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Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 24 November 2014. The Shire President declared the meeting open at 7.00pm and welcomed Councillors, staff and members of the gallery.

## 1. Attendances and apologies (including leave of absence):

### In Attendance:

**Councillors:** K Ellis ..... Presiding Member  
S Piipponen  
S Hawkins  
J Kirkpatrick  
J Erren  
B Moore  
B Urban  
J Rossiter  
G Wilson

**Officers:** Mr R Gorbunow ..... Chief Executive Officer  
Mr A Hart ..... Director Corporate and Community  
Mr B Gleeson..... Director Planning  
Mr G Allan ..... Director Engineering  
Ms K Peddie ..... Executive Assistant to the CEO

**Apologies:** Nil  
**Observers:** Nil

Members of the Public – 25  
Members of the Press – 1

**Leave of Absence:** Nil

## 2. Response to previous public questions taken on notice:

### Mr Harry MacLean, 230 Soldiers Road, Cardup, WA, 6122

#### Question 1

Why is storm water being discharged from the Byford on the Scarp into Shire drains offsite?

#### *Response:*

*The Presiding Member advised that questions in relation to the Byford on the Scarp have been answered after assessment from Shire staff and further responses will not be provided until Mr MacLean has further information on his claims.*

#### Question 2

Why were the answers to my questions of the Ordinary Council Meeting on 13 October 2014 held until 24 October 2014 before being forwarded?

#### *Response:*

*The CEO advised that mail to Mr MacLean has been sent via registered mail, the post office have advised they attempted delivery and that mail is currently awaiting collection.*

#### Question3

The questions I asked as to who owns the land at the corner of Cardup Siding Road and Soldiers Road has not been answered, why?

*Response:*

*The Director Planning advised that the land on Cardup Brook is Crown land that is vested in the Shire of Serpentine Jarrahdale Council. As the agency the Shire has all power in relation to the land.*

Question 4

Who is asking for the funds for the playground in Cardup, is it the Deputy Shire President or is it the Ratepayers Association?

*Response:*

*Councillor Piipponen advised that this is a community driven project and as long as there is support from the community the Ratepayers Association will continue to proceed with pursuing funds.*

Question 5

Were permits in place for clearing of landscape protection areas on the two sites being developed on the Byford on the Scarp before the clearing has taken place?

*Response:*

Yes

**Ms Margaret Cala, 49 Phillips Road, Karrakup, WA, 6122**

Question 1

Could Council explain their policy regarding non-conforming use within Special Rural Areas, where my understanding is that no commercial, or by implication, similar uses are generally permitted?

Specifically my question relates to an application for Lot 888 Masters Road, Darling Downs as a Place of Worship and also Community Services and I believe Church Camps. While I have no particular feelings about the operation of any place of worship, I believe this application is incompatible with the existing zoning and land use of the area and the expectation of residents.

I am aware that a precedent may have been set with the existing Free Reformed Church on the corner of Rowley Road and Masters Road, and while I do not believe this was a suitable use for the site, it does at least have the extenuating circumstance of being opposite the urban housing area on the northern side of Rowley Road.

The Darling Downs subdivision is, in my experience almost unique in Western Australia with the provisions for an equestrian lifestyle, shared training facilities and bridle paths. The vast majority of residents either participate in equestrian activities or enjoy the lifestyle in a sympathetic and understanding manner. The possibility of occasional visitors to Lot 88 making use of bridle paths with no experience of horses is fraught with risk, whilst placing an unfair responsibility on property owners and riders or drivers using these paths.

The increase in through traffic and the vastly different expectation of visitors to a place of worship will inevitable result in conflict and detrimental outcomes for the existing residents of Darling Downs. These are on the whole two hectare blocks which although large by some standards, are small enough to rely upon the harmony and co-operation of neighbours for a workable community.

Will Council please make it clear by their decision that Special Rural areas and in this instance Darling Downs are secure and not subject to changes in land use by stealth, simply because a purchaser can afford the asking price.

*Response:*

*The Director Planning advised that the Shire has received a Development Application for a Place of Worship. This is currently out for public comment until 12 November 2014 and will come to Council for a decision at a future date.*

**Ms Lee Bond, PO Box 44, Armadale, WA, 6112**

Question 1

A reply from Richard Gorbunow on 31 October 2014 to a question I asked at the Ordinary Council Meeting 27 October 2014 regarding the provision of the Static Water Supply from Stockmans Close and Bullock Drive in part states the following, The restricted funds available for emergency services infrastructure are insufficient to construct a static water supply, the current cost of construction and associated infrastructure is approximately \$72,000. Why did the developers for Stockmans Close and Bullock Drive have to provide the land and monies for this static water supply before they were granted planning and development approval for both estates, how much money was provided, where is that money now and why wasn't it used for the purpose it was sought for?

*Response:*

*The CEO advised that this question has been answered and the full response that was provided included: The restricted funds available for Emergency Services Infrastructure are insufficient to construct a static water supply. The current cost of construction and associated infrastructure is approximately \$72,000. The current source of water supply for this area is taken from 18 hydrants and two static water supplies available within a 1 kilometre radius for Stockmans Close and Bullock Drive Estate. With the advent of the Tonkin Highway extension still being unknown, it is considered prudent to wait to see if scheme water is provided to the west of the Tonkin Highway extension in this vicinity so as to save Council the unnecessary expense while we have adequate water supplies available to us.*

Question 2

The Presidents Report at Ordinary Council Meeting 27 October 2014 stated Serpentine Jarrahdale Shire was a finalist at the inaugural National Growth Areas Alliance held in Adelaide in early October 2014. How much did this three day event in which Serpentine Jarrahdale Shire was a nominee along with hundreds of other nominees cost the ratepayer for the President and CEO to attend and how many days did they spend in South Australia with regards to this event.

*Response:*

*The Shire President and the Chief Executive Office spent three days with regards to this event at a cost of \$4500.*

Question 3

Why has there been no mention of our nomination for the National Growth Areas Alliance either at Council Meetings or on the Council website prior to the 27 October 2014 considering this event has been in the making for twelve months?

*Response:*

*To nominate for the NGAA award was a decision by staff to apply, recognising the West Mundijong Industrial project. As you can appreciate the NGAA is a national organisation, and the Shire's nomination competes with many other, more significant projects. As a matter of practice, we would not normally publicise an award nomination, as we can never be sure how we may fair against other larger Councils, and do not like to presume our achievements before they are known.*

**Ms Linda McLerie, 21 Lord Fury Court, Darling Downs, WA, 6122**

## Question 1

We have been requested not to ask any questions regarding the proposed development at 215 Masters Road as the Council does not have any answers yet. With the public comments period ending this Wednesday when will more details be available to the public and when can we expect the Council to be available to answer questions?

*Response:*

*The Director Planning advised that further information in relation to this has been placed on the Shire website. Council will be provided with further information as it is available, however a recommendation will not be put to Council until early 2015. Members of the Public are able to discuss this with Shire Planners at any time.*

**Ms Helen Moore, 244 Masters Road, Darling Downs, WA, 6122**

In relation to the development at 215 Masters Road, since this is still with Council why is the Church already holding services there? On Sunday there were lights lit up until 7.30pm. Why are they now allowed to use this building for these purposes?

*Response:*

*The Director Planning advised he was not aware that the property was being used for this purpose and will have Shire Officers investigate.*

**3. Public question time:**

**Public Question and Statement time commenced at 7.01pm**

**Mr Grant Richardson, 230 Soldiers Road, Cardup, WA, 6122**

## Question 1

What is the status of the Cardup Local Structure Plan?

*Response:*

*Director Planning advised that the consultants representing the Cardup business park are currently updating the Local Structure Plan (LSP) documents. The LSP will be advertised soon for public comment.*

**Ms Helen Isles, 265 Boomerang Road, Oldbury, 6121**

## Question 1

Has Council been monitoring the illegal business activities setting up on Boomerang Road on the site of the old chicken farm? This was requested when building rubble started being trucked in, the owner said it was rubbish from the property. If it is being monitored as requested, why hasn't it been stopped, because no application notifications have yet been advised to us as more industries set up in our rural area.

## Question 2

Why is it that the ranger has the right size weapon to shoot dogs mauling sheep, but don't have the right size weapon to destroy the sheep mauled by dogs, thereby putting them swiftly out of their misery and saving their caring owners long term incident stress over dealing with mutilated dying family pets. Can the Shire not afford two weapons that will suit any circumstance?

## Question 3

Is there a by-law, law or ruling that prevents the activity on one property affecting the ability to enjoy the activities of owners on surrounding properties?

*Response:*

*The Shire President advised the questions will be taken on notice and a formal response will be provided in writing.*

**Ms Lee Bond, PO Box 44, Armadale, WA, 6112**

Question 1

Did the Shire of Serpentine Jarrahdale give permission for sulphate acid soils containing chemicals which blamed bio-organics for the contamination on the Orton Road site, Oakford, to be removed from that site to a site near Marri Grove Primary School on Larsen Road, if the Shire didn't, who did?

Question 2

What procedures are in place for the protection of the residents and what approvals have been given by Serpentine Jarrahdale Council for the removal of copious amounts of asbestos on the Scarp and when did Council become informed about the asbestos removal?

Question 3

Has any lease been signed regarding the rifle range and Byford District Country Club, if yes, who signed it and the date?

*Response:*

*The Shire President advised the questions will be taken on notice and a formal response will be provided in writing.*

#### **4. Public statement time:**

**Mr John Mitchell, 510 Henderson Road, Hopeland, WA, 6125**

In regards to the Sandy Brook Broiler Farm Extension, these are my recommendations to Councillors. There are no guides for the Shire that will tell anyone the baseline for dust levels. From the report all that comes out is that someone will do something at some time. Baselines give residents something to go on for noise or dust levels. These things happen on the spot, but by the time rangers come out these element have gone. Certain conditions have not been implemented such as vegetation and landscaping. There is no policing of these issues. The complaints procedure states to speak with the neighbour concerned, this sours the relationship of residents next to each other. Other issues include:

- Operational management plan is not possible to enforce, at best there is self-management if the operator wishes.
- Limestone driveways are great for other residents, such as the owner of the driveway, but what about Henderson Road drainage, plus costs involved for the Shire and ultimately the residence pay.
- In relation to landscape and vegetation, I don't know of one that has complied.
- Who will monitor the Code of Practice.
- In relation to screening, has any ever been completed, including the grower who received his bond back.
- The odour has never been assessed since operation began in 1998.
- Some Councillors would remember how bad things can get if resident have to complain to the operator.
- In relation to the advice note and the noise regulations, tests can never be done in maintaining a full timeframe.



There is also no mention of Colorbond building material, not zinc as per byatt example, but was never enforced by Council officers. Buffers should be contained within the properties. Something has to be done about these issues that are making it difficult for residents.

**Ms Jean Kellman, 426 Henderson Road, Hopeland, WA, 6125**

Our home is our little bit of heaven, which has a full scale commercial property on top of us. This property continues to increase. We have to put up with the smell and noise, which goes on from 10pm at night and traffic flow and associated noise from 3am. At week six of the bird cycle trucks come in and out to take the birds, trucks to take the litter from shed and incidental trucks, as well as gas and mortality trucks. All these things affect our lives. We are very concerned and opposed to the extension of the poultry farm.

**Ms Helen Isles, 265 Boomerang Road, Oldbury, WA, 6121**

Further to the ongoing battle on Boomerang Road where residents are trying to live a quiet rural existence in a rural zone, I would like to advise Council that we are going to lose the war if Council does not act promptly. So far we have a manure factory operating which was granted approval to operate provided they provide the funds to seal the road, the money required within six weeks of approval, that was seven years ago and we still wear the humungous clouds of dust every time a truck goes past.

We are still trying to hold our house together from the daily vibrations that is shaking it apart. Ceilings and cornices are parting company, cracks are appearing and advancing through the walls, chunks of brickwork is dropping out near the windows and doors, and we are shaken awake at 5.00am every morning. The road is so badly corrugated by heavy vehicles our cars are deteriorating, shock absorbers collapsing, filters clogging and the smooth road only lasts three weeks after grading due to the weight of vehicles constantly parading past to the Truck Depot.

I ask, when is this amended application going to be heard, and I remind Council it was amended because the owner tried to pass the business off as an owner driver venture when there are four trucks that go in and out at all hours, on all days. Is Council following up on this application, or do we have to endure another summer of keeping all doors closed, another summer where we cannot sit out on the patio, do our gardening and drink dusty water.

As well as the trucking company, we now have a demolition salvage yard on the site of the old chicken farm opposite our house.

We were told right from the sale of the chicken farm that it was being set up as a demolition/salvage yard. I objected to Council through the proper channels and someone attended and believed the owner's statement that the rubble on the property is what has been cleaned up from the property since it was purchased. I advised the Council representative that the rubble had come in by truck load and would they keep a check on the property to avoid us being overtaken by another business setting up without an application to Council. This is an industrial business operating in a rural zone.

The property is now littered with building materials, demolition material that have not come from the property and truckloads are still arriving, some of which we highly suspect is asbestos contaminated, given that it is trucked in on a truck bearing the words Asbestos Removal. We are so worried for our health now as these materials sit across the road from our house and make us very nervous going outside on a windy day. I think the Environmental Protection Authority would have a field day on this property if they bring their monitors for an impromptu visit.

Further to that business, a tree lopping firm has set up on the corner, not a great disturbance to us except that their workers hoon and rip up the road on a regular basis further destroying our supposed quiet existence, and the amount of building rubble stockpiled there is also becoming a concern. We also have not seen an application notification come through for this business. Has there been one and we have been discluded because we are three hundred meters away? Nevertheless, these eyesores are encroaching on your beautiful rural area and affecting our lifestyle. The street indeed looks like an industrial area.

Further to that, we suffer the noise from the Paintball Park every time they play. I have video footage of my prize horse being traumatised by the sound and aggression coming from over the fence. He took three weeks to recover from these incidents. The activities on this property mean I cannot use that half of my property on the days they play Paintball, which begs my questions – is there not a law that states the activities on one property should no impact the activities on another?

The rest of my horses, each one maimed or disfigured by the noise of the activities of our neighbour are now agisted elsewhere, at a great cost, leaving my 14 acres almost empty. I ask myself, why did I move to a rural area? And why of all places to the Shire Serpentine Jarrahdale? We have not received any assistance with our complaints about the noise and effect on our property caused by this non-rural business.

With the road still gravel, even though we were told it would be sealed about seven years ago, we wear the brunt of the local hoons having a good time. They not only rip up the road, do donuts and fishtails all the way along the kilometre length, the residents are now traumatised by them as they do burnouts right outside the gates and houses of those who complain or try to get their registration numbers. This fills their homes with dust and pollutants, fouls their water and risks having a destroyed home or fatality if they lose control of their car.

My purpose for being here tonight, Council members? I again ask Council to intervene and shut these businesses down and send them back to the industrial areas where they belong, so those who have invested in and are trying to live a rural existence in our rural zone, can begin to enjoy the investment and hard work we have all put into our homes. I ask that only rural past times be approved so maybe one day I can bring my horses home where they belong, so I can enjoy my past times without risk on my property.

And further I ask, who do I sue for compensation for the damage and repairs to my home? The businesses that have damaged it or the Council for not doing something about it? We are begging you, please return our peace and quiet. Please give us a break so we can enjoy our home and lifestyle in our retirements. Please let us maintain our health, which is becoming impossible to do under the current air in Boomerang Road.

**Ms Lee Bond, PO Box 44, Armadale, WA, 6112**

Before any removal of asbestos on the Cedar Woods housing development on the Scarp it should have been a priority for the Serpentine Jarrahdale Council to inform residents of this. Council was informed by a ratepayer. This is not the only area with an asbestos contamination where Council has approved or is approving development.

For some time now the questions taken on notice and public statements at Council meetings have not been published on the website for other ratepayers to see. This appears to be a deliberate action to keep serious matters away from the public in general. Perhaps the way to go is You Tube then we will have an audience and photo's to go with the written word.



Advertising for submissions for the clearing of the old rifle range was noticed in today's West Australian however there was no advance warning of this even though the matter of the Byford District Country Club has a visible tone when they require it. Ratepayers have the right to put in submissions on matters concerning them and it has become a practice to not make this available to the ratepayer

**Mr Brian Williamson, 95 Pony Place, Oakford, WA, 6121**

I brought to the Council's attention at Ordinary Council Meeting of 14 April 2014 the need for further training of Council staff, the CEO and Councillors and it is heart-warming to see the Council is finally recognising that I was right.

I am a fully qualified trainer and assessor with 35 years experience in customer service and training frontline, service and support staff as well as managers in customer service over multiple locations and business units.

I have also written customer service manuals, complaints handling policies and instructions, sales training manuals, safe work instructions, handling discrimination and bullying in the workplace policies and procedures, franchise operations manuals and staff and management training needs analysis, plans and assessments.

I have also been on the receiving end of this Council's extremely poor attitudes and service to ratepayers, which puts me in an ideal position to understand the need for improvement

If the Council is serious in effecting improvements to the service it provides, I am prepared to offer my considerable experience free of charge to Council in an effort to ensure the ratepayer and residents of the Shire of Serpentine Jarrahdale finally get the Council they deserve.

**Public Question and Statement time concluded at 7.23pm**

## **5. Petitions and deputations:**

5.1 Mr Paul Kotsoglo from Planning Solutions presented a deputation regarding item OCM086/11/14 – Initiation of Scheme Amendment 190 – Text Amendment to allow Keeping of Horses for former Lot 224 Orton Road, Oakford

5.2 Mr David Caddy from TPG Town Planning and Mr Ian Palmer presented a deputation regarding item OCM087/11/14 – Confidential Item Section 31 Reconsideration for Proposed Poultry Farm Extension, Sandy Brook Broiler Farm, Lot 505 Henderson Road, Hopeland.

5.3 Mr Henry Dykstra from Harley Dykstra Planning and Survey Solutions presented a deputation regarding item OCM087/11/14 – Confidential Item Section 31 Reconsideration for Proposed Poultry Farm Extension, Sandy Brook Broiler Farm, Lot 505 Henderson Road, Hopeland.

## **6. President's report:**

Tomorrow is D-Day for all Councils that are affected by the Local Government reform as our case is going before the Supreme Court. I am confident that the Councils for Democracy have left no stone unturned in their endeavours to stop the Government with these reforms. I take this opportunity to thank all involved especially our Community who have worked tirelessly as well as our staff who have been brilliant with this threat hanging over their heads and finally to our Councillors who have had a steady hand on the tiller steering in the same direction. Good Luck to all tomorrow.

A letter has been provided by an anonymous member of the community, I would like to read out some parts of that letter:

Re: Shire of Serpentine Jarrahdale legal case / local government reform.

Dear CEO,

We are wishing you every success in the coming court case. We need it. Forget the wars in the Middle East. We have been out-gunned and out-voted by the current powers that be, here in our own back yard. May we all remember with great respect, pride and gratitude the many Australians who have fought and died in past wars, battling for the very rights and freedoms which have now been taken away from thousands of people like us across Perth on spurious grounds, under the label Local Government Reform.

Surely together with these millions of soldiers past and present, we all represent a formidable majority! This is a reform that technically would not constitute genuine reform, but a change for the worse. It lacks ethics. Already it has produced 'the huge inequities' the Premier writes would not happen in a reformed local government. Local government would no longer be genuinely local. Representation on future Councils is contrived to be so reduced, and with the dropping of a ward structure, it may become non-existent for many. Representation would rapidly become party-political as in the eastern states - so instead of the 2-tiered system the Premier misleadingly claims we would have, we would end up with one. Terms used are hazy, fluid - are we being dealt a boundary change, boundary amendment, or merger?

We have no doubt that the reform has been forced, or it would not carry such disturbing implications for us. This is despite written assurances from the Minister for Planning, John Castrilli in 2011: 'Local Government reform is a voluntary process'...

Crucial questions demand answers. We hope the following contribution assists the court case:

- Comments by Denis McLeod of McLeod's Barristers and Solicitors, in the ECHO newspaper (8 Nov 2014 page 6, 'Minister's conduct hauled to account') are welcomed and appreciated. This much-needed, open dialogue is important. All the secrecy, lies and deceit, and even outright trickery and treachery that have characterized this 'reform' process, have made a mockery of our local government laws and practices. We applaud the fact that now conduct as well as technicalities are in public focus
- Until now there has been a public perception that Minister Simpson must have somehow twisted local government laws and used loopholes in them by engaging his government's legal advisers. The spectre of the Premier's whole administration working to support a culture so corrupt it has contrived to disempower people in order to force through its own agenda (still to be made clear), is too awful to contemplate. We feel intimidated.

The public comments of Denis McLeod help shed some light. It now appears the government's usual legal advisers, McLeod Barristers and Solicitors, were not consulted or were ignored. So from where did Minister Simpson get his questionable legal advice? This is vitally important to establish.

- Latest revelations suggest that legal and other advice to the Minister guiding his modus operandi are likely to have come from private sources (ie certain property developers). Power-by-proxy in the hands of this small, wealthy minority is matched by forced change, ignoring of the democratic right to speak up, suppression of information, all under the growing spectre of an authoritarian regime. Such authoritarian control

methods lead us backwards, not forward to a harmonious, peaceful and sustainable society.

- Given the lies, deceit, secrecies, abuses of power and serious breaches of trust that have characterized the reform, surely those exercising power-by-proxy would be highly improper sources of advice for the Minister to use in his position, perhaps even criminal. If legal advice is coming from a private source, is their remuneration tax-payer funded? We want to know.

Have any of these individuals or companies made donations to Liberal / Colin Barnett's election campaigns?

Confirming rumours that a small handful of property developers are driving this reform, is that a spokesperson for these came forward in the media (ABC TV) for the first time last Friday to deride protesters, and promote the reform, inappropriately likening it to Sunday trading. All he could say in support of the reform was that it will enable development projects to be fast-tracked. Knowing the outcome of the planned restructuring of local government, serves to better ensure these property developers' own projects and desires meet the least possible opposition. Where is any word of benefits to the public? The EPA and other key government agencies are also now severely weakened. If imminent legal scrutiny fails, enormous power would fall by proxy into these developers' hands under the reform. The reform concentrates power into a small number of centres; by extrapolation it could be shown that a few key companies and individuals are already influencing the government by proxy, and thus control decision-making and legacy outcomes for much of Perth. Country areas are also a target. This is dangerous and totally unacceptable.

If present legal action fails, would the practice of demolishing people's democratic rights, and rights to fair and proper representation from their future councils, escalate and become the norm? Legally acceptable? We want to know.

At the same time the Premier sought to justify the "reform", by holding up his unnecessary and enormously costly Elizabeth Quay development and the new sports stadium as examples of his success, when in fact the opposite is true. The state now has spiralling debt and has lost its triple AAA credit rating. There are interesting parallels between the arrogant and reckless manner in which Elizabeth Quay was forced through, and the current reform. Self-interest, greed, and imbalance of power are central. Crucially, where did the huge amount of spent public monies end up?

What we seem to have is a small number of certain private companies apparently in league with the Premier and Minister Simpson, using methods of confidence tricksters to manipulate the system in their favour. This atrocious situation must surely be rectified. Do the property developers pull the Premier's strings? Or does he pull theirs?

We are made vulnerable. Whole local governments have become disempowered and disenfranchised. And with that, whole communities of people like ours have also been disempowered by having our democratic rights and freedoms stolen, our fair and proper representation on council taken away, and our valid concerns ignored. All apparently so that a shadowy handful of property developers /privateers can ultimately gain control of the running of our government, our State. That they are brazen and aggressive enough to plan on stealing by stealth from local government constituents to fund the ways and means for

them to achieve their personal ambitions beggars belief, it is scary. We are being asked to fund our demise, which is in their hands. The role of our premier and minister for local government in all this requires urgent, major scrutiny. What rewards is all this bringing them and their mates, beyond dubious prestige in their peer group?

The issue transcends technicalities relating to the Local Government Act. The attitude and conduct of the Premier particularly bears all the characteristics of a bully. We must never accept bullying and use of institutional power structure to benefit bullies. We believe the Premier and Minister Simpson are well aware of the unjust distress caused to communities and the financial costs being brought to bear on them, yet show no guilt, no care. Surely this amounts to a willful, conscious desire, a deliberate intent to cause distress to others (us). We are faced with unjust, systematic abuse of power. The Premier's attitude towards our communities is revealed as one of disrespect, even underlying contempt. If we are concerned about human rights and human wellbeing and happiness in Australia, then such conduct cannot be ignored. This must be addressed.

Who is this small clique of property developers wielding such power behind the scenes? How many? What are their names, their companies and their track records? With whom are they affiliated? What is their special relationship to the Premier and his cabinet? Let us see their faces and hear what they have to say. Why should we residents be forced to fund what is primarily a process geared to satisfying certain developers' greed and self-interests, in the guise of Local Government Reform? Unravelling the causes and correlates forming this tangled web is difficult but essential. Very best wishes.

## 7. Declaration of Councillors and officers interest:

Nil

## 8. Receipt of minutes or reports and consideration for recommendations:

### 8.1 Ordinary Council Meeting – 10 November 2014

#### Corrections

Minutes changes to reflect correct question 5 from Mr Harry MacLean in the Public Question section on page 9:

#### Question 5

Were permits in place for clearing of landscape protection areas on the two sites being developed on the Byford on the Scarp before the clearing has taken place?

### **COUNCIL DECISION**

**Moved Cr Piipponen, seconded Cr Hawkins**

**That the minutes of the Ordinary Council Meeting held on 10 November 2014, with the above corrections, be confirmed (E14/5317).**

**CARRIED 9/0**

## 9. Motions of which notice has been given:

OCM084/11/14 Customer Service (SJ940)	
Author:	Alan Hart – Director Corporate and Community
Senior Officer:	Richard Gorbunow – Chief Executive Officer
Date of Report:	4 November 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

### Introduction:

The purpose of this report is to seek Council endorsement of a new Customer Service Charter. The Charter outlines clear standards for staff to adhere to and provides a guide to ratepayers about what they can expect when dealing with staff.

### Background:

Customer Service has been identified as a high priority issue needing attention within the Shire. To ensure that Customer Service remains a high priority focus area within the daily operations, the Shire has undertaken a number of projects to ensure that the highest level of Customer Service is delivered to the community. These include;

- Updated Website
- Increased number of press releases to local papers
- Shorter response times to Questions on Notice at Council Meetings
- New Telephone System capable of managing increased call volume
- Introduction of Voicemail to all staff
- Introduction of roster of dedicated staff to attend customer enquiries in key parts of the Shire, eg Planning and Building
- Customer Service Standards training for all staff and Councillors
- Coaching for Customer Service Standards training for all Managers and Directors
- A new Customer Service Charter developed
- Plan for the refurbishment of the Council reception area.

### Relevant Previous Decisions of Council:

There are no previous Council Resolutions in relation to this issue

### Community / Stakeholder Consultation:

The Shire undertakes Customer Satisfaction Surveys and this information is used by the Shire to provide guidance on which areas the Shire needs to improve. As the surveys are function or activity based, areas for improvement can easily be identified and then incorporated into annual training plans for individual staff members as part of their annual performance review.

### Comment:

As a service driven organisation, the importance of providing high quality customer service from every aspect of the Shire is a must. The Shire has invested a considerable amount of time, energy and money into achieving organisational and cultural change in relation to customer service and a significant outcome of this is the development of the Customer Services Charter.

The Customer Service Charter is the key document that addresses the Shire's commitment to the customer by way of all of our forms of customer contact, timeframes in which the customer can expect to be contacted by officers and outlines how we apply our values to the customer.

All commitments with a timeframe specified in the customer service charter will be measured and reported back to management on a regular basis for ongoing review.

The next phase in this change program is to address the physical environment of the reception or front counter. This area has remained unchanged for decades and does not suit the way the Shire wants to deal with Customers. The front counter is a large physical barrier between the staff and the customer, there is no private area for staff to interact with the customer and it is not an efficient use of the space and it currently does not comply with disability access requirements as there is no area with someone with a mobility issue can be served by the Customer Services Officers.

The Shire has been addressing this as part of the long term refurbishment of the Administration Building and Civic Centre. To this extent, plans have been prepared to refurbish the Customer Service area based on a contemporary approach to customer service. This includes removing the front Counter, replacing the tiles with carpet, constructing a reception desk which complies with disability access requirements, providing stand up pods and a semi-private area where customers and staff can interact without having the barriers of a counter, therefore removing the 'us and them' confrontational approach to customer service.

The Shire did have plans in the 2013/14 financial year to commence this work, the plans that were prepared were costed significantly higher than what was allowed for in the budget. The budget in the 2013/14 year was \$50,000 and the project was costed by the interior designers at \$150,000.

As the Shire still sees these changes to the customer service area an essential part of achieving cultural change in customer service it has started to review the plans to see what can be delivered for the budget of \$50,000 and initial indications are that the majority of changes can be achieved by project managing it internally and directly engaging contractors and manufacturers rather than letting the project to an interior design company. It is proposed that the 2013/14 budget of \$50,000 be carried forward into the 2014/15 financial year. This will occur when the end of year surplus is confirmed and the carried forward budgets are amended. This will occur at the Council Meeting on the 8<sup>th</sup> December 2014 when the Annual Financial Statements for the 2013/14 year are presented to Council for consideration.

As the report outlines, the Shire has been on the journey of cultural change for some time in relation to customer service and to ensure the journey is completed it is recommended that the Council endorse the Customer Service Charter and the plans for the refurbishment of the Customer Service Area. It must be noted that the plans will be modified to suit the proposed budget of \$50,000, however is not expected that the configuration will change significantly, savings will be achieved through undertaking the project ourselves and re-using materials where we can.

#### Attachments:

- [OCM084.1/11/14](#) – Draft Customer Service Charter (E14/5251)
- [OCM084.2/11/14](#) – Reception Design Floor Plan (E14/5183)

#### Alignment with our Strategic Community Plan:

Objective 1.2	Progressive Organisation
Key Action 1.2.3	Establish and Communicate the Shire's purpose, vision, values and goals.

Objective 2.4	Business Efficiency
Key Action 2.4.2	Critically examine service delivery to ensure efficiency and effectiveness



**Statutory Environment:**

Not Applicable

**Financial Implications:**

The Shire has invested a significant amount of money and officer time into ensuring the delivery of this cultural and organisational change. This financial year, the investment has been in the order of \$60,000 with the Customer Service Standards training for all staff and elected members, incorporating the development of the Customer Services Charter. It is recommended that \$50,000 budgeted in the 2013/14 year be carried forward into the 2014/15 year to undertake the refurbishment of the Reception area. As all funds have previously been budgeted for either in past financial years or have been accommodated in this financial years budget, there is no impact on the Municipal Budget at year end.

**Voting Requirements:** Absolute Majority

**OCM084/11/14 COUNCIL DECISION / Officer Recommendation:**

Moved Cr Moore, seconded Cr Erren

That Council:

1. Endorse the Customer Service Charter,
2. A report be presented to Council at the end of June 2015 detailing actual performance against the document performance standards in the Customer Service Charter,
3. Approve the allocation of \$50,000 in the carried forward budget from the 2013/14 year to undertake the refurbishment works in the Administration Building Reception Centre.

**CARRIED ABSOLUTE MAJORITY 9/0**

<b>OCM085/11/14</b>	<b>To Make the Shire of Serpentine Jarrahdale Parking and Parking Facilities Local Law 2014 (SJ1066)</b>
Author:	Brian Owston – Senior Ranger
Senior Officer:	Brad Gleeson – Director Planning
Date of Report:	13 November 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

### Introduction

The purpose of this report is for Council to Make the Shire of Serpentine Jarrahdale Parking and Parking Facilities Local Law (2014).

### Background:

At the Ordinary Council Meeting of 22 September 2014, Council by absolute majority resolved to adopt the “proposed” Shire of Serpentine Jarrahdale Parking and Parking Facilities Local Law 2014 (Local Law). The Local Law, in accordance with the Local Government Act provisions for making Local Laws, and the Department of Local Government guidelines for making Local Laws, has been:

- advertised by notice for public comment and submissions for a period of 46 days,
- audited and found compliant under the National Competition Policy (local laws),
- distributed to the relevant government Ministers and authorities for information, comment and submissions,
- amended and reviewed the local law, and found that the additions and amendments have not changed the context or intent of the local law.

The current Parking Facilities Local Law was gazetted on 23 June 1997 and has not been modified or upgraded since that date. A new Parking and Parking Facilities Local Law 2004 was prepared and gazetted, but did not come into legal affect and lapsed. It is proposed that the current Parking and Parking Facilities Local Law be repealed and Council Makes the proposed Shire of Serpentine Jarrahdale Parking and Parking Facilities Local Law 2014.

### Relevant Previous Decisions of Council:

OCM048/09/14 – Council adopted the proposed Local Law.

### Community / Stakeholder Consultation:

Once Council makes a decision to adopt a new Local Law it is necessary for the proposed Local Law be advertised for public comment as per the Local Government Act 1995. One submission was received from the Department of Local Government and Communities, however these were only formatting, interpretative and minor changes and have been included in the Local Law.

### Comment:

By making the Shire of Serpentine Jarrahdale Parking and Parking Facilities Local Law 2014, and repealing the current Local Law, Shire Officers can now properly enforce parking related issues, and provide a higher level of customer service to residents and ratepayers.

### Attachments:

- [OCM085.1/11/14](#) - The Shire of Serpentine Jarrahdale Parking and Parking Facilities Local Law (2014) – (E14/5302)
- [OCM085.2/11/14](#) - Shire of Serpentine Jarrahdale Parking Facilities Local Law 2004 – (E04/1423)

**Alignment with our Strategic Community Plan:**

Objective 1.2	Progressive Organisation
Key Action 1.2.5	Provide safe and supportive work environments.
Objective 6.2	Active and Connected people
Key Action 6.2.5	Create a reassuring and safe place to live

**Statutory Environment:***Local Government Act 1995**Section 3.12 Procedure for making local laws*

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to;*
  - (a) *give Statewide public notice stating that;*
    - (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*
    - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
    - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*
  - (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister;*
  - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.*  
\* *Absolute majority required.*
- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice —*
  - (a) *stating the title of the local law; and*
  - (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
  - (c) *advising that copies of the local law may be inspected or obtained from the local government's office.*

**Financial Implications:**

Within budget

**Voting Requirements: Absolute Majority**

**OCM085/11/14 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Kirkpatrick, seconded Cr Hawkins**

**That Council:**

- 1. Make the Shire of Serpentine Jarrahdale Parking and Parking Facilities Local Law 2014, as per attachment OCM085.1/11/14.**
- 2. Repeal the Shire of Serpentine Jarrahdale Parking Facilities Local Law 2004.**

**CARRIED ABSOLUTE MAJORITY 9/0**

<b>OCM086/11/14 Initiation of Scheme Amendment 190 – Text Amendment to allow Keeping of Horses for former Lot 224 Orton Road, Oakford (SJ1605)</b>	
Author:	Louise Hughes – Manager Statutory Planning
Senior Officer:	Brad Gleeson – Director Planning
Date of Report:	28 August 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Planning Solutions  
 Owner: Da Prato Holdings Pty Ltd  
 Date of Receipt: 22 April 2014  
 Lot Area: 39.92ha  
 Town Planning Scheme No 2 Zoning: Rural Living A (RLA24)  
 Metropolitan Region Scheme Zoning: Rural

**Introduction:**

To consider a proposed scheme amendment to allow horses to be kept on lots subject to Scheme Amendment No.149, created from the subdivision of original Lot 224 Orton Road, Oakford. It is recommended Council initiate and amend to Town Planning Scheme No 2 (TPS 2) to allow the keeping of horses on this estate.

**Background:**

The Shire’s Final Adoption of Scheme Amendment No.149 occurred on the 27 March 2006, having the effect of rezoning Lot 224 Orton Road from ‘Rural’ to ‘Rural Living A’. Special provisions were incorporated into TPS 2 reflecting the zoning, three of which state that horses are not permitted. The subdivision of the site has already occurred through WAPC Subdivision approval on the 12 December 2011.

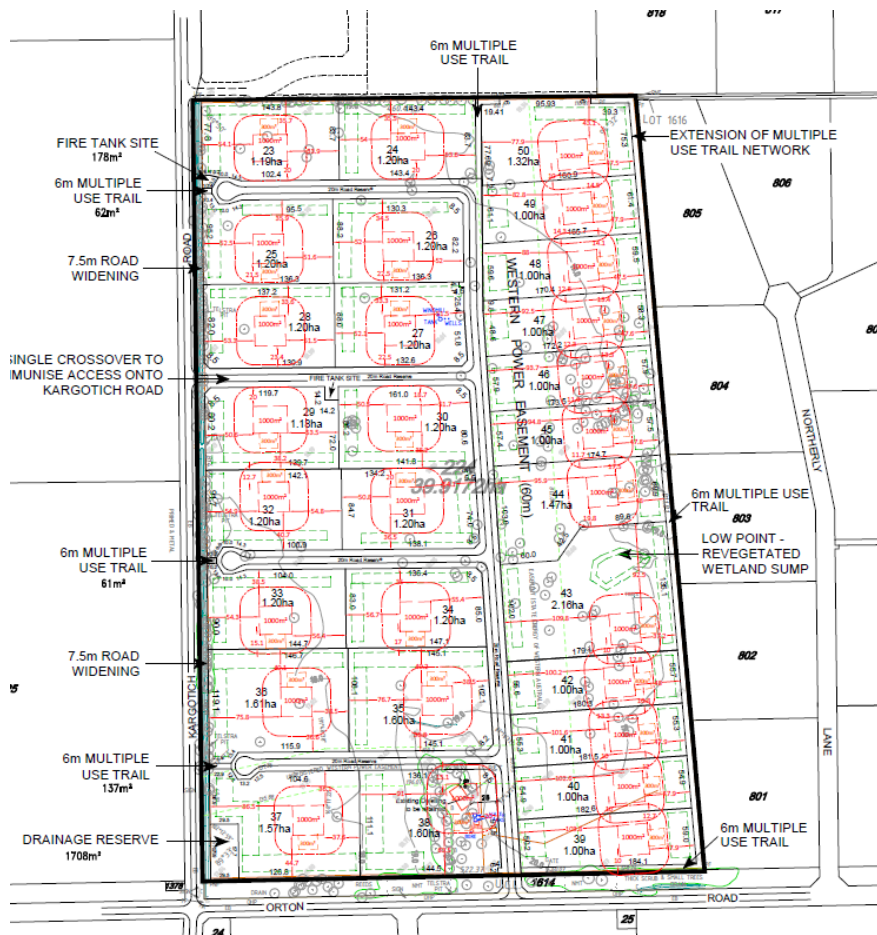


Figure No.1 – Subdivision Plan with Building Envelopes and Revegetation Areas



**Relevant Previous Decisions of Council:**

SD117/03/06 – Final Adoption of Scheme Amendment No.149.

**Community / Stakeholder Consultation:**

Should Council resolve to proceed with the proposed TPS 2 amendment, public comment will need to be invited for a period of not less than 42 days in accordance with the requirements set out in the Town Planning Regulations 1967.

Local Planning Policy No 27 (LPP 27 – Stakeholder Engagement in Land Use Planning provides further guidance for the advertising of TPS 2 amendments. Requirements will include:

- Signage being placed on-site.
- A newspaper advertisement.
- Public display at the Shire's administration centre.
- Letters being sent to all landowners within a 500 metre distance from the site.
- Letters being sent to community groups.
- Publishing of relevant information on the Shire's internet webpage.

Following the close of the advertising period, a report would need to be presented to Council to formally consider the submissions received and resolve whether to proceed with the finalisation of the amendment, including forwarding the matter through to the WAPC and the Minister for Planning.



Figure No.2 – Aerial Photo of Subject Site





Figure No.3 – Site Photo facing South

**Comment:**

The proposal to amend the Shire's TPS 2 has been submitted to amend the special provisions applicable to Lot 224 Orton Road, Oakford (RL24; No.22) under Appendix 4A – Rural Living A zone as follows:

- Clause 1. Delete reference "(horses are prohibited)"
- Clause 5. Delete reference to notifications placed on certificates of title "that the keeping of horses is not permitted. The keeping of other stock shall be at the discretion of Council". Add reference "of the restrictions relating to the keeping of horses".
- Clause 14. Delete reference "Horses are prohibited" and "to a dry stocking rate of 2 DSE and irrigated stocking rates will not be entertained".
- Clause 15. Add Clause 15 stating "The keeping of horses is restricted to a maximum of one (1) light horse or two (2) ponies per lot, in accordance with the Agriculture Western Australia animal equivalents. Such horse(s) shall be required to be stabled overnight to the satisfaction of the Shire. Planning Approval is required for this land use prior to commencement."
- Clause 16. Add Clause 16 stating "A management plan for the keeping of horses shall be prepared and implemented to the satisfaction of the Shire by any landowner seeking to keep a horse(s)."

Lot 224 Orton Road, Oakford is currently zoned 'Rural' under the Metropolitan Region Scheme and 'Rural Living A' under the provisions of TPS 2. The Shire's TPS 2 includes a range of general provisions guiding the development of 'Rural Living A' zoned land. The key provisions are as follows:

- The 'Rural Living A' zone is intended to cater for rural residential development on a range of lots between 4000m<sup>2</sup> to 1ha in accordance with the objectives and guidelines of the Rural Strategy;
- The provision of a reticulated water supply is required;
- The rezoning to be accompanied by a SGP that will include building envelopes;
- Building envelopes are not to have an area greater than 1000m<sup>2</sup> with a setback of 20m from primary street and 10m from all other boundaries;
- Subdivision to be in accordance with the endorsed SGP;
- Stormwater drainage is required to be designed to the satisfaction and specification of the Shire; and

### Rural Strategy Review 2013

The Shire's adopted Rural Strategy Review 2013 includes the subject site within the 'Rural Living A' policy area, which serves as a transitional zone between the urban and rural areas. The Rural Strategy stipulates that the intention of the 'Rural Living' policy area is to "allow for future development approvals in the lot size range of 0.4 to 1 hectare, as Rural Living A, in close proximity to towns of Byford, Mundijong and Serpentine".

### Statement of Planning Policy 2.1 - Peel-Harvey Coastal Plain Catchment

The subject lot is situated within the Peel-Harvey Catchment and as such the Statement of Planning Policy 2.1 (SPP 2.1) requires that when rural residential lots of over 4000m<sup>2</sup> are created, areas utilising on-site effluent disposal systems will require approval from Water Corporation and Department of Health. In order to address the requirement of SPP 2.1, the original amendment to TPS 2 included special provisions for the use and development of the land.

Clause 6.2.5 states:-

*"The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of the Council. Animal stocking rates shall not exceed the stocking rates recommended by the Department of Agriculture for the pasture type for the policy area."*

### Statement of Planning Policy 2.5 – Land Use Planning in Rural Areas

The subject lot falls into the category of Rural Living and is subject to the abovementioned SPP. The relevant objectives are to protect and improve environmental and landscape assets and minimise land use conflicts. This SPP is relevant given that keeping horses on a property often has detrimental environmental impacts if the subject site is not suitable. The Applicant has demonstrated that there is potential for areas of the site to accommodate the keeping of horses, however, these sites are expected to have significant management measures applied through individual Horse Management Plans prepared for each property. A broad Horse Management Plan has been submitted in support of the Amendment and is discussed below.

### Stocking Rate Guidelines for Small Rural Holdings

This document was prepared by Agriculture Western Australia to provide guidance as to the potential to keep stock on the Swan Coastal Plain. Stocking rates provided in 'Dry Sheep Equivalent', or DSE. As a guide for horses, a light horse is the equivalent of 10 DSE, whilst a pony is the equivalent of 5 DSE. The soils of the subject site are semi-wet (SR5) soils. The recommended stocking rates are 6 DSE for dry pasture and 20 DSE for irrigated pasture. It is important to note that only paddock areas can be considered for this calculation, all buildings and designated revegetation areas must be excluded.

### Comment

The Applicant has demonstrated in its submission that allowing horses on the site would be consistent with the rural character of the area, with horse keeping commonly witnessed in nearby Rural Living subdivisions. The subdivision of the subject site also includes connections to adjoining bridle trails. While the Shire agrees that the keeping of horses is consistent with the rural character of the area, it is the environmental constraints on the properties which are of significant concern. The overall site is subject to drainage issues and commonly features standing water.

The Applicant provided a report prepared by Landform Research which concluded that there is no reason for horses not to be permitted on-site. The report covered the topics of land capability, geology, geomorphology, soils, surface water, drainage, groundwater, nutrient loading and stocking rates among others. The Landform Research report identifies that horses will not contribute to degradation of the land or compromise the environment, provided that the keeping of horses is managed appropriately by landowners.

The Shire notes that much of the discussion in the report is of the general area of the proposed Scheme Amendment, rather than the specific lots created by the subdivision. To

address this concern a site specific analysis was conducted in accordance with the Department of Agriculture Western Australia Stocking Rate Guidelines. This calculation demonstrates that all sites have the potential for the keeping of horses (minimum of one pony) in non-irrigated pasture.

### Options and Implications

There are three options available to Council with respect to the proposed scheme amendment, as outlined below:

1. Resolve to initiate the amendment, without modification;
2. Resolve to initiate the amendment, with modification/s;
3. Resolve not to initiate the amendment.

Option 1 is recommended.

### Conclusion

The Scheme Amendment to allow the keeping of horses on the lots formerly Lot 224 Orton Road, Oakford addresses the Planning concerns of the Shire regarding the keeping of horses. Special Provisions which require individual Horse Management Plans to be submitted and approved and implemented to the satisfaction of the Shire are supported. It is recommended that the Council adopt (initiate) the amendment to the Special Provisions of RLA 24.

### **Attachments:**

- [OCM086.1/11/14](#) – Scheme Amendment No.190 Documentation (IN14/15537)
- [OCM086.2/11/14](#) – Landform Research Report on Suitability of Keeping Horses (IN14/21208)

### **Alignment with our Strategic Community Plan:**

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction.
Objective 3.2	Appropriate Connecting Infrastructure
Key Action 3.2.3	Enhance streetscapes and public places with vegetation that is natural to the area, sustainable (water wise) and cost effective.

### **Statutory Environment:**

- *Planning and Development Act 2005*
- *Town Planning Regulations 1967*
- TPS 2
- Rural Strategy Review 2013
- SPP 2.1 - Peel-Harvey Coastal Plain Catchment
- SPP 2.5 - Land Use Planning in Rural Areas
- Stocking Rate Guidelines for Small Rural Holdings (Department of Agriculture)

Section 75 of the *Planning and Development Act 2005* provides for local governments to amend a Town Planning Scheme as set out in the *Town Planning Regulations 1967*. Under Regulation 13 of the *Town Planning Regulations 1976* Council can either resolve to proceed with the scheme amendment and adopt the proposed Scheme Amendment in accordance with the Act, or resolve not to proceed with the scheme amendment and notify the Western Australian Planning Commission (WAPC) in writing of that resolution.

### **Financial Implications:**

There are no direct financial implications associated with this Scheme Amendment.

**Voting Requirements:** Simple Majority

**Cr Wilson foreshadowed he would move a new motion that would defer a decision on the item in order to seek comments from landowners who have purchased land in this estate, if the motion under debate is lost.**

**OCM086/11/14 Officer Recommendation:**

**Moved Cr Ellis, seconded Cr Piipponen**

**That Council:**

- In pursuance of Section 75 of the Planning and Development Act 2005, initiate an amendment to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2 as follows:**

**Amend the special provisions applicable to Lot 224 Orton Road, Oakford under Appendix 4A – Rural Living A zone as follows:**

	<b>No</b>	<b>Specified area of locality</b>	<b>Special provisions to refer to (a)</b>
RLA24	22	Lot 224 Orton Road, Oakford  AMD 149 GG 28/8/07	<ol style="list-style-type: none"> <li> <b>Within the Rural Living A zone the following land uses are permitted, or are permitted at the discretion of the Council:</b>   <i>Use classes permitted (P)</i>  <b>Single House</b>  <b>Public Recreation</b>  <b>Public Utility</b>   <i>Discretionary Uses (AA)</i>  <b>Ancillary Accommodation</b>  <b>Home Occupation</b>  <b>Rural Use</b>  <b>Stables (refer clause 15 below)</b>  <b>All other uses are prohibited.</b>   <b>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 application or clearing of land.</b> </li> <li> <b>No dwelling shall be approved by the Council unless it is connected to an alternative effluent disposal system as approved by the Department of Health with an adequate capacity, as determined by the Department of Environment Regulation, and with the base of the system or the modified irrigation area being the required distance above the highest known water table.</b> </li> </ol>

			<ol style="list-style-type: none"> <li>3. Topsoil stripping, proof rolling and elevation of the land with a minimum of 1.2 metres of free draining, engineered sand fill, will be required for the entire building envelope in order to achieve a suitable site classification and meet the requisite building and environmental requirements for residential development and effluent disposal within the estate.</li> <li>4. No indigenous vegetation shall be cleared, except where such vegetation is dead or diseased, or where the clearing is required for the purpose of firebreak, dwelling, outbuilding, fence, drainage system, driveway or to accommodate discretionary (AA) uses listed in Special Provision 1; prior to any such clearing, the developer of the estate/landowner shall seek and obtain the written consent of Council.</li> <li>5. The subdivider shall place notifications on the certificates of title for each lot advising prospective purchasers of the restrictions relating to the keeping of horses.</li> <li>6. The subdivider shall prepare and implement a Landscape/Revegetation Plan in accordance with the endorsed Subdivision Guide Plan for this estate including any modifications as deemed necessary by Council. This plan shall address the planting of indigenous trees and shrubs of a species and at a density, distribution and location to the satisfaction of Council, prior to the transfer of lot(s) to a new owner.</li> <li>7. 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 of those trees and shrubs planted by the subdivider to the satisfaction of Council.</li> <li>8. The subdivider shall prepare and implement a Fire Management Plan, including construction of the emergency access ways, the strategic firebreaks/multiple use network depicted on the endorsed Subdivision Guide Plan, water supplies and</li> </ol>
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			<p>equipment and any other fire management requirements deemed necessary, to the satisfaction of Council and the Fire and Emergency Services Authority of Western Australia.</p> <p>9. Notwithstanding the obligations of the subdivider under Clause 5.12.9 (e) of the Scheme, the subdivider shall drain the land and provide detention areas generally in accordance with a Drainage Management Plan provided prior to the commencement of on-the-ground works to the satisfaction of the Council and the Water Corporation. The Drainage Management Plan shall also include a Geotechnical Report. Building and effluent disposal sites of each proposed lot are to be detailed in the Drainage Management Plan. Any reserves or easements required to implement the plan shall be provided free-of-cost.</p> <p>10. At the time of the building application for each lot, a plan of the site shall be submitted by the applicant to the satisfaction and specification of the Council which shall show site contours, proposed pad levels, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting and maintenance.</p> <p>The site plan and proposal shall demonstrate that the development and use of the land will not compromise the implementation of the overlay subdivision, as depicted on the endorsed Subdivision Guide Plan.</p> <p>11. The Council shall not support any application for subdivision of the land into Rural Living A lot sizes unless the subdivision is consistent with a Subdivision Guide Plan endorsed by Council and the Western Australian Planning Commission for whole or part of the area.</p> <p>12. A Subdivision Guide Plan for the subdivision of land into Rural Living A lot sizes, shall have regard to the objectives set out in this Scheme for the zone or zones affected by it and the requirements of clause 5.9.3.</p>
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			<p><b>13. The Subdivision Guide Plan referred to in Clause 11 shall include and be accompanied by Technical Guidelines that provide a prescription for development and the implementation of subdivision in areas of planning, road works, drainage, effluent disposal, water, bushfire control, protection of the environment, landscaping, easements, landowner coordination, infrastructure cost sharing, controlling developments, or generally regulating or prescribing the use or development of land to overcome problems which would occur, should the land be developed.</b></p> <p><b>14. Approval to keep animals within the specified area shall not exceed the stocking rates recommended by Agriculture Western Australia for the applicable pasture types. Any approval to keep any grazing animal will require fencing of all remnant vegetation by the landowners to the satisfaction of Council.</b></p> <p><b>15. The keeping of horses is restricted to a maximum of one (1) light horse or two (2) ponies per lot, in accordance with the Agriculture Western Australia animal equivalents. Such horse(s) shall be required to be stabled overnight to the satisfaction of the Shire. Planning approval is required for this land use prior to commencement.</b></p> <p><b>16. A management plan for the keeping of horses shall be prepared and implemented to the satisfaction of the Shire by any landowner seeking to keep a horse(s).</b></p>
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- 2. Forward Amendment No 190 to Town Planning Scheme No 2 to the Environmental Protection Authority for comment, pursuant to Section 81 of the *Planning and Development Act (2005)* and the Western Australian Planning Commission for information and, subject to no objections being received from the Environmental Protection Authority and acknowledgement being received from the Western Australian Planning Commission, the amendment be advertised for public comment pursuant to Regulation 25(2) of the *Town Planning Regulations (1967)* for a period of 42 days, to the satisfaction of the Shire.**

**CARRIED 5/4**

**Councillors Wilson, Urban and Rossiter voted against the motion**

**COUNCIL DECISION:**

Moved Cr Piipponen, seconded Cr Erren

That the meeting be closed to members of the Public at 8.13pm to allow Council to discuss Confidential Items OCM087/11/14 as per section 5.23 (2) of the Local Government Act 1995.

**CARRIED 9/0**

Members of the public were asked to leave the meeting whilst Confidential Item OCM087/11/14 was discussed. The doors were closed at 8.14pm.

**COUNCIL DECISION:**

Moved Cr Moore, seconded Cr Kirkpatrick

That Standing Orders 9.5, 9.6, 10.7 and 10.3 be suspended at 8.15pm in order to further discuss item OCM087/11/14

**CARRIED 9/0**

<b>OCM087/11/14</b>	<b>CONFIDENTIAL ITEM – Section 31 Reconsideration for Proposed Poultry Farm Extension - Sandy Brook Broiler Farm – Lot 505 (#440) Henderson Road, Hopeland (P00194/07)</b>
Author:	Helen Maruta – Senior Planner
Senior Officer:	Brad Gleeson – Director Planning
Date of Report:	6 November 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

**COUNCIL DECISION:**

Moved Cr Piipponen, seconded Cr Moore  
That Standing Orders be reinstated at 8.58pm

**CARRIED 9/0**

**OCM087/11/14 COUNCIL DECISION / Officer Recommendation:**

Moved Cr Piipponen, seconded Cr Erren

That Council advise the State Administrative Tribunal that it grants approval for the Planning extension of Sandy Brook Broiler Farm on Lot 505 (440) Henderson Road, Hopeland 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.
2. An operational management plan shall be prepared, approved by Director Planning and thereafter implemented at all times. Without limiting the matters for appraisal by the Director, the plan is to incorporate a provision requiring the shed doors to be closed when spent litter is being moved into pile/s.
3. The limestone driveway is to be sealed and drained to the satisfaction of the Director Engineering.

**Vegetation and Landscape Management Plan**

4. Prior to the commencement of the development a Landscape and Vegetation Management Plan showing the areas of proposed additional planting, the species number and success rate of each species shall be submitted and approved by the Director Engineering. The approved plan shall thereafter be implemented in its entirety. The Plan, it is to include lower and mid-storey plantings at locations where visual screening of buildings is needed.

5. The implementation of the approved Landscape and Vegetation Management Plan shall commence within the winter months of 2015 and is to be completed within two years of the development approval being granted. Vegetation on site is to be maintained in accordance with the approved Landscape and Vegetation Management Plan.

#### Environmental Management Plan

6. Poultry shed design and management, plus the management of stock feed, water, waste products and all other aspects of poultry farm operations is to comply with the management guidelines set out in the Environmental Code of Practice for the Poultry Industry in Western Australia May 2004 (as amended).
7. Prior to the commencement of the two new poultry sheds, screening for noise, dust, odour and amenity is to be installed in the locations identified in, and in accordance with, Harley Dykstra drawing D12/992-01A.dgn Rev. A (original drawing) entitled 'Earthen Bund Design Plan' Figure 1 with Cross-section, dated 22/09/10, (the drawing).

The screening is to include:

- (a) an earthen bund at least 2.5 metres higher than the floor level of all the sheds;
- (b) a 1.5 metre solid fence on top of the earthen bund along its entire length;
- (d) the ring lock fences identified as 'Existing Fence' on the drawing are to be extended in height to 1.8 metres along the entire length identified on the drawing;
- (e) shade cloth is to be affixed to the full length and height of the extended Existing Fence. The fence and shade cloth are to be maintained in good condition to the satisfaction of the Shire;
- (f) A belt of multi-height vegetation with good screening properties, is to be established and maintained within the full strip between the Existing Fence and the bund as detailed in the plan. The species number and success rate of each species shall be in accordance with a vegetation screening plan to be approved by the Shire and the tall trees (defined as minimum 9 metres at maturity in the plan) are to be of fast-growing species.

#### Odour

8. Odour emissions from the development shall not exceed those assumed in the report entitled Proposed Poultry Farm Expansion for Lot 505 Henderson Road, Hopeland "Odour Impact Assessment" prepared by SLR Global Environmental Solutions dated 23 September 2013.
9. Within 12 months of the commencement of use of one or more of the new poultry sheds, and thereafter as required by the Shire, the owner shall commission a suitably qualified person to undertake an odour assessment with field monitoring in the final weeks of a growth cycle, in summer. The odour assessment report is to be submitted to the Shire within the 12 months of the commencement of use.

#### Dust

10. Litter removal from the sheds shall be undertaken in a manner that ensures dust nuisance to neighbours is likely to be minimised to the satisfaction of the Shire.

#### Noise

11. Suitable alternative warning measures to reversing beepers are to be fitted to all forklifts and tractors used on the site. These alternative devices should not be audible to adjacent properties and comply with relevant Australian Standards, and any applicable Worksafe requirements.

**12. Non-audible methods of notification and warnings such as personal pagers must be used for all alarms associated with the operation of the poultry farm.**

#### **Drainage & Nutrient Management**

**13. The poultry farm operations shall be in accordance with the Nutrient management Plan forming part of this approval.**

**14. Any discharge of water (wash down water, stormwater) from the poultry sheds shall be via treatment in silt traps, nutrient extraction swales, detention ponds, settling ponds or other effective mechanism to remove nutrients and chemical agents to the satisfaction of the Shire.**

**The discharge water and water treatment system shall be:**

- a) adequate for the retention of both wash down, waste waters and storm water to prevent the settling pond overflowing during major storm events and not impacting on any natural drainage systems.**
- b) All water treatment facilities are to be regularly maintained so as to maintain the discharge of nutrients, total suspended dissolved solids, total suspended solids and other pollutants to ground and surface water resources.**

#### **Compliance Report**

**15. The operator shall keep a log of complaints received, and action taken in response to complaints. The log is, at a minimum, to be according to a template approved by the Shire.**

**16. Within 12 months of the commencement of use of one or more of the new poultry sheds, and thereafter as required by the Shire, the owner shall undertake an audit of the Shire and WAPC approval conditions and submit a compliance report to the Shire. The compliance report is to include details of complaints and complaints response in the form of the approved template.**

#### **Advice notes**

- 1. A planning consent is not an approval to commence any works. A building permit must be obtained for all works prior to the commencement of any of the works covered by this approval including earthworks.**
- 2. In relation to condition 3 the applicant shall comply with the existing Deed of Agreement in relation to the maintenance of the driveway.**
- 3. The operation of the poultry farm shall comply with the Environmental Protection (Noise) Regulation at all times.**

**CARRIED 9/0**

#### **COUNCIL DECISION:**

**Moved Cr Erren, seconded Cr Hawkins**

**That the meeting be reopened to the public at 8.58pm**

**CARRIED 9/0**

**Members of the public returned to the Chamber and the Presiding Member advised that the Officers Recommendation was carried for item OCM087/11/14 with a vote of 9/0**

## 10. Information reports:

### COUNCIL DECISION:

Moved Cr Kirkpatrick, seconded Cr Piipponen

That items OCM088/11/14 to item OCM093/11/14 inclusive be dealt with En bloc.

**CARRIED 9/0**

OCM088/11/14	Chief Executive Officer Information Report (SJ1508)
Author:	Kirsty Peddie – Executive Assistant
Senior Officer:	Richard Gorbunow – Chief Executive Officer
Date of Report:	23 October 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

### Introduction:

The purpose of this report and associated attachments is to provide information to Councillors relating to recent activity regarding operational matters that need to be reported to Council either through a statutory mechanism or as information. The following details are provided to Councillors for information only:

### Attachments:

- [OCM088.1/11/14](#) - Common Seal Register Report – October 2014 (E02/5614)

**Voting Requirements:** Simple Majority

### OCM088/11/14 COUNCIL DECISION / Officer Recommendation:

That Council accept the Chief Executive Officer Information Report for October 2014.

**CARRIED En bloc 9/0**



<b>OCM089/11/14</b>	<b>Corporate and Community Information Report (SJ514-04)</b>
Author:	Gillian Carr – Personal Assistant to Director Corporate and Community
Senior Officer:	Alan Hart - Director Corporate and Community
Date of Report:	23 October 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

**Introduction:**

The purpose of this report and associated attachments is to provide information to Councillors relating to recent activity regarding operational matters that need to be reported to Council either through a statutory mechanism or as information.

**Attachments:**

- [OCM089/11/14](#) - Delegated Authority Financial Services for 21 September 2014 to 20 October 2014 (E14/5025)

**Voting Requirements**

Simple Majority

**OCM089/11/14 COUNCIL DECISION / Officer Recommendation:**

**That Council accepts the Corporate and Community Services Information Reports from 21 September 2014 to 20 October 2014.**

**CARRIED En bloc 9/0**

<b>OCM090/11/14</b>	<b>Confirmation of Payment of Creditors (SJ514-04)</b>
Author:	Vicki Woods - Finance Officer
Senior Officer:	Alan Hart - Director Corporate and Community
Date of Report:	21 October 2014
Disclosure of Officers 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

### Introduction

The *Local Government (Financial Management) Regulations 1996* requires the local government to prepare a list of accounts paid by the Chief Executive Officer each month.

### Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue.

### Community / Stakeholder Consultation

No community consultation was required.

### Comment

In accordance with the *Local Government (Financial Management) Regulations 1996* 13(1), Schedules of all payments made through the Council's bank accounts are presented to Council for their inspection. The list includes details for each account paid incorporating:

- a) Payees name;
- b) The amount of the payment;
- c) The date of the payment; and
- d) Sufficient information to identify the transaction.

Invoices supporting all payments are available for the inspection of Council. All invoices and vouchers presented to Council have been certified as to the receipt of goods and the rendition of services and as to prices, computations and costing and that the amounts shown were due for payment, is attached and relevant invoices are available for inspection.

It is recommended that Council receives the payments authorised under delegated authority and detailed in the list of invoices for period of 21 September 2014 to 20 October 2014, as per the attachment.

### Attachments:

- [OCM090.1/11/14](#) - Creditors List of Account 21 September 2014 to 20 October 2014 (E14/5022)

### Alignment with our Strategic Community Plan:

The Strategic Community Plan has placed an emphasis on undertaking best practice financial and asset management and is in line with the category of Financial Sustainability.

#### Financial Sustainability

Objective 2.1	Responsible Management
Key Action 2.1.1	Undertake best practice financial and asset management.

### Statutory Environment

Section 5.42 and 5.45(2) of the *Local Government Act 1995* states that the Local government may delegate some of its powers to the Chief Executive Officer. Council have

granted the Chief Executive Officer Delegated Authority CG07 - Payments from Municipal and Trust Fund.

### **Financial Implications**

All payments that have been made are in accordance with the purchasing policy and within the approved budget, and where applicable budget amendments, that have been adopted by Council.

**Voting Requirements**                      Simple Majority

**OCM090/11/14                      COUNCIL DECISION / Officer Recommendation:**

**That Council receives the payments authorised under delegated authority and detailed in the list of invoices for period of 21 September 2014 to 20 October 2014, as per attachment OCM090.1/11/14 - Creditor List of Accounts 21 September 2014 to 20 October 2014 including Creditors that have been paid and in accordance with the *Local Government (Financial Management) Regulations 1996.***

**CARRIED En bloc 9/0**

<b>OCM091/11/14</b>	<b>Monthly Financial Report – August 2014 (A2092)</b>
Author:	Kelli Hayward – Contract Financial Accountant
Senior Officer:	Alan Hart – Director Corporate and Community Services
Date of Report:	28 October 2014
Disclosure of Officers 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

### Introduction

The monthly financial report includes rating, investment, reserve, debtor, and general financial information and is required to be presented to Council under the Local Government Act 1995.

### Background:

The Local Government Act and Financial Management Regulations require that the Shire prepare a Statement of Financial Activity each month. The Local Government Act further states that this statement can be reported by either by Nature and Type, Statutory Program or by Business Unit. The Shire has resolved to report by Business Unit and to assess the performance of each business unit, by comparing the year-to-date budget and actual results. This gives an indication of how each business unit (and collectively the Shire) is performing against expectations for this point in time and any variance over or under 10% is reported.

### Relevant Previous Decisions of Council:

There is no previous Council decision relating to this application/issue.

### Community / Stakeholder Consultation:

No community consultation was undertaken / required.

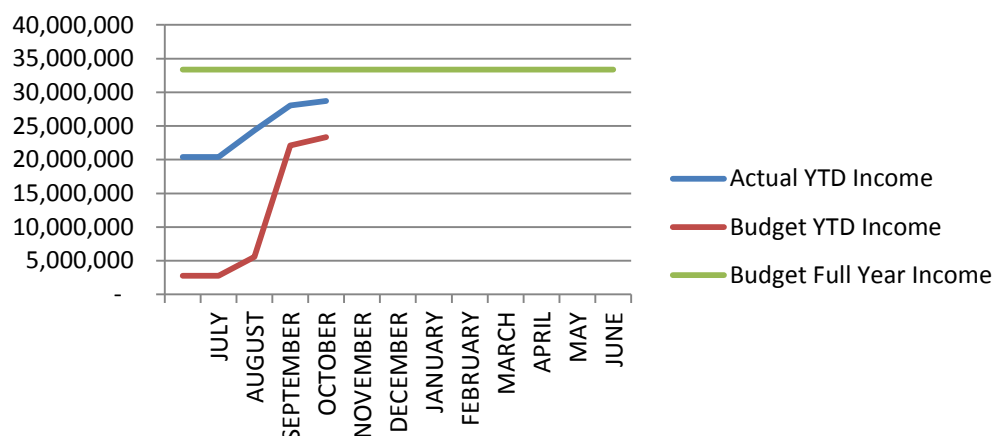
### Comment:

The period of review is October 2014. The municipal surplus for this period is \$18,698,506 compared to a budget position of 10,355,716. This is considered a satisfactory result for the Shire.

Income for the October 2014 period, year-to-date is \$28,716,075. The budget estimated \$23,346,789, would be received for the same period. The variance to budget is \$5,369,286. Details of all significant variances are provided in the notes to the Statement of Financial Activity by Directorate.

The following graph illustrates actual income to-date compared to the year-to-date budget.

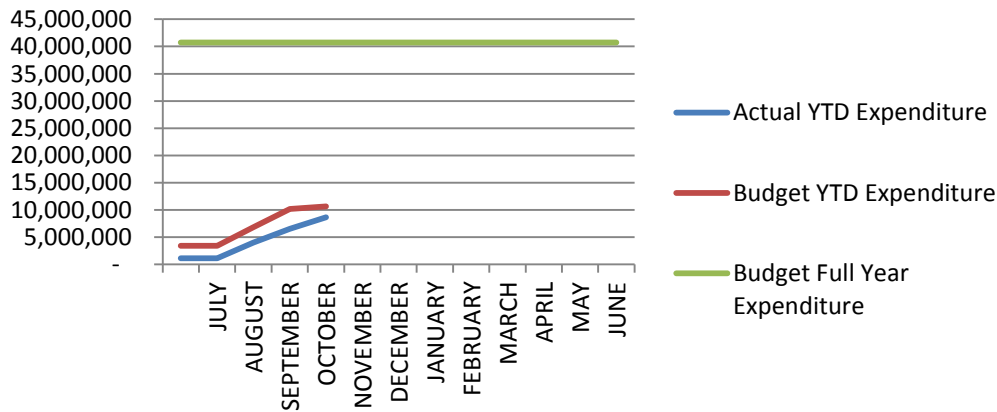
#### Total Income



Expenditure for the October 2014 period, year-to-date is \$8,626,099. The budget estimated \$10,623,822 would be spent for the same period. The variance to budget is \$1,997,723. Details of all significant variances are provided in the notes to the Statement of Financial Activity by Directorate.

The following graph illustrates actual expenditure to-date compared to the year-to-date budget.

**Total Expenditure**



**Attachments:**

- [OCM091/11/14](#) - Monthly Financial Report October 2014 (E14/5078)

**Alignment with our Strategic Community Plan:**

Financial Sustainability

Objective 2.1	Responsible Management
Key Action 2.1.1	This report is a tool for evaluating performance against service delivery to ensure efficiency, effectiveness and meets the needs of the community, elected members, management and staff

**Statutory Environment:**

Section 6.4 of the Local Government Act 1995 requires a local government to prepare an annual financial statement for the preceding year and other financial reports as are prescribed.

Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996 as amended requires the local government to prepare monthly financial statements and report on actual performance against what was set out in the annual budget.

**Financial Implications:**

There are no financial implications relating to the preparation of the report. Any material variances that have an impact on the outcome of the annual budget are detailed in this report.

**Voting Requirements:** Simple Majority

**OCM091/11/14 COUNCIL DECISION / Officer Recommendation:**  
**That Council receives the Monthly Financial Report for October 2014, in accordance with Section 6.4 of the Local Government Act 1995.**  
**CARRIED En bloc 9/0**

<b>OCM092/11/14</b>	<b>Planning Information Report (SJ514-04)</b>
Author:	Mary-Ann Toner - Personal Assistant to the Director Planning
Senior Officer:	Brad Gleeson - Director Planning
Date of Report:	24 October 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

### Introduction

The purpose of this report and associated attachments is to provide information to Councillors relating to recent activity regarding operational matters that need to be reported to Council either through a statutory mechanism or as information. The following details are provided to Councillors for information only.

### Attachments

- [OCM092.1/11/14](#) Planning, Building, Health, Rangers and Development Compliance – Delegated Authority Information Report (E14/5091)
- [OCM092.2/11/14](#) Scheme Amendment, Local Planning Policies and Local Structure Plans (E12/3985)

**Voting Requirements**      Simple Majority

**OCM092/11/14      COUNCIL DECISION / Officer Recommendation:**

**That Council accept the Planning Information Report for October 2014.**

**CARRIED En bloc 9/0**



<b>OCM093/11/14</b>	<b>Engineering Services Information Report (SJ514)</b>
Author:	Jill Jennings – Personal Assistant to Director Engineering
Senior Officer:	Gordon Allan – Director Engineering
Date of Report:	29 October 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

### Introduction

The purpose of this report and associated attachments is to provide information to Councillors relating to recent activity regarding operational matters that need to be reported to Council either through a statutory mechanism or as information. The following details are provided to Councillors for information only.

### Attachments:

- [OCM093.1/11/14](#) – Engineering Delegation of Authority Report, October 2014 (E14/5070)
- [OCM093.2/11/14](#) – Perth South District Operational Advisory Committee Meeting – Minutes, 2 September 2014 (IN14/20913)
- [OCM093.3/11/14](#) – Rivers Regional Council - OCM Minutes, 16 October 2014 (IN14/20829)
- [OCM093.4/11/14](#) – South East Regional Energy Group – Minutes, 27 August 2014 (E14/5075)

**Voting Requirements:** Simple Majority

**OCM093/11/14 COUNCIL DECISION / Officer Recommendation:**

**That Council accept the Engineering Services Information Report for November 2014.**

**CARRIED En bloc 9/0**

**11. Urgent business:**

Nil

**12. Councillor questions of which notice has been given:**

Nil

**13. Closure:**

There being no further business the Presiding Member declared the meeting closed at 9.00pm.

I certify that these minutes were confirmed at the  
Ordinary Council Meeting held on 8 December 2014

.....  
Presiding Member

.....  
Date