction \$30 000)
2. Construction of a track would cause the removal of a stand of trees in the south west corner, which are covered under a State Town Planning subdivision approval on lot 2.  
(Cost approx \$1.5 million)
3. Further down the boundary to the north there is a line of trees some of which are growing less than 1 metre from the boundary. The distance of this tree line covers close to 500 metres. The placement of a track along this border would incur damage to the road system of these native trees. The laying of the limestone road base material would further endanger the existence of these trees. On discussion with the owner of the adjacent property, he indicated that he would seek damages for any loss of his trees and vegetation.  
(Cost approx \$3 million)  
*Fitzgerald A, 2005, Assessment of Amenity Tree Valuation Methods, Honours Thesis University of Melbourne*
4. There is an inherent danger of horses shying whilst on the main road. While a horse is in passage between the end of the trail and the equestrian grounds, there is an unacceptable exposure to danger. The way the road and verge is constructed does not allow any distance between the tar seal and the edge of the drop off into the drain for suitable passage.  
(Cost of life or injury)
5. There is a concern regarding an impartiality of judgement, by councillors that are on the Sustainable Development Committee. Comments were made regarding the costs to the developer for construction of the trail and other issues (noise, security, privacy etc).
6. There are policies in relation to trails constructed along road reserves and drainage easements/reserves. Peel Harvey Catchment Authority, Water Board, EPA and

Serpentine Jarrahdale Shire all have policies in place that prohibit the construction of such trails along water courses and road verges.

*Refer SPP 2.1 Peel Harvey Coastal Plain Catchment  
Refer Water Quality Protection Note, WQPN 82, May 2008  
SJ Shire Trails Policy*

7. The proposed amount of vegetation is unnatural, by virtue of density and surrounding landscape. There is no need to have trees planted in such close proximity to each other, causing high fuel loading and fire danger. As these trees reach maturity the spacing will inhibit the allowance for adequate maintenance to take place. This has been observed in other subdivisions that were planted in the last 20 years. The fuel loading on these revegetation areas is extreme and a disaster waiting to happen.
8. The natural drainage characteristic of the property is proven to have a high water absorption rate during rainfall coupled with a low phosphorous index. The likelihood of any nutrient management problems is virtually non-existent. Construction of low contoured drains and ponds would manage any nutrient and water runoff. This will be enhanced with a placement of a soil amendment (red mud), as approved by the Peel Harvey Catchment Board. This sound environmental method was approved by EPA during a consultative environmental review.  
*(Family golf, Warton Road, Flyn Drive, Wanneroo)*
9. There is a Town Planning subdivision approval at the final stages of implementation (if not already completed), dealing with this subdivision.
10. Other costs eg cul de sac, water main etc have not been included.

SD082/03/09 - William Hornsby (2391 South Western Highway, Serpentine)

I was at a recent Sustainable Development meeting and listened to various council members and staff. All councillors were supplied an information CD and on enquiring found out that only a few councillors actually looked at the information supplied. In listening to various committee members, I was given the impression that they were more interested in getting the trail passed than some of the other councillors. One of the Councillors is currently the President of the Trails Committee and others sounded as if they had more than a passing interest in the Pony Club and horses in general. Does this constitute a conflict of interest?

The Chief Executive Officer advised that this was definitely not a conflict of interest.

One of the questions was in regard to horses being ridden or led down the track and road verge. This was in regard to safety issues with the likely increase in density of traffic on Karnup Road. The answer that was given was that there will be a road crossing put in place. I would have expected at least some sort of study undertaken to address the concerns that were put forward.

I have also looked at various subdivisions around the Serpentine area and having spoken with the owners and there seems to be a general concern about the density of planting. Most have stated that the concern is with increase in fire hazard and being unable to maintain them in a safe manner. Some have already pruned and even removed tall, young trees on their properties.

A recent article (The Examiner, 19 March 09) stated that new developments will be required to demonstrate consistency with water sensitive urban design principles. When the Council has areas such as the golf course and equestrian centre to my knowledge has neither nutrient management strategy nor program. The drains alongside these areas lead directly into the river via seasonally inundated wetlands. Golf courses are known to use a lot of chemical fertilisers in the upkeep of fairways and greens.

The Serpentine Horse and Pony Club are used predominantly during the winter months with the rains causing runoff down the drainage systems to the river. This carries a lot of nutrients with it. The Pony Club has large numbers of horses during these events. Most people that participate in events are from outside the Shire (approximately 75%). Is the cost of maintaining the trail being added to the ratepayers bill?

The cost of maintaining these grounds (fewer rentals) is borne by the ratepayers. I'm sure that council officers could supply those figures. The need for the multiple use trail was placed under the heading fire access / egress, with an additional use as a multiple use trail. Trail bikes and the like are not compatible with horses as I have been informed and know for myself. On the westerly boundary of the property there is an existing driveway on the neighbours property that is capable of being used for fire access to all fire vehicles, should it be required. It was stated that the trail would enable residents to evacuate by use of this trail. When there is no risk form fire approaching from the east (golf course and Beacham Road). What about egress for the people at the end of Beacham Road?

The landscape design with the driveways to the houses gives adequate access to the development for fire services. There are several mains pressure hydrant points already on Beacham Road.

**4. PETITIONS & DEPUTATIONS:**

Nil

**5. PRESIDENT'S REPORT:**

Nil

**6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:**

Cr Kirkpatrick declared an interest of impartiality in item SD087/03/09 as he knows the proponent as he is a security guard at Alcoa. Cr Kirkpatrick advised that this will not affect the way in which he votes on this matter.

Cr Geurds declared an interest of impartiality in item CGAM080/03/09 as he is employed by Byford Premier Realty and will leave the room whilst this item is discussed.

Cr Needham declared a financial interest in item CGAM074/03/09 as she claims a farmland concession rating and will leave the room whilst this item is discussed.

Cr Needham declared an interest of impartiality in item CGAM079/03/09 as the person taking out the licence is a neighbour and acquaintance. Cr Needham advised that this will not affect the way in which she votes on this matter.

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

**7.1 Jarrahdale Heritage Park – 28 January 2009**

**COUNCIL DECISION**

Moved Cr Twine, seconded Cr Kirkpatrick  
That the attached (E09/580) minutes of the Jarrahdale Heritage Park Management Committee Meeting held on 28 January 2009 be confirmed.  
**CARRIED 10/0**



**7.2 Ordinary Council Meeting – 23 February 2009**

**COUNCIL DECISION**

**Moved Cr Geurds, seconded Cr Buttfield**

**That the *attached (E09/1267)* minutes of the Ordinary Council Meeting held on 23 February 2009 be confirmed.**

**CARRIED 10/0**

**REPORTS OF COMMITTEES:**

**COUNCIL DECISION**

**Moved Cr Kirkpatrick, seconded Cr Buttfield that item SD087/03/09 be discussed at the end of the meeting as it is a confidential item.**

**CARRIED 10/0**

SD080/03/09 COMMUNITY FUNDING PROGRAM (A1173/09)		
Proponent:	Serpentine Jarrahdale Shire	In Brief  To nominate four Councillor representatives from separate wards to be part of the 2009/2010 Community Funding Program Working Group.
Owner:	Not applicable	
Officer:	Julie Sansom - Community Development Officer	
Senior Officer:	Suzette van Aswegen - Director Strategic Community Planning	
Date of Report	20 February 2009	
Previously	SD071/03/08, SD087/03/07, SD101/03/06	
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	
<b>Delegation</b>	<b>Council</b>	

**Background**

Council Policy PC102 – Financial Assistance to Community states “that four Council representatives being one from each ward be nominated each year to sit on the Community Funding Program Working Group.”

***A copy of the Policy PC102 is with attachments marked SD080.1/03/09.***

**Sustainability Statement:**

***Effect on Environment:*** The program places high priority on projects that are environmentally responsible.

***Resource Implications:*** The program places high priority on projects that minimise resource and energy use.

***Use of Local, renewable or recycled Resources:*** The program supports the use of local, renewable or recycled resources.

***Economic Viability:*** The program places high priority on projects that show potential to attract other funding and enable the groups to become more self-sufficient and sustainable.

***Economic Benefits:*** The program supports a variety of projects that bring economic benefit to the community through employment of local contractors, events that attract locals and tourists to business areas and through the funding of small group projects that may not obtain funding elsewhere.

***Social – Quality of Life:*** The program supports the local volunteers who run facilities and organise activities and projects which provide a rich quality of life in this area.

***Social and Environmental Responsibility:*** The program is designed to be socially and environmentally responsible through building capacity in the community and enabling full participation in its implementation. The program creates opportunities for the community to participate and foster partnerships.

***Social Diversity:*** The program does not disadvantage any social groups and provides for diversity in our community including youth, seniors, indigenous, ethnic minorities, people with disabilities and families.

**Statutory Environment:**

Local Government Act 1995.  
Council's Standing Orders Local Law 2002.

S5.10 (2) "Appointment of committee members" states - *at any given time each council member is entitled to be a member of at least one committee referred to in section 5.9 (2) (a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1) (a) to at least one of those committees as the local government decides.*

S5.10 (4) "Appointment of committee members" further states – *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*

**Policy/Work Procedure Implications:**

Policy PC102 Financial Assistance to Community.  
The program is advertised in January each year with a closing date of 31 March.

**Financial Implications:**

Up to \$20,000 be allocated for Council consideration in each year's budget.

**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
- 2 Develop good services for health and well being
- 3 Retain seniors and youth within the community
- 4 Respect diversity within the community
- 5 Value and enhance the heritage character, arts and culture of the Shire
- 6 Ensure a safe and secure community

*Objective 3: High level of social commitment*

Strategies:

- 1 Encourage social commitment and self determination by the SJ community
- 2 Build key community partnerships

**4. Governance**

*Objective 1: An effective continuous improvement program*

Strategy:

5 Harness community resources to build social capital within the Shire

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

Strategy:

3 Develop specific partnerships to effectively use and leverage additional resources

**Community Consultation:**

Not required

**Comment:**

The Community Funding Program Working Group will meet once only in late April to review all applications submitted. A table of the applications received with officer recommendations will be presented to the Working Group members prior to the review meeting, using the criteria outlined in Policy PC102. The Working Group will make recommendations to Council as to how the total Community Funding Program budget allocation be divided between the selected groups.

**Voting Requirements:** Simple Majority

**Officer Recommended Resolution:**

Council nominates Cr ....., Cr ....., Cr ..... and Cr ..... representing each ward to be part of the 2009/2010 Community Funding Program Working Group.

**SD080/03/09 COUNCIL DECISION/Committee Recommended Resolution:**

Moved Cr Price, seconded Cr Harris

Council nominates Cr Geurds, Cr Kirkpatrick, Cr Randall and Cr Murphy to the 2009/2010 Community Funding Program Working Group.

CARRIED 10/0

Committee Note: The Officers Recommendation was changed by deleting the words "representing each ward"

SD081/03/09 DRAFT BRICKWOOD RESERVE AND BRIGGS PARK MANAGEMENT PLAN (A1387)		
Proponent:	Shire of Serpentine Jarrahdale	In Brief  To adopt the draft Brickwood Reserve and Briggs Park Management Plan for advertising and public comment for a period of 90 days.
Officer:	Chris Portlock - Manager Environmental Services	
Signatures Author:		
Senior Officer:	Suzette van Aswegen - Director Strategic Community Planning	
Date of Report	February 2009	
Previously	Nil	
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	
<b>Delegation</b>	<b>Council</b>	

### **Background**

Brickwood Reserve and Briggs Park are located on the edge of Byford, the main urban centre of the Serpentine Jarrahdale Shire. It is a popular recreation node within the Shire and it contains the Serpentine Jarrahdale Recreation Centre (SJRC). The reserve is also recognised as having significant biodiversity values, including being a Bush Forever Reference Site and one of the largest and most intact examples of a critically endangered ecological community, protected under Federal and State policies, on the Swan Coastal Plain.

It is anticipated that urban pressures associated with the growth of Byford in the coming years will place additional pressure on the recreation, access and biodiversity conservation values of Brickwood Reserve. Recognising this fact, the Shire has prepared this management plan to guide and prioritise the use and management of the reserve in the longer term.

The protection of the threatened ecological communities within the reserve is of paramount importance. Reconciling the protection of this significant environmental feature with community demands for access and recreation is a major aim of this management plan. As such, the key issues to be considered by the management plan include:

- Long term protection and management of the reserve's threatened ecological communities;
- Providing for appropriate community access to the reserve; and
- Recognising the community value associated with the reserve, both in terms of its biodiversity conservation values as well as the recreational opportunities provided.

Council has had an opportunity to make comment on this document at Policy Forum and all Council's suggested changes and additions have been made. Environmental Services and the Manager of Operations and Parks have also thoroughly edited and prepared the latest document including updating all scientific names.

***A copy of the draft Brickwood Reserve and Briggs Park Management Plan is with the attachments marked SD081.1/03/09.***

### **Sustainability Statement:**

**Effect on Environment:** The proposal enhances the environment (built and natural) and minimises environmental damage through best practice.

Biodiversity:

- Protection of indigenous flora and fauna will be achieved.
- Site disturbance will be minimised.

Energy Use/Greenhouse Gas Emissions:

- Carbon sequestration with vegetation protection and enhancement will occur through minimising disturbance to vegetation and providing more vegetation through planting.

Water Quality - stormwater management, waterways management:

Water management will be undertaken on construction sites near the reserve. Water sensitive urban design in stormwater management will be required in nearby sites. Minimal use of fertilisers and other contaminants will be required in nearby sites. Maximum infiltration of water on site will be the outcome from implementing Water Sensitive Design as required.

Air Quality: The proposal will not result in emissions to the environment.

Heritage and Culture: Heritage and cultural issues have been addressed in the context of the management plan.

**Resource Implications:**

Energy Use: The SJRC uses renewable energy technologies and passive solar design.

Water Use: Water sensitive urban design eg. stormwater tanks, swales, increased infiltration, reduced areas of lawn and water efficient fixtures are all part of the reserve, park and building management.

Land: The management plan proposes strategies which minimise use of vegetated land to protect biodiversity.

Non Renewable Resources: The management plan minimises the use of non-renewable resources such as electricity produced using fossil fuels and includes water and energy efficiency conservation strategies.

Waste: Recycling, collection and reuse of waste occurs at the SJRC.

**Use of Local, renewable or recycled Resources:** Any operational requirements will consider the use of locally available or produced resources within the Shire of Serpentine Jarrahdale or from the Peel and South East Metropolitan Area in order to reduce transport costs and pollution and to support local business.

Renewable Resources: The sun and wind are harnessed at the SJRC to produce electricity thus maximising renewable energy production.

**Economic Viability:** The ongoing management of the reserve, park and its buildings aims to be economically viable in a way that incorporates the minimisation of pollution from greenhouse gas emissions. Ongoing costs associated with the maintenance, management and monitoring will be incurred however management strategies have been designed to minimise these and funding will be sought to further reduce costs to Council.

**Economic Benefits:** Employment creation, tourism generation and provision of a local community resource are benefits of the proposal.

**Social – Quality of Life:** This proposal improves the quality of life for the community by providing well managed passive and active recreation facilities.

**Assets:** Quality roads, lighting for safety, water sensitive urban design, pedestrian footpaths, trails and cycle ways are all part of the facilities being provided at this reserve, park and recreation centre. Council activities include the provision of events and training and the support of groups and committees.

**Social and Environmental Responsibility:** The proposal is designed to be socially and environmentally responsible through building up the community and enabling full participation in the implementation of the management plan. The proposal creates opportunities for the community to participate. The proposal fosters a number of important partnerships with State government agencies in particular.

**Social Diversity:** The proposal caters for all sectors of society including the provision of disability access to all facilities.

**Statutory Environment:**

No statutory requirements apply in relation to public consultation, however as a Bush Forever Site and due to the presence of critically endangered threatened ecological communities, referral to DEH, DEC and DPI is considered appropriate.

**Policy/Work Procedure Implications:**

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

**Financial Implications:**

There are no direct financial implications to Council related to this proposal. A budget allocation already exists in addition to grant funds being attracted. Total costs of implementing the management plan for the first year are estimated at \$17,000. It is expected by budgeting approximately \$17,000 each year, the 10 year management plan will be fully implemented within 6 years.

**Strategic Implications:**

Management Plans include meeting social, economic and environmental goals. Sound management of the reserve, park and Serpentine Jarrahdale Recreation Centre cover a range of sustainability result areas including strategic events that occur at this venue.

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.
2. Develop good services for health and well being.
3. Retain seniors and youth within the community.
4. Respect diversity within the community.
5. Value and enhance the heritage character, arts and culture of the Shire.
6. Ensure a safe and secure community.

*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.
4. Foster a strong sense of community, place and belonging.
5. Protect built and natural heritage for economic and cultural benefits.

*Objective 3: High level of social commitment*

Strategies:

1. Encourage social commitment and self determination by the SJ community.
2. Build key community partnerships.

**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.
4. Reduce water consumption.
5. Reduce green house gas emissions.
6. Value, protect and develop biodiversity.

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

Strategies:

1. Implement known best practice sustainable natural resource management.
2. Respond to Greenhouse and Climate change.
3. Reduce waste and improve recycling processes

**3. Economic**

*Objective 1: A vibrant local community*

Strategies:

4. Promote info-technology and telecommuting opportunities.

*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 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.
4. Balance resource allocation to support sustainable outcomes.
5. Harness community resources to build social capital within the Shire.

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

Strategies



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

*Objective 3: Compliance to necessary legislation*

Strategies:

3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

**Community Consultation:**

This will occur for a period of 90 days although public consultation for local government reserves is not required. Consultation will include:

- (a) Advertising in accordance with scheme or policy provisions as if it were a statutory requirement; and
- (b) Referral to other Federal and State government agencies for comment (ie DEH, DEC & DPI).

**Comment:**

The draft management plan for Brickwood Reserve and Briggs Park will invite the engagement of the community in the preparation as well as the ongoing implementation of this draft management plan. The relevant State and Federal Government agencies will also be invited to make submissions on the draft management plan. With this management plan will come the continuing support of the community and agencies and will place the Serpentine Jarrahdale Shire in a stronger position for additional funding opportunities.

**Voting Requirements:** Simple Majority

**SD081/03/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

Moved Cr Randall, seconded Cr Brown

That:

1. Council adopt the draft Brickwood Reserve and Briggs Park Management Plan for advertising purposes.
2. The draft Brickwood Reserve and Briggs Park Management Plan be advertised to invite public submissions for a period of 90 days.

**CARRIED 10/0**

SD082/03/09 INITIATION OF SCHEME AMENDMENT NO. 160 - REZONING OF LOT 5 KARNUP ROAD, SERPENTINE FROM 'RURAL' TO 'FARMLET' (P02140/09)		
Proponent:	Gray & Lewis Land Use Planners	In Brief  That Council resolves to initiate Scheme Amendment No.160 subject to modifications to the subdivision guide plan and text.
Owner:	JWG Stokman & M Van Hage	
Author:	Michael Daymond - Acting Coordinator Planning Services	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	25 February 2009	
Previously	SD020/08/08; SD043/03/05 P238/03/03	
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	
<b>Delegation</b>	<b>Council</b>	

Lot Area: 12.28 hectares  
 L.A Zoning: Rural  
 MRS Zoning: Rural  
 Rural Strategy Policy Area: Farmlet  
 Rural Strategy Overlay: Future Structure Planning Area

### **Background**

Council at its meeting of 24 March 2003 resolved to initiate Amendment 133 to Town Planning Scheme No. 2 (TPS 2), for the subject land. In 2005 the proponents advised that they did not wish to proceed with the Amendment. Council at its meeting of 29 March 2005 resolved to not proceed with Amendment 133.

A subsequent proposal was lodged with Council in May 2008 to rezone the property from 'Rural' to 'Farmlet'. Council at its meeting of 25 August 2008 resolved to defer the initiation of Amendment 160 to TPS 2 as a result of a submission made at the Sustainable Development Committee meeting by the applicant. It was noted that the item was deferred as a result of the request from the land owner to withdraw the item from the agenda and to enable Council officers to speak further with the landowner and their planning consultant.

The applicant's Planning Consultant has now written to the Shire requesting the amendment be again presented to the Council and requesting that a number of the scheme clauses proposed to apply to the development be deleted. These modifications are detailed in the 'Comment' section of this report. The proposed scheme amendment is again presented to Council for initiation.

### **Sustainability Statement**

**Effect on Environment:** Rezoning of the property to Farmlet will enable the preservation, rehabilitation and enhancement of the property. The limited areas of remnant vegetation can be protected and additional revegetation can be undertaken on the property; this will assist in protecting biodiversity values and enable the protection of existing animal habitats and provision of additional habitats. The proposal will also enable controls to be placed on land uses able to be carried out on the land which will provide additional protection for groundwater and the Peel Harvey Coastal Plain Catchment.

The site contains two heritage buildings, which will not be affected by the proposal. A draft provision has been included in the scheme amendment text to establish a presumption against the demolition of the buildings.

**Resource Implications:** The subdivision may enable connection of the new lots to reticulated scheme water thereby reducing the local demand for groundwater. Although reticulated water is not available from Karnup Road, the Water Corporation have indicated that reticulated water is available in Beacham Road.

**Economic Viability/Benefits:** The proposal will preserve and enhance biodiversity (through revegetation and weed management) and reduce of land and waterway pollution (through better drainage management, the use of ATU's for effluent disposal and the implementation of land use controls).

**Statutory Environment:** Planning and Development Act 2005  
Town Planning Regulations 1967  
Shire of Serpentine Jarrahdale TPS 2  
Shire of Serpentine Jarrahdale Rural Strategy

The procedural requirements for initiating Scheme Amendments are provided within the Planning and Development Act 2005. At this stage of the amendment it is the provisions relating to referral to the Environmental Protection Authority (EPA) for assessment and advertising of the Scheme Amendment that must be adhered to, as stipulated under sections 81 and 83 of the Act.

*“81. Referral of scheme or Amendment to EPA*

*When a local government resolves to prepare or adopt a local planning scheme, or an amendment to a local planning scheme, the local government is to forthwith refer the proposed local planning scheme or amendment to the EPA by giving to the EPA –*

- a) written notice of that resolution; and*
- b) such written information about the local planning scheme or amendment as is sufficient to enable the EPA to comply with section 48A of the EPA Act in relation to the local planning scheme or amendment.*

*83. Consultation of persons likely to be affected.*

*A local government, before submitting a local planning scheme or amendment to the Minister under section 87, is to make reasonable endeavours to consult in respect of the local planning scheme or amendment such public authorities and persons as appear to the local government to be likely to be affected by the local planning scheme or amendment.”*

**Policy/Work Procedure Implications:**

Local Planning Policy (LPP) 6 - Water Sensitive Design  
LPP 9 - Multiple Use Trails  
Draft LPP – Revegetation  
State Planning Policy SPP 2.1 - Peel-Harvey Coastal Plain Catchment

**Financial Implications:**

The applicant will be required to pay all costs associated with the rezoning.

**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:

1. Increase awareness of the value of environmental requirements towards sustainability.
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. Integrate and balance town planning and rural planning to maximise economic potential.

*Objective 3: Effective management of Shire growth*

Strategy:

3. Integrate and balance town and rural planning to maximise economic potential.

**4. Governance**

*Objective 3: Compliance to necessary legislation*

Strategy:

1. Ensure development and use of infrastructure and land complies with required standards.

**Community Consultation:**

If initiated, the proposed scheme amendment will require advertising for a period of not less than 42 days.

**Comment**

The subject land is identified as 'Farmlot' under the Shire's Rural Strategy, which limits future subdivision to minimum lot sizes of 4.0 hectares. The applicant has provided the following justification in support of the application:

- *"The proposed Amendment will enable a subdivision of Lot 5 into Farmlot lots which is in keeping with the provisions and requirements of the Serpentine Jarrahdale Shire's Town Planning Scheme No.2 and Rural Strategy.*
- *It will provide a unique environment for Farmlot living whilst being within proximity to the Serpentine town site and the services it provides.*
- *The Subdivision Guide Plan highlights that access to the proposed lots will utilise the existing road system, with the provision of a cul-de-sac head at Beacham Road which will provide ease of movement for the Shire's rubbish collection trucks.*
- *The proposed Amendment will also enable the creation of a Residential zoned lot for the preservation of the two existing heritage buildings.*
- *It is considered that the amenity of adjoining landowners will not be affected by the proposed Amendment and subdivision of the site.*
- *The proposed Amendment will help satisfy the growing demand for Farmlot size lots within the Shire and will encourage tourists to the area through the establishment of the restaurant and bed and breakfast"*

### Peel-Harvey Catchment – Nutrient Management

The subject lot is situated within the Peel-Harvey Catchment and as such any proposed intensification of agricultural activities requires consultation with the Department of Environment and Conservation (DEC) and the Department of Agriculture and Food to ensure that the use of the land does not involve excessive nutrient application. An appropriate provision in this regard has been included in the amendment text.

### Proposed Scheme Amendment & Draft Subdivision Guide Plan

The landowner has engaged consultants to submit a new request to amend Council's TPS 2 as follows:

1. Rezoning Lot 5 Karnup Road, Serpentine from "Rural" to "Farmlet";
2. Rezoning portion of Lot 5 Karnup Road from "Rural" to "Residential" with an Additional Use of restaurant and bed & breakfast;
3. Amending the Scheme Map by delineating Lot 5 Karnup Road, Serpentine within the Farmlet zone and identifying it as F13;
4. Amending the Scheme Map by delineating portion of Lot 5 Karnup Road, Serpentine within the Residential zone and identifying it as Additional Use A4; and
5. Including a number of provisions within Appendix 4C – Farmlet zone of the scheme.

The draft Subdivision Guide Plan (SGP) depicts the creation of one four hectare 'Farmlet' lot and the 2554m<sup>2</sup> 'Residential' lot with frontage to Karnup Road, a third 'Farmlet' lot with access via a new cul-de-sac head at the end of Beacham Road and a fourth 'Farmlet' lot with access via a battleaxe leg of Beacham Road. The proposed 2554m<sup>2</sup> 'Residential' lot will contain the two existing heritage cottages. The draft SGP is intended to demonstrate how the land may be developed in the future and provide a planning context for the Scheme Amendment. A formal determination on the SGP will be required when the Scheme Amendment is presented to Council for final approval and forwarded to the Western Australian Planning Commission (WAPC) for consideration.

***A copy of the WAPC location plan and aerial photograph is with attachments marked SD082.1/03/09.***

***Copy of the draft Subdivision Guide Plan is with attachments marked SD082.2/03/09.***

### Site Description

The site has been substantially cleared of vegetation, with a small number of trees remaining in the southern quarter of the property along the Karnup Road frontage. There are two old dwellings and associated outbuildings on the property, with the eastern two buildings having some historical significance as they are listed in the Shire's Municipal Heritage Inventory.

### Services

Power, and telephone services are located adjacent to the site in Karnup Road and Beacham Road. The Water Corporation have advised that reticulated water is not available from Karnup Road but is available in Beacham Road. As no reticulated sewer is available, the newly created lots will be required to utilise alternative effluent disposal systems.

### Scheme Amendment & Subdivision Guide Plan Differences

There are a number of differences between the draft scheme amendment and SGP that was presented to Council in August 2008 and the current draft scheme amendment and SGP that is currently before Council for initiation. These differences are listed in the table below:

	<b>August 2008 amendment &amp; SGP</b>	<b>Current amendment &amp; SGP</b>
Proposed zoning of Lot 5 Karnup Road	Farmlet	Farmlet & Residential
No. of lots	3	4
Sizes of lots (ha)	4.0, 4.09 & 4.12	4.0, 4.0, 4.0219 & 2554m <sup>2</sup>
Areas of Revegetation and associated fencing shown?	Yes	No
Indicative Drainage Basin shown?	Yes	No
Building Envelopes shown?	No	Yes

### Proposed 'Residential' Rezoning and Additional Bed & Breakfast Use

The subject property is located within the 'Farmlet' policy area within the Shire's Rural Strategy. The previous proposal to rezone the property in August 2008, proposed to rezone the land to 'Farmlet' in accordance with this strategy. The current proposal seeks to rezone a portion of the land to 'Residential' which is not in accordance with this strategy.

The subject land is surrounded by existing 'Rural' and 'Farmlet' land holdings, and thus the proposal to rezone the land to 'Farmlet' is supported in keeping with the vision that has been identified for this area through the Rural Strategy. The proposed rezoning of a portion of the land to 'Residential' is not supported.

In the revised scheme amendment documentation provided by the applicant, it states that:

- 4.3 *A 2,554m<sup>2</sup> portion of Lot 5 will be rezoned from 'Rural' to 'Residential' with an Additional Use of 'Restaurant' and 'Bed and Breakfast'. This will encourage the preservation of the heritage buildings.*

With respect to the two proposed additional uses of 'Restaurant' and 'Bed & Breakfast', the following comments are provided.

It is understood that the proposed rezoning of part of the land to 'Residential' was intended to provide for the continued operation of the existing restaurant, recognising that a 'restaurant' as a use is a prohibited use within the 'Farmlet' zone. The proposed rezoning to residential is not supported. Where a use has been lawfully established, Part IV of the TPS 2 provides for the continuation of 'non-conforming uses'. In addition, draft scheme provision 1 within the officer recommendation supports the inclusion of 'restaurant' as a discretionary use.

As per the 'Restaurant' use, a portion of Lot 5 does not need to be rezoned to 'Residential' in order to cater for a future 'Bed & Breakfast'. Council's policy *PP1 Bed & Breakfast Accommodation* stipulates that a Bed & Breakfast establishment is to be classified as a discretionary use within the 'Farmlet' zone. Therefore, a 'Bed & Breakfast' can be considered on the land if it is rezoned to 'Farmlet'. Under TPS 2, Bed & Breakfast accommodation fits within the definition of Holiday Accommodation; it is recommended that Holiday Accommodation be included in the TPS 2 provisions such that it is a discretionary use for this land.

It is recommended that the draft scheme amendment documentation be modified to indicate that Lot 5 Karnup Road will be rezoned from 'Rural' to 'Farmlet' only.

### Fire management considerations

The requirement for the preparation of a Fire Management Plan has been included within the draft Special Provisions applicable to this rezoning. It is suggested the access-way be included along the western, northern and eastern boundary (between the northern boundary and Beacham Road). A 6.0 metre width is recommended in lieu of a 10.0 metre width as a 10.0 metre width would reduce the proposed lot sizes substantially below the 4.0 hectare minimum. With a 6.0 metre width, the three 'Farmlet' lots will be reduced to sizes of 3.70 hectares, 3.88 hectares and 3.87 hectares respectively. It is recommended that this access way be included as a Multiple Use Trail. The draft SGP will need to be modified to reflect this requirement.

### Requested Modifications to Draft Scheme Provisions

Following the August 2008 Council meeting, the landowner met with Shire Officers to discuss his concerns about some of the provisions that are recommended to be included within the scheme amendment documentation. Subsequently, the applicant's Planning consultant wrote to the Shire on 20 November 2008 requesting that clauses 5, 8, 12, 13 and 15 be deleted or modified. Since this time, a number of other meetings have been held with the landowners to discuss their concerns. The reasons given for the requested deletions/modifications and Shire Officers comments on these requests are detailed below.

### Provision 5 – Landscape & Vegetation Management

Draft provision 5 proposes the following text:

5. The subdivider shall prepare and implement a Landscape and Vegetation Management Plan to the satisfaction of Council, in accordance with the Subdivision Guide Plan to plant a minimum of 20% of the land with indigenous trees, shrubs, ground cover and aquatic plants at a density of 1700 stems per hectare in areas for visual screening and not less than 1800 stems per hectare within and along water courses and drainage lines, to the satisfaction of Council prior to the transfer of a lot(s) to a new owner.

The applicant's planning consultant provided the following comments in respect of the proposed provision:

*"This provision has been deleted. Larger 4.0 ha Farmlet lots should be able to be established for some productive purpose, whether it be horse agistment of some other rural use. If the land remained zoned Rural, there would be no requirement to revegetate 20% of the property. To constrain the useable area by revegetating at least 20% of the lot is unreasonable and an unnecessary cost to the proponent."*

The Subdivision and Development Guidelines for the Farmlet Policy Area contained in the Shire's Rural Strategy 1994 requires all new developments in the Peel-Harvey Coastal Plain Catchment to comply with the requirements of the *Planning Guidelines for Nutrient Management in the Peel Harvey Coastal Plain Catchment* as contained in Appendix 4 of the Rural Strategy. With regard to revegetation on lots of 4.0 hectares and above in size, the guidelines require the following:

- Revegetation may be required on the site such that there is a final dense cover of trees and shrubs over the planting areas indicated on the approved subdivision plan.
- The area and density of planting will vary dependant on the amount of existing vegetation, the proposed land use, and the scale of the subdivision, but should be

generally less than that outlined in 5.2(d) and (e). Section 5.2 (d) and (e) relates to 30% of the area of each lot being planted.

With respect to the requirement for revegetation, a relevant consideration for Council is the previous 'Farmlot' rezonings that have been gazetted and the revegetation provisions that were included within these. Amendment 136 (Lot 9 Gull Road) and Amendment 154 (Lot 12 Gull Road) are relevant examples of where Council has incorporated the similar provisions into the Scheme.

The WAPC's SPP 2.1 *The Peel-Harvey Coastal Planning Catchment* details that land within the catchment area, within which Lot 5 is located, should attempt to achieve a catchment target of 50% of land area established to deep rooted perennial plants.

It is considered that a requirement for 20% of the land area to be revegetated is less onerous than the requirements specified in SPP 2.1 and is a suitable provision for this proposed rezoning. The 20% of vegetated area will still leave over 3.0 hectares of a 'Farmlot' lot for rural uses such as the keeping of horses.

On balance and given the above information, it is recommended that provision 5 be retained and included as provision 10.

#### Provision 6 - Maintenance of Vegetation

Draft provision 6 proposes the following text

6. The subdivider shall either maintain the trees and shrubs planted until the land is sold or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the Council.

The applicant's planning consultant provided the following comments in respect of the proposed provision:

*"This condition does not apply if the previous Condition (No. 5) is deleted"*

See comments relating to provision 5 above. It is recommended that provision 6 be retained and included as provision 11.

#### Provision 7 - Fencing

Draft provision 7 states:

7. The subdivider shall erect internal fencing adjacent to revegetation areas to the satisfaction of Council. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of the fencing and shall prevent entry of stock into deep rooted vegetation areas

The applicant's planning consultant provided the following comments in respect of the proposed provision:

*"If the condition relating to revegetation is deleted then this condition is not required. In any case fencing of vegetation areas is usually only applied to remnant vegetation."*

See comments relating to provision 5. above. In addition, fencing is necessary to ensure vegetation is able to survive and mature without being damaged or destroyed by stock. It is recommended that provision 7 be retained and included as provision 12.



Provision 8 – Fire Management Plan (FMP)

Draft provision 8 states:

8. Prior to the clearance of the subdivision, the subdivider shall prepare and implement a Fire Management Plan that identifies the need for and the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary to the specification and satisfaction of the local authority on the advice of the Fire and Emergency Service Authority.

The applicant's planning consultant provided the following comments in respect of the proposed provision:

*"This provision has been retained, however, in such a straight forward three lot subdivision, the Shire's standard regulations for the construction of perimeter fire breaks serves the same purpose"*

The FMP is necessary to enable a risk assessment to be undertaken with regard to the development and identify any measures or facilities that need to be put in place to ensure the safety of residents and buildings within the new lots. It is recommended that provision 8 be retained and included as provision 5.

Provision 12 – Drainage Concept Plan

Draft provision 12 states:

12. Notwithstanding the obligations of the subdivider under Clause 5.13.7e of the Scheme the subdivider shall drain the land and provide detention areas in accordance with the Drainage Concept Plan provided prior to the commencement of on-the-ground-works. The easements and reserves shall be provided to the Council free of cost at the time of subdivision to provide for the ongoing maintenance of drains and sumps.

The applicant's planning consultant provided the following comments in respect of the proposed provision:

*"The proposed subdivision will only create three lots with no internal roads other than the construction of a turn-around at the end of Beacham Road. The drainage from the head of the cul-de-sac can be directed into the existing drainage sump on the northern side of the road (Reserve 46762). There is no need for the provision of additional drainage detention basins within the lots. The land is flat and there is no surface drainage line, and there is no additional runoff from road drainage. The special provision in this case is not applicable and has been deleted"*

This is a standard clause applied to all rezoning applications for Farmlet purposes and the subsequent subdivision of the land. The drainage concept plan will identify any additional drainage requirements that may arise as a result of the subdivision, matters related to best water management practices such as revegetation as well as to improve water uptake and nutrient management and the minimum pad heights for future dwellings. It is recommended that provision 12 be retained and included as provision 13.

Provision 13 – Heritage Cottages

Draft provision 13 states:

13. The existing heritage cottages adjacent to the Karnup Road frontage are to be retained and protected from damage at all times.

The applicant's planning consultant provided the following comments in respect of the proposed provision

*"The existing heritage cottages are intended to be retained and used for a restaurant and bed and breakfast. There is no need to include a clause in the Scheme protecting them from damage. Provision deleted."*

There are two existing dwellings on Lot 5 which are listed on the Shire's Municipal Inventory. However, these buildings are not included within Appendix 13 'Schedule of Places of Natural Beauty, Historic Buildings and Objects of Historical or Scientific Interest' of the scheme. The proposed rezoning will not impact on the integrity of the heritage buildings and the future subdivision of the site can ensure that these buildings are contained within one of the lots, protecting the integrity of the buildings. However, to help further protect these existing buildings, a provision is included within the amendment text advising that the existing heritage cottages are to be retained and protected from damage at all times. Accordingly, it is recommended that provision 13 be retained and included as provision 14.

#### Provision – Multiple Use Trails

Draft provision 15 states:

15. Multiple Use Trails within property shall be constructed by the subdivider prior to subdivision clearance in accordance with the endorsed Subdivision Guide Plan.

The applicant's planning consultant provided the following comments in respect of the proposed provision

*"There isn't an existing multiple use trail on the property. The Shire's draft Trails Policy (which has no statutory effect) shows a future trail on the eastern boundary. This is an impractical location and would be impossible to construct where the historic buildings are almost on the boundary near Karnup Road."*

*A more logical trail location, if indeed one is necessary (given that in time it is likely that all the land will be zoned for more conventional residential development), would be along (outside) the northern boundary of the property to link the existing 20 metre wide drainage reserve (which could accommodate a bridle trail) and Gull Road. No multiple use trail is proposed on the Subdivision Guide Plan and therefore the provision does not apply."*

It is recommended that a 6.0 metre wide multiple use trail be included on the draft SGP in accordance with the Shire's Trails Master Plan. The purpose of the trail is to provide a strategic link from Lot 5 Karnup Road through to the Reserve 27453 to the north. The trail will double as a strategic firebreak network and will be placed into public ownership via dedication as a reserve.

The location of the trail on the Trails Master Plan is on the eastern boundary of Lot 5. However, this would impact on existing vegetation and buildings including one of the heritage cottages. Accordingly, the trail needs to be relocated to the western side of Lot 5. The SGP needs to be amended to reflect the required trail along the western and northern boundaries of the property and along a portion of the eastern boundary between Beacham Road and the northern property boundary. An additional Special Provision is also required to advise that the multiple use trail is to be constructed by the subdivider prior to subdivision clearance.

It is recommended that provision 15 be retained and included as provision 15.

***A copy of the Subdivision Guide Plan showing the Section of the trail is with attachments marked SD082.3/03/09.***

### Proposed Lot Sizes

The subject land is identified as 'Farmlet' under the Shire's Rural Strategy, which limits future subdivision to minimum lot sizes of 4.0 hectares. In addition to the 3 larger lots, the proposed SGP depicts Lot 4 as being 2554m<sup>2</sup>; this is clearly less than the below the minimum lot size requirement.

The proposed small lot contains the existing heritage cottages identified in the Shire's Municipal Inventory, that have been outlined earlier in this report. The Inventory, compiled in 2000 by the Peel Regional Heritage Adviser, lists the two cottages as 'Conservation Desirable'. As such, it is considered that there may be some merit in preserving these cottages through excising a portion of land from the original land parcel.

The creation of this lot below the minimum requirement is considered to be consistent with Section 4.7 of the WAPC *Development Control Policy 3.4 – Subdivision of Rural Land*, which provides opportunities for lots to be created in order to facilitate the conservation of heritage buildings provided that:

*"The building, object or place is listed in the State Register of Heritage Places, on the heritage list in the local planning scheme, or has been assessed by a recognised heritage consultant as warranting heritage protection".*

Based on the above, the proposed small lot on Karnup Road is supported.

### Building Envelopes

In relation to the 'Farmlet' zone, clause 5.13.7(c) of the scheme states:

*"A building envelope with an area not exceeding 4,000 square metres in area shall be defined in a portion to be agreed by the Council and no building envelope shall be closer than 20 metres to the primary street boundary or closer than 10 metres to any other lot boundary or SECWA easement".*

As proposed lots 3 and 4 are already developed, building envelopes are indicated on Lots 1 and 2 only. A Special Provision is included that advises that all buildings and effluent disposal systems are to be located within these building envelopes.

### Conclusion

The rezoning of Lot 5 Karnup Road, Serpentine from 'Rural' to 'Farmlet' is in keeping with the intention of the Rural Strategy and is within the 'Farmlet' policy area under the Strategy. The proposed rezoning of part of the land to 'Residential' however is not consistent with the Rural Strategy and is not supported by officers. It is recommended that the entire land be rezoned to the Farmlet zone.

The draft SGP indicates the creation of three future 'Farmlet' lots, of approximately 4 hectares in size with one small lot at 2554m<sup>2</sup>. The lot boundaries reflect existing vegetation and the existing dam on the property. Council will be given the opportunity to formally consider the endorsement of the Subdivision Guide Plan when the Amendment is presented back to Council for final approval.

Future development of the subject site will be required to conform to the requirements of TPS2 and the Rural Strategy, as well as the requirements of regulatory agencies such as

the Department of Health, Department of Environment and Conservation, and the WAPC. Rezoning of the subject site will enable future subdivision to occur in a manner that will satisfy the requirements of these agencies.

It is therefore recommended that the Council initiate an amendment to TPS2 to change the zoning of Lot 5 Karnup Road, Serpentine from 'Rural' to 'Farmlet'.

**Voting Requirements:** Simple Majority

**SD082/03/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

Moved Cr Price, seconded Cr Twine

A. The applicant be advised that they are required to:

1. Include the text provisions within the Scheme amendment documents as adopted by Council.
2. Modify the scheme amendment documentation to remove sections 2 and 6 relating to rezoning portion of Lot 5 Karnup Road, Serpentine from 'Rural' to 'Residential' and including the Additional Uses of 'Restaurant' and 'Holiday Accomodation' within Appendix 6 of the scheme.
3. Modify the draft Subdivision Guide Plan to show a Multiple Use Trail with a minimum width of 6.0 metres along the entire western and northern property boundary.
4. Modify the draft Subdivision Guide Plan to show a Multiple Use Trail with a minimum width of 6.0 metres along the eastern property boundary between the northern property boundary and Beacham Road.
5. Modifying provision 1 to include under 'Discretionary Uses (AA)':  
*Restaurant (existing heritage cottage adjacent to Karnup Road only).*
6. Including additional provision 10. as follows:  
*The subdivider shall prepare and implement a Landscape and Vegetation Management Plan to the satisfaction of Council, in accordance with the endorsed Subdivision Guide Plan to plant a minimum of 20% of the land with indigenous trees, shrubs, ground cover and aquatic plants at a density of 1700 stems per hectare in areas for visual screening and not less than 1800 stems per hectare within and along water courses and drainage lines, to the satisfaction of Council prior to the transfer of a lot(s) to a new owner.*
7. Including additional provision 11. as follows:  
*The subdivider shall either maintain the trees and shrubs planted until the land is sold or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the Council.*
8. Including additional provision 12. as follows:  
*The subdivider shall erect internal fencing adjacent to revegetation areas to the satisfaction of Council. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of the fencing and shall prevent entry of stock into deep rooted vegetation areas.*
9. Including additional provision 13. as follows:  
*Notwithstanding the obligations of the subdivider under Clause 5.13.7e of the Scheme the subdivider shall drain the land and provide detention areas in accordance with the Drainage Concept Plan provided prior to the commencement of on-the-ground-works. The easements and reserves shall be provided to the Council free of cost at the time of subdivision to provide for the ongoing maintenance of drains and sumps.*
10. Including additional provision 14. as follows:

***The existing heritage cottages adjacent to the Karnup Road frontage are to be retained and protected from damage at all times.***

**11. Including an additional provision 15. as follows:**

***Multiple Use Trails within the property shall be constructed by the subdivider prior to subdivision clearance in accordance with the endorsed Subdivision Guide Plan to the satisfaction of Director Development Services.***

**B. The Amendment documentation be prepared in accordance with the standard format prescribed by the *Town Planning Regulations 1967*.**

**C. The applicant be required to pay the initial fee of \$2833.66 (the amount estimated using the Local Government (Fees) Regulations as the estimated cost to Council in progressing with the scheme amendment).**

**D. Subject to A, B and C above, Council pursuant to Section 72 of the Planning and Development Act 2005 that the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 be amended as described below:**

**1. Inserting in Appendix 4C Farmlet Zone the following:**

- a) Rezoning Lot 5 Karnup Road, Serpentine from “Rural” to “Farmlet”.
- b) Amending the Scheme Map by delineating Lot 5 Karnup Road, Serpentine within the Farmlet Zone and identifying it as F13.
- c) Including Lot 5 Karnup Road, Serpentine in Appendix 4C – Farmlet Zone and including the appropriate details in Appendix 4C of the Scheme as follows:

	<b>(a) SPECIFIED AREA OF LOCALITY</b>	<b>(b) SPECIAL PROVISIONS TO REFER TO (a)</b>
13.	Lot 5 Karnup Road, Serpentine	<p><b>1. Within the Farmlet zone the following land uses are permitted, or are permitted at the discretion of the Council.</b></p> <p><b>Use classes permitted (P)</b>                      Single House                      Public Recreation                      Public Utility</p> <p><b>Discretionary Uses (AA)</b>                      Ancillary Accommodation                      Home Occupation                      Rural Use                      Stables                      Restaurant (existing heritage cottage adjacent to Karnup Road only)                      Holiday Accomodation</p> <p><b>All other uses are prohibited.</b></p> <p><b>2. In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management shall only permit such uses when it is satisfied following consultation with government agencies that the land use does not involve excessive nutrient</b></p>

	<b>(a) SPECIFIED AREA OF LOCALITY</b>	<b>(b) SPECIAL PROVISIONS TO REFER TO (a)</b>
		<p>application or clearing of land.</p> <ol style="list-style-type: none"> <li>3. No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste water treatment system as approved by the Department of Health with an adequate phosphorus retention capacity, as determined by the Department of Environment and Conservation and with the base of the system or the modified irrigation area being the required distance above the highest known water table.</li> <li>4. No indigenous vegetation and trees shall be destroyed or cleared except, but subject to the subdivider or landowner obtaining the prior written consent of the Council, where such vegetation is identified as structurally unsound by an accredited arboriculturalist or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems and/or driveways or to accommodate an approved use.</li> <li>5. Prior to the clearance of the subdivision, the subdivider shall prepare and implement a Fire Management Plan that identifies the need for and the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary to the specification and satisfaction of the local authority and the Fire and Emergency Service Authority.</li> <li>6. The keeping of horses, sheep, goats, cattle or other grazing animals, where permitted shall be subject to the prior written approval of Council. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture WA for the applicable pasture types. Vegetation planted by the developer, and remnant vegetation must be fenced from grazing livestock in order to protect vegetation</li> <li>7. At the time of submitting a building application for each lot, a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shows site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting and maintenance.</li> <li>8. Notwithstanding the controls specified by</li> </ol>

	<b>(a) SPECIFIED AREA OF LOCALITY</b>	<b>(b) SPECIAL PROVISIONS TO REFER TO (a)</b>
		<p>Provision 1, development and use of the land is subject to the provisions of the Water Corporation By-Laws applying to underground water supply and pollution control.</p> <p>9. All buildings and effluent disposal systems to be located within the building envelopes defined on the Subdivision Guide Plan unless otherwise approved in writing by the Council.</p> <p>10. The subdivider shall prepare and implement a Landscape and Vegetation Management Plan to the satisfaction of Council, in accordance with the Subdivision Guide Plan to plant a minimum of 20% of the land with indigenous trees, shrubs, ground cover and aquatic plants at a density of 1700 stems per hectare in areas for visual screening and not less than 1800 stems per hectare within and along water courses and drainage lines, to the satisfaction of Council prior to the transfer of a lot(s) to a new owner.</p> <p>11. The subdivider shall either maintain the trees and shrubs planted until the land is sold or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the Council.</p> <p>12. The subdivider shall erect internal fencing adjacent to revegetation areas to the satisfaction of Council. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of the fencing and shall prevent entry of stock into deep rooted vegetation areas.</p> <p>13. Notwithstanding the obligations of the subdivider under Clause 5.13.7e of the Scheme the subdivider shall drain the land and provide detention areas in accordance with the Drainage Concept Plan provided prior to the commencement of on-the-ground-works. The easements and reserves shall be provided to the Council free of cost at the time of subdivision to provide for the ongoing maintenance of drains and sumps.</p> <p>14. The existing heritage cottages adjacent to the Karnup Road frontage are to be retained and protected from damage at all times.</p>

	<b>(a) SPECIFIED AREA OF LOCALITY</b>	<b>(b) SPECIAL PROVISIONS TO REFER TO (a)</b>
		<b>15. Multiple Use Trails within property shall be constructed by the subdivider prior to subdivision clearance in accordance with the endorsed Subdivision Guide Plan.</b>

**E. The Amendment is, in the opinion of the Council, consistent with Regulation 25(2) of the *Town Planning Regulations 1967*, and upon receipt of the necessary amendment documentation, the Amendment be referred to the Environmental Protection Authority as required by Section 81 of the Act.**

**F. Subject to the advice of the Environmental Protection Authority under Section 48A of the Environmental Protection Act, that the amendment is not subject to formal environmental assessment, advertise the amendment in accordance with the requirements of the Town Planning Regulations 1967 (as amended) for a period of 42 days.**

**CARRIED 10/0**

SD083/03/09 PROPOSED WESTERN POWER TERMINAL SUBSTATION - LOT 232 ORTON ROAD, OLDBURY (P03787/02)		
Proponent:	Western Power	In Brief  Application to commence development of a 330/132 kilovolt terminal substation to provide an interconnection point between critical transmission lines in the south east corridor. It is recommended that advice be provided to the Western Australian Planning Commission and Western Power in respect of the proposed development
Owner:	Western Power	
Author:	Simon Wilkes - Executive Manager Planning	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	4 March 2009	
Previously	Nil	
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	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt: 4 June 2008  
 Advertised: Yes  
 Submissions: 4 public, 4 government agencies  
 Lot Area: 44.8 hectares (combined Lots 231 and 232)  
 L.A Zoning: Rural  
 MRS Zoning: Rural  
 Rural Strategy Policy Area: Rural

### **Background**

Lots 231 and 232 Orton Road, Oldbury, were purchased by Western Power approximately 3 years ago for the purposes of constructing a terminal sub-station. An application for development approval was lodged in June 2008 for the development on Lots 231 and 232. A revised proposal, involving Lot 232 only, was submitted to the Shire for consideration, following the receipt of advice from the Department of Water regarding the risk of flooding on Lot 231.

Western Power has provided the following information with regard to the need for and scope of the project:



*“The prime driver of the project is the need to connect new generators to the 330kv network. The 330kv is the bulk transmission network and is used to transport energy from the source of generation, for example Muja and the South West, to the major load areas such as Perth Metropolitan region. The load flowing through the 330kV network has increased significantly and forecasts show that by 2011 the entire State electricity system will be at risk of failing if additional transmission lines are not constructed to support the 330kV bulk transmission system.*

*The proposed 330kV terminal yard in Oldbury and the associated lines are a crucial component of this reinforcement to the electricity network and the site location has been specifically selected for technical reasons associated with electrical efficiency and line balancing.*

*In addition to these larger benefits, the 132kV terminal yard will cater for regional growth and help ensure reliable electricity supplies are available to support local and regional growth and development.*

*Further to correspondence and discussion with the Department of Water the substation will be located only on Lot 232 Orton Road. Under this arrangement there is no opportunity to alter the layout to allow the yards to be moved further back from Orton Road. The yards have been positioned to allow for future lines entering and exiting the site.*

*The initial development will involve the construction of a 330 kilovolt switchyard at the front of the site as show in drawing SS313/10/6/4. The switchyard will encompass approximately 4 hectares of the site. Ultimately, the South East Terminal will be required to accommodate a 330 kilovolt yard, with up to 3 X 330/132 kilovolt transformers and a 132 kilovolt yard with the ultimate development covering an area of 12 hectares.”*

The Western Australian Planning Commission (WAPC) granted planning approval for the development on 15 January 2009.

This report provides Council with the opportunity to provide advice on the proposed development to the WAPC and Western Power.

***An aerial photograph and site plans are provided with the attachments marked SD083.1/03/09***

### **Sustainability Statement**

***Effect on Environment:*** The proposed development has the potential to impact on both existing vegetation on-site and the visual amenity of the area. It is recommended that the Landscaping and Revegetation Management Plan be prepared by the proponent to minimise the impacts on the local area. Potential flooding risks are also a matter that will need to be addressed by the proponent in the detailed design of the proposal.

***Resource Implications:*** No information has been provided in respect of resource implications.

***Use of Local, Renewable or Recycled Resources:*** Locally available sand and blue metal may be able to be sourced for this project.

***Economic Viability:*** All expenditure by Western Power is regulated by the Economic Regulatory Authority. The exact timing and funding arrangements are currently being reviewed, in the context of the broader economic climate.

**Economic Benefits:** The proposal has the potential to provide economic benefits to the community through improvements to existing electricity infrastructure, ability to cater for urban expansion and the development of major industrial uses in the Shire. The proposal is unlikely to create any local employment except during the construction stage.

**Social – Quality of Life:** The proposal has the potential to improve the quality of life for the community by providing an upgrade to existing electricity infrastructure. It will also enable the construction of additional local substations required to facilitate further urban development in the Shire. The proposal does, however, have the potential to impact on the visual amenity and landscape values of the area.

**Social Diversity:** The proposal will not disadvantage any social groups in the community.

**Statutory Environment:**

In accordance with the Notice of Delegation issued by the WAPC under the Metropolitan Region Scheme (MRS) the application is required to be determined by the WAPC as the application involves development by a Public Authority on land zoned under the MRS.

**Policy/Work Procedure Implications:**

State Planning Policy 2.1 Peel Harvey Coastal Plain Catchment.

**Financial Implications:**

The proposed development will necessitate the upgrading and/or increased maintenance of Orton Road. A contribution from Western Power for such works is currently being negotiated.

**Strategic Implications:**

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

**1. People and Community**

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

Strategies:

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:

3. Encourage protection and rehabilitation of natural resources.
6. Value, protect and develop biodiversity.

**4. Governance**

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.

**Comment**

There are a number of different matters that need to be taken into consideration by Council with the proposed development, particularly:

- Staging of development;
- Statutory approvals processes;
- Stakeholder engagement;

- Submissions received from government agencies;
- Submissions received from nearby landowners; and
- Technical assessment of the proposed development by Shire staff.

Each of these matters is discussed in the following sub-sections.

#### *Staging and different elements of the proposed development*

In the initial phase one building will be constructed to the height of a normal domestic single storey dwelling, containing a hand basin and toilet facilities. Other infrastructure/equipment will include poles, gantries, capacitor banks, communications tower (height 50 metres) and current and voltage transformers. The terminal substation will be infrequently attended by Western Power personnel so there is no need for a parking area. Parking on the site will be on the pad/roads within the Terminal Substation. This is the extent of works that Western Power has applied for development approval.

Western Power has advised that it has been negotiating with all the landowners affected by the 330 kV line interconnection and it is anticipated that an agreement will be reached very shortly on a similar alignment to that on the attached map.

#### ***A map showing the location of existing and possible future transmission lines is within the attachments marked SD083.2/03/09.***

Western Power also advises that over time a number 132kV lines may be required to exit the substation, but that the number of lines and their direction will depend on future development within the region. It is usual for 132kV lines to follow the road network. The terminal substation will have capacity for up to eighteen 132 kV circuits. The terminal could also have capacity for an additional three 330kV circuits, if required. The timing and need for these lines will be depend on future load growth within the metropolitan and local area and as to where they would go is unknown at this time. However, it is likely that between 2017-2020 there would be a need to connect the out of service Kemerton to Cannington 132kV line (CT-MRR 81), shown as a black line on the attached map, to South East Terminal and reconstruct the line to 330KV. This line would occupy some of the 330kV capacity.

The first stage of the development (a 330kV switchyard) needs to be completed by 2011. It is anticipated that construction will commence in 2009. Further development of the terminal substation will be staggered over a number of years as demand for electricity in the region increases and new zone substations are constructed.

#### *Statutory approvals*

Under the Electricity Corporations Act 2005 Western Power is not bound by any local planning scheme and as such there is no requirement for the Shire to determine the application under the Shire's town planning scheme. The WAPC is the determining authority under the MRS for the proposed development.

Ordinarily the WAPC would await a formal recommendation from the relevant local authority prior to making a determination on this proposal. In this instance, the Commission in January 2009 was of the view that it had sufficient information to be able to make an informed decision on the proposal and subsequently approved the proposed development subject to a number of conditions.

#### ***A copy of the Development Approval granted by the WAPC is provided with Attachment SD083.3/03/09.***

Council is not a determining authority in respect of the proposed development and as such Council can only provide advice to the WAPC and Western Power. The determination by the WAPC on the proposal does not limit the ability of Council to provide advice on the

proposal and in respectfully requesting that the advice be considered by Western Power and the WAPC when progressing the development proposal.

### Stakeholder engagement

In parallel with progressing detailed designs for the proposed terminal sub-station, Western Power has advised that it is developing a stakeholder management and communication strategy to inform and consult with the community about the planning for the terminal substation and the interconnecting transmission lines. It is intended that the strategy will incorporate printed material, stakeholder briefings, media, direct mail and the internet. An area of 2 kilometres from the terminal substation will be targeted. It is understood that the exact timing for the stakeholder management and communication strategy is currently being finalised, in the context of general project timeframes. In addition to the stakeholder management and communication strategy for the terminal sub-station, Western Power advises that discussions have been undertaken and will continue with landowners directly affected by future transmissions lines connecting with the substation.

It is recommended that Council note that Western Power is progressing a stakeholder management and community strategy. It is also recommended that if any concerns are raised by local residents in respect of the proposed works that the residents be encouraged to address their concerns in the first instance to Western Power to ensure that a timely, informed and comprehensive response is provided and where possible concerns are able to be addressed.

### Submissions from relevant government agencies

The proposal was referred to the Department of Water (DOW), Department of Environment and Conservation (DEC) and Water Corporation for comment.

The following key issues were identified in the submissions from the government agencies:

- The need to ensure a suitable level of protection, with the potential for significant flooding of Lots 231 and 232 during major events;
- Nutrient loading, in stormwater, has the potential to have an impact on regional drainage network;
- An environmental management plan would be an appropriate requirement to minimise the impacts of the proposed development, both during the construction phase and into the future; and
- The proposed development may have an impact on remnant vegetation on the property. Unless otherwise exempt, an approval is required from the DEC prior to the clearing of vegetation.

Based on the above issues, it is recommended that the WAPC and Western Power be provided with the following advice:

- Development on Lot 231 is not recommended due to the potential for flooding;
- Any development on Lot 232 should be provided within a minimum floor level of 0.5m above the projected 100 year ARI flood level;
- Drainage of any development should be retained on-site and where discharge is required into existing open drains on-site, stormwater should be treated to minimise nutrient increases into the regional drainage network;
- Measures should be put in place to address any contaminant spill risks, consistent with the DOW's Water Quality Protection Note; and
- The environmental management plan should be referred to the DOW for consideration prior to finalisation.

### Technical assessment by Shire Staff

In parallel with the proposed development being advertised to relevant government agencies and nearby landowners for comment, the Shire's technical staff completed an assessment. The key issues identified by technical staff included:

- Potential impacts on the condition of Orton Road, particularly in the context of heavy components being transported to the site;
- Potential impacts on existing vegetation on the property;
- Potential impacts on the local amenity of the area;
- The location of the proposed terminal sub-station with respect to the possible future Oakford Village Development.

The following provides further information and comment in respect of the above-mentioned issues.

The proposed terminal sub-station will incorporate heavy infrastructure, which will need to be transported to the site. The exact transportation routes have not yet been confirmed and these are normally evaluated/approved through an appropriate traffic management plan. A section of Orton Road will be utilised as part of the transport route for delivering infrastructure to the site. There is the potential for the road pavement of Orton Road to be damaged during the delivery of the equipment to the site. It is recommended that Council respectfully request that Western Power provide a contribution towards the upgrading and/or maintenance of Orton Road, with the amount to be determined through negotiation between Shire Officers and Western Power.

There is existing vegetation on the site that may be disturbed by the proposed development. It is recommended that a Landscaping and Revegetation Management Plan be requested from Western Power as part of the proposed development. The Management Plan should clearly demonstrate how impacts on existing vegetation can be minimised and new vegetation can be planted, for reasons of both environmental enhancement and minimising the landscape impacts of the proposed development. There are potential opportunities to start establishing screening vegetation ahead of the installation of infrastructure on the site. It is recommended that Western Power be requested to establish screening vegetation, in consultation with the Shire's Technical Officers, at the earliest opportunity to minimise the impacts on the amenity of the local area.

The current alignment of proposed infrastructure (terminal sub-station and transmission lines) is understood to have minimal impact on the Oakford Village. There is a very small section of line, where it crosses Thomas Road, that will be within the boundary of Oakford Village. This was unavoidable due to the need to interconnect with the existing 330 kilovolt line in a property that was purchased on the north side of Thomas Road. Western Power has progressed considerable discussion with the Oakford Village proponents, with a view to minimising impacts. The Terminal Substation is not proposed to directly supply the Oakford Village. Over time the Terminal could, however, connect to zone substations in the area that may supply Oakford Village or there may be capacity within the current system to supply the village. The timing of zone substation development will be dependent on urban growth within the Shire.

### **Community Consultation:**

The application for development approval was not required to be assessed/determined under TPS 2 and as such there was no formal requirement for public comment to be invited. Council Officers were, however, of the opinion that it would be appropriate for public comment to be invited on the proposed development prior to finalising a recommendation to the WAPC and Western Power. Accordingly, public comment was invited from landowners within a 1 kilometre radius of the development site. In total, four submissions were received from local residents.

**Property: A173000**  
**Type: Conditional Support**

**Submission:**

*“In principle, there is no objection to the facility on basis that:*

- 1. We are concerned about the possible effects of EMFs on our adjoining residence at Lot 233 Orton Road but understand that none of our land is contained within any prescribed buffer area. If we are subject to any buffer restrictions we would strongly object to the current siting of the facility which should then be orientated more westward away from any existing residences.*
- 2. Any conditional approval should state that there will be extensive landscaping on the perimeters of the facility to protect the visual amenity of the adjoining properties.*
- 3. We accept the fact that a public utility is a permissible use in the rural zone but this will have significant impact on the existing fabric of the immediate locality. Council should give the Strategy review the highest priority as a comprehensive review was due in 2005/2006 so that siting of such a facility will not compromise and be better coordinated with possible future activities in this zone”*

**Officer’s Comment:**

The submitter’s property abuts the development site and is located on the southern side of Orton Road. An existing 132kv transmission line runs through the submitter’s property. The transmission lines route map submitted by Western Power shows that an interconnecting line between the substation and the existing 132kv line will run along the northern side of Orton Road and would not affect the submitter’s property. The Officer’s recommendation incorporates a requirement for a Landscaping and Vegetation Management Plan to be prepared prior to the commencement of works and thereafter be implemented.

The Shire has commenced preparation of a Local Planning Strategy that will incorporate a comprehensive review of the Rural Strategy.

**Property: A173800**

**Type: Support**

**Submission:**

*“The site appears ideal and Western Power have assured me that no powerlines will come near my house site. The nearest part of the infrastructure will be 250-300 metres from my house which is good.”*

**Officer’s Comment:**

The submission is noted.

**Property: A321300**

**Type: Objection**

**Submission:**

*“My only concern is what effect the development will have with the value of my property.”*

**Officer’s Comment:**

The submitter’s property is located in excess of 3 kilometres from the development site. The transmission line routes map submitted by Western Power show that an existing out of service line runs through the submitter’s property but does not show any proposed new transmission lines in the vicinity of the submitter’s property.

**Property: A251403**

**Type: Objection**

**Submission:**

*“As residents of Kargotlch Road I am writing to express to you our strong concern and disappointment about the proposed Western Power Sub Station on Orton Road and the*

*associated transmission lines. We would ask that the Shire defer approval and consideration of this proposal until the matter has gone to public comment and there has been proper consultation with community members.*

*This matter is very urgent as Western Power has been progressing these matters without community consultation and we would ask that the shire request that they commence the public discussion on this matter as a priority and advise that Shire will not discuss the matter further until the Community has been consulted.*

*There is clearly a element of stealth about how this matter has been progressed and the shire needs to be proactively protecting the interests of residents (many of the surrounding land owners will not know about it) and should be ensuring that Western Power hold public dissemination sessions before the proposal is progressed any further.*

#### Query 1

*The Shire needs to inform interested ratepayers:*

- what discussions have been held with Western Australian Planning Commission to date;*
- have any promises or undertakings been given;*
- what is the approval process and timeline; and*
- what other Govt bodies must approve and what is their status eg environmental (CALM) and water*

*We understand that the proposed substation in Orton Road has a number of environmental issues and I would ask you advise how those environmental issues have been addressed.*

*My concern in relation to this matter is that the area being affected is prime rural country land and to have these large (very large) industrial power lines going through the middle of it is very frustrating and environmentally and potentially quite dangerous.*

*The shire has a stated policy of keeping the land West of Kargotich Road zoned rural as they want to retain the large rural holdings - however what this does is it makes it easier for large industrial organizations like Western Power to utilize the land and take advantage of it as there are no residents.*

*Surely the Shire should be defending this rural land against industrialization as they do against subdivision. If the shire is genuinely committed to protecting and preserving rural land then they should be doing it at all levels not just ensuring that the zoning could not be change they should be actively and thoroughly reviewing proposals such as this and pushing Western Power to explore all available alternatives*

#### Query 2

*“Has the Shire reviewed and approved the proposed routes for the transmission lines? For example (this is one of the benefits of the community consultation) it may well be that given there is already a large Industrial power line down Nicholson road it may be better to send 1 of the 2 transmission lines down that route as opposed to the proposed route.*

*Alternative route 1 has been discounted due to the proposed Oakford Village as per the map however this proposal has been on the books for the last 15 to 20 years and may never happen and has now been the cause for Western Power buying the Peverett’s property which will mean that the transmission lines are taken through prime rural land instead of running parallel through existing transmission lines down Nicholson Road.*

*The Shire should require a full environmental review of the proposed location of the station and the transmission lines. We would ask that the Shire defer any consideration of this proposal by Western Power or approval until there has been a full and open public*

*community consultation process. Please help us protect our area and make sure that this process is progressed in an open and informed manner with proper community consultation.”*

**Officer’s Comment:**

The application is not being determined under the provisions of TPS 2 and as such Council is not a decision-making authority. Beyond statutory requirements, Council invited public comment from landowners within a 1 kilometre radius of the development site.

The submitter raised a number of questions in the submission, for which a direct response was provided by Shire Officers. It should be noted that the submitters property is located in excess of 1.5 kilometres from the development site. Western Power, in its application for development approval, has outlined that a community engagement strategy will be progressed and implemented to provide landowners with information and opportunities to comment on the proposed terminal substation and the upgrading of transmission lines within the locality. It is also recommended that if any concerns are raised by local residents in respect of the proposed works that the residents be encouraged to address their concerns in the first instance to Western Power to ensure that a timely, informed and comprehensive response is provided and where possible concerns are addressed.

**Conclusion**

The proposed development of a terminal sub-station has been identified by Western Power as being necessary to provide reliable electricity supplies to the Perth Metropolitan Area. A determination is not required by the Shire for the proposed development under TPS 2 and as such the Shire is only able to provide advice to Western Power and the WAPC. It is recommended that Council outline its expectations in respect of the proposed development to ensure that the impacts on the natural environment, landscape values and local community are minimised to the extent practicable.

**Voting Requirements:** Simple Majority

**Officer Recommended Resolution:**

That Council:

1. Notes the approval granted by the Western Australian Planning Commission for the development of the terminal sub-station on Lot 232 Orton Road, Oldbury.
2. Strongly encourages Western Power to progress and implement a comprehensive stakeholder management strategy to inform and consult with the community about the work planned for the terminal substation and the interconnecting transmission lines.
3. Notes that the construction of transmission lines servicing the terminal sub-station are exempt from requiring development approval under the Metropolitan Region Scheme.
4. Notes the submissions received during the advertising of the proposed development and forwards a summary of the submissions to Western Power.
5. Respectfully requests that the Western Australian Planning Commission and Western Power consider the following recommendations with respect to the proposed development:
  - (a) An Environmental Management Plan shall be prepared to the satisfaction of the Shire prior to the commencement of works and shall thereafter be implemented.
  - (b) A Landscape and Vegetation Management Plan shall be prepared to the satisfaction of the Shire prior to the commencement of works and shall thereafter be implemented. The Landscape and Vegetation Management Plan shall include, but not be limited to the measures required to address



- weed control, measures to be implemented to protect existing vegetation and describe the density and distribution of indigenous trees, shrubs, groundcover and shoreline plant species to be established in revegetation areas
- (c) A Drainage and Nutrient Management Plan shall be prepared to the satisfaction of the Shire prior to the commencement of works and shall thereafter be implemented.
  - (d) A Construction and Environment Management Plan shall be prepared by the proponent and approved by the Shire prior to the commencement of works. The Construction and Environment Management Plan shall include, but not be limited to, measures to control soil and water movement.
  - (e) An Alternative Effluent Disposal System is required to be installed for the on-site sanitary facilities. Traditional septic tank and leach drain system will not be permitted due to high winter groundwater levels.
  - (f) Only clean fill, certified as being dieback free and not sourced from an acid sulphate soil moderate or high risk area, shall be used on site in accordance with relevant Department of Environment and Conservation Guidelines and the specifications outlined in the Local Government Guidelines for Subdivisional Developments.
  - (g) A Fire and Emergency Management Plan being prepared and implemented to the specifications of the local government on the advice of the Fire and Emergency Services Authority.
  - (h) A single crossover shall be provided for access to the substation in accordance with Serpentine Jarrahdale standard industrial crossover specifications and be located to the satisfaction of the Serpentine Jarrahdale Shire.
  - (i) Concrete aprons shall be constructed between the crossover to Lot 232 and the sealed surface of Orton Road to the satisfaction of the Shire. All costs associated with the required upgrading shall be at the expense of the developer of the subject site.
  - (j) A contribution shall be made towards the upgrading and maintenance of Orton Road to the satisfaction of the Director Engineering Any damage caused to the road associated with the transporting of construction material shall be immediately repaired to the satisfaction of the Shire.
  - (k) All internal roadway surfaces are to be constructed of a suitable material such as paving, road base, limestone or coarse gravel and compacted to limit the generation of dust.
  - (l) A Dust Management Plan is to be developed prior to the commencement of works and thereafter implemented in accordance with the Department of Environment and Conservation "Guidelines for the prevention of dust and smoke pollution from land development sites in Western Australia".
  - (m) A traffic management plan shall be prepared prior to the commencement of works and thereafter implemented.
6. Advise those persons who lodged a submission during the advertising period of Council's resolution.

**SD083/03/09 COUNCIL DECISION/Committee Recommended Resolution:**

**Moved Cr Harris, seconded Cr Price  
That Council:**

- 1. Notes the approval granted by the Western Australian Planning Commission for the development of the terminal sub-station on Lot 232 Orton Road, Oldbury.**
- 2. Strongly encourages Western Power to progress and implement a comprehensive stakeholder management strategy to inform and consult with the community about the work planned for the terminal substation and the interconnecting transmission lines.**

- 3. Notes that the construction of transmission lines servicing the terminal sub-station are exempt from requiring development approval under the Metropolitan Region Scheme.**
- 4. Notes the submissions received during the advertising of the proposed development and forwards a summary of the submissions to Western Power.**
- 5. Respectfully requests that the Western Australian Planning Commission and Western Power consider the following recommendations with respect to the proposed development:**
  - (a) An Environmental Management Plan shall be prepared to the satisfaction of the Shire prior to the commencement of works and shall thereafter be implemented.**
  - (b) A Landscape and Vegetation Management Plan shall be prepared to the satisfaction of the Shire prior to the commencement of works and shall thereafter be implemented. The Landscape and Vegetation Management Plan shall include, but not be limited to the measures required to address weed control, measures to be implemented to protect existing vegetation and describe the density and distribution of indigenous trees, shrubs, groundcover and shoreline plant species to be established in revegetation areas**
  - (c) A Drainage and Nutrient Management Plan shall be prepared to the satisfaction of the Shire prior to the commencement of works and shall thereafter be implemented.**
  - (d) A Construction and Environment Management Plan shall be prepared by the proponent and approved by the Shire prior to the commencement of works. The Construction and Environment Management Plan shall include, but not be limited to, measures to control soil and water movement.**
  - (e) An Alternative Effluent Disposal System is required to be installed for the on-site sanitary facilities. Traditional septic tank and leach drain system will not be permitted due to high winter groundwater levels.**
  - (f) Only clean fill, certified as being dieback free and not sourced from an acid sulphate soil moderate or high risk area, shall be used on site in accordance with relevant Department of Environment and Conservation Guidelines and the specifications outlined in the Local Government Guidelines for Subdivisional Developments.**
  - (g) A Fire and Emergency Management Plan being prepared and implemented to the specifications of the local government on the advice of the Fire and Emergency Services Authority.**
  - (h) A single crossover shall be provided for access to the substation in accordance with Serpentine Jarrahdale standard industrial crossover specifications and be located to the satisfaction of the Serpentine Jarrahdale Shire.**
  - (i) Concrete aprons shall be constructed between the crossover to Lot 232 and the sealed surface of Orton Road to the satisfaction of the Shire. All costs associated with the required upgrading shall be at the expense of the developer of the subject site.**
  - (j) A contribution shall be made towards the upgrading and maintenance of Orton Road, associated bridge work and traversed routes to the satisfaction of the Director Engineering. Any damage caused to the road associated with the transporting of construction and transmission material shall be immediately repaired to the satisfaction of the Shire.**
  - (k) All internal roadway surfaces are to be constructed of a suitable material such as paving, road base, limestone or coarse gravel and compacted to limit the generation of dust.**
  - (l) A Dust Management Plan is to be developed prior to the commencement of works and thereafter implemented in accordance with the Department of Environment and Conservation “Guidelines for the prevention of dust and smoke pollution from land development sites in Western Australia”.**

(m) A traffic management plan shall be prepared prior to the commencement of works and thereafter implemented.

6. Advise those persons who lodged a submission during the advertising period of Council’s resolution.
7. Western Power be respectfully requested to construct transmission line pylons that blend in with the surrounding environment and minimise adverse impacts on the visual amenity of the area.
8. Western Power be respectfully requested to commence the landscaping and screening of the site during the 2009 winter incorporating local native species and utilising local resources.

**CARRIED 10/0**

**Committee Note:** The Officer Recommended Resolution was changed by adding Condition 7 and Condition 8 and amending Condition 5(j) to include the words “associated bridge work and traversed routes”.

**Council note:** A single pole pylon of rusty metal oxide nature is Council’s intent regarding condition 7 as per Western Power’s presentation and the words ‘and transmission’ were added to part j). This was considered by the Presiding Officer as a minor amendment which did not change the intent of the recommendation.

SD084/03/09 RESIGNATION OF A MEMBER FROM COMMITTEE (A1080)		
Proponent:	Shire of Serpentine Jarrahdale	In Brief  To elect a Member and Deputy to the South East District Planning Commission for 2009.
Owner:	Not Applicable	
Officer:	Brad Gleeson – Director Development Services	
Signatures Author:		
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	18 February 2009	
Previously	SCM011/10/07	
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	
<b>Delegation</b>	<b>Council</b>	

**Background**

Councillor Price was appointed as the Council delegate and Councillor Murphy was appointed as a Deputy, to the South East District Planning Committee (SEDPC) of the Western Australian Planning Commission. Councillor Price has advised that as he no longer is the chair for the Sustainable Development Committee that he would like to relinquish his role as Council’s delegate to the SEDPC.

**Sustainability Statement**

Not applicable

**Statutory Environment:**

Local Government Act 1995,  
Council’s Standing Orders Local Law 2002.

S5.10 (2) “Appointment of committee members” states -  
*at any given time each council member is entitled to be a member of at least one committee referred to in section 5.9 (2) (a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that*

*council member in the persons appointed under subsection (1) (a) to at least one of those committees as the local government decides.*

S5.10 (4) “Appointment of committee members” further states – *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*

S5.12 “Election of presiding members and deputies” states – (1) *The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule. (a) to “office” were references to “office of presiding member”; (b) to “council” were references to “committee”; and (c) to “councillors” were references to “committee members”.*

(2) *The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule – (a) to “office” were references to “office of a deputy presiding member”; (b) to “council” were references to “committee”; (c) to “councillors” were references to “committee members”; and (d) to “mayor or president” were references to “presiding member”.*

S5.13 “Functions of deputy presiding members” states – *If, in relation to the presiding member of a committee – (a) the office of presiding member is vacant; or (b) the presiding member is not available for is unable or unwilling to perform the functions of presiding member, t Then the deputy presiding member, if any, may perform the functions of presiding member.*

S5.14 “Who acts if no presiding member” states – *If, in relation to the presiding member of a committee – (a) the office of presiding member and the office of deputy presiding member are vacant; or (b) the presiding member and the deputy presiding member, if any, are not available or are unable or unwilling to perform the functions of presiding member, Then the committee members present at the meeting are to choose one of them to preside at the meeting.*

**Policy/Work Procedure Implications:**

CSWP11 – Disclaimer & Terms of Reference for use of Delegation by Committee – Committee Meetings

**Financial Implications:**

Annual sitting fee allowances will be incurred by Council in relation to the members appointed and attending Committee meetings, in accordance with Local Government Act 1995.

**Strategic Implications:**

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

**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.
4. Balance resource allocation to support sustainable outcomes.

*Objective 3: Compliance to necessary legislation*

Strategies:

3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

**Community Consultation:**

Not required.

**Comment:**

The appointment of delegates will ensure a smooth transition of representation on the various organisational bodies within the district and region that Council interacts with. Council is required to consider the appointment of a Delegate and a Deputy to the SEDPC.

**Voting Requirements:**

**ABSOLUTE MAJORITY**

**SD084/03/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

Moved Cr Kirkpatrick, seconded Cr Price

That:

1. In accordance with Section 5.10 of the Local Government Act 1995, Council appoints Cr Geurds as Delegate to the South East District Planning Committee.
2. In accordance with Section 5.10 of the Local Government Act 1995, Council appoints Cr Murphy as Deputy to the South East District Planning Committee.

**CARRIED 10/0**

SD086/03/09 PROPOSED LOGGING OF THE MUNDLIMUP COUP (R0268)		
Proponent:		In Brief  Request for a re-evaluation of the proposed logging of the Mundlimup Coup.
Owner:		
Officer:	Councillor Sheila Twine	
Signatures Author:		
Senior Officer:		
Date of Report	4 March 2009	
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	<b>Council</b>	

### **Background**

At Policy Forum held on 3 March 2009, the Forest Products Commission (FPC) presented its proposal to log the Mundlimup Coup (Coup) in the near future. Affected residents in the immediate vicinity were also in attendance and raised a number of concerns.

***A copy of the correspondence from Forest Products Commission and a location map are with the attachments marked SD086.1/03/09.***

### **Comment**

The Heritage listed township of Jarrahdale is attempting to increase its tourism potential with 'Brand Jarrahdale' by establishing a Jarrahdale Discovery Forest and the development of the Jarrahdale Heritage Park and its associated educational and recreational opportunities. The Coup involves three well established walk trails, (the Wetlands Eco Experience trail which has a wheel chair path, Balmoral Trail Network and and the Mundlimup Timber Trail). These trails are all located on Department of Environment and Conservation (DEC) land and have been cleared or initially established by CALM, now known as DEC. The Munda Bididi Cycle Trail also traverses the Coup area. The collateral damage associated with using tree harvesters, making their way through the forest is of great concern.

Jarrahdale has also been affected by other detrimental elements to tourism. These include bauxite mining followed by clear felling of large areas of forest with the additional impact of haul roads and subsequent rehabilitation (including pine trees, Eastern States trees and modern local seedings). The Wungong Thinning Trials for catchment enhancement to the Wungong Dam are ongoing and poisoning of trees along the Blue Rock walk trail network, the Munda Bididi Cycle Trail and also along the North Eastern section of Jarrahdale Road has occurred. Gooralong Park has also been closed for a number of years and consequently does not provide any benefit to the tourism industry.

The proposed FPC logging operation at the Coup is close to the Jarrahdale Townsite and will have an impact on the Jarrahdale recreation and tourism industry currently and into the future.

The level of consultation undertaken to address local Jarrahdale community aspirations by the FPC, DEC, Alcoa, and the Water Corporation is deemed unsatisfactory. Greater consideration for the protection of current and future recreation, tourism, conservation, and educational value in our local multiple use forest areas surrounding Jarrahdale is paramount in terms of the town's future. A formalised buffer is considered appropriate to reduce some of the anticipated impact on Jarrahdale.

**Officer Recommended Resolution:**

That:

1. Council writes to the Minister for the Environment to request a re-evaluation of the proposed harvesting operation of the Mundlimup Coup to include a formalised buffer around Jarrahdale and requests.
2. Copies of the letter be forwarded to the Forest Products Commission, Department of Environment and Conservation, Alcoa and the Water Corporation.

**Councillor Recommended Resolution:**

That:

1. Council writes to the Minister for the Environment and Minister for Forestry to request a re-evaluation of the proposed harvesting operation of the Mundlimup Coup to include a formalised buffer around Jarrahdale and requests.
2. Copies of the letter be forwarded to the Forest Products Commission, Department of Environment and Conservation, Alcoa and the Water Corporation.
3. The Minister for Forestry be invited to address the Council on this matter.

Committee Note: The Officers Recommendation was amended by adding the words “and Minister for Forestry” to Condition 1 and inserting a new Condition 3.

**SUPPLEMENTARY INFORMATION**

***A copy of a graphic display of the impact of these activities provided by the community is with the attachments marked SD086.2/03/09.***

**SD086/03/09 COUNCIL DECISION/New Motion:**

**Moved Cr Twine, seconded Cr Randall**

**That:**

1. **Council writes to the Minister for the Environment and Minister for Forestry to request a re-evaluation of the proposed harvesting operation of the Mundlimup Coup to include a formalised buffer around Jarrahdale.**
2. **Copies of the letter be forwarded to the Forest Products Commission, Department of Environment and Conservation, Alcoa and the Water Corporation.**
3. **The Minister for Forestry be invited to address the Council on this matter and the matter of the Wungong Catchment thinning program.**
4. **Council writes to the Minister for Environment, Minister for Forestry, Minister for Water and Minister for Emergency Services to express its concern at the thinning trial in the Wungong Catchment where thousands of trees are being poisoned and left standing dead and creating a fire hazard in the Scarp near the town of Jarrahdale.**

**CARRIED 9/1**

**Cr Kirkpatrick voted against the motion**

**Council Note: The Councillor Recommended Resolution was changed with an addition to part 3 and a new part 4.**

Cr Needham declared a financial interest in item CGAM074/03/09 and left the meeting at 7.57pm.

Cr Price assumed the role of Presiding Member.

CGAM074/03/09		REVIEW OF FARMLAND RATE CATEGORY CRITERIA (A1075)
Proponent:	Shire of Serpentine Jarrahdale	In Brief  To review the Farmland rate category criteria in line with Council's strategic goals.
Owner:	Not Applicable	
Officer:	Casey Mihovilovich - Manager Finance Services	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	20 February 2009	
Previously	C128/05/02	
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	
<b>Delegation</b>	<b>Council</b>	

### **Background**

The current Farmland rate category provides for a 31% reduction on the rural rate in the dollar if the following criteria are met;

1. The property must be zoned rural (except those properties previously zoned Rural prior to the Urban Development zone adopted in 2000);
2. Minimum property size greater than 10 acres or 4.047 hectares;
3. The business should provide a declaration that they are currently eligible for and currently claiming primary production on their Australian Taxation Office return for this property;
4. The rural pursuit must be one of the following – grazing, agistment, dairying, aquaculture, viticulture, horticulture (food producing), fruit growing, or crop growing;
5. The applicant ordinarily resides on the property or is farming it in association with a home property; and
6. Where the applicant is a tenant of the property and liable to pay the rates on the property a copy of their lease that states they are required to pay Council rates will need to be provided (the application is also required to comply with parts 1-4 of the criteria).

The above criteria were adopted by Council on the 27 May 2002 and effective from 1 July 2002.

In April 2008 an application form was sent out to all properties that met the first two criteria and who were rated on either the farmland or rural rate category. Applications were assessed according to the criteria adopted by Council, resulting in some farmland rated properties no longer being eligible for the rate reduction.

***A copy of the Farmland Concession Application for 2008/09 is with attachments marked [CGAM074.1/03/09 \(E08/900\)](#).***

***A copy of an objection letter sent to Councillors from a land owner in relation to the ordinarily reside criteria is with attachments marked [CGAM074.2/03/09 \(IN09/2375\)](#).***

### **Comment**



Below is a summary of the results of the review conducted in April 2008;

<b>FARMLAND RATE CATEGORY SUMMARY</b>	
# of properties on Farmland rating category before review	281
# of properties failed to meet 'ordinarily reside on property' criteria	16
# of properties who did not respond**	53
# of properties who failed to meet criteria other than 'ordinarily reside' criteria	11
Total properties on the farmland rate category that remain eligible	201
# of properties who were rated rural and were moved to the Farmland rate category after meeting all criteria	55
# of properties who were rated rural responded, however did not satisfy all conditions	11
# of properties who were sent application forms as they met the first 2 criteria's, however did not respond	611
Total properties on the farmland rate category as at 1 July 2008	256

**\*\* It is assumed that of the properties that did not respond, they did not meet one of the criteria and therefore did not submit an application. Shire officers cannot make an assumption on what criteria they did not meet**

Whilst conducting the review, feedback was received from property owners who did not meet the criteria of;

*The applicant ordinarily resides on the property or is farming it in association with a home property.*

Based on the information from the Australian Taxation Office (ATO) Serpentine Jarrahdale Shire defines "ordinarily resides" as being your ordinary place of residence. The Shorter Oxford Dictionary defines reside as: '...to dwell permanently, or for a considerable time, to have one's settled or usual abode, to live in a particular place...'

The Shire officers accepted applications if Shire records showed the postal address as matching the property on which the application is being made. The following proof of residence was also accepted;

- Where it states home address on your tax return
- Copy of utility expense where your mailing address is the respective property
- Confirmation from the Australian Electoral Commission
- Letter from your Accountant, stating you ordinarily reside at the respective property (the property address must be mentioned)
- If in the case, a company owns the property, a director must reside at the property

The general intention of the concession was to maintain genuine farming interests in the district and to provide a rate relief to those property owners who live off their land. This rate category maintains the rural character of the area in line with Council's strategic goals and vision.

As a result of our review there was feedback from one property owner to add Silviculture to criteria 4, which outlines the types of rural pursuits that are eligible for this rate category. According to the Institute of Foresters of Australia Silviculture is the "art and science of controlling the establishment, growth, composition and quality, health, protection and utilization of stands of trees or forests to meet the diverse needs and values of forest owners and society on a sustainable basis. Silvicultural practice embodies a range of treatments to maintain and enhance the utility of the forest for any defined management purpose".

This review of the criteria will allow Shire officers to implement the decision made by Council in the 2009/2010 financial year.

### **Sustainability Statement**

**Economic Viability:** Based on the officers recommendation there will be no change in the revenue base. However if Council wish to change the criteria there will be a future cost to Council through decreased revenue. If there is no change to service levels, all other rate category codes will need to increase their rate in the dollar (that is, an increase in rates) to fund the additional properties that fall into the farmland rate category code as a result of the change in criteria.

**Social – Quality of Life:** The officers recommended resolution will retain equity in terms of rates as it is recommended that there is no change in the criteria. If Council wishes to modify the criteria there will not be an equitable cost structure to residents in terms of rates, as Council will have to collect additional rate revenue from other rate categories to fund the gap created from moving properties to the farmland rate category.

### **Statutory Environment:**

Section 6.33 – Differential general rates, of the Local Government Act 1995 states that;

(1) A local government may impose differential general rates according to any, or a combination, of the following characteristics —

- (a) the purpose for which the land is zoned under a local planning scheme in force under the *Planning and Development Act 2005*;
- (b) the predominant purpose for which the land is held or used as determined by the local government;
- (c) whether or not the land is vacant land; or
- (d) any other characteristic or combination of characteristics prescribed.

### **Policy/Work Procedure Implications:**

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

### **Financial Implications:**

There are no financial implications to Council related to this application/issue if Council adopts the officers recommendation.

There will be financial implications for the 2009/10 financial year if Council modified the criteria. For example;

If Council deleted the ‘ordinarily reside’ criteria it is estimated that the loss in revenue would be \$42,631. Council would have to increase all other rate category codes to fund this shortfall, which based on the 2008/09 budget review would be a 0.55% rate increase. The financial implications are based on the following; \$1,528 (average rates raised per property on rural rate category) multiply 90 (the estimated properties that would be changed over based on deleting this criteria), and multiply 31% (the loss of rates revenue raised between rural and farmland rate categories).

### **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:

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

### **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.

### **4. Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

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

### **Community Consultation:**

Required: No

### **Conclusion**

It is recommended that Council resolve to leave the current criteria unchanged, however the following minor amendments to the criteria occur;

1. Criteria 4, to include silviculture in the types of rural pursuits eligible for the farmland rate category.
2. Criteria 5, to add “within the Serpentine Jarrahdale Shire” after “home property”.

### **Voting Requirements:**

**SIMPLE MAJORITY**

### **Committee/Officer Recommended Resolution:**

**Moved Cr Harris, seconded Cr Murphy**

**Council adopts the Farmland rate category, being 31 percent less than the rural rate in the dollar, will apply to properties that meet ALL of the following criteria;**

- 1. The property must be zoned Rural (except those properties previously zoned Rural prior to the Urban Development zone adopted in 2000);**
- 2. Minimum property size greater than 10 acres or 4.047 hectares;**
- 3. The business should provide a declaration that they are currently eligible for and currently claiming primary production on their Australian Taxation Office return for this property;**
- 4. The rural pursuit must be one of the following – grazing, agistment, dairying, aquaculture, viticulture, horticulture (food producing), silviculture, fruit growing, or crop growing;**
- 5. The applicant ordinarily resides on the property or is farming it in association with a home property within the Serpentine Jarrahdale Shire; and**
- 6. Where the applicant is a tenant of the property and liable to pay the rates on the property a copy of their lease that states they are required to pay Council rates will need to be provided (the application is also required to comply with parts 1- 4 of the criteria).**

**LOST 1/8**

**During debate Cr Geurds foreshadowed that he would move to defer this item if the motion under debate is defeated.**

**CGAM074/03/09 COUNCIL DECISION/New Motion:**

**Moved Cr Geurds, seconded Cr Kirkpatrick  
Item CGAM074/03/09 Review of Farmland Rate Category Criteria be deferred to the April Corporate Governance and Asset Management Committee meeting.**

**CARRIED 9/0**

**Cr Needham was not present and did not vote**

**Council Note: The Committee/Officer Recommended Resolution was changed by deferring the item for one month to allow further discussion.**

Cr Needham returned to the meeting at 8.16pm.

CGAM075/03/09		RESIGNATION OF A MEMBER FROM COMMITTEES (A1080)
Proponent:	Shire of Serpentine Jarrahdale	In Brief  To elect a Member and Deputies to both Armadale Health Services Community Advisory Council and Peel Trails Group (Pinjarra).
Owner:	Not Applicable	
Officer:	Alan Hart – Director Corporate Services	
Senior Officer:	Joanne Abbiss - Chief Executive Officer	
Date of Report	25 February 2009	
Previously	Not Applicable	
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	
<b>Delegation</b>	<b>Council</b>	

**Background**

Councillor Brown has tendered her resignation on Wednesday 21 January 2009 as a Member of the Armadale Health Services Community Advisory Council (CAC) and Peel Trails Group (Pinjarra). It is necessary for Council to elect a new Member and Deputies to this Committee.

**Sustainability Statement**

Not applicable

**Statutory Environment:**

Not applicable.

**Policy/Work Procedure Implications:**

Not applicable.

**Financial Implications:**

There are no financial implications to Council.

**Strategic Implications:**

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

**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.
4. Balance resource allocation to support sustainable outcomes.

*Objective 3: Compliance to necessary legislation*

Strategies:

3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

**Community Consultation:**

Not required.

**Comment:**

Membership to these advisory Committees are voluntary and are not formal Committees of Council. Members of the Committee are there to represent Council's views on issues that may affect the Shire. Any actions or decisions taken by the Committee must seek Council endorsement prior to the action or decision.

With regards to the Armadale Health Services CAC, Cr Twine has advised that she is happy to adopt the position of delegate to this Committee. In the event that this occurs, a new Deputy will need to be elected.

With regards to the Peel Trails Group (Pinjarra), Cr Murphy has advised that he is happy to adopt the position of delegate to this Committee. In the event that this occurs, a new Deputy will need to be elected. Cr Twine regularly attends these Committee meetings and has advised that she is not averse to becoming the Deputy.

**Voting Requirements:**

**SIMPLE MAJORITY**

**CGAM075/03/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Kirkpatrick, seconded Cr Harris**

**That:**

1. Council appoints Cr Twine as Delegate to the Armadale Health Services Community Advisory Council.
2. Council appoints Cr Brown as Deputy to the Armadale Health Services Community Advisory Council.
3. Council appoints Cr Murphy as Delegate to the Peel Trails Group.
4. Council appoints Cr Twine as Deputy to the Peel Trails Group.

**CARRIED 10/0**

CGAM076/03/09 SUBMISSION – INQUIRY INTO MUNICIPAL WASTE MANAGEMENT IN WESTERN AUSTRALIA (A0283)		
Proponent:	Shire of Serpentine Jarrahdale	In Brief  Endorse the Shire of Serpentine Jarrahdale's support for the Rivers Regional Council Submissions for the Inquiry into Municipal Waste Management in Western Australia by the Parliamentary Standing Committee on Environmental and Public Affairs.
Owner:	Shire of Serpentine Jarrahdale	
Officer:	Richard Gorbunow - Director Engineering	
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	24 February 2009	
Previously	Not Applicable	
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	
<b>Delegation</b>	<b>Council</b>	

### **Background**

Owing to the brief period of time allowed for the preparation of submissions prior to the closing date of 13 February 2009, there has been no opportunity for the elected members of either the Rivers Regional Council (RRC) or its seven members of local governments to review, approve or endorse this submission. This submission, therefore, can only represent the views of officers.

The RRC and its members have written to the Minister requesting an extension of time for submission, however, to date no extension has been granted. Due to time constraints a workshop was conducted in January with the Technical Advisory Committee and comments from the officers have been formulated and forwarded to Standing Committee.

***A copy of the submission and related correspondence are with attachments marked [CGAM076.1/03/09 \(E09/1315\)](#).***

### **Sustainability Statement**

***Effect on Environment:*** Recycling of waste to reduce emissions of greenhouse gases.

***Resource Implications:*** To process the Municipal Waste stream into compost and other soil conditioning products is an efficient use of resources.

***Use of Local, renewable or recycled Resources:*** A recovery facility will accept, sort, process and market dry recyclables from the Shire's residents and will market the finished product back to all consumers.

***Economic Viability:*** There is potential to generate energy from gas generated by anaerobic digestion of household organic waste.

#### ***Economic Benefits:***

- Household waste transformed into valuable and useful products; and
- Diversion of waste from traditional landfill to more sustainable waste management practices.

***Social – Quality of Life:*** Reducing the potential for problems associated with contamination through waste going to a dedicated resource recovery facility.

***Social and Environmental Responsibility:*** By developing and maintaining an environment that complies with relevant statutes and standards.

***Social Diversity:*** The overall impact on amenity- visual appearances and the risk of failures resulting in odour or noise impacts.

**Statutory Environment:** Waste Authority under the Waste Avoidance and Resource Recovery Act 2007  
Local Government Act 1995  
Health Act 1911  
Environmental Protection Act 1986

**Policy/Work Procedure Implications:** There are no current policies relating directly to waste management within the Serpentine Jarrahdale Shire the policy and broad framework for decision making is constituted by Rivers Regional Council.

**Financial Implications:** There are no financial implications for the Shire. If there are no significant changes in State Government Policy should there be a change, the funds invested in the development of a resource recovery facility will need to be recouped from Members Councils.

**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. Develop good services for health and well being.

**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. Reduce green house gas emissions.
4. Value, protect and develop biodiversity.

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

Strategies:

1. Implement known best practice sustainable natural resource management.
2. Respond to Greenhouse and Climate change.
3. Reduce waste and improve recycling processes

**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 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:**

Not required.

**Comments**

The information gathered in this report will assist the Legislative Council understanding the waste management practice and methods in WA, and in particular;

1. The function, effectiveness and efficiency of rural and Metropolitan Regional Council with respect to the management of waste; and
2. The role of the Waste Authority Under the Waste Avoidance and Resource Recovery Act 2007 in municipal waste management.

The officers that participated in the workshop in January agreed that each Member Council should support the RRC submission and advise the Standing Committee that the timeframe did not allow the Elected Members of the respective Councils the opportunity to endorse the submission. The report will be presented individually to Member Councils in March 2009, to endorse the officer's action and should there be any issues raised by the Council they would be forwarded to the Hon Sheila Mills MLC the Chair of Standing Committee.

The same applied for the RRC; they adopted the officer recommendation at the Ordinary Council Meeting on 19 February 2009. The RRC resolved to endorse the submission dated 13 February 2009 to Legislative Council – Standing Committee on Environment and Public Affairs.

**Voting Requirements:**

**SIMPLE MAJORITY**

**CGAM076/03/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Murphy, seconded Cr Harris**

**Council receives the report on the Inquiry into Municipal Waste Management in Western Australia and endorses the submission dated 13 February 2009 to the Legislative Council - Standing Committee on Environment and Public Affairs as included in the attachment marked CGAM076.1/03/09 (E09/1315).**

**CARRIED 10/0**



CGAM077/03/09		PERMIT VEHICLE USE ON JARRAHDAL ROAD, JARRAHDAL (A0512-03)
Proponent:	Forest Products Commission	In Brief  An application has been made by the Forest Products Commission for Council consent to use multi combination vehicles to cart approximately 10,000 tonnes of harvested timber product from the Wungong Catchment via Jarrahdale Road (from Chandler Road east to Albany Highway). It is recommended that the application be refused.
Owner:	Not Applicable	
Officer:	Richard Gorbunow – Director Engineering	
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	23 February 2009	
Previously	Not Applicable	
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	
<b>Delegation</b>	<b>Council</b>	

### **Background**

The Forest Products Commission (FPC) has been conducting thinning trials in the Wungong Catchment since December 2008.

The FPC has submitted an application to use multi combination vehicles (road trains) to cart approximately 10,000 tonnes of harvested timber from the Wungong Catchment along Jarrahdale Road (from Chandler Road east to Albany Highway) using combination long vehicles.

FPC advises the contractor involved will be Palcon Group, and a list of the trucks and trailers to be used including registration numbers will be provided.

In order to reduce large truck movements and to contain the amount of fuel used in the transport processes, FPC has requested permission to operate 27.5 metre truck-trailer combination (road train) up to 27.5 metres in length for this haulage operation. Due to the mass and length of the truck and trailer combinations, FPC requires a permit to operate these vehicles on Jarrahdale Road.

***A copy of the application and a map of the proposed route is attached marked [CGAM077.1/03/09 \(IN08/15198\)](#).***

### **Sustainability Statement**

***Effect on Environment:*** The use of larger combination vehicles reduces the number of truck movements on a road resulting in reduced congestion and reduced fuel use per unit of transported material. However, this also has an impact on road surfaces, especially gravel roads, which are already in poor condition. The movement of large vehicles has the potential to generate dust impacts on neighbouring properties.

***Resource Implications:*** The use of truck combinations reduces the burning of fossil fuels by increasing the efficiency of material haulage per unit of material.

***Social – Quality of Life:*** The use of larger combination vehicles reduces the total number of trucks on the road, reducing congestion and truck noise and reducing the frequency aspect of truck conflict risk. However, the dust which may be generated on gravel roads by these movements is a potential nuisance to local residents and other traffic on these roads.

**Statutory Environment:**

The operation of permit vehicles is controlled by Main Roads Western Australia (MRWA) on the basis of recommendations provided by Council. Road Traffic Act WA, Road Traffic Act Vehicle Standards regulations, MRWA – Concessional Loading Scheme requirements.

**Policy/Work Procedure Implications:**

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

**Financial Implications:**

The increased gross combination mass of road trains will result in an increase in road maintenance requirements.

**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:

6. Ensure a safe and secure community.

Council's Strategic Objective is to provide and maintain a safe road network and facilitate effective movement of traffic, cyclists, and pedestrian road users on Shire roads.

**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.

*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:**

There has been no community consultation for this proposal.

**Comment:**

The FPC requires permission to utilise the above road for heavy or combination vehicles. The use of the road by normal articulated trucks is a potential alternative and while it will result in additional traffic movements, the damage to the road's surface may be better controlled. Using combination vehicles has the potential to cause additional damage to road surfaces including verges, especially where there are horizontal curves along the road.

The applicant has indicated a time frame for the works to be commenced in December 2008 and to complete in April 2009 *with a possible extension*. They propose up to five road train loads per day will be required to conduct the harvesting activities.

It is recommended that Council refuse permission for the use of road trains along Jarrahdale Road for safety reasons and to protect the road surfaces from degradation.

**Voting Requirements:                      SIMPLE MAJORITY**

**CGAM077/03/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Kirkpatrick, seconded Cr Buttfield**

- 1. Council does not endorse the use of oversize vehicles (Road Trains up to 27.5m in length) by the Forest Products Commission or its contractors to cart harvested timber from the Wungong Catchment in any form on Jarrahdale Road, Jarrahdale.**
- 2. Main Roads Western Australia and the Department of Environment and Conservation are to be advised in writing of the Council's decision to refuse the use of oversize vehicles (Road Trains up to 27.5m in length) by the applicant.**

**CARRIED 10/0**

CGAM078/03/09		DRAFT DEED OF AMENDMENT – SHIRE OF WAROONA (A0283)	
Proponent:	Rivers Regional Council	In Brief  The Draft Deed of Amendment deals with the admission of Shire of Waroona to the Rivers Regional Council.	
Owner:	Member Councils		
Officer:	Richard Gorbunow - Director Engineering		
Senior Officer:	Joanne Abbiss – Chief Executive Officer		
Date of Report	24 February 2009		
Previously	Not Applicable		
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		
<b>Delegation</b>	<b>Council</b>		

**Background**

In June 2008, the Minister for Local Government signed the third Establishment Agreement and Deed of Amendment, which dealt with the admission of the Serpentine Jarrahdale Shire, Shire of Murray and City of Mandurah to the Rivers Regional Council RRC).

At the Shire of Waroona Ordinary Council Meeting in November 2008 Council resolved; “That the Shire of Waroona resolves to join Rivers Regional Council as a member, subject to a suitable agreement being signed”.

At the RRC meeting held on 19 February 2009 Council resolved; “That the Draft Deed of Amendment that follows, dealing with the admission of the Shire of Waroona to the Rivers Regional Council is forwarded to member Council for adoption”.

The attached draft deed deals with admitting Waroona Shire to the Rivers Regional Council.

**A copy of the Draft Deed is with attachments marked [CGAM078.1/03/09 \(E09/1324\)](#).**

## **Sustainability Statement**

**Effect on Environment:** Recycling of waste to reduce emissions of greenhouse gases.

**Resource Implications:** To process the Municipal Waste stream into compost and other soil conditioning products is an efficient use of resources.

**Use of Local, renewable or recycled Resources:** A recovery facility will accept, sort, process and market dry recyclables from the Shire's residents and will market the finished product back to all consumers.

**Economic Viability:** There is potential to generate energy from gas generated by anaerobic digestion of household organic waste.

### **Economic Benefits:**

- Household waste transformed into valuable and useful products; and
- Diversion of waste from traditional landfill to more sustainable waste management practices.

**Social – Quality of Life:** Reducing the potential for problems associated with contamination through waste going to a dedicated resource recovery facility.

**Social and Environmental Responsibility:** By developing and maintaining an environment that complies with relevant statutes and standards.

### **Statutory Environment:**

Waste Authority under the Waste Avoidance and Resource Recovery Act 2007  
Local Government Act 1995  
Health Act 1911  
Environmental Protection Act 1986

### **Policy/Work Procedure Implications:**

There are no current policies relating directly to Waste Management within the Serpentine Jarrahdale Shire. The policy and broad framework for decision making is constituted by RRC.

### **Financial Implications:**

There are no financial implications for the Shire.

### **Strategic Implications:**

Inclusion of an additional member Council to the RRC will improve the management of waste within the region.

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. Develop good services for health and well being.

#### **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. Reduce green house gas emissions.
4. Value, protect and develop biodiversity.

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

Strategies:

1. Implement known best practice sustainable natural resource management.
2. Respond to Greenhouse and Climate change.
3. Reduce waste and improve recycling processes.

**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 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:**

Not required.

**Comments**

Each member Council needs to consider the Draft Deed of Agreement and if resolved admit the Shire of Waroona on the terms and conditions of the existing Establishment Agreement. If all six member Councils agree, the Draft Deed of Amendment will then be forwarded to Shire of Waroona for endorsement.

The Shire of Waroona has been actively involved with the RRC and has participated in the workshops and attended RRC Meetings.

**Voting Requirements:**

**ABSOLUTE MAJORITY**

**CGAM078/03/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Harris, seconded Cr Kirkpatrick**

**That:**

- 1. Council agrees to the admission of the Shire of Waroona as a participant of the Rivers Regional Council on the terms and conditions of the existing Establishment Agreement.**
- 2. Council authorises the Shire President and Chief Executive Officer to enter into a deed to this effect.**

**CARRIED 10/0**

Cr Needham declared an interest of impartiality in item CGAM079/03/09 as the person taking out the licence is a neighbour and acquaintance. Cr Needham advised that this will not affect the way in which she votes on this matter.

CGAM079/03/09		PROPOSED USE OF RESERVE 16099, LOTS 66 AND 1446 KEYSBROOK FOR STOCK GRAZING (RS0001)
Proponent:	Peter Butler	In Brief  For Council to approve a licence to Mr Peter Butler to use Reserve 16099 in Keysbrook for the purpose of stock grazing for a period of 1 year.
Owner:	Serpentine Jarrahdale Shire	
Officer:	Louisa Loder – Personal Assistant to the Director Corporate Services	
Senior Officer:	Alan Hart – Director Corporate Services	
Date of Report	3 February 2009	
Previously	Not Applicable	
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	
<b>Delegation</b>	<b>Council</b>	

### **Background**

The applicant has previously been issued a depasturing licence for this property. The current licensee has held the licence since 1991. The licensee wishes to renew the licence for Reserve 16099, Lots 66 and 1446 Keysbrook.

***A copy of the draft licence agreement is with attachments marked [CGAM079.1/03/09 \(E09/1418\)](#).***

### **Sustainability Statement**

***Biodiversity:*** The proposed licence agreement sets the minimum standard in relation to maintenance of the general area. Rehabilitation of the landscape, including protection of indigenous flora and fauna will form part of the standards that are set by the proposed licence.

***Economic Viability:*** The roles and responsibilities outlined in the draft license agreement will value add to the ongoing maintenance of the license area. The maintenance work will be undertaken by the licensee, therefore minimizing Councils input into the maintenance of the license area.

**Statutory Environment:** Section 3.58 of the Local Government Act 1995

**Policy/Work Procedure Implications:** There are no work procedures/policy implications directly related to this issue.

**Financial Implications:** There is an annual licence fee payable by the licensee for the use of the property. All costs in relation to the preparation of the licence will be paid by the licensee.

**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:**

4. Respect diversity within the community.

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:

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

**3. Economic**

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

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

Strategies

3. Develop specific partnerships to effectively use and leverage additional resources.

*Objective 3: Compliance to necessary legislation*

Strategies:

3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

**Community Consultation:**

There is no need to undertake community consultation as the period of the proposed licence is less than 2 years, and as such the advertising requirements outlined in Section 3.58 of the Local Government Act do not apply.

**Comment:**

Mr Butler has been leasing this property since 1991 for the purposes of stock grazing. The licence area supports this type of activity and there are no immediate plans to develop this reserve. The depasturing licence minimises the Shire's costs in relation to the maintenance of this reserve as all ongoing maintenance is undertaken by the licensee.

The Department for Planning and Infrastructure have given their in principle support for this licence.

It is therefore recommended that Council endorse the licence and authorise the Chief Executive Officer and Shire President to sign the document.

**Voting Requirements:**                      **ABSOLUTE MAJORITY**

**Committee/Officer Recommended Resolution:**

That:

1. Council endorses the licence agreement between Shire of Serpentine Jarrahdale and Peter Butler for the use of Reserve 16099 for the purpose of depasturing for a period of one year.
2. The licence fee for the property is to be set at \$1,100.00 per annum.
3. Council authorises the Shire President and Chief Executive Officer to sign the lease agreement.

Cr Brown left the meeting at 8.24pm and did not return.

**CGAM079/03/09 COUNCIL DECISION/New Motion:**

**Moved Cr Randall, seconded Cr Kirkpatrick**

**That:**

- 1. Council endorses the licence agreement between Shire of Serpentine Jarrahdale and Peter Butler for the use of Reserve 16099 for the purpose of depasturing for a period of one year.**
- 2. The licence fee for the property is to be set at \$1,100.00 per annum.**
- 3. Council authorises the Shire President and Chief Executive Officer to sign the lease agreement.**
- 4. Council requires the Chief Executive Officer to write to the licensee requesting that he protect the single paddock trees, especially the Christmas, Marri and Jarrah from being damaged by stock as per Section 6(e) of the licence.**

**CARRIED 9/0**

**Council note: The Committee/Officer Recommended Resolution was changed with the addition of part 4.**

Cr Geurds declared an interest of impartiality in item CGAM080/03/09 and left the meeting at 8.25pm.

CGAM080/03/09		SALE OF LOT 802 KARBRO DRIVE, CARDUP (S137076)
Proponent:	Serpentine Jarrahdale Shire	In Brief  Council approval is sought to appoint a real estate agent to dispose of Lot 802 Karbro Drive. The disposal of this property was a key point in the 2008/09 budget.
Owner:	Not Applicable	
Officer:	Louisa Loder – Personal Assistant to the Director Corporate Services	
Senior Officer:	Alan Hart – Director Corporate Services	
Date of Report	25 February 2009	
Previously	Not Applicable	
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	
<b>Delegation</b>	<b>Council</b>	

**Background**

One of the funding sources for the 2008/09 budget was the disposal of Lot 802 Karbro Drive, Cardup. In October 2008, the Western Australian Planning Commission granted approval for the subdivision this property which enabled Council to retain part of the property which has the Cardup Hall on it. This building is currently used by the Cardup Christian Community Church.

Quotations have been sought from local Real Estate agents to dispose of the property.

***A copy of two quotations from local Real Estate agents are with the confidential attachments marked [CGAM080.1/03/09 \(IN09/2555\)](#) and [CGAM080.2/03/09 \(IN09/2541\)](#).***

**Sustainability Statement**

***Economic Benefits:*** The sale of the land is utilising Council assets and resources to fund outcomes in the annual budget.



**Statutory Environment:** Local Government Act 1995.

**Policy/Work Procedure Implications:** There are no work procedures/policy implications directly related to this application/issue.

**Financial Implications:** The sale of this property is budgeted in 2008/09 and forms an integral part of funding the outcomes of the budget.

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

**3. Economic**

*Objective 3: Effective management of Shire growth*

**Strategies:**

1. Enhance economic futures for Shire communities.

**Community Consultation:**

The Local Government Act requires that Local Governments dispose of properties by either auction or public tender.

**Comment:**

Market experts will testify that auction is a better method of disposal during periods of property growth where demand is high. Given the current economic climate, sale by public tender will give better opportunities to promote the property and allow potential purchasers to submit a considered purchase price. It must be noted that sale by tender also allows Council time to consider all tenders submitted and make a decision on the sale of the property without the pressure of having to make a decision on auction day.

The sale process needs to be an open process which is transparent to all stakeholders, it is therefore recommended not only to dispose of the properties by tender but a real estate agent be engaged to assist in the disposal process.

With the assistance of the successful real estate agent, a marketing campaign will be undertaken to ensure maximum exposure of the properties to potential purchasers.

**Voting Requirements:** ABSOLUTE MAJORITY

Cr Randall left the meeting at 8.25pm and returned at 8.26pm.

**CGAM080/03/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

Moved Cr Price, seconded Cr Harris

That:

1. Council disposes of Lot 802 Karbro Drive, Cardup by public tender.
2. Council appoints Byford Premier Realty as managing agents to dispose of the property.
3. Council obtains a current valuation on the property prior to advertising the tender for the sale of the property.

**CARRIED 8/0**

**Cr Geurds was not present and did not vote.**

CGAM082/03/09		REQUEST BE MADE TO RIVERS REGIONAL COUNCIL TO ADD AN ITEM ON THEIR AGENDA FOR DISCUSSION (A0283)
Proponent:		In Brief  Council requests the Rivers Regional Council include an item on their meeting agenda relating to the disposal of pollutants in the waste stream.
Owner:		
Officer:	Councillor John Kirkpatrick	
Signatures Author:		
Senior Officer:		
Date of Report	17 March 2009	
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	
<b>Delegation</b>	<b>Council</b>	

**CGAM082/03/09 COUNCIL DECISION/Councillor Recommended Resolution:**

**Moved Cr Kirkpatrick, seconded Cr Murphy**

That Council writes to the Rivers Regional Council with regards to the disposal of pollutants eg dry cell batteries, automotive batteries, car and truck tyres, used oil, pesticides, herbicides, electronic waste, compact light globes, and paint etc in the waste stream and request that the matter be placed on the meeting agenda for the Rivers Regional Council.

**CARRIED 8/0**

**8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

OCM021/03/09		LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN 2008 (A1212)
Proponent:	Department of Local Government and Regional Development	In Brief  To adopt the information to be provided in the 2008 Annual Compliance return to be forwarded to the Department of Local Government and Regional Development.
Officer:	Alan Hart – Director Corporate Services	
Signatures Author:		
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	19 March 2009	
Previously	OCM028/03/08	
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	
<b>Delegation</b>	<b>Council</b>	

**Background**

Each year the Department of Local Government and Regional Development forward an Annual Compliance Return to local governments for completion. The aim of the Compliance Audit Return is to highlight any issues of non-compliance by the Council.

A consultant was appointed to assist in its completion, to ensure an independent audit was obtained on all the compliance areas of the return.

## **Sustainability Statement**

Not applicable.

### **Statutory Environment:**

In accordance with Section 7.13 (i) of the Local Government Act 1995 and Regulations 13, 14 and 15 of the Local Government (Audit) Regulations 1996 a Local Government is to carry out a compliance audit for the period ended 1 January to 31 December in each year. After carrying out the compliance audit the Local Government is to prepare a compliance audit return in a form approved by the Minister.

A compliance return is to be:

1. Presented to the Council at a meeting of the Council,
2. Adopted by the Council, and
3. Recorded in the minutes of the meeting which it is adopted.

After the compliance return has been presented to Council it is to be submitted to the Executive Director of the Department of Local Government and Regional Development by 31 March next following the period to which the return relates.

### **Policy/Work Procedure Implications:**

There is no work procedure/policy implications directly related to this issue. However, the policies and procedures do assist in ensuring compliance with the requirements of the Act and Regulations.

### **Financial Implications:**

Not applicable

### **Strategic Implications:**

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

#### **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 3: Compliance to necessary legislation*

##### **Strategies:**

3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

### **Community Consultation:**

Community consultation not required.

### **Comment:**

The Return this year focuses on;

- a) Local Laws,
- b) Executive Functions
- c) Tenders for Providing Goods or Services,

- d) Commercial Enterprises by Local Governments,
- e) Meeting Processes,
- f) Delegation of Power/Duty
- g) Disclosure of Interest
- h) Finance
- i) Elections,
- j) Local Government Employee's,
- k) Local Government Grants Commission, Miscellaneous Provisions and Disposal of Property,
- l) Swimming Pools, Cemeteries and caravan parks, camping grounds.

***The completed Compliance Audit Return is with the attachments marked OCM021.1/03/09.***

The Chief Executive Officer and Shire President are required to jointly certify the completed Return, confirming that it has been completed to the best of the Local Government's knowledge, that the Return was considered by Council prior to completion and that each Councillor has had the opportunity to review the Return. Council engaged an independent Consultant to review the return and has completed the investigative work for the majority of the Compliance Audit Return, with Officers completing the Return. There were no significant areas of non compliance found. Any comments regarding areas for improvement are noted in the compliance return.

Research to complete this Return included reviewing the minutes of all Ordinary meetings for 2008, the tender register, the annual report and annual financial statements, the adoption of the annual budget and related correspondence, the disclosure of interest register, senior employee personnel files and contracts, the delegated authority register and Council's general records.

The following areas for improvement were identified by the Consultant during the investigative phase of the Compliance Audit review process:

<b>Area</b>	<b>Action Required</b>
Caravan Parks and Camping Grounds inspections	Non Compliance with legislation. Inspection must occur annually.
Delegation of Powers/Duty in relation to Committees of Council and Annual Returns	Recommended for review to ensure that delegations are appropriate. Clarity required for 'senior employees', 'relevant persons' and 'designated employees'.
Council Agendas and Minutes	It is recommended that the minute book only contain the minutes of meetings, not the agenda and minutes. This is to avoid duplication only.
Gifts Register	It is recommended that the policy in relation to gifts be reviewed to include 'notifiable gifts' and Council's Code of Conduct updated to reflect new regulations.
Tenders for Providing Goods and Services	That tender procedures be reviewed to ensure the register is updated once the tender is awarded.
Local Laws	All Local Laws that have not been reviewed in the last eight years must be.
Finance	Credit card procedures to be updated to reflect new best practice

There were no issues in relation to serious breaches of the Local Government Act and in many cases more was being done than is required reflective of an 'overly cautious' approach.

In order to ensure best practice and full compliance with the Local Government Act, the report will be forwarded to the relevant officers requesting they provide action plans to rectify the areas of non compliance.

**Voting Requirements:** Simple Majority

**OCM021/03/09 COUNCIL DECISION/Officer Recommended Resolution:**

Moved Cr Price, seconded Cr Twine

1. Council adopts the completed Local Government Compliance Audit Return for the period 1 January 2008 to 31 December 2008 and the President and Chief Executive Officer be authorised to sign the joint certification and return to the Director General as required.
2. Council notes the non-compliance matters and requests that the Chief Executive Officer ensure the areas of non compliance are addressed.

**CARRIED 8/0**

Cr Harris left the meeting at 8.28pm.

**9. CHIEF EXECUTIVE OFFICER'S REPORT**

OCM022/03/09		INFORMATION REPORT
Proponent	Joanne Abbiss - Chief Executive Officer	In Brief  Information Report.
Officer	Lisa Fletcher – Personal Assistant to the Chief Executive Officer	
Signatures - Author:		
Senior Officer:	Joanne Abbiss - Chief Executive Officer	
Date of Report	12 March 2009	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

OCM022.1/03/09 COMMON SEAL REGISTER REPORT – FEBRUARY 2009

***The Common Seal Register Report for the month of February 2009 as per Council Policy CSP30 - Use of Shire of Serpentine Jarrahdale Common Seal is with the attachments marked OCM022.1/03/09.***

OCM022.2/03/09 POLICY FORUM – 3 MARCH 2009

The following items were discussed at the 3 March 2009 Policy Forum:

<b>Topic / Subject</b>
<b>Presentations</b>
Western Power terminal sub-station
The Glades Village Centre – Information regarding concepts
Proposed Harvesting Operation – Mundlimup Forest Block
<b>Strategic Planning</b>
Update on Strategic Plan
<b>Issues / Clearing House &amp; Report on Progress</b>
Ward Update
Report on progress of Council and Committee resolutions
Report on Councillor correspondence

<b>Topic / Subject</b>
Community infrastructure update
Update on Planning Reform
Declaration of Shire as a GM Free Zone

OCM022.3/03/09 MINUTES OF WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) SOUTH EAST METROPOLITAN ZONE SPECIAL MEETING – 25 FEBRUARY 2009 (A1164)

***In the attachments marked OCM022.3/03/09 (IN09/2406) is the minutes of the South East Metropolitan Zone Special Meeting held on 25 February 2009.***

OCM022.4/03/09 MINUTES OF WALGA PEEL ZONE SPECIAL MEETING – 26 FEBRUARY 2009 (A1164)

***In the attachments marked OCM022.4/03/09 (E09/1763) is the minutes of the Peel Zone Special Meeting held on 26 February 2009.***

OCM022.5/03/09 MINUTES OF SPECIAL MEETING OF WALGA STATE COUNCIL – 4 MARCH 2009 (A1164)

***In the attachments marked OCM022.5/03/09 (IN09/2679) is the minutes of the Special Meeting of the State Council held on 4 March 2009.***

OCM022.6/03/09 AGENDA OF WALGA SOUTH EAST METROPOLITAN ZONE MEETING – 25 MARCH 2009 (A1164)

***In the electronic attachments marked OCM022.6/03/09 (IN09/3231) is the agenda of the WALGA South East Metropolitan Zone Meeting to be held on 25 March 2009.***

OCM022.7/03/09 AGENDA OF WALGA PEEL ZONE MEETING – 26 MARCH 2009 (A1164)

***In the attachments marked OCM022.7/03/09 (IN09/3285) is the agenda of the WALGA Peel Zone Meeting to be held on 26 March 2009.***

OCM022.8/03/09 AGENDA OF MEETING OF WALGA STATE COUNCIL – 1 APRIL 2009 (A1164)

***In the electronic attachments marked OCM022.8/03/09 (IN09/3080) is the agenda for the WALGA State Council meeting to be held on 1 April 2009.***

**OCM022/03/09 COUNCIL DECISION/Officer Recommended Resolution:**

Moved Cr Price, seconded Cr Twine  
The Information Report to 20 March 2009 is received.  
**CARRIED 7/0**

Cr Harris and Cr Geurds returned to the meeting at 8.29pm.

**COUNCIL DECISION**

Moved Cr Price, seconded Cr Butfield that the meeting be closed to members of the public at 8.29pm to allow Council to discuss item SD087/03/09 as the matter concerns information of a confidential nature.  
**CARRIED 9/0**

Cr Kirkpatrick declared an interest of impartiality in item SD087/03/09 as he knows the proponent as he is a security guard at Alcoa. Cr Kirkpatrick advised that this will not affect the way in which he votes on this matter.

<b>SD087/03/09 CONFIDENTIAL ITEM - RECONSIDERATION OF PROPOSED PRIVATE RECREATION - PAINTBALL GAMING FACILITY - LOT 50 BOOMERANG ROAD, OLDBURY (P00285/01)</b>		
Proponent:	Aiden Hoey	In Brief  The applicant has appealed to the State Administrative Tribunal against the refusal issued by Council for the Paintball Gaming Facility on Lot 50 Boomerang Road, Oldbury. The Tribunal has invited Council to further consider the application.
Owner:	As Above	
Author:	Michael Daymond - Acting Coordinator Planning Services	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	16 February 2009	
Previously	SD042/10/08	
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	

**SD087/03/09 COUNCIL DECISION/New Motion:**

Moved Cr Murphy, seconded Cr Twine

A. That the application for approval to commence development of Private Recreation (Paintballing Facility) on Lot 50 Boomerang Road, Oldbury be approved subject to the following conditions:

**PLANNING**

1. Development shall be in accordance with the Approved Development Plans attached to and forming part of this approval. Major variations to the Approved Development Plan as determined by the Shire will require further planning approval to be obtained, however, minor variations may be approved if deemed necessary and in accordance with the objectives of the Scheme.
2. The proposed paintball field to be screened by vegetation on all sides to the satisfaction of the Shire.
3. All proposed structures and screen fencing are to be of non reflective material and in a colour of natural and earth tones to compliment the surroundings and to be maintained to a high standard to the satisfaction of the Shire. Perimeter fence around the paintball field shall be black chainwire mesh only.
4. The development area shall be kept in a neat and tidy condition at all times to the satisfaction of the Shire.
5. The use is limited to operation of the site between the times of 8:00 am to 6:00 pm only, Thursday to Monday inclusive.
6. A maximum of two (2) sessions are permitted to operate per day.
7. A maximum of 45 patrons are permitted to attend the facility at any time per session.
8. Twelve car parking bays and two bus parking bays are to be provided on site.
9. No alcohol or food is permitted to be served on site.
10. Paintballing activities shall be restricted to the fenced paintball field only.

**ENGINEERING**

11. Arrangements being made with the local government for the upgrading of Boomerang Road for a distance of 1.15 kilometres west of King Road at the full cost of the landowner, to the satisfaction of Council.
12. Stormwater being contained on-site, or connected to the local drainage system after passing through an appropriate water quality improvement treatment device.
13. The vehicle parking and access ways shall be designed, constructed and drained to a compacted gravel or similar material standard to the satisfaction of the Shire prior to the commencement of the development.
14. The crossover to Boomerang Road shall be designed and constructed to the specification and satisfaction of the Director Engineering.
15. Parking areas shall be designed and constructed to specification and satisfaction of the Director Engineering.

#### **ENVIRONMENTAL**

16. The two densely vegetated parts of the lot in the south western corner and south eastern corner are to be excluded at all times from the paintball activity area. Suitable signage advising patrons that entry to these areas is not permitted shall be erected.

#### **ENVIRONMENTAL HEALTH**

17. An adequate potable water supply is to be provided for drinking water and ablution facilities.
18. The facility is required to comply with the Health (Public Buildings) Regulations 1992.
19. A suitable onsite effluent disposal system is to be installed and approved by the Serpentine Jarrahdale Shire and the Department of Health prior to the commencement of use of the land for paintball gaming activities.
20. All on-site effluent disposal systems shall be set back a minimum distance of 100 metres from any streams, rivers or water courses (including non-perennial streams) and have a minimum 1.2 metre vertical separation from the groundwater table.
21. All wastewater being disposed of to the specification and requirements of the Shire and the Department of Health.

**B.** The State Administrative Tribunal be advised that if parking problems occur along Boomerang Road then pursuant to the powers granted to the Shire by the applicable Act, the Shire will prohibit vehicle parking within the Boomerang Road reserve (the roadway and the verges) in the section of Boomerang Road west of King Road to the point where the road turns sharply north. The Shire will erect the appropriate signage and its Rangers will enforce these provisions.

**C.** The State Administrative Tribunal be advised of Council's decision for the purpose of mediation.

#### **Advice Notes:**

1. The upgrading of Boomerang Road shall consist of grading the gravel base, a double coat seal and an asphalted intersection at crossover and grading. The upgrading shall be provided from the proposed vehicular access to Lot 50 through to the intersection of Boomerang Road and King Road to the satisfaction of the Director Engineering.



2. **Development shall be in accordance with the Paintball Corporate Licence and the Paintball Range Licence as issued by the Western Australian Police Service.**
3. **A building licence must be applied for and issued by the Shire before any work commences on the site. This is to detail any proposed structures, screen fencing, public amenities and public safety requirements.**
4. **A sign licence application including a plan or description of all signs for the proposed development shall be submitted and approved by the Shire prior to the erection of any signage on the site.**
5. **No indigenous vegetation and trees shall be destroyed or cleared except by the proponent obtaining the prior consent of the Council in writing, where such vegetation is dangerous or where the clearing is required to accommodate approved developments.**
6. **All activity at the site is to comply with the Environmental Protection (Noise) Regulations 1997.**

**CARRIED 8/1**

**Council Note: The Committee Recommended Resolution was changed by adding 'by vegetation' to condition 2, adding 'chainwire' to condition 3, adding 'the' to condition 4, adding 'of the site' to condition 5, rewording condition 8, adding 'installed and' to condition 19, adding a new part B and adding 'grading the gravel base, a double coat seal and an' to Advice Note 1.**

**During debate Cr Price foreshadowed that he would move an alternative recommendation with changes to conditions 9 and 11 if the motion under debate is defeated.**

The meeting was re-opened to the public at 9.02pm.

**10. URGENT BUSINESS:**

Nil

**11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:**

Nil

**12. CLOSURE:**

There being no further business, the meeting closed at 9.03pm.

I certify that these minutes were confirmed at the  
Ordinary Council Meeting held on 27 April 2009.

.....  
Presiding Member

.....  
Date

**13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:**

SD078/03/09 BUILDING INFORMATION REPORT		
Proponent:	N/A	In Brief  Information report
Owner:	N/A	
Officer:	Jason Robertson - Manager Building Services	
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	4 February 2009	
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	<b>Committee – in accordance with resolution CGAM064/02/08</b>	

**SD078/03/09 Committee Decision/Officer Recommended Resolution**

**That Council accept the January 2009 Building Information Report.  
CARRIED 7/0**

SD079/03/09 HEALTH & RANGER SERVICES INFORMATION REPORT		
Proponent:	N/A	In Brief  Information report
Owner:	N/A	
Officer:	Tony Turner – Manager Health & Ranger Services	
Signatures Author:		
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	25 February 2009	
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	<b>Committee – in accordance with resolution CGAM064/02/08</b>	

**SD079/03/09 Committee Decision/Officer Recommended Resolution**

**That Council accept the Health and Rangers Information Report.  
CARRIED 7/0**

SD085/03/09 PROPOSED ORCHARDING, RURAL USE AND INDUSTRY- RURAL - LOT 1 (494) KING ROAD, OLDBURY (P03565/01)		
Proponent:	Bioscience Pty Ltd	In Brief  Application for planning approval for Orchardng (fruit orchard), Rural Use (vegetable seedling nursery) and Industry-Rural (packing of primary products). It is recommended that the application be approved subject to conditions.
Owner:	Zaldeesh Pty Ltd	
Officer:	Helen Maruta - Planning Officer	
Signatures Author:		
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	16 February 2009	
Previously	Nil	
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	<b>Committee – in accordance with resolution CGAM064/02/08</b>	

**SD085/03/09 Committee Decision/Officer Recommended Resolution:**

The application for approval to commence development for the landuses of Orchardng, Rural Use (vegetable seedling nursery) and Industry-Rural (cleaning, packing and storage of produce), expansion of the existing shed, construction of a greenhouse and cut and fill on Lot 1 (494) King Road, Oldbury be approved subject to the following conditions:

1. The extent of development to be consistent with that shown on the approved plans attached to and forming part of this approval.
2. The proponent shall prepare and implement a Nutrient and Irrigation Management Plan (NIMP) to the satisfaction of the Shire on the advice of the Department of Environment and Conservation. prior to the commencement of development on the land.
3. The operation of the nursery to be in accordance with the Department of Water’s Water Quality Protection Note (March 2002) entitled “Nurseries and Garden Centres”.
4. The establishment and operation of the orchard is to be in accordance with the Department of Water’s Water Quality Protection Note 34 (November 2006) Orchards near Sensitive Water Resources.
5. The development is to comply with the *Environment Protection (Noise) Regulations 1997* at all times and the operational noise controls, including Recommendation 1 of the Environmental Noise assessment, dated 20 January 2009, prepared by VICPAC Engineers & Scientist Ltd, are to be implemented at the commencement of operation.
6. The storage of chemicals, pesticides and other toxic or hazardous substances on site is to be in accordance with the Department of Water’s Water Quality Protection Note 65 (April 2006) Toxic and Hazardous Substances – Storage and Use.
7. Roof and storm water shall be managed and disposed of in such a manner as will not adversely affect any adjoining property, by the creation of an on-site detention system to the satisfaction of the Director Engineering
8. No polluted waters, including but not limited to waste waters or turbid stormwater arising from the existing or proposed development or use of this land, shall be discharged into the stormwater drainage system or any water course.
9. Mosquito and Midge control to be incorporated into any open storm water system design with consideration given to water retention times and

- compensating basin construction to the satisfaction of the Director Engineering.
10. A Landscape and Vegetation Management Plan shall be submitted for approval by Director Strategic Community Planning and shall be thereafter implemented and maintained. The Landscape and Vegetation Management Plan should include:
- a) description of protection of existing remnant vegetation from the impacts of the development and orcharding practices;
  - b) the replacement of vegetation cleared by planting new vegetation in other areas;
  - c) the methods of stabilisation of areas that are destabilised by the development;
  - d) the areas to be planted with replacement vegetation;
  - e) the planting of additional screening vegetation between vehicle accessways, parking areas and buildings and the boundaries of the lot to a depth of 30 metres;
  - f) revegetation of the wetland area;
  - g) the area of the remnant vegetation to be retained in the South western corner of the lot is to have a minimum depth of 60 metres from the lot boundaries to protect the bulk of the remnant;
  - h) a species list and the number of each plant species to be used;
  - i) species used for revegetation are to be locally indigenous.

and shall comply with the requirements of the Department of Water's Water Quality Protection Note 6 (February 2006) Vegetation Buffers to sensitive water resources.

11. Fill is not to be extracted within 15 metres of the buffer to the remnant vegetation (being 60 metres wide) that is required to be retained in the south west corner of the lot.
12. A Dust Management Plan is to be prepared and approved by the Director Engineering, prior to work commencing on the proposed orchard and shall thereafter be implemented.
13. The extraction face is to be battered to a natural repose and vegetated to prevent erosion.
14. The location of external fans, air conditioners and the like shall be to the satisfaction of the Shire and installed to prevent loss of amenity to the area by its appearance, noise, emission or otherwise.
15. Water tank supplies to both the proposed new structures and the house are to be a minimum of 120,000 litres with a minimum 10,000 litres available at all times for fire fighting purposes and are to be fitted with the appropriate fittings as required by Council.
16. Hardstand and access be provided to all structures including the above water supplies for fire fighting vehicles of up to 11.5 tonne GRV, 10.5m length with a turning circle of not less than 19m.

**Advice Notes:**

1. The removal of any remnant vegetation will require a clearing permit from the Department of Environment and Conservation.
2. With respect to Condition 2, this document will need to focus on the management of nutrient and irrigation applications and detail the design of the proposed development with regard to the retention and treatment or reuse of wastewater generated by the proposal and shall be prepared in accordance with the Department of Water's Water Quality Protection Note 33 (July 2006) Nutrient and Irrigation Management Plans.

3. The applicant shall submit, at the time of application for a building licence, documentation in compliance with the Building Regulations 1989 and the Building Code of Australia 1996, including in particular detailed plans and specifications for site works, including finished ground and floor levels, storm water and roof runoff disposal, existing easements, parking areas including pavement type, lighting, loading bays, and refuse bulk bin areas, if applicable, to the satisfaction of Council.

**CARRIED 7/0**

SD088/03/09 PLANNING INFORMATION REPORT		
Officer:	Simon Wilkes - Executive Manager Planning	In Brief
Senior Officer:	Brad Gleeson - Director Development Services	Information report
Date of Report	24 February 2009	
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	<b>Committee – in accordance with resolution CGAM064/02/08</b>	

**SD088/03/09 Committee Decision/Officer Recommended Resolution**

**That Council accept the Planning Information Report.**

**CARRIED 7/0**

SD089/03/09 PROPOSED TRIAL OF GENETICALLY MODIFIED CANOLA IN WESTERN AUSTRALIA (A0966)		
Proponent:		In Brief  The item seeks council endorsement to correspond with the Minister for Agriculture opposing the proposed trials of genetically modified (Roundup Ready) canola. The correspondence will also support farming groups and other Shires opposing the trials on the grounds that the trial could cause economic inequities and may jeopardize current market advantages for all Western Australian food crops.
Owner:		
Officer:	Councillor Merri Harris	
Signatures Author:		
Senior Officer:		
Date of Report	17 March 2009	
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	<b>Committee – in accordance with resolution CGAM064/02/08</b>	

**SD089/03/09 Committee Decision/Officer Recommended Resolution**

That Council supports the Chief Executive Officer to write to the Minister for Agriculture stating that Serpentine Jarrahdale Shire is:

1. Opposed to the proposed trials of genetically modified canola in Western Australia.
2. Requests a public review of the proposed trial comparing the economic advantages and disadvantages to the states food industry

**CARRIED 7/0**

During debate Cr Price foreshadowed that he would move a new motion if the motion under debate was defeated.

**New Motion**

That Council supports the Chief Executive Officer to write to the Minister for Agriculture stating that Serpentine Jarrahdale Shire is:

1. Opposed to the proposed trials of genetically modified canola in Western Australia.
2. Requests a public review of the proposed trial comparing the economic advantages and disadvantages to the states food industry
3. That Council states it is the Shire’s intention to declare the Shire genetically modified free.

**MOTION LAPSED FOR WANT OF A SECONDER.**

CGAM070/03/09		MONTHLY FINANCIAL REPORT – JANUARY 2009 (A0924/07)
Proponent:	Local Government Act 1995	In Brief  To receive the Monthly Financial Report as at 31 January 2009.
Owner:	Not Applicable	
Officer:	Casey Mihovilovich - Manager Finance Services	
Senior Officer:	Alan Hart – Director Corporate Services	
Date of Report	13 February 2009	
Previously	Not Applicable	
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	<b>Committee in accordance with resolution CGAM064/02/08</b>	

**CGAM070/03/09 Committee Decision/Officer Recommended Resolution:**

Council receives the Monthly Financial Report, as at 31 January 2009, in accordance with Section 6.4 of the Local Government Act 1995.

**CARRIED 7/0**

CGAM071/03/09		CONFIRMATION OF PAYMENT OF CREDITORS (A0917)
Proponent:	Alan Hart - Director Corporate Services	In Brief  To confirm the creditor payments made during the period of 1 February 2009 to 23 February 2009.
Owner:	Not Applicable	
Author:	Joanne Egitto – Finance Officer	
Senior Officer:	Casey Mihovilovich - Manager Finance Services	
Date of Report	23 February 2009	
Previously	Not Applicable	
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	<b>Committee in accordance with resolution CGAM064/02/08</b>	

**CGAM071/03/09 Committee Decision/Officer Recommended Resolution:**

That Council notes the payments authorised under delegated authority and detailed in the list of invoices for period of 1 February 2009 to 23 February 2009, presented 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**

CGAM072/03/09		SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)
Proponent:	Alan Hart - Director Corporate Services	In Brief  To receive the sundry debtor balances as at 24 February 2009.
Owner:	Not Applicable	
Author:	Melissa Armitage - Finance Officer (Debtors)	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	24 February 2009	
Previously	Not Applicable	
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	<b>Committee in accordance with resolution CGAM064/02/08</b>	

**CGAM072/03/09 Committee Decision/Officer Recommended Resolution:**

That Council receive and note the report on Sundry Debtor Outstanding Accounts as at 24 February 2009.  
**CARRIED 7/0**

CGAM073/03/09		RATE DEBTORS REPORT (A0917)
Proponent:	Alan Hart - Director Corporate Services	In Brief  To receive the rates report as at 25 February 2009.
Owner:	Not Applicable	
Author:	Kellie Bartley - Rates Officer	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	25 February 2009	
Previously	Not Applicable	
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	<b>Committee in accordance with resolution CGAM064/02/08</b>	

**CGAM073/03/09 Committee Decision/Officer Recommended Resolution:**

That Council receive and note the report on the Rate Debtors accounts as at 25 February 2009.  
**CARRIED 7/0**

CGAM081/03/09		INFORMATION REPORT
Proponent:	Alan Hart - Director Corporate Services	In Brief  To receive the information report to 4 March 2009.
Owner:	Not Applicable	
Author:	Various	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	4 March 2009	
Previously	CGAM068/02/09	
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	<b>Committee in accordance with resolution CGAM064/02/08</b>	

**CGAM081/03/09 Committee Decision/Officer Recommended Resolution:**

That the Information Report to 4 March 2009 be received.  
**CARRIED 7/0**

- 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.