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Notice of Meeting

Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 25 August 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
J Erren
S Hawkins
B Moore
B Urban
J Kirkpatrick
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 – 17
Members of the Press – 1

Leave of Absence:

Councillor Kirkpatrick requested leave of absence for the period 1 September 2014 to 21 September 2014 inclusive.

COUNCIL DECISION

Moved Cr Urban, Seconded Cr Erren

That Council approve Cr Kirkpatrick's leave of absence for the period 1 September 2014 to 21 September 2014.

CARRIED 9/0

2. Response to previous public questions taken on notice:

Mr Harry McLean, 234 Soldiers Road, Cardup, WA, 6122

Question 1

Have demolition notices been issued to the owners of homes in the Byford Business Park?

Response:

No

Question 2

How is the Shire going to protect our current water supply's?

Response:

The Shire is currently assessing the Local Structure Plan that has been submitted by the proponent. An important component of the Structure Plan is the Local Water Management Strategy that provides a full overview of the management of drainage for the Local Structure Plan area.

Question 3

How is the Shire going to protect the geomorphic wetlands on the Cardup Business Park?

Response:

The geomorphic wetlands within the proposed Cardup Business Park will be managed according to their status. Any conservation and resource enhancement category wetlands will be required to be protected as part of the development of the Cardup Business Park. A Local Water Management Strategy is required to be prepared as part of the Local Structure Plan for the site. This considers matters such as stormwater quality and quantity, groundwater management and potential impacts on groundwater dependent ecosystems such as geomorphic wetlands. Stormwater within the Business Park will be required to be treated prior to discharge to the receiving environment using best practice water sensitive urban design. Each development within the Business Park will be required to prepare an Urban Water Management Plan that outlines how water is to be managed within their development. This may include their process water as well as stormwater from impervious areas such as roofs, car parks and other hard stand areas. Both Local Water Management Strategies and Urban Water Management Plans are required to address the matters listed in the Better Urban Water Management Framework (WAPC, 2008). These plans also require water quality and quantity monitoring and trigger values for initiating a management response in the event that contaminants exceed guideline levels.

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

Question 1

Has Wormall been ordered to remove the training building from Lot 41?

Response:

The CEO advised that orders for the removal are about to be issued and that the notice will be served shortly.

3. Public question time:

Public Question and Statement time commenced at 7.02pm

Mr Harry McLean, 234 Soldiers Road, Cardup, WA, 6122

Question 1

Why have I not had a reply to the questions from the last meeting?

Question 2

When will I get a reply?

Response:

Director Planning advised that the letter was dated 21 August and was sent on or about the same day. A copy of the letter will be provided at the conclusion of the meeting.

Mr Karl H Titelius, 360 Hedges Road, Hovea, WA, 6071

Questions 1

When will the Shire of Serpentine Jarrahdale ask LWP to explicitly remove the development proposal for the area between the creek lines and incorporate it intact in to the multi-use corridor that joins the rest of the Glades to the Brickwood Reserve/Park?

Questions 2

When will the Shire of Serpentine Jarrahdale take action to seek a commitment and action timeline from LWP to control vehicular access to the site to reduce its use as a dumping site for local residents and contractors refuse? It is disrespectful to members of the local community who walk through that area to see that its owners do not care that it is used as an informal and uncontrolled tip site.

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 CEO and any Councillors seek leave of absence for the past week before taking that leave?

Question 2

Is it a requirement that anyone putting questions to Council or making statements to Council use their legal name? If yes, what action would you be required to take should this behaviour have been permitted to occur?

Question 3

When an email is sent to a Councillor the sender is able to see when that email is opened, who is responsible for stopping Councillors from receiving emails directed to particular Councillors?

Response:

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

Ms Michelle Rich, Firns Road, Serpentine, WA, 6125

Question 1

Am I right in my belief that the sporting precinct is still one of the Shires five priority projects?

Questions 2

Can the Serpentine Jarrahdale Community Recreation and Sports Group please have a copy of the information supplied to Gary Middle as part of the study and writing of the report – Active Open Space in a Growing Perth-Peel Area?

Question 3

Is there a reason that elected members would name, call and refuse to communicate with residents of the Shire?

Question 4

Have any members of the Council heard Tony Simpson MLA state that the sporting precinct is dead in the water and for the Shire to not bother proceeding with pursuing the sporting precinct?

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:

Ms Christine Burtenshaw, 35 Allanson Drive, Byford, WA, 6122

Statement in relation to OCM028/08/14 – Proposed Closure of a Portion of Allanson Drive Road Reserve. Statement read by Mr Karl H Titelius on Ms Burtenshaws behalf.

In the background to the report it states that *“At the meeting of 14 April 2014, Council considered a request to close a portion of Allanson Drive. A motion to support the recommendation was moved and lost, resulting in no formal decision being made.”*

Clearly through its vote of 7 to 2 Council did in fact make a decision not to close the road reserve and retain the trees in the road reserve.

Point 1. The report further states that the proponent, LWP, states that the Shire *“is providing contradicting information on the basis that it has supported the subdivision application but is preventing implementation of the subdivision by not supporting the road closure request”*. The original Structure Plan for the subdivision showed that the road reserve would be developed to include the avenue of trees of which the original arborist’s report stated were worthy of retention. It is my understanding that WAPC subdivision approval does not in fact preclude a Local Government from making amendments to the proposed subdivision, as has been inferred in the report.

Point 2. The comments note: *“that the Shire has made an ‘irrelevant decision’ denying LWP natural justice in fulfilling its right to develop as per the approved subdivision”*. I would suggest that the residence of Allanson Drive are being denied their natural justice by the closure of the road reserve and the removal of the circa 40 trees that were shown to be retained in the Structure Plan when they purchased their properties.

In my initial research on the matter conducted to form a submission to the Shire I tried unsuccessfully to obtain the LWP assessment of the trees in the Allanson Drive Road Reserve. Despite numerous requests the officer from LWP responsible for the assessment was unwilling to produce an assessment. It is my understanding that the Project Officer was not suitably qualified to assess tree health and vigour and I was unable to acquire information to the contrary.

The report further states that the Shire also assessed the trees in the road reserve. This is contradictory to information that I obtained from the Shire’s Environmental Department in which I was told that the trees that they had assessed, six in total, were in fact those proposed for the additional Public Open Space proposed by the proponent as an off-set for the removal of circa 40 trees in the road reserve.

The original Arborist report prepared by Arbour Logic for the Structure Plan concluded that these trees could be retained given a wider than usual road reserve, which the Structure Plan allowed for.

The report is misleading in that it infers that the majority of the trees in the road reserve are Rose Gums and Lemon Scented Gums. The majority of trees in the road reserve are River Red Gums, *Eucalyptus Camaldulensis*. As identified in my original submission, this species is well represented throughout The Glades in road reserves and POS. There is also locally endemic species of Marri (*Corymbia Calophylla*) present.

Finally, I would suggest that the closure of the road reserve and the removal of the circa 40 trees within it is not in accordance with the Shire of Serpentine Jarrahdale’s *Strategic Community Plan, Objective 3.1 Urban Design With Rural Charm*, and will directly facilitate the exact opposite.

Mr Karl H Titelius, 360 Hedges Road, Hovea, WA, 6071 and Ms Eileen Davis, 2/9 Warrington Road, Byford, WA, 6122

In early 2013 Ms J Eileen Davis, a long term resident of Warrington Road, Byford and I became aware of LWP's plans for developing the area, that includes the roosting site, between the two creek lines that are south west of the roundabout on the junction of Warrington Road and Mead Street in Byford. That plan was a modification to an earlier plan proposed by LWP and accepted by the Shire where the roosting site was to be retained in an undeveloped state as a corridor linking the LWP constructed wetland and drainage corridor through the Glades development precinct and Brickwood Reserve. The development proposal as it was presented at an LWP sponsored information kiosk at one of the monthly Byford on the Glades community fair early in 2013 showed the roosting site area was to be developed as a mix of larger and small residential block sizes. In essence the changes proposed by LWP and accepted by the Shire would simply destroy the roosting site value of the area between the two creek lines.

To date there has been no explicit commitment by LWP to remove the development option for the roosting site. Further to that the Shire of Serpentine Jarrahdale does not at this time appear to have explicitly sought to a binding commitment from LWP to remove the development option for that area that includes the roosting site.

Red Tailed Black Cockatoo roosting sites are an essential element of habitat for this species to survive in the Perth Metropolitan area. That roosting site also forms a natural and logical part of the natural drainage system linking Brickwood Reserve/Park to the constructed multi-use wetland and parks corridor through the middle of the Glades urban area.

It would represent the best practice in good corporate citizenship, adaptive management and authentic practical commitment to sustainable development to remove the site between the creeks. That includes the roosting site, as a development site. It appears that the fauna survey that should have been done as part of the approval process for development did not capture its use as a roosting site.

My interest and stake in the issue of seeking retention of the roosting site area is that I am an active member of the Friends of Brickwood Reserve who contribute to the care and on-ground bushland maintenance activities at that reserve. One of the key values of the roosting site area for roosting is that the tree canopy there is tight enough that it forms a good refuge in windy weather and storms for the Black Cockatoos. There are unfortunately no such similar tree dense refuge area in the adjacent Brickwood Reserve area. The roosting site is thus as essential and natural extension to the conservation value of the adjacent Brickwood Park that my partner Ms J Eileen David and I help look after the good of the greater community.

Mr Tony Ierino, 21 Buttergum Close, Serpentine, WA, 6125

We have been residents of Serpentine for the past 8 years, enjoying our rural lifestyle and keeping sheep on our property. Four years ago new neighbours built next door to us and in that time their dog has attacked, mauled and killed our sheep and lambs on three occasions. The most recent attack being four weeks ago on 26 July 2014. Two of these incidents the Ranger has been contacted and attended my property. I have photographic evidence of the vicious nature of these attacks on my sheep. A warning has on each occasion been given however no other action has been taken with the owner and the dog. The neighbours at the back have also placed a formal complain to you regarding the dog.

When these attacks have occurred the owner removes the dog for a few weeks then returned it when things have calmed down. No attempt has been made to replace my live stock lost despite promise to do so.

When the first attack occurred the dog attempted to chase down and bite my wife, whom in fear had to lock herself in the house and alert the Ranger. The senseless mauling and deaths of our pet lambs and sheep has brought extreme distress to me and my family. This is a domestic dog, not a wild animal. We live in an estate, not on a farm.

I frequently have my small grandchildren under five visiting and at times living with me. The questions I ask of the Ranger and the Shire of Serpentine Jarrahdale is, are you happy with the knowledge of these three formal reports, all legally documented about this dog at 13 Buttergum Close and will you take responsibility legally for any physical harm, injury or worse, death, occurring to my grandchildren, wife or family in regards to this matter. The dog cannot be trusted. I feel upset and angry that I can no longer keep livestock at the risk of losing them again or that I have to think twice about letting the grandchildren outside to play.

The Ranger states we can prosecute, but I feel my Shire as a governing legal body should have the authority to be able to act on mine and the communities concerns to ensure that the laws are upheld in regards to the owner and the dog in question, ensuring our rights to live safely and harmoniously within our community is maintained.

I have lost my freedom to move about my property as I wish, keep livestock and feel secure and safe without fear of the unpredictability of this dog. While the owners are remorseful they demonstrate no responsibility and have limited in sight to the dangerous situation they are placing others in, by not removing this dog permanently. How will everyone react when it is too late and a child is injured or worse?

My regret is that maybe I should have called a more pro-active organisation like the RSPCA that would have ensured that the dog would have been taken and the owners charged under the Dangerous Dog Act. As stated in my letter what do you, the Shire of Serpentine Jarrahdale propose to do with this serious situation regarding this dog? And are you happy to be responsible for any further incidents that may occur.

Mr Phil Cuttone, LWP Property Group

I am here to speak in support of the proposed Allanson Drive road closure located in The Glades which is an item on tonight's agenda. On behalf of LWP Property Group I am seeking the Shire to tonight approve the item relating to Allanson Drive road closure as per the officer recommendation.

Allanson Drive road closure is required in order for LWP to develop land in its vicinity in accordance with the Western Australian Planning Commission sub-division approval. The closure of Allanson Road is a precursor to LWP fulfilling its legal obligation of the sub-division approval and that of the endorsed by Council via the Local Structure Plan.

Once the road closure is effected, LWP will be giving up an equal area of land in order to accommodate the Allanson Drive connection to Doley Road in accordance with the approved sub-division. Based on the approved subdivision LWP has already spent considerable amount of funds relating to the development of lots along Allanson Drive and is holding up development in this area.

I advise that LWP has a proven track record already with The Glades in providing great places for people by keeping trees where possible and has planted over 3000 trees of a planned 10, 000 trees by the end of the project.

The trees along Allanson Road have been assessed as being not of a high quality and are not of a species that the Shire have on their recommended species for planting. The road closure allows LWP to develop its landholding in accordance with the

approved subdivision and I ask that Council supports the officer recommendation and support the road closure.

Ms Lee Bond, Box 44, Armadale

Why is it okay to allow some developments to operate in this Shire without Council approval and deny other developments the same right? Why is it okay to disregard legal opinion and continue to harass people with the end result costing the ratepayer dearly?

It is time a full explanation was given as to why the rates were increased and why our tip passes have ceased. This will cost the ratepayer when people dump their excess rubbish on the side of roads in the Shire. Should amalgamation go ahead we will get our tip passes back however our rates will again increase.

I remind Councillors that any decisions made with regards to a CEO's contract or appraisal of a CEO should be deferred because of the looming amalgamation. It is well known that should amalgamation eventuate there will be a two year maximum paid on any employment. Councillors need to be very mindful of this and not make any decision which will be seen as lack of responsibility to the ratepayer of the Shire and from a legal position. Further to this I received the following text message on 23 August 2014, CEO appraisal on agenda for Monday night OCM. Look at which Councillors are on appraisal committee. Look at which Councillors have been away fishing with CEO this last week. I was aware of this long before this message was sent to me and the person who sent the message is not on the same team as me.

Although I have questions where the Mundijong Timber Goods Shed is situated neither myself or anyone else can find this building. As it has cost around \$159,000 so far, will someone with the knowledge of the exact position show me where it is.

A recent visit to the Mundaring Shire left me thrilled that they have managed to keep the beauty of their Shire much as it was when I lived and attended school there. They have progress but their planners and Councillor should be congratulated with how well they have blended some development and housing. It is sad we cannot boast the same in this Shire.

I want to make it very clear that I have not given the President of the Ratepayers and Residents Association nor any other member of that association permission to ever speak on my behalf or claim to represent me.

Ms Michelle Rich, Firns Road, Serpentine, WA, 6125

In public question time at Ordinary Council Meeting 25 August 2014 it was stated by the President that my fourth questions would not be allowed as ratepayers and residents are only allowed to ask three questions. The Shire website has been checked tonight and on the paperwork provided to the public to ask questions or statements states "3 minutes per person is permitted" not three questions. If Council is going to hold the public to the rules regarding public questions or statement time at the Ordinary Council Meetings then those rules need to be advertised well before the meeting time. As this is not the case I will be pleased to have my fourth question on record in the minutes of tonight's Ordinary Council Meeting.

Public Question and Statement time concluded at 7.27pm

5. Petitions and deputations:

5.1 Mr Joe Algeri from Altus Planning and Appeals to present a deputation regarding items OCM029/08/14 Proposed Subdivision – Lot 55 McKenna Drive, Cardup.

My name is Joe Algeri, Director of Altus Planning & Appeals and I have only prepared my deputation for Item OCM029/08/14, the proposed freehold subdivision of Lot 55 (No. 11) McKenna Drive, Cardup, on the basis that two of the applicants for this subdivision application are employees of the Shire. I understand that for the reasons of accountability and transparency that these applications need to be on the public record and before you for consideration.

I wish to qualify from the outset that who the applicants are should have absolutely nothing to do with the planning assessment that the Shire and the Western Australian Planning Commission ('WAPC') need to consider and undertake; the exercise of any discretion should not be lenient because of this and equally should not be harder. I can assure you that the same principles would apply if this matter were to end up at a review at the State Administrative Tribunal.

It is important that I put that out in the open to begin with because that is the only reason that this application has been put to you. I am a planning consultant who has prepared numerous applications in this area and/or in this particular zone. None of those, to the best of my knowledge, were put to you for a recommendation and the WAPC's referrals were considered under delegation.

Specifically, I wish to advise you of the following points for your consideration:

- i) Not one of these applications were consistent with the Guide Plan;
- ii) Not one of these subdivisions were connected to reticulated water; and
- iii) In most of the applications, as I recall, the recommendation from your officers was for refusal with the WAPC approving those applications.

In regards to the issue of Guide Plans for the 'Rural Living' zones, these were done as part of the rezoning or scheme amendment process. Naturally, when you do a schematic Guide Plan ahead of any proper and detailed subdivision design, the two do not always synchronize. In this case it goes one step further in so far as it shows a greater number of lots than was envisaged at the time of the rezoning. Again, this situation is not unique but bear in mind, the lots do achieve the minimum size of 4,000m² in the proposed design and as the officer's report suggests, the shared access arrangement is perfectly acceptable. Therefore, there has been no planning reason as to why it should not be supported.

In respect of the second issue, in the applications that we have prepared, we have provided advice to say that the proponents would accept the need for a 120,000 litre water tank and a section 70A Notification to be placed on the Certificate of Title advising prospective purchasers that there is no connection to reticulated water. In most instances, the WAPC has approved those applications without reticulated water.

Having regard to the above, I cannot see how this application should be then treated differently than all the others. You might say for that reason "why should we treat this application any differently to the others in terms of a recommendation?" My advice to you, not as the town planning consultant for these particular applicants but as a town planner who was born, grew up and lives in your Shire, is please do not stick to your position in knowledge that it may be approved when there is no clear planning reason as to why it should not be approved. To simply say "let the commission approve it if they want to" is not good planning in my mind. Again, I say this sincerely irrespective of whether I'm working for the applicants or whether I would be working for you.

For all of these reasons, I respectfully request that you consider an alternative resolution which is to instruct your officers to prepare a draft set of conditions that can be consistent and no different than every other similar application that I have dealt with and

those of other consultants. Thank you for giving me the opportunity to speak to you and we look forward to your favourable resolution.

6. President's report:

Woolworths is to create 497 jobs if the Shire gets the tick of approval from State Planning to build the Woolworths Store on Thomas Road and Kardan Boulevard, Byford. They will create approximately 497 jobs, 196 will be direct employment long term and the other 301 jobs will come from speciality shops, the construction and direct supplier involvement. These jobs will be a great thing for the Shire.

The long awaited Jarrahdale Skate Park Official opening is on this Sunday, the 31st of August from 12.00 noon until 3.00pm. It is an informal affair with many of our young people performing. Bring your children as there will be plenty of activities including a Skate Clinic with demonstrations from Skateboarding Australia. There will also be the Sausage Sizzle with beverages.

The Serpentine Jarrahdale Community Fair was a great success with over 4000 visitor before noon. The Community Resource Centre should be congratulated on an excellent day.

7. Declaration of Councillors and officers interest:

Cr Kirkpatrick declared a proximity interest in item OCM028/08/14 and OCM030/08/14 due to the proximity to the site and interest in common with other residents.

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

8.1 Ordinary Council Meeting – 11 August 2014

Moved Cr Piipponen, seconded Cr Hawkins

That the minutes of the Ordinary Council Meeting held on 11 August 2014 be confirmed (E14/3792).

CARRIED 9/0

9. Motions of which notice has been given:

OCM027/08/14	Proposed Licence Agreement between the Shire of Serpentine Jarrahdale and Serpentine Horse and Pony Club (SJ975-03)
Author:	Kristen Cooper – Leasing and Property Officer
Senior Officer/s:	Alan Hart - Director Corporate and Community
Date of Report:	2 May 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

Negotiations with the Serpentine Horse and Pony Club (SHPC) regarding a licence agreement have been ongoing for many years. The Shire and Club have participated in many meetings and seek to conclude this process. In accordance with the Shire's adopted Lease and Licence Policy, it is recommended that a licence of ten years will be offered to the organisation with an option to renew for a further ten year period. The purpose of this report is to seek Council's endorsement of this licence agreement. Once this approval is obtained the Shire will seek support from the Minister for Lands as required under legislation, and once approved the licence agreement will be executed by the Chief Executive Officer and Shire President.

Background:

The Pony Club has been in operation at the Serpentine Sports Reserve since 1956 and during that time has worked with the Shire for the betterment of the facility.

Membership of the SHPC is approximately 75 riding members. Members come from all over the Peel and Rockingham regions, encompassing Byford, Mandurah and Baldivis. The club does not plan to increase the number of members, as a larger membership would strain the administration and management of club activities and impact on the social values inherent in a small club.

The pony club season runs from February to November and includes a variety of events. The grounds are known as the David Buttfeld Equestrian Park, an irrigated turf surface that was substantially remodelled to improve drainage. The club also uses a national standard 3000m one day event track, which traverses sections of the bushland and is used three times a year for events and once for training. The dimensions and features of this cross-country course are defined by the State body, the Pony Club Association. The upkeep of the bush reserve, including work on the rehabilitation and preservation of the wetlands area along the western boundary, has been an ongoing collaborative effort with the Shire of Serpentine Jarrahdale.

In accordance with the Shire's Lease and Licence Management Policy a rental term of ten years with an option to renew for a further ten years has been offered to the Club. This provides the club with security in that they will remain the preferred user of the David Buttfeld Equestrian Park above other users.

Relevant Previous Decisions of Council

OCM128/02/14 – Authorised the CEO and the Shire President to sign the licence agreement between the Shire of Serpentine Jarrahdale and Serpentine Foothills Polocrosse Club for a period of ten years with an option to renew for a further ten years. It also approved the related revised licence fee of \$2,000 pa (inclusive of GST) and that it be subject to annual increases in line with CPI.

Community / Stakeholder Consultation:

The shire has been negotiating the detail of the licence agreement with the SHPC for a number of years now and both parties agree to the terms and conditions of the licence.

Attachment:

- [OCM027.1/08/14](#) - Proposed licence between the Shire of Serpentine Jarrahdale and the Serpentine Horse and Pony Club. (IN14/15560)

Alignment with our Strategic Community Plan:

Sporting clubs and various types of community groups play a vital role in the communities well-being. The club's vision for the future aligns with the encouragement of equine related activities and the fostering of equestrian based businesses in the Serpentine area.

Objective 6.2	Active and Connected People
Key Action 6.2.2	Use community facilities to provide social interactions for all age groups through appropriate activities and events

Statutory Environment:

The SHPC is exempt from the requirements of S3.58 of the Act by Regulation 30(2) of the *Local Government (Functions and General) Regulations 1996*. A valuation of the premises and public advertising of the disposition of land is not required as it is a lease that is being offered under the Shire's Lease and Licence Management Policy, Policy number G007.

Financial Implications

There is an annual licence fee of \$2,000 payable by the licensee. All costs in relation to the preparation of the licence will be paid by the licensee. The club funds maintenance, and proportionate payment of outgoings and utilities relating to the licensed area.

Voting Requirements Absolute Majority

OCM027/08/14 COUNCIL DECISION / Officer Recommendation

Moved Cr Urban, seconded Cr Hawkins

That Council:

- 1. Seek approval from the Minister for Lands to licence a portion of the Serpentine Sports Reserve as shown hatched on the plan annexed to the Serpentine Horse and Pony Club Licence Agreement for the purpose of Recreation for a ten year period with an option to renew for a further ten years.**
- 2. Endorse the terms and conditions of the draft licence agreement as per attachment OCM027.1/08/14.**
- 3. Approve the licence fee being set at a \$2,000 (inclusive of GST) and be subject to annual increases in line with CPI.**
- 4. Upon receipt of final approval from the Minister for Lands, authorise the Chief Executive Officer and Shire President to sign the Licence Agreement as per attachment OCM027.1/08/14 with the Serpentine Horse and Pony Club for a portion of the Serpentine Sports Reserve as shown hatched on the plan annexed to the Serpentine Horse and Pony Club Licence Agreement for the purpose of recreation for a ten year period with an option to renew for a further ten years.**

CARRIED ABSOLUTE MAJORITY 9/0

OCM028/08/14	Proposed Closure Of A Portion Of Allanson Drive Road Reserve, Byford (SJ140)
Author:	Kylie Shailer – Planning Support Officer
Senior Officer/s:	Brad Gleeson – Director Planning
Date of Report:	23 June 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:	McMullen Nolen Group
Owner:	LWP Property Group
Date of Receipt:	15 August 2013
Lot Area:	1215m ²
Town Planning Scheme No 2 Zoning:	Urban Development
Metropolitan Region Scheme Zoning:	Urban Deferred

Introduction:

To consider a further request to close the portion of road reserve and to provide a recommendation of support for the road closure to the Minister for Lands.

Background:

At the meeting of 14 April 2014, Council considered a request to close a portion of Allanson Drive. A motion to support the officer recommendation was moved and lost, resulting in no formal decision being made.

Relevant Previous Decisions of Council:

OCM158/04/14 Proposed Closure of a Portion of Allanson Drive Road Reserve, Byford – Refusal to recommend closure to Minister of Lands

Comment:

Subsequent to the meeting the Shire received a letter from the landowner advising of the implications arising from the resolution and lack of decision. The main concerns relate to the following:

- The Shire is providing contradictory information on the basis that it has supported the subdivision application but is preventing implementation of the subdivision by not supporting the road closure request;
- It is considered that the Shire has made an "irrelevant consideration" denying LWP natural justice in fulfilling its right to develop as per the approved subdivision;
- There are costs associated with the inability to progress and implement the subdivision approval;
- It is considered that the Shire has failed to adhere to Local Government Act Regulation 11(da) by failing to provide reasons for diverting from the officers recommendation in making its decision;
- The opportunity for contemplating retention of the trees is not considered relevant at this stage of the process, as a comprehensive assessment of the trees was undertaken in relation to the subdivision application.

Subdivision

A subdivision application was lodged and approved by the Western Australian Planning Commission (WAPC) in 2013, to create lots fronting Allanson Road. Six lots were approved

which incorporate parts of Allanson Road reserve. The portion of land to be incorporated into residential lots had a number of trees on it which could not be retained when the new lots were created.

In considering the subdivision application an assessment of the trees was made by the Shire and a LWP Consultant. The following advice was used in determination of the subdivision application by WAPC.

A total of six specimens (out of ~40) were identified as being potentially worthy of retention.

The trees appear to have been planted in a double row as a wind break and screen for the adjacent property and, as such, they have been planted too close together. This has led to ill health and poor form for most specimens as they have competed for light, nutrients and water.

Rose Gums and Lemon Scented Gums are widely considered unsuitable trees for retention within urban development, as they are potentially high risk species which result in unnecessary maintenance expense and exposure to litigation/liability for local governments. Furthermore, the health and form of the trees has resulted in these trees also posing a potentially serious liability risk and maintenance obligation on the Shire.

Rose Gums, Northern River Red Gums and Lemon Scented Gums are not native species to WA nor endemic species to the SJ Shire.

Based on the assessment of the trees the subdivision application was supported, providing provision was made for the planting of additional vegetation to mitigate the loss in area of public open space and road reserves.

The road closure process is a statutory process which is required to enable the subdivision approval to be implemented. It does not require consideration of the loss of the trees as this has already been considered at an earlier stage in the statutory process. Failure to formally request the Minister of Lands to close the road reserve to facilitate this subdivision is contrary to the subdivision approval by the WAPC. It is recommended Council support the road closure request.

Community/Stakeholder Consultation:

Community consultation has previously occurred.

Attachments:

- [OCM028.1/08/14](#) – Road Closure Plan (E13/3465)

Alignment with our Strategic Community Plan:

This proposal aligns with the specific objectives outlined in the Strategic Community Plan as follows:

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

Statutory Environment:

Land Administration Act 1997

Financial Implications:

There are no financial implications to Council.

Voting Requirements: Simple Majority

Cr Kirkpatrick foreshadowed he would move a New Motion if the current motion under debate is lost.

OCM028/08/14 COUNCIL DECISION/Officer Recommendation:

Moved Cr Moore, Seconded Cr Wilson

That Council:

- 1. Resolves to support the request for closure of a portion of Allanson Drive, Byford.**
- 2. Formally request the Minister for Lands, pursuant to Clause 58(1) of the Land Administration Act 1997, to progress with the proposed road closure of a portion of Allanson Drive, Byford.**

**CARRIED 7/2
Councillors Kirkpatrick and Rossiter voted against**

OCM029/08/14 Proposed Subdivision – Lot 55 McKenna Drive, Cardup (S150039)	
Author:	Regan Travers – Senior Statutory Planner
Senior Officer/s:	Brad Gleeson – Director Planning
Date of Report:	23 July 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: Algeri Planning and Appeals
 Owner: Linda Kirchner, Sebastian Walz, Peter Varelis, Craig Wansbrough, Tracey Timms
 Date of Receipt: 27 May 2014
 Lot Area: 2.476ha
 Town Planning Scheme No 2 Zoning: Rural Living A
 Metropolitan Region Scheme Zoning: Rural

Introduction

The purpose of this report is to consider the Council's recommendation for a proposed five lot subdivision at Lot 55 McKenna Drive, Cardup which has been referred to the Shire by the Western Australian Planning Commission (WAPC). The recommendation needs to be considered by Council due to two of the owners being employees of the Shire of Serpentine Jarrahdale. It is recommended that the application be refused.

Background:

Site Context

The subject property currently features a single residential dwelling, associated outbuildings and water tank. The site is predominantly clear of understory vegetation; however some trees have been retained, predominantly in the north of the site.

Scheme Amendment

The subject site was originally part of Lot 4 Kargotich Road which was subject to Scheme Amendment No.100 to Town Planning Scheme No.2 (TPS 2). The Amendment was published in the Government Gazette on the 14 March 2000 and had the effect of rezoning Lot 4 Kargotich Road from 'Rural' to 'Rural Living A'. The rezoning facilitated the subdivision of Lot 4 Kargotich Road which created the 2.476ha site subject of this report.

Subdivision Guide Plan (April 1999)

The Subdivision Guide Plan approved on 27 April 1999 referred to in Scheme Amendment No.100 reflects the approved subdivision and also provides a 'possible subdivision overlay' depicting the potential for further subdivision to occur on the new lots. Lot 55 McKenna Drive is shown on the Subdivision Guide Plan to have the potential to be further subdivided into two north-south oriented lots.

Relevant Previous Decisions of Council:

P233/03/03 Proposed Amendment 100 to Town Planning Scheme No.2 – Rezoning Lot 4 Kargotich Road, Peel Estate from 'Rural' to 'Rural Living A'.

Community / Stakeholder Consultation:

Subdivision applications do not require referral to adjoining land owners and occupiers in accordance with Clause 6.3 of the Scheme.

Comment:

The Applicant proposes to subdivide Lot 55 McKenna Drive to create 5 new lots.

Proposed Lot No.	Proposed Lot Size	Compliant with Minimum Lot Size 4000m ²
1.	4225m ²	Yes
2.	4246m ²	Yes
3.	4251m ²	Yes
4.	5977m ²	Yes
5.	6052m ²	Yes

Proposed Lots 1, 2 and 3 are oriented in a north-south direction towards McKenna Drive, while proposed Lots 4 and 5 are oriented in an east-west direction and are proposed to be accessed via a shared battle axe leg originating at McKenna Drive.

The proposed lot sizes are consistent with the 4000m² to 10,000m² range recommended in the Shire's Rural Strategy for Rural Living A areas. The lot sizes are site responsive, providing larger lots where there is an opportunity to retain vegetation and where there are likely to be more site constraints to development.

Proposed Subdivision Design

The subdivision lot layout is typical of small lot rural subdivisions. There is no objection to the use of a shared battle axe leg to the rear properties, the battle axe connection to Proposed Lot 5 needs to be widened from 3 metres to 4 metres. It is acknowledged that the recommended widening may result in modifications being required to an existing outbuilding.

Consistency with Amendment No.100 Subdivision Guide Plan and Scheme Provisions for RLA13

The proposed subdivision layout is not consistent with the Subdivision Guide Plan approved through Amendment No.100.

It is also noted that the Part 10 of the Scheme Provisions under RLA13 states that '*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 Commission for whole or part of the area*'.

It is also noted that clauses 5.12.6 and 5.12.9(a) of TPS 2 require subdivision to be considered with regard to the provision of reticulated water and an endorsed Subdivision Guide Plan.

The Shire considers that the application has not sufficiently demonstrated that the proposed lots can be serviced by reticulated water. The Shire also considers that given the proposed subdivision is not consistent with the endorsed Subdivision Guide Plan (i.e Only 2 North-South orientated lots), it does not comply with TPS 2.

Options

Option No.1

That Council recommends the WAPC refuses the application.

Option No.2

That Council recommends the WAPC grant subdivision approval subject to conditions.

Option 1 is recommended given the proposed subdivision is inconsistent with TPS 2, the subdivision guide plan and reticulated water supply is not available to the proposed lots.

Conclusion

Whilst the subdivision design is typical of small lot rural developments, it does not meet TPS 2 requirements for service provision and consistency with the approved Subdivision Guide

Plan. The proposed subdivision raises planning concerns and thus is not capable of being recommended for approval.

Attachments:

- [OCM029.1/08/14](#) – Location Plan (E14/3436)
- [OCM029.2/08/14](#) – Subdivision Application (E14/3833)
- [OCM029.3/08/14](#) – Fencing Plan (E14/3429)
- [OCM029.4/08/14](#) - Aerial Photo (E14/3435)
- [OCM029.5/08/14](#) - Excerpt of Subdivision Guide Plan 27 April 1999 (E14/3434)
- [OCM029.6/08/14](#) - Recommended modification to battle axe leg (E14/3431)

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

Statutory Environment:

Planning and Development Act 2005
TPS 2
Rural Strategy
Council Policy G703

Council's Code of Conduct and Policy G703 'Control Over Employees Dealing in Land and Other Business Activity within the Serpentine Jarrahdale Shire', outlines clear expectation that Council expects high standards from its employees with respect to land dealings within the Shire. Policy G703 states that Council has retained the discretion to determine whether or not it will permit employees to engage in land transactions within the Shire. The Chief Executive Officer is responsible for ensuring Council's Policy is implemented and this matter is currently being investigated.

Financial Implications:

There is no financial implication relevant to this item.

Voting Requirements: Simple Majority

Officer Recommendation:

That Council:

1. Recommend the Western Australian Planning Commission refuse the application for Subdivision (Lot 55 McKenna Drive, Cardup) for the reasons below

- (a) The proposed subdivision is not consistent with clause 5.12.9(a) of the Shire's Town Planning Scheme No.2 which requires subdivision to be in accordance with the appropriate Subdivision Guide Plan.**
- (b) The proposed subdivision is not consistent with clause 5.12.6 of the Shire's Town Planning Scheme No.2 which requires a reticulated water supply to be provided to new lots less than 2 hectares in size unless approved otherwise by Council and the Commission.**

2. Authorise the Director Planning to recommend conditions of approval if requested by the Western Australian Planning Commission.

OCM029/08/14 COUNCIL DECISION / New Motion:

Moved Cr Moore, seconded Cr Wilson

That Council:

- 1. Recommend the Western Australian Planning Commission approve the application for Subdivision (Lot 55 McKenna Drive, Cardup) for the reasons below:**
 - (a) The proposed subdivision is consistent with the Shire's Rural Strategy that supports subdivision into smaller lots in the Rural Living A area.**
 - (b) The Western Australian Planning Commission has approved similar subdivisions in this area, consistent with the Shire's Rural Strategy.**
- 2. Authorise the Director Planning to recommend conditions of approval to the Western Australian Planning Commission.**

CARRIED 8/1

Council Note: The Council supported the subdivision on the basis that the proposed lot sizes are consistent with the Shire's Rural Strategy and that the WAPC has approved a number of similar subdivisions in this area, which is inconsistent with Council's Town Planning Scheme No. 2.

OCM030/08/14 Proposed Catholic College (Stage One) – Lot 281 Abernethy Road, Byford (P09128/01)	
Author:	Helen Maruta – Senior Planner
Senior Officer/s:	Brad Gleeson – Director Planning
Date of Report:	July 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:	Paterson Group Architects (PGA)
Owner:	The Roman Catholic Archbishop of Perth
Date of Receipt:	17 June 2014
Lot Area:	9.89 ha
Town Planning Scheme No 2 Zoning:	Urban Development
Metropolitan Region Scheme Zoning:	Urban Deferred, Urban

Purpose of Report

The purpose of this report is to provide a recommendation of approval to the Metropolitan East Joint Development Panel (JDAP) on an application to construct stage one of the proposed Byford Catholic College at Lot 281 Abernethy Road, Byford.

Background:

Refer attached Responsible Authority Report

Relevant Previous Decisions of Council:

Nil

Community / Stakeholder Consultation:

Refer attached Responsible Authority Report

Comment:

A detailed assessment and analysis of this application is contained within the Responsible Authority Report.

Attachments:

- [OCM030.1/08/14](#) – Responsible Authority Report (E14/3788)
- [OCM030.2/08/14](#) – Aerial Photograph (E14/3563)
- [OCM030.3/08/14](#) – Location Plan (E14/3564)
- [OCM030.4/08/14](#) – Overall Master Site Plan (E14/3668)
- [OCM030.5/08/14](#) – Stage 1 Overall Site Plan (E14/3669)
- [OCM030.6/08/14](#) – Floor and Elevations Plans (E14/3670)
- [OCM030.7/08/14](#) – Schedule of Submissions (E14/3671)
- [OCM030.8/08/14](#) – The Glades Local Structure Plan (E14/3819)
- [OCM030.9/08/14](#) – Traffic, Parking and Road Safety Assessment (E14/3677)
- [OCM030.10/08/14](#) – Byford Town Centre Design Guidelines Assessment (E14/3840)

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

Statutory Environment:

Town Planning Scheme No.2
Planning and Development Act 2005
Planning and Development (Development Assessment Panels) Regulations 2011

Financial Implications:

There are no direct financial cost implications for Council

Voting Requirements: Simple Majority

Officer Recommendation:

- A. Note that the application for the proposed construction of stage one school buildings for the Byford Catholic College – Lot 281 Abernethy Road, Byford will be determined by the Metropolitan East Joint Development Assessment Panel.
- B. That Council adopt the Responsible Authority Report for the proposed construction of stage one school buildings for the Byford Catholic College – Lot 281 Abernethy Road, Byford, which recommends that the Metropolitan East Joint Development Panel approve the application subject to the following conditions:

Site Works

1. Prior to the commencement of site works, the owner is to provide a geotechnical report certifying that the land is physically capable of development and that any filling or backfilling has been adequately compacted to the satisfaction of the Director Engineering.
2. Works (including earthworks) are not to commence until detailed engineering plans and specifications of the works, including earthworks, retaining walls, roads and paths, drainage, clearing, landscaping/rehabilitation and soil stabilisation measures, that apply both during and after construction to the satisfaction of the Director Engineering.
3. The landowner is to provide a post geotechnical report certifying that all development works have been carried out in accordance with the pre-works geotechnical report to the satisfaction of Director Engineering.
4. Prior to commencement of any site works, a Dust Management Plan is to be developed in accordance with the Department of Environment and Regulation “*Guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities*” and submitted to the Director Engineering for approval and thereafter implemented at all times.
5. A construction and operational Management Plan to be prepared approved by the Director Engineering and thereafter implemented at all times.

Drainage

6. Prior to the commencement of commencement of site works, an Urban Water Management Plan is to be prepared, in consultation with the Department of Water, consistent with any approved Local Water Management Strategy/Drainage and Water Management Plan and the after approved by the Director Engineering. The approved plan shall thereafter be implemented.

Network Movement

7. Prior to the commencement of site works, a Traffic Management Plan and Parking Plan incorporating car parking bays, disabled car parking bays in accordance with Australian Standards, Local Planning Policy No.63 – Integrated Transport Landuse Planning Assessment and Western Australian Planning Commission Transport Assessment guidelines for Development being submitted to and approved by the Director Engineering and thereafter implemented.
8. Any required "No parking signage" and vehicular guide signs to the parking facility to be installed at the applicant's cost to the specification and satisfaction of the Director Engineering and maintained at all times.
9. Bicycle parking facilities and end trip facilities being provided in accordance with the Local Planning Policy No.58 Bicycle Facilities in Urban Developments to the specifications and satisfaction of the Director Engineering.

External Lighting

10. Prior to the commencement of site works a Lighting Plan is to be submitted to and approved by the Director Engineering. The Lighting Plan shall demonstrate the provision of lighting to all access ways, car parking areas, the exterior entrances to all buildings and the extent to which light from all external light sources is cast. The approved lighting plan shall thereafter be implemented in its entirety.

Landscaping

11. Prior to the commencement of site works a Landscape and Vegetation Management Plan for the development, including all car parking areas, access roads, road verges and areas of open space, shall be submitted and approved by the Director Engineering prior to the commencement of site works. The approved plan shall thereafter be implemented in its entirety.
12. Prior to the completion of works, a landscaping and reticulation plan must be submitted to Council for approval by Director Engineering.
13. Prior to occupation of the development landscaping and timed reticulation is to be established in accordance with the approved plans and thereafter maintained to the satisfaction of the Shire.

Public Art

14. Public Art or a monetary contribution being paid to Council for the establishment of public art in accordance with Council's Local Planning Policy No.59 - Public Art Policy for Major Developments to a value of 1% of the construction value of the development, to the satisfaction of the Director Planning.

Development Contributions

15. The landowner/applicant must contribute towards development infrastructure provisions pursuant to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 prior to the commencement of works.

Fire and Emergency

16. Prior to commencement of works a Fire and Emergency Plan being prepared approved and relevant provisions implemented during works, in accordance with the Western Australian Planning Commissions Guideline Planning for Bushfire Protection Edition 2. May 2010 to the specifications of the Director Engineering.

Bin Storage and Pick-Up

- 17. Prior to commencement of works the development is to be provided with a suitable enclosure for the storage and cleaning of rubbish receptacles in accordance with the Shire of Serpentine-Jarrahdale Health Local Laws 1999. The location of the enclosure is to be to the satisfaction of Director Planning.**

Advice notes

- 1. A planning consent is not an approval to commence any works. A building permit must be obtained for all works. The application for a building permit must satisfy the conditions specified in this decision notice.**
- 2. Site works and construction noise levels shall be in accordance with the provisions of the Environmental Protection (Noise) Regulations 1997.**
- 3. The Landscape and Vegetation Management Plan shall:
 - a) Be drawn to a scale of 1:200 and show the following:
 - i. The location, name and mature heights of proposed trees and shrubs at a rate of one tree per six parking bays;**
 - ii. Areas of drainage swales for at source storm water percolation; and**
 - iii. Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles.****
 - b) Incorporate measures creating sustainable landscapes extensively using local plants for nutrients reduction, water conservation and creation of a “sense of place”. This includes dry planting of local plants on verges.**
 - c) Include the provision of semi mature trees to ensure that shade in the car park and landscaping amenity is provided in a reasonable period of time.****
- 4. Landscaping in the car parking area shall comply with the following requirements of Clauses 7.3 and 7.10.2 of Town Planning Scheme No. 2:
 - i) for areas with 21 or more parking spaces, a minimum of one square metre of landscaping for every ten square metres of parking stall area shall be provided in addition to any other landscaping required by this Scheme.**
 - ii) the landscaping bed along the street frontages of the lot are to have a minimum width of 2 metres.**
 - iii) all other landscaping beds are to have a minimum width of 1.5 metres.****
- 5. The design of the car parking bays is to comply with the relevant Australian Standards and Regulations.**
- 6. The Department of Health advises that:
 - a) All public related areas (covered assembly area, toilets) are to comply with the provisions of the Health Act 1911 (in particular Part VI - Public Buildings), related regulations and guidelines.**
 - b) The development proposed is required to connect to scheme water and reticulated sewerage as required by the Government Sewerage Policy - Perth Metropolitan Region.**
 - c) All food related areas (Canteen) to comply with the provisions of the Food Act 2008 and related code, regulations and guidelines.****
- 7. The food business is not to commence the sale of food without the prior approval of the Local Government. The applicant is required to submit an Application to Construct a Food Business together with floor, elevation plans and specifications and a Food Premises Registration/Notification prior to commencing operation.**
- 8. The Department of Water advises that:**

- a) In accordance with the DoW's Urban water management plans: Guidelines for preparing plans and for complying with subdivision conditions (2008), it is recommended there is a minimum of 300mm between the controlled groundwater level and stormwater storage areas.
9. Department of Transport advises that:
- a) All shared paths considered need to be a minimum of 2m in width to be classified as dual use.
- b) Safe and accessible cycling access should be provided to the School on the adjoining network.
10. Water Corporation advises that:
- a) The developer of this land should be advised to liaise with the Water Corporation at the preliminary planning stage for to determine detailed planning requirements as this area could be prone to future flooding.
- b) Water Corporation's recommendation is for the Shire of Serpentine - Jarrahdale to advise the developer to have management procedures in place to prevent the potentially unacceptable impacts associated with the disturbance of the Acid Sulphate Soils (ASS).
- c) A building application will require Water Corporation Building Services approval prior to commencement of works. Headwork contributions and fees may be required to be paid prior to approval being issued.
11. The Shire of Serpentine-Jarrahdale advises that:
- a) no activities associated with subdivision site works causing nuisance and/or inconvenience shall be carried out after 6.00pm or before 7.00am Monday to Saturday, and not at all on Sunday or public holidays;
- b) the location of any existing on-site effluent systems, bore and/or well shall be identified, and decommissioned;
- c) a building licence shall be obtained prior to construction of retaining walls or other structures as part of the subdivision, and retaining walls including footings must not encroach within abutting lots; and
- d) burning of cleared vegetation on-site is not supported.
12. Prior to occupancy and registration of a building as a public building the applicant will be required to submit an application for a certificate of approval (Form 2) and a certificate of electrical compliance (Form 5) (both under the Health Act 1911) to the satisfaction of the Director Planning.

OCM030/08/14 COUNCIL DECISION / Alternative Motion:

Moved Cr Kirkpatrick, seconded Cr Wilson

- A. Note that the application for the proposed construction of stage one school buildings for the Byford Catholic College – Lot 281 Abernethy Road, Byford will be determined by the Metropolitan East Joint Development Assessment Panel.
- B. That Council adopt the Responsible Authority Report for the proposed construction of stage one school buildings for the Byford Catholic College – Lot 281 Abernethy Road, Byford, which recommends that the Metropolitan East Joint Development Panel approve the application subject to the following conditions:

Site Works

1. Prior to the commencement of site works, the owner is to provide a geotechnical report certifying that the land is physically capable of development and that any filling or backfilling has been adequately compacted to the satisfaction of the Director Engineering.

2. Works (including earthworks) are not to commence until detailed engineering plans and specifications of the works, including earthworks, retaining walls, roads and paths, drainage, clearing, landscaping/rehabilitation and soil stabilisation measures, that apply both during and after construction to the satisfaction of the Director Engineering. All access to the site during construction shall be from Abernethy Road with the construction of a crossover to the site to the satisfaction Director Engineering. Traffic management shall be provided on Abernethy Road during the construction period.
3. The landowner is to provide a post geotechnical report certifying that all development works have been carried out in accordance with the pre-works geotechnical report to the satisfaction of Director Engineering.
4. Prior to commencement of any site works, a Dust Management Plan is to be developed in accordance with the Department of Environment and Regulation *“Guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities”* and submitted to the Director Engineering for approval and thereafter implemented at all times.
5. A construction and operational Management Plan to be prepared approved by the Director Engineering and thereafter implemented at all times.

Drainage

6. Prior to the commencement of commencement of site works, an Urban Water Management Plan is to be prepared, in consultation with the Department of Water, consistent with any approved Local Water Management Strategy/Drainage and Water Management Plan and the after approved by the Director Engineering. The approved plan shall thereafter be implemented.

Network Movement

7. Prior to the commencement of site works, a Traffic Management Plan and Parking Plan incorporating car parking bays, disabled car parking bays, drop off parking bays and additional bus parking bays in accordance with Australian Standards, Local Planning Policy No.63 – Integrated Transport Landuse Planning Assessment and Western Australian Planning Commission Transport Assessment guidelines for Development being submitted to and approved by the Director Engineering and thereafter implemented. The Traffic Management Plan must integrate with the adjoining Department of Education High School site.
8. Any required "No parking signage" and vehicular guide signs to the parking facility to be installed at the applicant's cost to the specification and satisfaction of the Director Engineering and maintained at all times.
9. Bicycle parking facilities and end trip facilities being provided in accordance with the Local Planning Policy No.58 Bicycle Facilities in Urban Developments to the specifications and satisfaction of the Director Engineering.

External Lighting

10. Prior to the commencement of site works a Lighting Plan is to be submitted to and approved by the Director Engineering. The Lighting Plan shall demonstrate the provision of lighting to all access ways, car parking areas, the exterior entrances to all buildings and the extent to which light from all external light sources is cast. The approved lighting plan shall thereafter be implemented in its entirety.

Landscaping

11. Prior to the commencement of site works a Landscape and Vegetation Management Plan for the development, including all car parking areas, access roads, road verges and areas of open space, shall be submitted and approved by the Director Engineering prior to the commencement of site works. The approved plan shall thereafter be implemented in its entirety.
12. Prior to the completion of works, a landscaping and reticulation plan must be submitted to Council for approval by Director Engineering.
13. Prior to occupation of the development landscaping and timed reticulation is to be established in accordance with the approved plans and thereafter maintained to the satisfaction of the Shire.

Public Art

14. Public Art or a monetary contribution being paid to Council for the establishment of public art in accordance with Council's Local Planning Policy No.59 - Public Art Policy for Major Developments to a value of 1% of the construction value of the development, to the satisfaction of the Director Planning.

Development Contributions

15. The landowner/applicant must contribute towards development infrastructure provisions pursuant to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 prior to the commencement of works.

Fire and Emergency

16. Prior to commencement of works a Fire and Emergency Plan being prepared approved and relevant provisions implemented during works, in accordance with the Western Australian Planning Commissions Guideline Planning for Bushfire Protection Edition 2. May 2010 to the specifications of the Director Engineering.

Bin Storage and Pick-Up

17. Prior to commencement of works the development is to be provided with a suitable enclosure for the storage and cleaning of rubbish receptacles in accordance with the Shire of Serpentine-Jarrahdale Health Local Laws 1999. The location of the enclosure is to be to the satisfaction of Director Planning.

Advice notes

1. A planning consent is not an approval to commence any works. A building permit must be obtained for all works. The application for a building permit must satisfy the conditions specified in this decision notice.
2. Site works and construction noise levels shall be in accordance with the provisions of the Environmental Protection (Noise) Regulations 1997.
3. The Landscape and Vegetation Management Plan shall:
 - a) Be drawn to a scale of 1:200 and show the following:
 - i. The location, name and mature heights of proposed trees and shrubs at a rate of one tree per six parking bays;
 - ii. Areas of drainage swales for at source storm water percolation; and
 - iii. Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles.

- b) Incorporate measures creating sustainable landscapes extensively using local plants for nutrients reduction, water conservation and creation of a “sense of place”. This includes dry planting of local plants on verges.
- c) Include the provision of semi mature trees to ensure that shade in the car park and landscaping amenity is provided in a reasonable period of time.
4. Landscaping in the car parking area shall comply with the following requirements of Clauses 7.3 and 7.10.2 of Town Planning Scheme No. 2:
 - i) for areas with 21 or more parking spaces, a minimum of one square metre of landscaping for every ten square metres of parking stall area shall be provided in addition to any other landscaping required by this Scheme.
 - ii) the landscaping bed along the street frontages of the lot are to have a minimum width of 2 metres.
 - iii) all other landscaping beds are to have a minimum width of 1.5 metres.
5. The design of the car parking bays is to comply with the relevant Australian Standards and Regulations.
6. The Department of Health advises that:
 - a) All public related areas (covered assembly area, toilets) are to comply with the provisions of the Health Act 1911 (in particular Part VI - Public Buildings), related regulations and guidelines.
 - b) The development proposed is required to connect to scheme water and reticulated sewerage as required by the Government Sewerage Policy - Perth Metropolitan Region.
 - c) All food related areas (Canteen) to comply with the provisions of the Food Act 2008 and related code, regulations and guidelines.
7. The food business is not to commence the sale of food without the prior approval of the Local Government. The applicant is required to submit an Application to Construct a Food Business together with floor, elevation plans and specifications and a Food Premises Registration/Notification prior to commencing operation.
8. The Department of Water advises that:
 - a) In accordance with the DoW's Urban water management plans: Guidelines for preparing plans and for complying with subdivision conditions (2008), it is recommended there is a minimum of 300mm between the controlled groundwater level and stormwater storage areas.
9. Department of Transport advises that:
 - a) All shared paths considered need to be a minimum of 2m in width to be classified as dual use.
 - b) Safe and accessible cycling access should be provided to the School on the adjoining network.
10. Water Corporation advises that:
 - a) The developer of this land should be advised to liaise with the Water Corporation at the preliminary planning stage for to determine detailed planning requirements as this area could be prone to future flooding.
 - b) Water Corporation's recommendation is for the Shire of Serpentine - Jarrahdale to advise the developer to have management procedures in place to prevent the potentially unacceptable impacts associated with the disturbance of the Acid Sulphate Soils (ASS).
 - c) A building application will require Water Corporation Building Services approval prior to commencement of works. Headwork contributions and fees may be required to be paid prior to approval being issued.

11. The Shire of Serpentine-Jarrahdale advises that:

- a) no activities associated with subdivision site works causing nuisance and/or inconvenience shall be carried out after 6.00pm or before 7.00am Monday to Saturday, and not at all on Sunday or public holidays;**
- b) the location of any existing on-site effluent systems, bore and/or well shall be identified, and decommissioned;**
- c) a building licence shall be obtained prior to construction of retaining walls or other structures as part of the subdivision, and retaining walls including footings must not encroach within abutting lots; and**
- d) burning of cleared vegetation on-site is not supported.**

12. Prior to occupancy and registration of a building as a public building the applicant will be required to submit an application for a certificate of approval (Form 2) and a certificate of electrical compliance (Form 5) (both under the Health Act 1911) to the satisfaction of the Director Planning.

CARRIED 9/0

Council note: The recommendation was modified to include in the condition the requirement for all site access during construction to be from Abernethy Road only. The Traffic Management Plan will need to address the provision of adequate school bus bays and student drop off areas and be integrated with the adjoining High School. A level of public art contribution of 1% was established based on recent decisions of Council and the Joint Development Assessment Panel and noted that Council is currently reviewing the Local Planning Policy relating to Public Art.

Council note: Councillor Kirkpatrick advised of his concerns over the dust that will be produced due to site works.

OCM031/08/14	Byford Town Centre Parking and Access Strategy (SJ308)
Author:	Brad Gleeson – Director Planning
Senior Officer/s:	Richard Gorbunow – Chief Executive Officer
Date of Report:	13 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>

Introduction

To update Council on the progress of the Byford Town Centre Parking and Access Strategy working group meeting and to extend the time to report back to Council to October 2014.

Background:

At the Ordinary Council Meeting held 24 March 2014, Council request a briefing on the draft Byford Town Centre Access and Parking Strategy.

Relevant Previous Decisions of Council:

OCM162/04/14 – Council nominated Cr Kirkpatrick, Cr Erren, Cr Rossiter and Cr Hawkins to be part of the Byford Parking and Access Working Group.

Community / Stakeholder Consultation:

Consultation is occurring with members of the community on this Strategy.

Comment:

Two meetings of the working group have been held to discuss the draft Strategy report and to consider recommendations. At the last meeting, a request was made that an over arching Policy be prepared for discussion and review at the next Working Group meeting which will be held on Wednesday, 20 August.

The Working Group will provide recommendations for consideration by officers in the final review of the Draft Strategy. A report will then be presented to Council.

Due to the ongoing review of the report by the Working Group, the final report and recommendations cannot be presented to Council in August. It is recommended that Council extend the reporting to October 2014.

Attachments:

Nil

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 4.1	Local Economy
Key Action 4.1.3	Develop transport, communication technology and utilities infrastructure.

Statutory Environment:

Nil

Financial Implications:

Within budget

Voting Requirements: Simple Majority

OCM031/08/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Kirkpatrick, seconded Cr Erren

That Council note that status report on the consideration of the Byford Town Centre Parking and Access Strategy Working Group and that a report will be presented to Council in October 2014.

CARRIED 9/0

OCM032/08/14	Request for Tender – RFT02/2014 – Provision of General Cleaning Services (SJ1657)
Author:	Stephen Thomson, Manager Operations and Parks
Senior Officer/s:	Gordon Allan, Director Engineering
Date of Report:	23 July 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:

This tender forms part of the Shire of Serpentine Jarrahdale's procurement process to engage a suitably qualified and experienced contractor to undertake the provision of general cleaning services within the Shire.

Background:

Tender RFT02/2014 for Provision of General Cleaning Services was advertised in the West Australian on 14 June 2014 & 18 June 2014. The tender closed at 12.00pm on 2 July 2014.

Eight (8) tenders were received from eight companies. Tenders were assessed by a panel of three staff members.

It is recommended that Council accept the tender submitted by J C Group (WA) Pty Ltd Trading as the Jaclyn Cleaning Group to undertake the provision of general cleaning services.

Relevant Previous Decisions of Council

- CGAM059/05/11 – RFT003/11 – Provision of General Cleaning Services

Community / Stakeholder Consultation

Not Applicable

ReportProposal

This tender forms part of the Shire of Serpentine Jarrahdale's procurement process to engage a contractor to undertake the provision of general cleaning services.

Tender RFT02/2014 was advertised in the West Australian on 14 June 2014 and 18 June 2014.

Submissions

The tender closed at 12.00pm on 2 July 2014.

Eight (8) tenders were received from the following tenderers:

1. JC Group (WA) Pty Ltd
2. Mission Impossible
3. DMC Cleaning
4. General Professional Cleaning
5. Glad Group
6. Value Clean
7. All Clean Property Services
8. Santas Cleaning Services

Compliant Tenderers:

All three shortlisted tenderers, JC Group (WA) Pty Ltd, Mission Impossible, DMC Cleaning submitted a compliant tender. Details of all tenderers can be found in the attached Tender Evaluation document.

Evaluation Criteria:

This was nominated in the tender documents with various percentages for non-priced and price criteria.

Evaluation Panel:

The tender submissions were evaluated by:

1. Stephen Thomson – Management Operations and Parks
2. Ron Bettsworth – Building Maintenance Officer
3. Tegan Dutton – Purchasing Officer

Scoring:

All shortlisted tenders were scored using the pre-determined scoring system nominated in the contract document.

Summation

J C Group (WA) Pty Ltd produced a tender with the lowest price and was assessed by the panel as having the equal highest in the non-priced assessment area.

Conclusion

J C Group (WA) Pty Ltd has been assessed as being able to meet the requirements of the General Cleaning Services supply contract and it is recommended that they be awarded the contract.

Attachment

- [OCM032.1/08/14](#) – Request for Tender (E14/2976)
- **Confidential – OCM032.2/08/14** – Tender Evaluation (E14/3555)

Statutory Environment

In accordance with the *Local Government Act 1995*, Sections 3.57 (1)(2) and *Local Government (Functions and General) Regulations 1996*, Part 4.

Financial Implications

There are no budgetary financial implications related to this proposal if it were to be approved with existing budget provision able to accommodate the proposed tendered work. The recommended tenderer submitted a price which, when considering the asset being cleaned, was only marginally more than the previous contract amount, working out at approximately 1.35% per annum increase.

Voting Requirements**Absolute Majority**

OCM032/08/14 COUNCIL DECISION / Officer Recommendation

Moved Cr Piipponen, seconded Cr Hawkins

That Council:

1. **Award the tender submitted by J C Group (WA) Pty Ltd for the provision of general cleaning services for the period 1 September 2014 to 31 August 2015.**
2. **Authorise the Chief Executive Officer to approve a one-year extension in accordance with the tender.**

CARRIED ABSOLUTE MAJORITY 9/0

OCM033/08/14	Local Planning Policy No.4 - Revegetation (SJ1086)
Author:	Chris Portlock – Manager Environmental and Sustainability Services
Senior Officer:	Gordon Allan – Director Engineering
Date of Report:	13 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>

Introduction:

At the Ordinary Council Meeting on 23 June 2014, Council resolved to adopt the draft amended Local Planning Policy No 4 (LPP4) – Revegetation for advertising for public comment for a period of 28 days with the submission period ending the 8th of August 2014. No submissions were received during the submission period and the policy is being presented here for final adoption.

Background:

LPP 4 – Revegetation (the policy) was adopted to set the standards for landscape and revegetation requirements within the Shire of Serpentine Jarrahdale. Recently, the Council requested that the policy be reviewed.

The amended policy will facilitate the replacement of vegetation, increase resilience of existing native vegetation, provide habitat for local native animals, reduce nutrient and sediment export and link natural areas creating habitat corridors for birds. The policy encourages the use of vegetation screening for wind breaks and shade or shelter in rural areas and will provide for amenity, privacy, isolation or sense of remoteness for private or public lands.

Relevant Previous Decisions of Council:

- OCM198/06/14 – Adoption of Amended LPP 4 - Revegetation

Community / Stakeholder Consultation:

The policy was adopted by Council to advertise for public comment, for the standard 28 days, and no submissions were received.

Comment:

The amended final policy has been simplified to communicate its provisions in a clearer manner to our customers. The Revegetation Documentation Requirements and the Revegetation Guidelines have been separated out and included as Attachments to the policy. Also, the directive specifying the minimum number of rows and the spacing between plants has been removed and replaced with a statement requiring the applicant to address this level of detail within the Management Plan.

The policy's main objective of achieving excellence in environmental outcomes remains the same.

To reinforce the policy's philosophy the policy contributes to the following:

- Protection of Biodiversity
- Reduction of Energy Use/Greenhouse Gas Emissions
- Enhancement of Water Quality
- Improvement of Air Quality
- Preservation of Heritage and Culture
- Economical and Respectful Resources Use
- Prevention of Land Degradation
- Encouragement of the Use of Local, Renewable or Recycled Resources
- Economic Benefits
- Social Benefits

Attachments:

- [OCM033.1/08/14](#) – LPP4 – Amended Revegetation Policy (E14/2076)
- [OCM033.2/08/14](#) – Documentation Requirements (E14/2394)
- [OCM033.3/08/14](#) – Revegetation Guidelines (E14/2395)

Alignment with our Strategic Community Plan:

Objective 5.2	Excellence in Environmental Management
Key Action 5.2.1	Protect, restore and manage our landscapes and biodiversity
Key Action 5.2.2	Provide recreational, educational and economic access to natural assets without compromising their quality and integrity
Key Action 5.2.3	Adapt to Climate Change by understanding the local environmental conditions

Statutory Environment:

Town Planning Scheme No 2.

Financial Implications:

There are no financial implications in relation to the adoption of the final amended LPP 4.

Voting Requirements: Simple Majority

OCM033/08/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Urban, seconded Cr Hawkins

That Council

- 1. Adopts the final Local Planning Policy No. 4 – Revegetation as per attachment OCM198/06/14, in terms of section 9.3(b) of Town Planning Scheme 2.**
- 2. Publish a formal notice of adoption in terms of section 9.3(c) once in a local newspaper circulating in the local government district.**
- 3. Advise the Western Australian Planning Commission in terms of section 9.3(d) accordingly.**

CARRIED 9/0

OCM034/08/14 Restricted Access Vehicle Operations within the Shire of Serpentine Jarrahdale (SJ1218)	
Author:	Gordon Allan – Director Engineering
Senior Officer/s:	Richard Gorbunow - Chief Executive Officer
Date of Report:	13 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>

Introduction:

The purpose of this report is to provide Council with information on the roads already approved for Restricted Access Vehicle operations within the Shire.

Background:

Restricted Access Vehicles (RAV's) in the form of long vehicle type road trains are approved to operate on some roads in the Shire of Serpentine Jarrahdale. Furthermore, RAV's in the form of B doubles and over length Rigid Trucks towing long dog trailers are also approved to operate on a larger number of roads within the Shire.

Relevant Previous Decisions of Council:

Ordinary Council Meeting 28 July 2014

Community / Stakeholder Consultation:

- Main Roads WA

Comment:

In 2012, Main Roads issued a Notice which consolidated the Prime Mover Trailer and Truck Trailer Combinations Period Permits. In so doing, this introduced a system which established the Categories of RAV combinations which are permitted on the different road networks within WA. In introducing this system, the need for issuing of Prime Mover Trailer and Truck Trailer Combinations Period Permits was reduced.

In all, there are ten road Networks with No 1 being the type of road permitted to carry the less heavy RAV's and Network No 10 permitted to carry the heaviest. Only Networks 1 to 4 exist within the Shire of Serpentine Jarrahdale.

A chart showing the vehicle categories permitted on these various Networks is shown in Attachment 1.

The actual roads which correspond to these Networks within the Shire of Serpentine Jarrahdale is shown in Attachment 2.

In certain specific cases it is still necessary for the Shire to issue Oversize Vehicle Permits and in the past 12 months these are as follows:

- Dawson Contracting operating on Thomas Road, King Road and Jackson Road, Oldbury
- Palcon Group operating on Scarp Road (north of Keysbrook)
- Qube Logistics operating at Lot 321 Kentish Road (via Dirk Road), Keysbrook

Conclusion:

The desktop report carried out has identified that on some roads within the Shire, Oversize Vehicle Permits are still required.

Alignment with our Strategic Community Plan:

Objective 2.4	Business Efficiency
Key Action 2.4.2	Critically examine service delivery to ensure efficiency and effectiveness
Objective 3.2	Appropriate Connecting Infrastructure
Key Action 3.2.2	Ensure that planning for the bridge and road network incorporates community safety and emergency management

Statutory Environment:

- *Local Government Act 1995*
- *Road Traffic Act 1974*

Financial Implications:

None

Attachments:

- [OCM034.1/08/14](#) – RAV Category Chart (E14/3815)
- [OCM034.2/08/14](#) – RAV Networks 1-4 (E14/3816)

Voting Requirements: Simple Majority**Officer Recommendation:**

That Council note and accept the information contained within this report.

OCM034/08/14 COUNCIL DECISION / New Motion:

Moved Cr Rossiter, seconded Cr Erren

That Item OCM034/08/14 - Restricted Access Vehicle Operations within the Shire of Serpentine Jarrahdale be deferred until the Ordinary Council Meeting 22 September 2014.

CARRIED 9/0**Council Note:**

To seek clarification in regard to the legality of the information officers have carried out in regards to this report.

OCM035/08/14 Bore Water Taking Agreement – LWP Property Group Pty Ltd, Yonder Pty Ltd and Shire of Serpentine Jarrahdale (S123469)	
Author:	Craig Wansbrough – Project Manager Water Sensitive Urban Design
Senior Officer/s:	Gordon Allan – Director Engineering
Date of Report:	10 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 Local Government Act

Introduction

This report is presented to Council to provide an update on the status of water security for Byford by the Scarp development. Negotiations are currently underway between Yonder Pty Ltd (Cedar Woods), LWP Property Group Pty Ltd (LWP) and the Shire of Serpentine Jarrahdale (Shire) to ensure there is access to an ongoing water supply. A groundwater licence allows for the abstraction of groundwater from a bore on land owned and managed by LWP to maintain the design water level within the lake and indirectly provide water for irrigation of public open space (POS) and civil construction works for remaining stages of Byford by the Scarp.

Background:

LWP was the initial developer for the Byford by the Scarp development. Stage-1 of Byford by the Scarp included the lake and associated POS. JDA Consultant Hydrologists arranged test drilling to identify a suitable water source for meeting the irrigation requirements within the development. The only test drilling location that identified suitable groundwater was to the west of Soldiers Road on the northern side of Cardup Brook on a landholding owned by LWP. This landholding is within the future proposed Glades development. An abstraction bore was established in this location and was used by LWP to maintain the Byford by the Scarp Lake water level.

On 16 March 2007 Bradwells Pty Ltd (Aspen) notified the Shire that it had acquired Caversham Property and was now the owner and Project Manager of “Byford by the Scarp”. The responsibility for landscape and lake maintenance was passed on to Aspen as part of the sale. Unfortunately as part of this land transaction, the abstraction bore used to maintain water levels in the lake remained in the ownership and control of LWP. An agreement was established between Aspen and LWP in relation to groundwater allocation and use of the abstraction bore. Aspen continued to maintain the lake and POS for the required minimum 5-Year maintenance period.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this issue.

Community / Stakeholder Consultation:

Department of Water has advised there is adequate water allocation available for the Byford on the Scarp development.

Comment:

Handover Inspection of Byford by the Scarp Lake and POS

Aspen and the Shire undertook a handover inspection of the lake and all associated POS in 2012. The aim of the inspection was to identify any defects that needed to be addressed prior to handover to the Shire. A defects list was prepared and all works were implemented by Aspen in anticipation of handover. The Shire identified one further matter that needed to be addressed prior to handover which was the matter of water supply for the lake and irrigation of all associated POS. The Shire was concerned that it did not have direct access to LWP’s abstraction bore. There was no agreement in place between LWP and the Shire.

The Shire was placed in a position where it would be accepting a lake and associated infrastructure from Aspen without an abstraction bore to maintain water levels and irrigate the POS. This was seen as an unacceptable risk to the Shire as it could potentially leave the Shire unable to maintain water levels in the lake throughout summer. Furthermore the Shire would be unable to irrigate the POS within the estate. Consequently the Shire refused to accept handover of the lake and all associated POS within the Byford by the Scarp development until the matter was resolved by Aspen.

Preparation of a Subordinate Agreement

To address the matter Aspen approached the Shire with the possibility of preparing a subordinate agreement between the Shire and Aspen. This subordinate agreement would make reference to the existing bore water taking agreement that was in place between Aspen and LWP. Aspen and the Shire approached McLeods Barristers & Solicitors (McLeods) to prepare the subordinate agreement. All relevant background information was given to McLeods. After reviewing the background information McLeods advised the Shire that a subordinate agreement would not provide the Shire with water security or guaranteed access to the abstraction bore owned by LWP. What would be required is a legal agreement directly with LWP and an easement over the abstraction bore.

At this point in time LWP was not willing to enter into a legal agreement with the Shire or consider an easement over the land where the abstraction bore was located. Aspen was keen to resolve the matter prior to selling its remaining landholdings in the Byford on the Scarp Estate to Yonder Pty Ltd (Cedar Woods) in 2013. The Shire issued correspondence to Aspen on 11 April 2013 confirming its position regarding the matter of handover for the Byford by the Scarp Lake and POS. Aspen issued correspondence to the Shire on 29 April 2013 stating that Aspen was no longer responsible for the lake and POS and it was now the Shire's responsibility. The Shire was aware that Cedar Woods was in the process of purchasing the remaining landholding of Byford on the Scarp from Aspen. The Shire issued correspondence to Aspen requesting they advise Cedar Woods of the issues surrounding the abstraction bore, water supply and irrigation of POS. This information would form an important part of the due diligence enquiries for Cedar Woods.

Acquisition of Byford by the Scarp by Cedar Woods

With Aspen no longer holding an interest in the Byford on the Scarp development the maintenance for the lake and POS ceased. Cedar Woods was concerned about the appearance of the estate and provided a minimum level of maintenance to the lake and surrounding POS. There was no legal or statutory requirement for Cedar Woods to undertake this maintenance as it was located outside of the landholdings they had acquired from Aspen. Cedar Woods was keen for the matter of water supply to be resolved in a timely manner so the Shire would formally accept handover of the lake and POS and undertake maintenance.

Bore Water Taking Agreement

The purpose of the Bore Water Taking Agreement is to provide Cedar Woods and the Shire with access to a water supply for the Byford by the Scarp Lake, POS and civil works associated with the incomplete stages of the development. Without a water supply it will not be possible to maintain suitable water levels within the Lake and irrigate the surrounding POS. The Bore Water Taking Agreement will also enable the Shire to accept handover of existing POS. Without an agreement between LWP and Cedar Woods the Shire will be required to pursue alternative options for water security and supply for the Byford by the Scarp development or consider removing the constructed lake infrastructure.

Cedar Woods met with the Shire and McLeods in December 2013 to discuss the water supply issues. It was agreed that Cedar Woods would approach LWP and discuss the possibility of a tripartite Bore Water Taking Agreement and a caveat on title rather than an easement over LWP's landholding on which the abstraction bore was located. A draft

tripartite Bore Water Taking Agreement was prepared by Cedar Woods and forwarded to the Shire for review. An amended agreement was then forwarded to LWP from Cedar Woods for review and consideration. LWP identified various matters for consideration by Aspen and the Shire.

The Shire was supportive of an easement over the bore and the landholding to allow access, rather than a caveat on title. The Shire advised Cedar Woods of its position so it could further progress the matters itemised in the correspondence from LWP. Cedar Woods is currently working with LWP and the Shire to finalise the tripartite Bore Water Taking Agreement.

Handover of Public Open Space

Once the Bore Water Taking Agreement is executed the Shire will in effect take over maintenance responsibility for the following POS reserves within the Byford by the Scarp development:

1. Lot 115 (Plan 44779) Clondyke Drive, Byford
2. Lot 116 (Plan 44780) Coulterhand Circle, Byford
3. Lot 225 (Plan 49206) Vickers Pass, Byford
4. Lot 227 (Plan 49206) Benalla Crescent, Byford
5. Lot 346 (Plan 65979) Cowara Way, Byford
6. Lot 425 (Plan 56646) Burgess Drive, Byford
7. Lot 9016 (Plan 71005) Corner of Quiberon Link and Jandu Street, Byford

Options and Implications

In the event that all three parties to the Bore Water Taking Agreement cannot agree on the clauses within the agreement then Council will need to pursue other options for water security and supply. Council may need to pursue alternative options including:

1. Undertake test drilling in a location similar to the existing abstraction bore. If a suitable water supply is found an abstraction bore could be installed and connected to the existing pipe infrastructure within Soldiers Road and Pinebrook Road. The lake would continue to function as intended. The cost of constructing a bore can range from \$80,000 to \$250,000.
2. Investigate stormwater harvesting and underground storage as an alternative to the constructed lake. The lake could be removed and replaced with an underground stormwater storage arrangement (e.g. Stormtech subsurface stormwater management). The harvested stormwater could be used for irrigating the turfed areas throughout the development. Underground stormwater storage in a sealed system is a widely used technology. Landscaping can be placed above the storage system (e.g. Shallow rooted groundcovers and turf). Such an arrangement would require considerable capital investment and the preparation of a business case for the proposed works.
3. Remove the constructed lake from the POS and replace it with a suitable landscape (e.g. a living stream or wetland similar to what is east of the lake combined with stormwater detention). In this instance there would be no suitable irrigation supply for POS within the Byford by the Scarp development. Landscaping would depend on rainfall for all water requirements and turfed areas would become brown parks in summer time. Any watering of turf and plantings would have to be undertaken by trucked water supply if a higher level of service was required. The cost of deconstructing the lake would also be a relevant consideration. Using trucked water to irrigate landscaped areas is expensive and may cost up to \$80,000pa.

Options 2 and 3 above would likely be considered unfavourably by the residents of Byford by the Scarp due to the perceived loss of amenity.

Conclusion

Entering into a Bore Water Taking Agreement with Cedar Woods and LWP is the most preferable option for the Shire to maintain a guaranteed water supply for the Byford by the Scarp Lake and irrigation of POS. If agreement cannot be reached between all three parties then Council will need to pursue alternative arrangements. It is therefore recommended that Council works with Cedar Woods and LWP to ensure a Bore Water Taking Agreement is finalised and executed by all three parties.

Attachments:

- **Confidential – OCM035.1/08/14** – Email correspondence from McLeods Barristers & Solicitors regarding the subordinate agreement (IN14/15519)
- **Confidential – OCM035.2/08/14** – Correspondence from Shire of Serpentine Jarrahdale to Aspen confirming its position regarding handover (OC13/5142)
- **Confidential – OCM035.3/08/14** – Correspondence from Aspen to Shire of Serpentine Jarrahdale regarding lake and public open space maintenance (IN13/7116)
- **Confidential – OCM035.4/08/14** – Correspondence from Shire of Serpentine Jarrahdale to Aspen requesting they advise Cedar Woods of unresolved issues (OC13/10718)
- **Confidential – OCM035.5/08/14** – Bore Water Taking Agreement – Byford by the Scarp (IN14/15543)
- **Confidential – OCM035.6/08/14** – Email correspondence between LWP, Cedar Woods and Shire of Serpentine Jarrahdale regarding Bore Water Taking Agreement (OC14/13192)
- **Confidential – OCM035.7/08/14** – Map of Public Open Space within Byford by the Scarp proposed to be handed over to the Shire of Serpentine Jarrahdale (E14/3770)

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
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
Objective 6.1	Engaged Community
Key Action 6.1.1	Provide a range of facilities and services that accommodate different lifestyles and cultures

Statutory Environment:

Water and Irrigation Act 1914

Financial Implications:

There are minimal financial implications for preparing the Bore Water Taking Agreement. Costs of preparing the agreement will be borne by Cedar Woods.

Voting Requirements: Simple Majority

Cr Urban foreshadowed he would move a New Motion if the current motion under debate is lost.

OCM035/08/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Wilson, seconded Cr Piipponen

That Council:

- 1. Authorises the Shire’s Chief Executive Officer and President to enter into an appropriate legal agreement (Bore Water Taking Agreement) with Yonder Pty Ltd “Cedar Woods” and LWP Property Group Pty Ltd for taking of bore water to supply the Byford on the Scarp Lake and provide irrigation for public open space.**
- 2. Authorises the Shire’s Chief Executive Officer and President to execute an Easement Only Deposited Plan and Deed with LWP Property Group Pty Ltd to allow appropriate access to the abstraction bore currently used to supply water to the Byford by the Scarp Lake.**
- 3. Accepts formal handover of the Byford by the Scarp Lake and public open space identified in OCM035.7/08/14, upon execution of the Bore Water Taking Agreement.**

LOST 3/6

OCM035/08/14 COUNCIL DECISION / New Motion:

Moved Cr Urban, seconded Cr Moore

That Item OCM035/08/14 - Bore Water Taking Agreement – LWP Property Group Pty Ltd, Yonder Pty Ltd and Shire of Serpentine Jarrahdale be deferred until the Ordinary Council Meeting on 22 September 2014.

CARRIED 6/3

Council Note: Additional information is sought to ensure an ongoing security to supply water for the Byford on the Scarp, the Lake and irrigation for Public Open Space and identify the ownership.

COUNCIL DECISION:

Moved Cr Urban, seconded Cr Piipponen

That the meeting be closed to members of the Public at 8.13pm to allow Council to discuss Confidential Item OCM036/08/14 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 OCM036/08/14 is discussed. The doors were closed at 8.14pm.

OCM036/08/14	Confidential Item – Chief Executive Officer Annual Appraisal Report
Author:	John Phillips – JPC Consulting
Date of Report:	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>

Introduction:

This report relates to the review of the Chief Executive Officer's performance and related matters.

Voting Requirements: Simple Majority

OCM036/08/14 COUNCIL DECISION / Staff Management Working Group Recommendation:

Moved Cr Piipponen, seconded Cr Hawkins

That Council:

1. Receives this Performance Review report and endorses the overall performance rating for Mr Gorbunow as the Shire of Serpentine Jarrahdale's CEO, for the review period May 2013 to July 2014, as 'Satisfactory' noting a high standard performance during a difficult period. This has included a focus on Council's priorities and an organisational realignment.
2. Endorses the draft Key Result Areas and indicators for 2014/15.
3. Approves a variation to Mr. Gorbunow's remuneration in two tranches, as follows:
 - 3.1 increase the total reward package by 2.6% in accordance with the determination of the Salaries and Allowances Tribunal dated 27 June 2013 to an amount of \$245,571, effective from 26 August 2013; and
 - 3.2 increase the total reward package by 3.0% in accordance with the determination of the Salaries and Allowances Tribunal dated 24 June 2014 to an amount of \$252,309, effective from 25 August 2014

CARRIED 9/0

COUNCIL DECISION:

Moved Cr Wilson, seconded Cr Piipponen

That the meeting be reopened to the public at 8.16pm

CARRIED 9/0

Members of the public returned to the Chamber and the Presiding Member advised that the Officers Recommendation was carried for item OCM036/08/14 with a vote of 9/0

10. Information reports:

OCM037/08/14	Chief Executive Officer Information Report (SJ1508)
Author:	Kirsty Peddie – Executive Assistant
Senior Officer:	Richard Gorbunow – Chief Executive Officer
Date of Report:	13 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>

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:

- [OCM037.1/08/14](#) - Common Seal Register Report – July 2014 (E02/5614)

Voting Requirements: Simple Majority

OCM037/08/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Erren

That Council accept the Chief Executive Officer Information Report for July and August 2014.

CARRIED 9/0

OCM038/08/14	Monthly Financial Report – June 2014 (A2092)
Author:	Kelli Hayward – Contract Financial Accountant
Senior Officer/s:	Casey Mihovilovich – Manager Finance and Customer Services Alan Hart – Director Corporate and Community Services
Date of Report:	31 July 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:

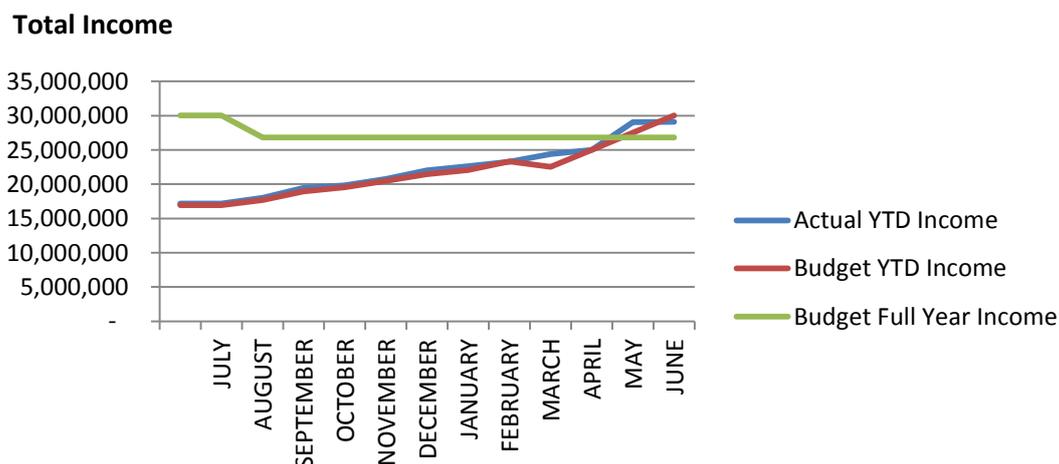
No community consultation was undertaken / required.

Comment:

The period of review is June 2014. The municipal surplus for this period is \$2,105,127 compared to a budget position of \$0. This is considered a satisfactory result for the Shire.

Income for the June 2014 period, year-to-date is \$29,113,162. The budget estimated \$30,021,316 would be received for the same period. The variance to budget is (\$908,154). Details of all significant variances are provided in the notes to the Statement of Financial Activity by Directorate.

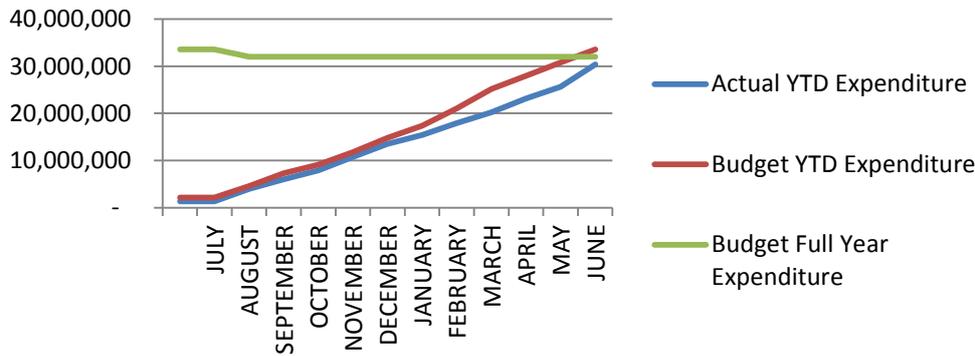
The following graph illustrates actual income to-date compared to the year-to-date budget.



Expenditure for the June 2014 period, year-to-date is \$30,432,726. The budget estimated \$33,620,447 would be spent for the same period. The variance to budget is \$3,187,721. 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



It must be noted that this report is an interim report for the year ended to June 30, 2014 and as such the financial position may change when the financial statements are finalised at year end.

Attachments:

- [OCM038.1/08/14](#) - Monthly Financial Report June 2014 (E14/3602)

Alignment with our Strategic Community Plan:

Financial Sustainability

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

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

OCM038/08/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Urban, seconded Cr Hawkins

That Council receives the Monthly Financial Report for June 2014, in accordance with Section 6.4 of the Local Government Act 1995.

CARRIED 9/0

OCM039/08/14 Monthly Financial Report – July 2014 (SJ514-04)	
Author:	Kelli Hayward – Contract Financial Accountant
Senior Officer/s:	Casey Mihovilovich – Manager Finance and Customer Services Alan Hart – Director Corporate and Community Services
Date of Report:	12 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 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.

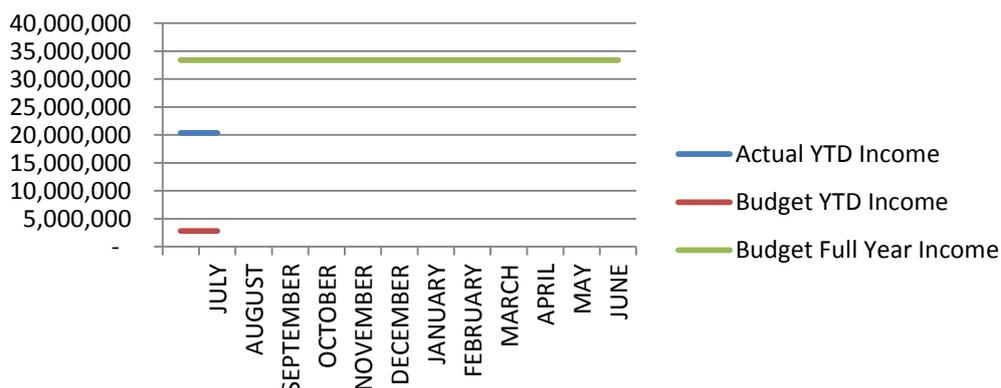
Comment:

The period of review is July 2014. The municipal surplus for this period is \$22,261,881 compared to a budget position of (\$166,905). This is considered a satisfactory result for the Shire.

Income for the July 2014 period, year-to-date is \$20,371,538. The budget estimated \$2,781,483, would be received for the same period. The variance to budget is \$17,590,055. 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.

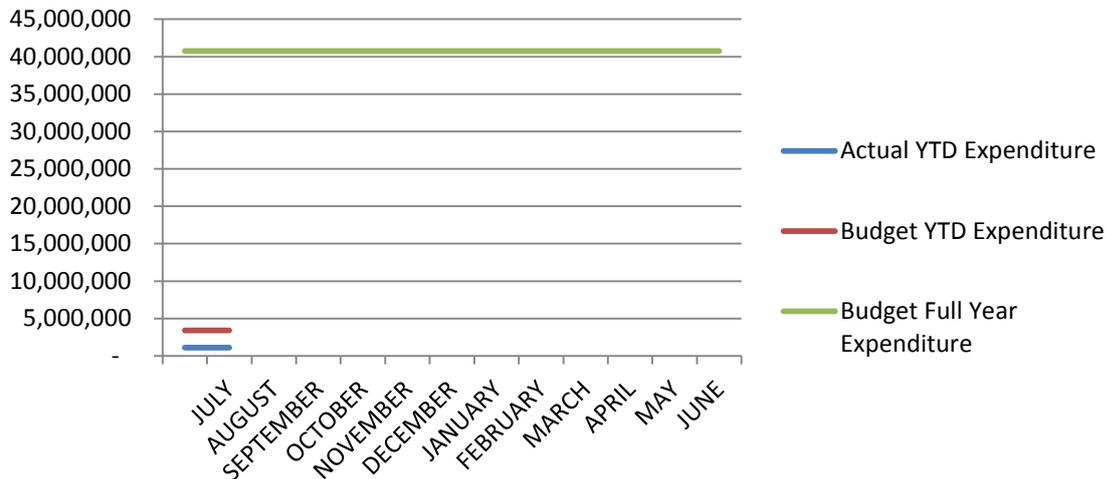
Total Income



Expenditure for the July 2014 period, year-to-date is \$918,087. The budget estimated \$2,186,325 would be spent for the same period. The variance to budget is \$1,268,238. 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:

- [OCM039.1/08/14](#) - Monthly Financial Report July 2014 (E14/3772)

Alignment with our Strategic Community Plan:

Financial Sustainability

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

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

OCM039/08/14 COUNCIL DECISION / Officer Recommendation:
Moved Cr Hawkins, seconded Cr Moore
That Council receives the Monthly Financial Report for July 2014, in accordance with Section 6.4 of the Local Government Act 1995.
CARRIED9/0

OCM040/08/14 Confirmation of Payment of Creditors (SJ514)	
Author:	Vicki Woods - Finance Officer
Senior Officer:	Alan Hart - Director Corporate and Community
Date of Report:	21 July 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 1 July 2014 to 20 July 2014, as per the attachment.

Attachments:

- [OCM040.1/08/14](#) - Creditors List of Account 1 July 2014 to 20 July 2014 (E14/3385)

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

OCM040/08/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Piipponen

That Council:

1. Receives the payments authorised under delegated authority and detailed in the list of invoices for period of 1 July 2014 to 20 July 2014, as per attachment OCM040.1/08/14 - Creditor List of Accounts 1 July 2014 to 20 July 2014 including Creditors that have been paid and in accordance with the *Local Government (Financial Management) Regulations 1996*.

CARRIED 9/0

OCM041/08/14	Planning Information Report (SJ514-04)
Author:	Mary-Ann Toner - Personal Assistant to the Director Planning
Senior Officer:	Brad Gleeson - Director Planning
Date of Report:	24 July 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

- [OCM041.1/08/14](#) Planning, Building, Health, Rangers and Development Compliance – Delegated Authority Information Report (E14/3348)
- [OCM041.2/08/14](#) Scheme Amendment, Local Planning Policies and Local Structure Plans (E12/3985)

Voting Requirements Simple Majority

OCM041/08/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Moore, seconded Cr Wilson

That Council accept the Planning Information Report for July 2014.

CARRIED 9/0

OCM042/08/14 Engineering Services Information Report (SJ514)	
Author:	Jill Jennings – Personal Assistant to Director Engineering
Senior Officer:	Gordon Allan – Director Engineering
Date of Report:	23 July 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:

- [OCM042.1/08/14](#) – Rivers Regional Council – Special Council Meeting Minutes, 17 July 2014 (IN14/14414)
- [OCM042.2/08/14](#) – Reserves Working Group - Meeting Minutes, 26 June 2014 (OC14/12441)
- [OCM042.3/08/14](#) – Serpentine Jarrahdale Trails Incorporated - Meeting Minutes, 27 May 2014 (IN14/14707)

Voting Requirements: Simple Majority

OCM042/08/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Urban, seconded Cr Erren

That Council accept the Engineering Services Information Report for August 2014.

CARRIED 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 8.23pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 11 September 2014

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Presiding Member

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Date