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**Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday, 25 November 2013. The Shire President declared the meeting open at 7.04pm 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  
J Kirkpatrick  
B Moore  
J Rossiter  
B Urban  
G Wilson

**OFFICERS:** Mr R Gorbunow ..... Chief Executive Officer  
Mr B Gleeson..... Director Planning  
Mr G Allan ..... Director Engineering  
Ms Linda Jones ..... Executive Assistant to Chief Executive Officer  
Mrs Debra Baldwin ..... Executive Support Officer

**APOLOGY:** Mr A Hart (Annual Leave) ..... Director Corporate and Community

**OBSERVERS:** Mrs T Wayne-Elliot .. Manager Communications, Executive Services  
Mrs C McKee..... Manager Community Services

Members of the Public - 39  
Members of the Press - 1

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

Teresa Schwaiger, 274 River Road, Hopeland

Q1. In regard to the 'Reconsideration of Retrospective Application for Kennels', have the 'new' Councillors been given sufficient time since their election and receiving the confidential report, to review the application and associated evidence so as to make a fair assessment prior to having to vote on this matter tonight?

*Response:*

The Director Planning has advised that all Councillors received the agenda report on Friday 1 November 2013 and have had sufficient time to review the report and make enquiries of staff prior to the Council meeting.

Q2. There may be a conflict of interest in that the Shire President and Deputy President have past or present affiliations with the greyhound industry and therefore should not vote on the application.

*Response:*

The Shire President advised that he was the Chairman of Greyhounds WA but has resigned from that position and has no interest in greyhounds whatsoever.

The Deputy President advised that he has not dealt with greyhounds for at least 12 months.

A formal response has been forwarded to Mrs Schwaiger.

Lee Bond, PO Box 44, Armadale

Q1. How much did the Darling Downs Residents Association receive through funding organised by Don Randall before the last State Election? What project or projects was this money requested for?

*Response:*

*The Shire President advised that before the recent Federal Election he made an application to The Green Army for funding on behalf of the Darling Downs Residents Association. The Association has been granted \$180,000 to re-establish the wetlands, replace bridle trails, spray for noxious weeds, refurbish the windmill to bring water back to the Darling Downs and generally make the area more safe.*

Q2. It has been 17 years, why hasn't any money been spent on the bridle path bordering the Stockman's Close Estate? How much money has the Darling Downs Residents Association received in funding from the Shire of Serpentine Jarrahdale or directly through Don Randall since its inception? What are the projects and the amounts that have been spent on those projects?

*Response:*

*Officers have advised that over the last 17 years the bridle trail in Stockman's Close has had money spent on the area.*

*Mrs Bond herself on many occasions in the past has put in requests for work to be conducted on the bridle trail behind her property, which has been actioned on every occasion. General works along this area includes spraying of weeds and pruning of overhanging branches.*

*The whole area around Stockman's Close had the trees pruned and branches/limbs mulched last year and the spray contractor has recently gone through the area this year. It is acknowledged that more work is required on this trail with slashing of wild oats to be scheduled in the future.*

*The Shire is looking at formulating a re-sheeting program for the 200km plus of trails within the Shire. The trails will be prioritised for re-sheeting as there are limited budgets for this activity.*

*The Shire President advised that the Association has received no money from the Shire. They have approximately \$30,000 remaining from the original land sales which is being held in trust by the Shire and currently have approximately \$1,200 in the bank. The Association consists of volunteers and have signed a Memorandum of Understanding with the Shire which enables them to look after the area.*

Q3. How fair is it for Councillors to use ratepayers' money to flush it away after every Council meeting? Which Councillors believe it is time to stop this obscene waste of ratepayers' money?

*Response:*

*Cr Ellis sees staying behind as an important debriefing session on what occurred on the night.*

*Cr Rossiter does not understand how fair it is as he has nothing to compare it against but, as to the second part of the question, assumes Mrs Bond is referring to the after meeting drinks. After the meeting it is important and cost effective to get together in an*

*informal manner, but from a road safety point of view he has concerns that alcohol is supplied knowing Councillors have to drive home. From a 'duty of care' and addressing any potential OSH issues he would support a no alcohol get together after the Council meeting.*

*Cr Urban does not drink alcohol and does not stay behind after Council meetings.*

*Cr Wilson believes that Council is conservative and rationalises its expenditure in this area.*

Q4. Which Councillors would not support an investigation into this Council by the CCC and what is your reason for not doing so?

*Response:*

The Shire President requested clarification of an investigation into what?

A formal response has been forwarded to Mrs Bond.

Margaret Cala, 49 Phillips Road, Karrakup

Does the Serpentine Jarrahdale Council have a policy to purchase locally (Australian) manufactured motor vehicles? And more generally to purchase Australian manufactured goods? If not, why not? Do the purchasing decisions of the Shire rely solely on price, or is local manufacture and support of Australian industry a consideration?

*Response:*

*The Chief Executive Officer advised that this is an operational matter and not a matter for Council.*

*Council does have a Purchasing policy G001 and this document is publicly available on the Shire's website [www.sjshire.wa.gov.au](http://www.sjshire.wa.gov.au) under Council and Publications. One principle that must be considered when purchasing goods and services is that preference is given to local suppliers.*

*When the Shire purchases vehicles, all vehicles are purchased under the State Government Supply Contract for Motor Vehicles and the Shire's internal guidelines for vehicle selection. There are many considerations that are taken into account when selecting a vehicle, including but not limited to, country of origin, fuel efficiency, vehicle emissions, vehicle safety, whole of life costs, resale value.*

A formal response has been forwarded to Ms Cala.

Simone Rich, 155 Firms Road, Serpentine

Thank you for answering my questions from the Ordinary Council Meeting on 28 October 2013.

Q7 that I asked at the last meeting was:

*"Which current Councillors own or have immediate family members that own businesses that operate within the boundaries of the Shire of Serpentine Jarrahdale?"*

Cr John Erren was the only Councillor to answer this question.

Maybe the other Councillors did not understand my question. Immediate family members include parents, spouses, siblings and children.

With this clarification my questions are:

Q1. Which current Councillors own or have immediate family members that own businesses that operate within the boundaries of the Shire of Serpentine Jarrahdale?

Q2. What are these businesses?

*Response:*

*Cr Keith Ellis has no business interests in the Shire.*

*Cr Hawkins advised that neither her husband nor her children have business interests in the Shire.*

*Cr John Kirkpatrick does not feel that he needs to answer this question as any business that he may be involved with is declared on the Declaration of Interest Form, as required.*

*Cr Bruce Moore has a business/association and financial interest in the Serpentine Veterinary Hospital at 2395 South Western Highway, Serpentine and a commercial property at 838 South Western Highway, Byford which is currently a tenanted residential property but zoned business.*

*Cr Piipponen is involved in the family business West Coast Fencing.*

*Cr John Rossiter's daughter-in-law operates a business registered as 'Beakies Pet Taxi'. She started this business as part of her healing process after the sudden death of her only child. The family received tremendous support from the local community after the death of Cr Rossiter's only grandchild and this is the main driver for him being a Councillor, he wishes to pay back something to the community. He has no involvement with his daughter-in-law's business. He has no business interest and no other family member has any business interests either.*

*Cr Barry Urban has no businesses or investments.*

*Cr Gary Wilson's son operates a plumbing business in Oakford and his son's father-in-law owns a cheese factory in Oakford.*

A formal response has been forwarded to Miss Rich.

Michelle Rich, 155 Firms Road, Serpentine

Thank you for the answers to my questions from the Ordinary Council Meeting (OCM) on 28 October 2013. These answers open up more questions.

Q5 from my questions from my previous questions:

*"Was there a meeting held in Byford on Sunday, 20 October 2013 with newly elected Councillors from the North and North West Wards and past Councillors from the North Ward in attendance?"*

The response received in writing:

*"Yes. Cr Ellis has advised that the intent of the meeting was to meet newly elected Councillors, ie Cr Erren, Cr Hawkins, Cr Rossiter (and himself)."*

Q7 was, *"Were the Southern Ward Councillors invited to this meeting?"*

Q8. If not, why not?

The response given in writing:

*“No. However, Cr Hawkins contacted Cr Urban and advised him of the meeting discussions.”*

Q1. If this was a simple meet and greet as stated in the response why were all elected members not invited?

Q2. What is the reason Cr Wilson and Cr Moore were not contacted?

Q3. Cr Piiipponen has stated in front of ratepayers outside the OCM on 28 October 2013 that he did not attend this meeting but knew that it was being held. Isn't it right that the real reason for the meeting was to pre-arrange the voting, in line with the wishes of the two ex-Councillors from the North Ward who attended the meeting, for the Special Council Meeting that was held on 21 October 2013?

*Response:*

*In response to Q1, Q2 and Q3, Cr Ellis has advised that he does not know why all Elected Members were not contacted as he was asked to call in for a chat.*

Q4. Which Councillors have attended the local government training that is paid for by the Shire?

*Response:*

*In 2012 Cr Piiipponen, Cr Urban, Cr Wilson and former Councillors Atwell and Ricketts attended local government training that was paid for by the Shire.*

Q5. Of the Councillors that have not attended this training, when are they booked in to attend the training?

*Response:*

*Since the October 2013 Election so far only Cr Hawkins has opted for any training and this is proposed to be undertaken early next year.*

Q6. Which Councillors have received phone calls from the proponent Kody Charles (OCM078/11/13) in recent days trying to gain support for a matter that is before the State Administrative Tribunal (SAT), knowing full well that Councillors cannot discuss this matter as they are bound by the *Local Government Act*?

*Response:*

*Cr Erren received a short phone call from the proponent on Saturday 9 November, who proceeded to explain his case. Cr Erren politely heard him out after which he explained that he was unable to give any feedback and ended the conversation.*

*Cr Rossiter received a phone call on 9 November 2013. Mr Charles wished to state his case. Cr Rossiter advised Mr Charles that he had all the information he required and could not give him any commitment.*

*Cr Urban received a phone call from Cody Charles and stated that he could not speak with him. Mr Charles did state that he spoke to other Councillors and one indicated his support in the matter.*

*Cr Wilson did not receive a phone call from Mr Charles.*

A formal response has been forwarded to Mrs Rich.

Michael Geurds, 6 Binshaw Avenue, Byford

Firstly I would like to thank the Councillor who has taken the time to keep the trotting fraternity up-to-date as much as possible with the development in Briggs Road, Byford.

There are real concerns with the level of density with the development in Briggs Road, Byford as well as the concerns regarding drainage for the area and traffic flows through from Thomas Road to Abernethy via Briggs Road.

I acknowledge that this development is part of the growth of Byford but question why so deep a density has been shown not to work elsewhere in such a large scale. I would have thought even taking into account the new R-Codes that a minimum of 300sqm blocks for town housing around specific areas is more acceptable. The use of 500/450sqm properties has proven popular in all other developments, what makes this different?

*Response:*

*The Director Planning has advised that the consideration of the Local Structure Plan (LSP) will include an assessment of a variety of issues including drainage, residential densities, access and traffic implications. The LSP will be advertised to surrounding landowners and relevant statutory agencies who will all have the opportunity to comment on any of these issues.*

Racing and Wagering WA, the owner of the trotting track area has a large financial interest in the long-term growth of the area and I hope that they have been included in development planning.

*Response:*

*They will be consulted as part of the advertising process.*

For those that are not aware this land can have an extremely large volume of water passing through its main corridor as well as the northwest corner being a particular wet spot due to the meeting of flow from Darling Downs, Thomas Road and Byford Hills.

*Response:*

*Drainage issues will be assessed as part of the LSP process.*

I trust that Council will make sure that the correct people are requested to comment on this development, if possible having the answers to these and possibly other concerns.

*Response:*

*The proposed LSP will be advertised in accordance with Council Policy which will include letters to residents, a sign on site and an advertisement in the local newspaper.*

Q1A. What level of sand is to be used as fill on the area?

*Response:*

*This is not determined at the LSP stage but at the detailed planning stage (subdivision and engineering approvals), having regard to the numerous studies which will have been undertaken as part of the LSP process.*

Q1B. How will sand trucks access the area?

*Response:*

*This is unknown at this stage.*

Q1C. Can the problem with topsoil storage be resolved prior to development and placed on the school site?

*Response:*

*Topsoil removal will be addressed when engineering drawings are submitted to the Shire for approval.*

Q2. Will the school area be developed when development is conducted as the school may not have a requirement to be built for up to ten years?

*Response:*

*Discussions regarding the school are taking place and it is understood that the intention is for the school to be built during development of the overall LSP area.*

Q3. Will the drainage area be vegetated as is – Red Gum?

*Response:*

*Detailed design drawings and outcomes will be determined through consideration of the LSP and also at the subdivision stage. Vegetation of the multiple use corridor will be consistent with Council's desired outcome for Byford. An example is the landscaping at the Redgum Brook Estate.*

Q4. Will the developer be responsible for traffic management in Eurythmic Road?

*Response:*

*Yes, as the development abuts this road.*

Q5. Will there be a connecting road to Thomas Road?

*Response:*

*A road connection to Thomas Road from the LSP area has been envisaged as part of the Byford District Structure Plan (Malarkey Road/San Simeon Boulevard). The precise nature and final form of any connection will be determined through the LSP and subdivision process.*

Q6A. What if any Public Open Space (POS) is to be developed and how will there be trees etc planted or is it to be left to the Shire to complete?

*Response:*

*There is a requirement of 10% POS contribution. The layout of this will be identified in the LSP with the ultimate detail being established at subdivision stage. The landscaping details will need to be proposed by the applicant and agreed by the Shire as ultimate custodians of the POS.*

Q6B. This area is totally void of trees.

*Response:*

*Landscaping is a relevant consideration of the LSP and subdivision and will be examined for areas of POS and in streetscapes.*

In ending, with full respect for the process of development and realising the part that the Western Australian Planning Commission (WAPC) and SAT take, I request that Council endeavours to obtain a better outcome for this development for the people who live here now and in the future.

*Response:*

*Council will be seeking the best outcome in the approval of the LSP and subdivision for the community.*

A formal response has been forwarded to Mr Geurds.

Lionel Webster, 351 River Road, Hopeland

Since the 19 June Kennel discussion, has the Shire considered any feasible locations to establish a Kennel zone in the district?

*Response:*

*The Director Planning advised that staff have not considered any alternative locations at this stage. Council is due to review its Town Planning Scheme No 2 within the next year or two and will look at Kennel zones and other related uses at that time.*

A formal response has been forwarded to Mr Webster.

### **3. Public question time:**

Public Question / Statement Time commenced at 7.05pm.

Lee Bond, PO Box 44, Armadale

1. Before the last Council Elections in October 2013, who was the person claiming to be a Councillor who attended a meeting with Byford and District Country Club (BDCC) along with Tony Simpson and informed BDCC they will get the Old Rifle Range for their new development?
2. Has BDCC already lodged their application for funding to Sport and Recreation? If so what date and have they included a number of other groups in this application? If so do these groups know they have been listed on BDCC's application?
3. Why has the BDCC matter been listed as urgent business and who asked for this to be placed on the agenda at late notice?

*Response:*

The Shire President advised that these questions will be taken on notice and a formal response provided in due course.

Stanley Lodge JP, 17 Orana Place, Byford

1. Since the last public meeting at Byford regarding Local Planning Policy No 74 (LPP 74) – Stanley Road Precinct, my wife and I had a meeting with the Manager Statutory Planning and questioned her as to the status and plans for the reserve/public open space that runs between Walter Road and Orana Place and is adjacent to our property, Lot 17 Orana Place. The question arose because Mr Dwayne Ballast stated in our home, *"The Council has given us permission or tacit approval to develop this reserve and you will eventually be pushed out anyway because we can develop right up to your fence line"*.

The Manager Statutory Planning advised us that she knew of no such arrangement but would further investigate it. Subsequently she advised us by phone that no such arrangement had ever been entered into and as far as she was concerned the reserve was to stay as Public Open Space. I therefore seek Council endorsement of this position.

2. I have noticed that development that seems inconsistent with the proposal for LPP 74 Stanley Road Precinct, is progressing on Lot 14. This lot is being extensively altered and gives the impression of a light industrial development, with a shed/sheds plus a fence which appears to be 1.9 metres high. The area involved is clearly much larger than the 480 – 500sqm blocks that we have all been told are the requirement on this development if and when it does go ahead. The main concern with this development on Lot 14 is that, at the last public meeting, it was inferred that individual piecemeal developments would not be sanctioned, yet this one is already quite advanced.

*Response:*

The Shire President advised that these questions will be taken on notice and a formal response provided in due course.

Michelle Rich, 155 Firms Road, Serpentine

Is our Council going to fight the announcement of amalgamation made by Tony Simpson? We have heard nothing from our Council since this announcement.

*Response:*

The Shire President advised that the Minister for Local Government met with Councillors at 5.00pm today to brief them on Local Government Reform. Following the briefing, Council is now in a position to develop a plan to save the Shire and bring community members on board to make a joint statement to the Local Government Advisory Board that this Shire will fight all the way against any amalgamation or boundary change.

Margaret Cala, 49 Phillips Road, Karrakup

Given that Council renewed its commitment to anti-amalgamation, are they going to engage in actions to further community understanding regarding the implications of the Government's preferred amalgamations, which will see Serpentine Jarrahdale disappear? The Shire (Road Board) commenced in 1897 and is part of the history of WA – how sad to think its days are numbered.

Other Council areas seem to do better than we do with public support. Leadership and the quality of independent information regarding so-called Local Government Reform in local newspapers differs dramatically and relates closely to community understanding and engagement.

How did Vincent, Victoria Park, Cockburn and others get people to their rallies? Answer: their people knew and understood the issues. Looking at last week's issue of the Subiaco Post there were no less than seven articles and three letters relating to the Government's enacting of its amalgamation of Councils and proposed changes to the *Local Government Act*. These well written, objective and analytical articles serve to give residents information lacking from either the West Australian or TV news and some other local newspapers. Isn't it up to our Council to see that our community is well informed on this matter?

Page 7 of the West on 20 November 2013, "*Minister fires back at Councils*" was, to me, revealing. Cockburn's banner, 'Help Save Cockburn' towed behind a hired plane and the City of Stirling's \$59,000 'Stay in Stirling' campaign demonstrate what some other Councils are doing.

We should have posters, banners and handouts all over the Shire with information on the impact of amalgamation. There should be signs at shops and community facilities. The previous Shire President had T-shirts and bumper stickers made but we need so much more than this if our residents are to understand how amalgamation will affect

them. Council needs to be seen to be defending our Shire and we need to raise the level of community interest and knowledge.

Cockburn's website advertises a bus for people going to Parliament House to protest the changes to the *Local Government Act* this week. If this legislation is passed, it will be the effective end of Local Government as we know it in WA – not just for Cockburn. The Dadour Group based in the Western Suburbs is supporting Cockburn and we should be supporting them too and assisting in a show of strength. Personally, I would be happy for the Shire to spend some of my rate money in a campaign to stop the Government's drive to force amalgamations and change the *Local Government Act* and save Serpentine Jarrahdale. I'm sure there are many others who would support this too.

Councillors are elected to represent our community and work for the best interests of the community. Our Council should reflect the feelings, aims and philosophy of the community. We have groups of concerned people within this Shire – some of whom have worked long and hard to put together a community submission to the Local Government Advisory Board and others who have lobbied various politicians and keep in touch with other community groups; others with a wealth of local knowledge and history – but in all of this, our Council and the imminent destruction of our Shire aren't out there in the public eye.

My questions to this Council are:

1. Does Council expect to engage the community in the dissemination of accurate information regarding the ramifications of amalgamation – and please don't legitimise the use of the term 'boundary changes'?
2. Is the Council prepared to use the many resources available in the community to fight the destruction of our Shire?

*Response:*

The Shire President reiterated his previous response and advised that, following the Minister's briefing earlier today, Council will communicate with the community to develop a plan and make a joint statement to the Local Government Advisory Board opposing any amalgamation or boundary change.

Jackie Dines, 34 Jarrahglen Rise, Jarrahdale

Would it be possible for the Shire of Serpentine Jarrahdale to fund these suggestions or at least some in order to bring to the attention of every SJ person the issues that forced amalgamation will bring to the ratepayers and residents of this Shire?

1. Provide a web page where people can register their preference (not their opinions but what they want yea or nay). This may help to give Council some idea of the viability of holding a referendum later – this could be done using one of the online survey people.
2. Advertisements in the local papers telling people that they can register their view on the new web page or at the local shops, where tickets could be setup with a ballot box.
3. Flyers sent out in the mail – giving all of the pros and cons, or just cons!
4. Posters to be put in shops/businesses – provide a ballot box at each place or as many as possible with tear off tickets that people can use to register their view. This could be done using two colours, for instance the nays could be black and the yays could be pink! Our team would be happy to help count them.

5. Banners to be erected at major events occurring around the Shire, may require two or three banners to be made up.

The team of people that we have gathered together will quite happily devote time and effort to help look after this sort of campaign, there would be no need for Shire staff to have to do it all.

I am sure that there could other ideas floated to help create a bit more interest in what is happening. As a normal course of events it seems to be that nobody cares until it is done then it is too late!

*Response:*

The Shire President confirmed that, following the Minister's briefing earlier today, Council intends to engage with the community and work with them to develop a joint plan to submit to the Local Government Advisory Board.

Jean Waterman, 67 Linton Street, North, Byford

With respect to the Stanley Road Precinct, if our blocks are gazetted for redevelopment, will we be rated out of our homes? Many long-time residents are of non-working age so have little ability to pay extra rates. As so many residents are against this redevelopment plan, why waste money on a plan few people want?

*Response:*

The Shire President advised that these questions will be taken on notice and a formal response provided in due course.

Dirk de Boer, 77 Linton Street North, Byford

Our submission, which I sent to Council a few days after the initial Byford meeting on the subject of the Stanley Road, was accompanied by a rather detailed subdivision proposal. That proposal probably showed block sizes somewhat larger than Council has in mind. All I wish to add to our original submission is that it may not necessarily be a bad thing to have a mix of living sites in the area.

Does Council have a subdivision plan for that area at the moment? Council should have some idea what the subdivision plan is going to look like?

*Response:*

The Director Planning advised that no subdivision plans have been submitted for the precinct at this stage. A conceptual layout plan was prepared many years ago.

Don Granwell, 62/64 Walter Road, Byford

The following question was received from Mr Granwell electronically on 20 November 2013:

Why, if the vast majority of people in the area affected by this proposal are against the proposal, ie subdivision, is the Council forging ahead as though public opinion doesn't matter? Why are they bowing to pressure from IQ Solutions (who have no financial backing) and forcing through this proposal, noting IQ Solutions (previously known as 'Stroba Group') previous track record in the area?

*Response:*

*Council sought public comment on the draft Local Planning Policy in accordance with the requirement of Town Planning Scheme No 2. A public meeting was also held to talk to landowners and local residents about the draft Policy. Public submissions have been*

*received and all matters raised have been carefully considered by staff and in the finalisation of the Policy.*

*Land in this area was rezoned from Rural to Urban in the Metropolitan Region Scheme, by the State Government many years ago. The land was then rezoned to Urban Development in Council's TPS 2 to ensure it is consistent with the State Government plans for Byford. Land in this area will eventually be subdivided into residential lots but this may be many years or even decades away. Development will only occur if a landowner or group of landowners seek to subdivide their land.*

*The Local Planning Policy was prepared in order to ensure the orderly and proper planning of this area in Byford that is zoned Urban, but also contains a large number of landowners. Council has previously adopted a similar policy in the Doley Road/Warrington Road area of Byford. Council's TPS 2 requires that Local Structure Plans (LSP) are prepared, prior to the subdivision of land. This Policy provides a further level of detailed planning that must occur before the land can be subdivided. Further public consultation will occur with all landowners in the area at the time an LSP is lodged for an area.*

Valda Ross, 59 Linton Street North, Byford

Re Stanley Road Precinct – if the Council has already had permission to build the road, why were residents not informed? If SJ is a green Shire why is the Council hell bent on turning our area into suburbia?

*Response:*

The Director Planning advised that he is not aware of any road being approved. Plans prepared many years ago are only conceptual and have not been approved by Council.

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

Yvonne Lovegrove, 21 Orana Place, Byford

While I agree we need to have a very strong structure plan for the Stanley Road Precinct, I am of the opinion that no permission to carry out any development of this area should be granted to a developer at this stage.

There are about 36 properties in the Stanley Road Precinct that are being sought after for development. One man, not living in this area but who owns about four of these properties, is to my knowledge the person who wants the Stanley Road Precinct to be developed. Unless the majority of owners of the properties in this area (and I understand there are not many) intend to join in with him then this beautiful area will become a very unbalanced and unsightly part of Byford.

I am also of the opinion that the Shire should make sure any future developers give their preliminary design to an independent practitioner, ie Urban Design Landscape Architecture, to provide professional feedback which could ensure that the developer/planning team have good planning practices. The Shire also needs to make sure that the Public Open Space is very closely controlled.

Lee Bond, PO Box 44, Armadale

1. With reference to my questions at the last Council meeting, what on earth gave you Councillor Ellis the right to answer one particular question as if I and other ratepayers are total idiots? Drinking until the early hours of the morning leaves me questioning how any debriefing (your answer to my disgust of the use of ratepayers' money being flushed down the toilet) would be achieved and why you have no understanding of the duty of care you have towards others.

2. No money has been spent on our bridle path in the 17 years I have lived there. Any branches or fallen trees are a basic maintenance of Council. How on earth does any emergency vehicle travel along the bridle path if the trees are overgrown from neglect?
3. It seems the corrupt behaviour of some members of this Council has extended beyond belief. When did BDCC put their application in to Sport and Recreation for funding and when did Council give the positive vote to BDCC for all approvals and the lease of the Rifle Range for their project? Were all Councillors given the full information and background of this matter so they can make the right determination? Were you given twenty years with a further twenty years option and I know you have already placed your application for funding. It needs to be asked why this matter is on tonight's agenda when you have already stated the above. Why is BDCC trying to take funding from the Men's Shed, using the same name to confuse people is outrageous? Why is Council expected to provide \$440,000 to this project, but then there is a little light because you don't really mean for Council to pay the \$440,000. It's a requirement that Council indicate a financial involvement in this project or no funds for you. The same reason you have listed the names of many other groups so it appears to be a community effort. Isn't BDCC a private business? Have you told all these groups that they will be admitted to your project in stages, effectively meaning never? Do all the members of BDCC ever see the financial statements? I doubt it. What land valuation year did the purchase apply when purchasing the BDCC site? The 'ugly 6' are simply warts carrying out the devious behaviour of other devious control freaks hell bent on proving they own this Shire; however you have all outdone yourselves this time and I am sure many in this Shire will be relieved to know that this dreadful scourge will now be operated on, removed and trashed. I have not used the word corrupt lightly, I know what I am saying. It is not appropriate to use bully tactics, lies and outright deceit to achieve what certain people want at any cost. Mr Ellis you questioned my reference to the CCC at the last Council meeting, join the dots, I have.

Les Wright, 59 Linton Street, Byford

Councillors are democratically elected of the people, by the people and for the people. If that is the case why are so many people feeling threatened, concerned and worried about decisions being made with respect to the Stanley Road Precinct that we may not know about? You give us recommendations and assurances – why do we doubt this? We have grave doubts about all of these and that is why we are here now?

Janice Cable, 45 Bernborough Way, Darling Downs

My statement relates to whether or not Cr Erren, Cr Rossiter and Cr Hawkins intend on declaring an interest in Item No OCM093/11/13 relating to the Shire of Serpentine Jarrahdale relocating the Byford Country Club. The recommendation of this item asks Councillors to make a decision on contributing \$440,000 in the 2014/15 budget to relocate the club to a reserve on Linton Street North, known as the Old Rifle Range. Mr Stephen White sponsored three Councillors, Cr Erren, Cr Rossiter and Cr Hawkins in the most recent Council Elections and I understand that Mr White is the driving force behind the relocation of this club. I would like to see those three Councillors leave the room when it comes to voting on this subject, as per what is seen to be the 'right thing to do'.

I am a ratepayer in this Shire and I don't understand how the 100-odd members of one club can be given \$440,000 when there is so much else that could be done, if we had the money, to benefit far more than 100 people.

Dwayne Ballast, 14 Gadd Avenue, Byford

I work for IQ Construction which is the managing company of the Byford Land Development Company WA. The company was set up by landowners in the Stanley Road Precinct to facilitate landowner initiated development. The company was set up on the basis of existing policies and frameworks the Shire has already adopted.

I would like to take this opportunity to reiterate a number of facts and point out these existing frameworks and policies which provide the basis for capital investment of landowners I represent within the Stanley Road Precinct.

1. In 2005 the Council finalised the Byford Townsite DAP, recognising the Stanley Road Precinct as an area able to accommodate further development. Almost a decade ago, the Council put in place the first steps to encourage development within this precinct. The current policy tonight simply builds on, clarifies and provides clearer and practical guidance to an already existing policy. Residents that have invested in this area need this guidance and therefore need this policy in place, to accommodate for the complex nature of a multiple landowner development. The Council also needs this policy in place in order to control the development in the precinct.
2. Secondly, I'm sure both landowners and Councillors are aware that since the adoption of the Byford Townsite DAP, numerous attempts have been made to develop in the Stanley Road Precinct, all of which have not come about. Something needs to be put in place for the Council to provide guidance to these landowners. LPP 74 does this.
3. The geographic nature of the existing Stanley Road Precinct does not lend to one overall local structure plan for the whole precinct. With many lots set back into the range, the precinct needs to be broken up into feasible areas.
4. A current precedent policy is in place, namely Local Planning Policy 69. Council has already adopted this policy, recognising the need for further guidelines for landowners within the Doley Road precinct. Having had the opportunity to be involved in a small manner in this policy and precinct myself, the nature of issues is virtually identical in terms of the structure. The Stanley Road Precinct needs similar guidance in the form of the proposed policy.

Therefore, on the basis of what is already in place and policies already adopted, the request to Council to adopt the proposed Local Planning Policy 74 is not based on majority or bias, but based on the need to provide clear development guidance on what the Council has already encouraged.

Ray Thornloe, 24 Walters Road, Byford

My statement concerns LPP 74 for the Stanley Road Precinct of Byford.

Since retiring to Byford 12 years ago my wife and I have been active community members supporting various interest groups. In my case I have been a warden of St Aidan's Anglican Church for six years and instrumental in the rebuilding of the new church in Clifton Street. I have done a lot of volunteer teaching at the Serpentine Jarrahdale Grammar School and served on the Board of Directors for six years, helping to get the first High School in the Shire established. I am an active member of the Heritage Country Choir serving on the committee for most of that time in different roles. Five years ago I helped form the first club for seniors in the area in the formation of the Byford Probus Club and continue to be a member of the organising committee. I have served on the Shire of Serpentine Jarrahdale Australia Day Committee for many years, as well as helping to organise the Shire's ANZAC Day commemoration service and the

Byford Carols by Candlelight for the past ten years. I mention examples of my involvement in our community to demonstrate that I care passionately about what happens and try to make some contribution to the life of the area.

It is therefore of great concern to me when a developer starts buying property in the established part of the town with a view to making as much money as possible with total disrespect for the current residents. Most people recognise that there can be some subdivision of their properties without destroying the character of this part of the town. They know that small lot sizes and all that entails, will destroy the reason why most residents came here in the first place. Consequently, as witnessed at the Council information meeting in the Byford Hall on 1 May last, most residents are very worried and concerned about their future in Byford and that includes my wife and I.

Yet we have seen examples where rapid growth has taken place and the character of the town has been retained. A few years ago we revisited a town in Canada where we lived for four years in the 1960s which was about the size of Byford at that time. In the past forty years it has sustained a growth that Byford has embarked on. The growth was achieved without carving up the old part of the town, in fact it is similar to when we lived there – no ‘battle-axe’ development, just natural fill in where appropriate. Consequently this was still the attraction for people to come and settle in the town because it had not lost its original character. This was also the case in the village where we lived in the UK although on a much smaller scale. We had to absorb more dwellings but were able to do so without detracting from the charm of the village. It is therefore still a desirable place to live and visit.

The large developments currently taking place with varying degrees of success all advertise the semi-rural nature of the area with pictures of galloping horses and families running in fields. However it is the heritage part of the town of Byford with the country feel about it. It therefore follows that a planning policy is necessary to protect the character of the whole of the old town east of the South Western Highway and hence maintain the attraction of Byford as a place to live.

It is worth noting that LPP 74 would almost certainly not have been passed by the much depleted previous Council because two of the Council positions representing Byford were not filled, therefore denying the residents a fair hearing.

I strongly urge the Council to proceed with all speed on a planning policy that includes the whole of the eastern side of the South Western Highway to ensure we maintain the character of the town that all residents value. This obviously needs to be done before LPP 74 is progressed any further. It is also of the utmost importance that residents are included in early and robust community consultation at all stages. This needs to be done before developers have spent their money on a plan. A developer would be very reluctant to change the plan if it does not meet with residents’ values and concerns.

In conclusion, I respectfully request Council to shelve LPP 74 until a planning policy is in place for the whole of the old town of Byford east of the South Western Highway.

Public Question / Statement Time concluded at 7.38pm.

## 5. Petitions and deputations:

Petitions and Deputations commenced at 7.40pm.

### **Petition:**

Cr Kirkpatrick tabled a petition on behalf of the residents of the Stanley Road Precinct of Byford, which states that the residents are unhappy that their precinct has been singled out from among those other ‘character areas’ on the eastern side of South Western Highway. They believe that this approach is short-sighted and may lead to uncoordinated development within the Byford Townsite Detailed Area Plan.

It is respectfully requested that the Council consider that:

*“We, the undersigned, being residents of the designated Stanley Road Precinct development, hereby express our desire not to have an active planning policy over this area until all precincts on the eastern side of the South Western Highway are made subject to an overall planning policy. The proposed Local Planning Policy 74, promoted by the Shire of Serpentine Jarrahdale at the behest of a small developer, will change the character of the area and take away the reasons, we the residents, live in this precinct.”*

The petition containing 21 signatures was served on behalf of the listed signatories by Merri Harris and tabled by Cr Kirkpatrick.

#### **COUNCIL DECISION:**

**Moved Cr Kirkpatrick, seconded Cr Moore**

**That the petition on behalf of residents of the Stanley Road Precinct, relating to proposed Local Planning Policy 74, be received.**

**CARRIED 9/0**

#### **Deputation:**

Merri Harris, made a verbal presentation to Council on behalf of residents of the Stanley Road Precinct, Byford, relating to Item OCM084/11/13 on this agenda and the reasons why residents oppose the development of the Stanley Road Precinct and Final Adoption of Local Planning Policy No 74 – Stanley Road Precinct Planning Framework, as follows:

I make this deputation on behalf of a group of residents of the Stanley Road Precinct area of Byford. Unfortunately, their primary spokesman is unavailable for this meeting although he has had a statement read on his behalf tonight.

The Stanley Road Precinct is a designated ‘character area’ within the Byford Townsite Detailed Area Plan. It is comprised of larger residential blocks and obviously has many dozens of individual landowners within it. Planning to change the development profile of an area with fragmented ownership is one of the most complicated and expensive planning challenges.

The residents of the Stanley Road Precinct have experienced several years of what can only be described as harassment by one particular aspiring developer, as was mentioned by several submitters. He has played residents off against one another, presented bogus documents and generally made many of the residents very uncomfortable about the future prospects of the area in which they live and for the value of their properties.

It was with great distress that they learned that the Shire had instigated a local planning policy at the behest, apparently, of the above mentioned developer. While I understand that a well prepared and structured planning policy can in fact form the best protection for residents from unruly development, this fact is difficult to explain to the aggrieved resident who fears for the destruction of their area as they know it. They were so concerned they raised a petition which has been presented tonight.

What is also unfortunate, is the fact that the Council decided, after the initiation of LPP 74, to prioritise the development of a Local Structure Plan (LSP) for the eastern side of South Western Highway as part of its adopted Strategic Community Plan. The Stanley Road Precinct should fall within the purview of this policy.

It would appear to this observer that it would seem to be an extraordinary waste of money, time, expertise and community goodwill to embark upon a process to develop an LSP for a segment (sub-precinct) within a precinct that was within the purview of an East Byford LSP. This type of behaviour and lack of foresight on the part of Council and/or its officers, is one of the reasons that members of the community get so tired and distrusting of participating, at Council's direction, in community consultative matters.

The eastern side of Byford is a very complex area in terms of the number of issues to be considered and managed. The development of LSPs on the western side of the highway is complicated enough with issues relating particularly to drainage etc but the eastern side issues are intensified by its very location at the foot of the scarp. Examples of issues to be considered are:

- Increasing slopes as proximity to the scarp increases. Higher elevations will require greater amounts of cut and fill, increase fire hazards, increase speed of flow of flood waters etc.
- Increasing fire protection issues as proximity to the scarp and state forest increases.
- Cost of providing infrastructure increases as complexity of topography increases.
- Provision of essential services such as sewerage, water, roads and drainage increases with increasing slopes and proximity to the scarp.
- Increasing issues of protection of flora and fauna increases as proximity to the scarp increases.
- Increasing complexity of decision making regarding retention of trees versus density of housing etc as these will all add to the complexity of issues pertaining to new fire protection requirements.

Nevertheless, LPP 74 has been promulgated, advertised, revised in the light of suggestions from forty submissions and tonight is presented for final adoption. Residents are nervous about the implications of this document and they seek some solace from their uncertainty by making a simple request of Council.

Their request is that the resolution before you tonight be slightly amended to include a clear statement that reinforces the provisions within both LPP 74 and LPP 27, regarding 'Stakeholder Engagement in Land Use Planning'. The residents of the Stanley Road Precinct trust that the inclusion of this amendment will emphasise the Shire's own rules of engagement with residents when development applications, or the development of local structure plans, are contemplated.

The point that Mr Thornloe made in his statement earlier is well taken. Developers resist changing plans that they have spent much time and money creating when they find that their plans do not meet with approval from the very people who are going to be most affected by those plans. Therefore, it would be incumbent upon the Shire to ensure early and thorough consultation with the residents of the affected area. And this is all that the residents of the Stanley Road Precinct ask: That they are consulted in a meaningful way, and early, in any planning consideration.

Councillors, if you can simply add the following to your resolution the residents of the Stanley Road Precinct will be well satisfied with your help.

Adding a point 6 to the resolution which states:

*"Provide early and robust community consultation opportunities for all residents, and adjacent landowners, in accordance with conditions 7.14 to 7.16 and 2.0 of Attachment A of LPP 26 - Stakeholder Engagement in Land Use Planning".*

This point changes nothing within the documents mentioned, or the intent of LPP 74, but simply reinforces the Council's commitment to sound community consultation when development is to occur in an area of fragmented ownership within one of Byford's precious 'character areas'.

The residents of the Stanley Road Precinct thank you for your thoughtful consideration of this matter.

## 6. President's report:

### **Saddles Plus Opening a great success**

I was invited to open the new Saddles Plus store in Byford on Thursday 14 November 2013. I am pleased to say it was an outstanding success with finger food available and beverages flowing freely. There was a large crowd taking advantage of the many great specials that were available. Congratulations to Lee and Gary for their faith in the area and the way they presented the store. Having been involved in retail myself for over 40 years I was surprised and amazed at the store layout and the large range of stock. Thanks also to Councillor Rossiter for attending.

### **Fire Time**

I was given a tour of the Shire by our Chief Fire Control Officer (CFCO), who is gravely concerned with the amount of fuel that is around at this time of the year due to the late rains. It looks similar and reminds the CFCO of the Dwellingup Bush Fires of 1961, which started in the Shire of Serpentine Jarrahdale and swept South with the wind. He has asked me to inform all who are in a fire risk zone to check your firebreaks and if you feel you are in danger please contact the Shire immediately.

### **Medical Centre**

Here is some great news! The proprietor of a pharmacy which has opened in Serpentine, is soon to open a medical centre in the same row of shops on the corner of Maxwell Street. And that is not all the good news. The Chief Executive Officer, Director Planning and I met with the pharmacist last week and he outlined plans to build a medical centre in Byford immediately. He was quite amazed when the Director Planning gave him three or four options and the process has commenced.

### **Shire of Serpentine Jarrahdale wins Certificate of Commendation from WALGA**

In the Children's Environment and Health Local Government Report Card Project the Shire of Serpentine Jarrahdale scored 80% across the board. We scored 100% for environments supportive of physical activity, road and pedestrian safety, food safety and security, outdoor air quality, prevention of disease, child health and development - and we were above average on shade in public spaces comparing all Councils.

### **WA Water Awards 2013**

The Shire recently reached finalist stage within the resource management category in the WA Water Awards 2013. The Shire was competing with the likes of BHP, with the finalist status acknowledging the work undertaken on the West Mundijong Industrial Area District Water Management Framework, recognising excellence in managing one or more components of the water cycle.

These two awards are great news for the Shire.

## Thanks

I would like to thank Southern Ward Councillor Wilson who drove me around Serpentine and beyond to bring me up to speed with what is urgently needed in that part of the Shire.

## 7. Declaration of Councillors and officers interest:

Cr Erren has declared an interest by close association in Late Item OCM093/11/13, in that he is a member of the Byford and Districts Country Club Inc and holds the position of Treasurer/Manager on the Club's Management Committee. Cr Erren also has a close association with the Project Manager for the proposed relocation of the Byford and Districts Country Club project, Mr Stephen White.

Cr Hawkins has declared an interest by close association in Late Item OCM093/11/13, in that she has a close association with the Project Manager for the proposed relocation of the Byford and Districts Country Club project, Mr Stephen White.

Cr Rossiter has declared an interest by close association in Late Item OCM093/11/13, in that he has a close association with the Project Manager for the proposed relocation of the Byford and Districts Country Club project, Mr Stephen White.

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

### 8.1 Ordinary Council Meeting – 11 November 2013

#### Corrections

Previous Public Questions – Michelle Rich – Page 5 - Q4 – Response – Line 1  
Delete the word 'not' between the words 'was' and 'made' to read:

*“Cr Piipponen has advised that no handshake deal was made on Saturday night 19 October 2013 regarding the President and Deputy President positions.”*

Previous Petitions and deputations – Mr Joe Algeri from Algeri Planning and Appeals – Item OCM078/11/13 – Confidential Item – Reconsideration of Retrospective Application for Kennels – Lot 1087 (No 324) River Road, Hopeland.

Cr Urban has requested that his comments relating to Mr Joe Algeri threatening the Shire with further State Administrative Tribunal costs etc be recorded in the minutes of the meeting.

#### **COUNCIL DECISION:**

**Moved Cr Rossiter, seconded Cr Hawkins**

**That the minutes of the Ordinary Council Meeting held on 11 November 2013, with the above corrections, be confirmed (E13/4607).**

**CARRIED 9/0**

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

<b>OCM082/11/13</b>	<b>Appointment of Member or Deputy Member – Peel-Harvey Catchment Council (SJ744)</b>
Author:	Linda Jones – Executive Assistant to Chief Executive Officer
Senior Officer:	Richard Gorbunow – Chief Executive Officer
Date of Report:	5 November 2013
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:

Council is requested to consider nominating an Elected Member to be a Member or Deputy Member of the Peel-Harvey Catchment Council.

### Background:

Correspondence has been received from the Peel-Harvey Catchment Council (PHCC) inviting Council to nominate one of its Elected Members to be a Member or Deputy Member of the PHCC. The successful applicant will become the Local Government Member (or Deputy), representing all coastal Local Governments within the Peel-Harvey Catchment.

### Relevant Previous Decision of Council:

- There is no relevant previous decision of Council relating to this item.

### Comment:

This is an exciting time for Local Government to become more active on and with the PHCC. They have a commitment from State and Commonwealth Government to form the Peel-Harvey as an independent region, which will give greater ability to attract and invest funding for Natural Resource Management including sustainable agriculture, industry, development and protection of our natural assets. The PHCC have secured Commonwealth and State funding for on-ground works and priority planning and, with support from their partners, are increasing community engagement capacity.

A copy of the constitution and a map of the Catchment is attached to assist Council to select a nominee who has the capacity and ability to help meet the vision for the Peel-Harvey Catchment.

The PHCC hold formal meetings a minimum of six times a year with travel costs for these meetings being reimbursed by the PHCC. Members are expected to be active ambassadors and contribute beyond general meeting attendance, on behalf of all coastal Councils. The successful applicant will be provided clarity as to these expectations via an induction process and mentoring.

Should Council choose to nominate an Elected Member and he or she is successful, the Councillor will be joining a dedicated group with representation from community, industry and government. Selection will be made via a recommendation from an independent panel to the December 19 meeting of the PHCC.

**Community / Stakeholder Consultation:**

Not applicable

**Attachment:**

- [OCM082.1/11/13](#) – Peel-Harvey Catchment Council Strategic Directions, Annual Report (2012-13), Constitution and map of the Catchment (IN13/19379)

**Alignment with our Strategic Community Plan:**

Objective 1.1	Strong Leadership
Key Action 1.3.1	Attract a diverse body of Elected Members that represents the composition of the community.
Objective 6.1	Engaged Community
Key Action 6.1.2	Integrate a range of cultural values into our planning and management processes.

**Statutory Environment:***Local Government Act 1995***Financial Implications:**

There are no financial implications as a result of the Officer Recommendation.

**Voting Requirements:** Simple Majority**OCM082/11/13 COUNCIL DECISION / Officer Recommendation:****Moved Cr Erren, seconded Cr Urban****That Council nominate Councillor Ellis to be its representative on the Peel-Harvey Catchment Council.****CARRIED 9/0**

<b>OCM083/11/13</b>	<b>Rescission of Local Planning Policy No 23 – Serpentine Planning Framework (SJ993)</b>
Author:	Lauren Dujmovic - Strategic Planner
Senior Officer/s:	Brad Gleeson – Director Planning
Date of Report:	27 September 2013
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

Council to consider the revocation of the Shire of Serpentine Jarrahdale Local Planning Policy No. 23 - Serpentine Planning Framework (LPP 23). The Shire is currently preparing the Serpentine Townsite Local Structure Plan (LSP) which will guide the development of the Serpentine Development Area and as such LPP 23 is now no longer needed.

### Background:

The purpose of LPP 23 is to provide a planning framework for the development of the Serpentine Development Area. It outlines the procedures to be undertaken to facilitate the orderly and proper planning of the area, specifying the framework for preparing a future district structure plan and subsequent local structure plans. LPP23 outlines the level of information to be included at the district and local structure planning level for the Serpentine Development Area. The areas designated for the district and local structure plans are also identified within LPP 23.

### Relevant Previous Decisions of Council:

- SD132/04/10 – Final adoption of LPP 23

### Community / Stakeholder Consultation:

Should Council resolve to revoke LPP 23, Town Planning Scheme No 2 (TSP 2) requires a formal notice of rescission by the Council shall be published twice in a local newspaper which circulates in the local government district.

### Comment:

#### Proposal

It is proposed that LPP 23 be revoked as it is now a redundant policy which contains information that is no longer relevant to the development of the Serpentine Development Area.

The areas identified in LPP 23 for future district and local structure planning in the Serpentine Development Area are the same as those identified within the Shire's 1994 Rural Strategy. The 1994 Rural Strategy which has been reviewed and undergone minor modifications in 2003 and 2006 provides strategic guidance on land use, zoning, subdivision and development in the Shire's rural areas. In December 2011 Council resolved to endorse the preparation of a Rural Land Strategy which would supersede the 1994 Rural Strategy (as reviewed). Council resolved to endorse a modified form of the draft Rural Land Strategy in August 2012 and requested the consent of the Western Australian Planning Commission (WAPC) for advertising. At the advice of the Department of Planning (DoP) the Shire has since decided to undertake a 2013 review of the 1994 Rural Strategy (as reviewed).

The area of the Serpentine Development Area designated for local structure planning in the draft 2013 Rural Strategy Review and draft Rural Land Strategy has been modified from that identified in the original 1994 Rural Strategy and LPP23. The modified boundary of the LSP area aligned with those specified in the draft LSP which is currently being prepared by the Shire. As such, LPP23 which references the original 1994 Rural Strategy is no longer current and contains out-dated information which is not consistent with the LSP and the draft 2013 Rural Strategy Review.

At the advice of DoP the Shire has decided not to prepare a district structure plan for the Serpentine Development Area. The DoP prepared the draft LSP to guide the future subdivision and development of the Serpentine Development Area. As the purpose of LPP 23 is to guide development and provide the framework for the preparation of district and subsequent local structure plans for the Serpentine Development Area, the policy is now redundant as there will be no district structure plan and the LSP is currently being prepared.

### Options

1. To revoke LPP 23 - Serpentine Planning Framework.
2. To not revoke LPP 23 - Serpentine Planning Framework.

Option 1 is recommended.

### Conclusion

It is recommended that LPP 23 be revoked due to the following:

- It references the out-dated boundaries outlined by the 1994 Rural Strategy.
- It includes provisions for a district structure plan for the Serpentine Development Area when it has now been decided that a district structure plan will not be prepared.
- The LSP is currently being prepared and will provide the subdivision and development framework for the Serpentine Development Area, superseding LPP23.

### **Attachment:**

- [OCM083.1/11/13](#) - LPP 23 Serpentine Planning Framework (E10/4077)

### **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:**

Part IX - Local Planning Policies of the Shire's Town Planning Scheme No 2 outlines the procedure for the revocation of a local planning policy. Part 9.4 (b) would be applicable in this instance should Council resolve to revoke LPP 23. This is specified as below:

#### 9.4 RESCISSION OF A LOCAL PLANNING POLICY

A Local Planning Policy may be rescinded by:-

- a) The preparation or final adoption of a new Policy pursuant to clause 9.3 specifically worded to supersede an existing Policy; and

- b) Publication of a formal notice of rescission by the Council twice in a local newspaper circulating in the local government district.

**Financial Implications:**

Within budget

**Voting Requirements:** Simple Majority

**OCM083/11/13 COUNCIL DECISION / Officer Recommendation:**

Moved Cr Wilson, seconded Cr Urban  
That Council:

1. Pursuant to Part 9.4 (b) of Town Planning Scheme No 2 rescind Local Planning Policy No 23 - Serpentine Planning Framework.
2. Publish a formal notice of rescission twice in a local newspaper circulating in the local government district.
3. Advise the Western Australian Planning Commission accordingly.

**CARRIED 9/0**

<b>OCM084/11/13</b>	<b>Final Adoption of Local Planning Policy – LPP 74 Stanley Road Precinct Planning Framework (SJ210)</b>
Author:	Tom Hockley – Senior Planner
Senior Officer:	Brad Gleeson – Director Planning
Date of Report:	15 October 2013
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 consider Local Planning Policy 74 (LPP 74) for the Stanley Road Precinct and whether the policy is now capable of final adoption. The LPP has been advertised extensively as per the requirements set out in Town Planning Scheme No 2 (TPS 2) with a number of submissions being received.

The Stanley Road Precinct is one of a number of areas characterised by fragmented landownership that has been identified under the Byford District Structure Plan (BSP) as having potential for future subdivision and development. The policy will provide a framework to guide the detailed planning process including the preparation of Local Structure Plans (LSP) required prior to subdivision and development occurring.

The report will consider the submissions received during the consultation period and provide Council with the relevant planning background to assist with its determination. It is recommended that the LPP be adopted.

**Background:**

Under the provisions of TPS 2 the Stanley Road Precinct is identified as ‘Precinct 10’ on plan 15A - The Byford Development Area and Precincts. Plan 15A defines precincts for the preparation of an LSP. This is reiterated in the Byford Townsite Detailed Area Plan (BDAP) which states that an LSP will be required prior to subdivision within Character Area B (Stanley Road).

LPP 74 was initiated as a result of a request made by IQ Construction for the creation of a sub-precinct within the overall Stanley Road precinct, bounded by Stanley Road, Walters Road, Linton Street and South Western Highway. The intent was to progress future planning, subdivision and development within the sub-precinct in accordance with an adopted LSP. Consistent with the approach taken for other areas in the Shire, it was recommended that a planning policy framework be established for the Stanley Road Precinct to provide a greater level of detail and guidance to landowners to prepare a LSP.

**Relevant Previous Decision of Council:**

- OCM177/04/13 – Draft LPP 74 initiated with modifications and advertised.

**Community / Stakeholder Consultation:**

The application has been advertised in accordance with the requirements of TPS 2. At the end of the advertising period a total of 40 submissions had been received. The key issues which were identified are as follows:

- Objections to subdivision of land;
- Impact of subdivision and development on rural lifestyle;

- Impact of subdivision and development on the environment;
- Development resulting in a loss of flora and fauna;
- Lack of available services for the area;
- Increase in rates as a result of development;
- Increases in traffic and traffic safety concerns; and
- Creation of sub-precincts.

**Comment:**Response to issues raised by submitters

Of the 12 submissions received from service authorities and government agencies, there were no submissions of objection. Main Roads Western Australia outlined a number of specific design requirements which would be more appropriately considered as part of the preparation of an LSP or at future subdivision stage.

With regard to the submissions received from residents, the following specific aspects of LPP 74 were identified as requiring further consideration:

- 1.1 *The development of a project plan/proposal as outlined in Section 7.7 of LPP74 should be mandatory.*

Officer Comment

LPP 74 currently states a landowner is strongly encouraged to prepare a project plan/proposal as part of any preliminary LSP investigations. This would ensure that a thorough and transparent approach is undertaken and ensure that the landowner is certain of the viability of the project. However, mandating this requirement as part of the LPP would be an unnecessary and unreasonable onus on the landowner if a consultant has been appointed to carry out the preparation of a LSP. It may also be unnecessary if all landowners agree to the preparation of an LSP or in situations where the preparation of the LSP is developer driven.

While a project plan/proposal would in most circumstances be a useful tool for landowner initiated planning, the current wording of this section allows for flexibility if in certain circumstances a project plan/proposal is not required. It is recommended that the wording of this section is retained.

- 1.2 *Greater clarity required in terms of the site's relationship to the BSP and BDAP.*

Officer Comment

Section 2.0 of LPP 74 provides a background of the Stanley Road Precinct planning framework. It has been suggested that Section 2.0 should be updated to describe how the Stanley Road Precinct is one of 12 Precincts within the BSP and is one of the Character Areas within the BDAP. It would be prudent to include more detail in relation to these elements and the relevant section of LPP 74 has been updated to reflect this recommendation.

- 1.3 *Additional State and local planning policies and guidelines should be included.*

Officer Comment

It has been suggested that Section 4.0 be updated to include reference to the following documents:

- The Western Australian Planning Commission's (WAPC) *Planning for Bushfire Protection Guidelines (Edition 2) 2010*; and
- The Shire's LPP 28 – *Street Tree Policy*.

LPP74 will be updated accordingly.

- 1.4 *The acronym BDAP should be written in full as there is no explanation as to what this pertains to.*

Officer Comment

LPP 74 will be updated accordingly.

- 1.5 *In section 7.3 there should be an indication as to how far, in terms of distance/area, that should be considered when demonstrating the broad land use etc.*

Officer Comment

Neither the WAPC *Structure Plan Preparation Guidelines* or the Shire's LPP 61 – *Local Structure Plans* include specific provisions for the extent of neighbouring land to be considered when an LSP is prepared. The level of detail is largely dependent on the existing services and development including shops, schools, roads, public open space, environmental features and residential land uses. To have a specific radius of focus would be superfluous to the requirements of this policy. No modification to LPP 74 is recommended in relation to this issue.

- 1.6 *In section 7.4 there should be some acknowledgement of the fact that the Shire has included in its recently adopted Strategic Community Plan a priority action to "Fund and complete the Byford East Local Structure Plan".*

Officer Comment

The future Byford East LSP relates to the Old Quarter as identified within the BDAP. The Old Quarter is generally bound to the north by Walters Road, to the south by Beenyup Road, to the west by South Western Highway and to the east by the escarpment. The future Byford East LSP therefore has no relationship to LPP 74 as it is located to the immediate south of LPP 74. Landowners in LPP 74 will be required to fund the cost of preparing an LSP. No modification to LPP 74 is recommended.

- 1.7 *In section 7.9 the word "encouraged" should be removed and replaced with "show evidence of having gained advice from financial consultants and legal representatives"*

Officer Comment

The preparation of an LSP will take on a number of forms and involve many different stakeholders. The Shire cannot mandate the requirement to analyse the findings from financial consultants and legal representatives to determine whether or not a project would be viable. Section 7.9 of LPP 74 is intended to highlight certain risks which the proponent may wish to consider. No modification to LPP 74 is recommended in relation to this issue.

- 1.8 *In section 7.11 the word "Council" should be replaced with "Shire".*

Officer Comment

LPP 74 will be updated accordingly.

In addition to the matters considered above, the following planning issues were identified within the submissions:

### 2.1 *Objections to subdivision of land.*

LPP 74 does not trigger the requirement for a landowner to subdivide or sell their property as a result of the preparation of an LSP. Once an LSP is adopted, the landowner has an option to subdivide, but only if they choose to.

### 2.2 *Impact of subdivision and development on rural lifestyle.*

It is recognised that the character of an area and general lifestyle of residents will typically change when accommodating further subdivision and development. The land has been zoned Urban Development for many years. Landowners may decide that with subdivision and development generally proceeding the area that this may no longer meet their lifestyle expectations and may choose to relocate and/or further subdivide/develop their property.

### 2.3 *Impact of subdivision and development on the environment.*

Subdivision and development will invariably have some form of impact on the environmental qualities and characteristics of a locality. There are often opportunities for the protection and enhancement of significant environmental features, such as watercourses, within a development area as part of the subdivision process. This varies depending on the significance of the environmental features and the interests of the developer/landowner in protecting these features.

### 2.4 *Development resulting in a loss of flora and fauna.*

As part of the LSP preparation process, key environmental assets are identified together with strategies for retention and protection. Further investigation would be required in order to determine how to mitigate any ecological impacts which may result as part of subdivision and development. LPP 74 is considered to be beneficial to the future planning of the area, as it sets out very clearly the issues which need to be addressed as part of the LSP process. Before any development could occur an LSP would need to be submitted, assessed and approved – the loss of vegetation and any mitigation measures would need to be addressed through the LSP process.

### 2.5 *Lack of available services for the area.*

The subdivision and development of land will require developers to fund the costs associated with the construction of new roads, sewer connections, electricity, telecommunications and the establishment of new areas of public open space. In addition, contributions are sometimes required towards broader district-level infrastructure provision/upgrades. The Stanley Road Precinct is included within the Byford Development Contribution Arrangement Area, requiring a per lot contribution to be made at the time of subdivision of development.

### 2.6 *Increase in rates as a result of development.*

The policy itself will not have any direct impact on rates.

### 2.7 *Increases in traffic and traffic safety concerns.*

Increases in traffic over the long term will be comparable to development which takes place as part of any future subdivision and development within the area. Traffic generated by residential development would be managed through coordinated planning and engineering undertaken as part of the LSP preparation process.

### 2.8 *Creation of sub-precincts*

The BDAP indicates that within the Stanley Road Precinct, sub-precincts can be considered in order to guide the preparation of LSPs and subsequent subdivision. Three sub-precincts have been identified within the LPP 74 for the Stanley Road Precinct. The three sub-precincts include:

- Sub-precinct 1 – the area to the north of Stanley Road and West of Linton Street
- Sub-precinct 2 – the area to the east of Linton Street
- Sub-precinct 3 – the area to the west of Linton Street and South of Stanley Road

The standard policy frameworks that the Shire implements provide the opportunity for sub-precincts to be refined over time, upon request from landowners and in the context of relevant justification. The three sub-precincts are intended to provide for flexibility to enable a coordinated LSP preparation process for the precinct as a whole or allow for sub-precinct development as required. The proposed sub-precinct boundaries reflect existing road reserves and will therefore allow for an organised staged approach to development between sub-precincts. The scale and layout of the sub-precincts allow for an integrated approach to road layout, public open space, urban water management and service provision.

#### Modifications proposed in response to submissions:

As a result of the consultation process, a number of modifications have been made to LPP74. These include:

- Section 2.0 updated to clarify references made to the Byford DSP and BDAP.
- Section 4.0 updated to include additional State planning documents and Local Planning Policies.
- Section 7.2 updated to include reference to the Byford Townsite Detailed Area Plan.
- Section 7.11 updated to replace the word "Council" with "Shire".

#### Options and Implications

Council has two options in relation to progressing LPP 74, as follows:

1. To finally adopt the draft Policy with or without modifications.
2. Not to proceed with the draft Policy.

Option 1 is recommended, subject to modification.

#### Conclusion

The consultation process has resulted in a number of submissions being received. The nature of many of the submissions relates to the subdivision and development of land and resulting impacts that development will have. It is important to note that whilst such concerns are valid, the purpose of LPP 74 is to specify the detail which would be required in an LSP. LPP 74 does not facilitate the submission of an LSP, rather it sets out the criteria which need to be addressed in the preparation of an LSP. Without LPP 74 an interested party could submit an LSP to the Shire for consideration; however it would not be required to address as many criteria as it would should LPP 74 be approved and adopted. Having regard to all of the points raised in the referral process, it is recommended that Council adopt LPP 74 – Stanley Road Precinct Planning Framework with modifications.

#### **Attachments:**

- [OCM084.1/11/13](#) – LPP 74 – Stanley Road Precinct Planning Framework as advertised (E13/1078)
- [OCM084.2/11/13](#) – LPP 74 – Stanley Road Precinct Planning Framework with modifications (E13/4364)
- [OCM084.3/11/13](#) – Schedule of Submissions (E13/1638)

**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*
- *Town Planning Regulations 1967*
- TPS 2

**Financial Implications:**

The progression of detailed planning for existing and future development requires a considerable investment of resources. At this time, the Shire's 10 year forward financial plan does not allocate resources to the progression of an LSP for this area.

**Voting Requirements:** Simple Majority

**Officer Recommendation:**

That Council:

1. Note that Local Planning Policy 74 – Stanley Road Precinct Planning Framework was advertised for public comment as per attachment OCM084.1/11/13.
2. Pursuant to Clause 9.3(b) of Town Planning Scheme No 2 finally adopt Local Planning Policy 74 – Stanley Road Precinct Planning Framework with modifications as provided in attachment OCM084.2/11/13.
3. Following final adoption of a policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.
4. Forward a copy of the Policy to the Western Australian Planning Commission.
5. Provide copies of the Policy for public inspection during normal office hours.

**OCM084/11/13 COUNCIL DECISION:**

**Moved Cr Kirkpatrick, seconded Cr Piipponen**

**That Council:**

1. **Note that Local Planning Policy 74 – Stanley Road Precinct Planning Framework was advertised for public comment as per attachment OCM084.1/11/13.**
2. **Pursuant to Clause 9.3(b) of Town Planning Scheme No 2 finally adopt Local Planning Policy 74 – Stanley Road Precinct Planning Framework with modifications as provided in attachment OCM084.2/11/13.**
3. **Following final adoption of a policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.**

- 4. Forward a copy of the Policy to the Western Australian Planning Commission.**
- 5. Provide copies of the Policy for public inspection during normal office hours.**
- 6. Provide early and robust community consultation opportunities for all residents and adjacent landowners, in accordance with condition 7.14 to 7.16 and 2.0 of Attachment A of Local Planning Policy 27 ‘stakeholder engagement in land use planning’.**

**CARRIED 7/2**

**Council Note:** Council changed the Officer Recommendation in Item OCM084/11/13 by adding point 6 as it considers that the Stanley Road Precinct, being one of the East Byford ‘character areas’, must demonstrate Council’s commitment to genuine community engagement when embarking on development of existing, fragmented owner, residential areas.

<b>OCM085/11/13</b>	<b>Proposed External Storage Facility (Use Not Listed) – Lot 1000 (No 264) Gossage Road, Oldbury (P00452/06)</b>
Author:	Tom Hockley – Senior Planner
Senior Officer:	Brad Gleeson – Director Planning
Date of Report:	23 September 2013
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: Inglewood Products Group  
 Owner: Ardino Gosatti  
 Date of Receipt: 29 July 2013  
 Lot Area: 21 hectares  
 Town Planning Scheme No 2 Zoning: Rural  
 Metropolitan Region Scheme Zoning: Rural

### Introduction:

To consider a development application for an external storage facility at Lot 1000 (264) Gossage Road, Oldbury (subject land). The subject land is located on the north side of Gossage Road and is currently utilised as a timber mill, joinery and timber holding yard. The proposal involves the establishment of a 4.5 hectare area of hardstand intended for the external storage of large items and heavy steel fabricated components prior to transportation to project sites. The proposal is presented to Council as it is not considered that the land use can be classified within the interpretation of one of the use categories within the Shire's Town Planning Scheme No. 2 (TPS 2) and is therefore considered as a 'Use Not Listed'. The scale of the proposal is also considered to warrant consideration by Council.

The application was advertised in accordance with the relevant provisions of TPS 2 and Local Planning Policy 27 - Stakeholder Engagement (LPP 27). A number of submissions have been received from government agencies. It is recommended that the application be approved with conditions.

### Background:

The application originally sought the Shire's approval for the construction of a 9.6 hectare external storage area. Following review by technical officers of the Shire, the applicant was requested to reduce the overall size of the external storage area in order to reduce the need to fill the lower wet areas to the east and north of the site. This would also ensure the retention of existing vegetation to assist with the screening of the storage area from Kargotich Road.

The applicant was also requested to resubmit a plan which separated the construction of hardstand into two stages. The application before Council is for the development of Stage 1 which comprises of 4.5 hectares in external storage space and is located in the southern portion of the site. Stage 2 comprises of 2.2 hectares of storage area and is located to the north of the mill and joinery. The Stage 2 area is marked as indicative on the site plan and is subject to a future development application.

### Relevant Previous Decisions of Council:

There is no previous Council decision relating to this application.

## **Community / Stakeholder Consultation:**

The application has been advertised in accordance with the requirements of Clause 6.2.1 of TPS 2 and LPP 27 - Stakeholder Engagement. At the end of the advertising period a total of five (5) submissions had been received from government agencies. No submissions were received from surrounding landowners.

### **Comment:**

#### Proposal

##### Development

The proposal involves the construction of a 4.5 hectare external storage area. The storage area is proposed to be located to the south and west of the existing timber mill and joinery buildings. The hardstand will be constructed of semi-pervious limestone and graded to direct stormwater runoff to swale drains to the east and west of the hardstand area. Water detention basins will collect excess water during heavy rainfall events. An existing water storage area is located to the north west of the property and a second proposed water storage area will be constructed in the south east corner of the site.

The eastern perimeter of the hardstand area will be set back from the existing power lines which traverse the eastern portion of the site in a north to south direction. With regard to retention of significant vegetation, the eastern and northern boundaries of the proposed hardstand area has been modified to ensure the retention of existing established vegetation which will facilitate visual screening from Kargotich Road.

Access to the site is currently provided via a 6 metre wide access track connecting to Gossage Road. The existing access will be upgraded as part of the proposal. The access track will be upgraded to a width of 10 metres to accommodate larger vehicles and semi-trailers. In addition, the Gossage Road entry and crossover will be widened and reinforced to accommodate the turning movements of the heavy vehicles.

##### Land Use and Activity

The proposed activities involve the temporary storage of a range of items at the site. The applicant has indicated that typically, the items stored at the site will include *“prefabricated transportable buildings / accommodation units, steel work and componentry, conveyor systems, pipes, wells and machinery such as sealed electrical motors”*.

The applicant has indicated that it is expected that an item will be delivered to the site and stored for around two to three months before being transported to the final client project site. A significant portion of the storage will be for larger engineering projects which are constructed and moved to a project site in stages. It is also noted that the project sites often have limited space on-site for the holding of these items. It is understood that the operation of the storage facility will be absorbed by the existing operators of the timber mill and joinery facility. Therefore, no additional staff will be required to be employed.

##### Vehicle Movements

Incoming vehicle movements are expected to occur up to 5 times per week. The applicant has indicated that the clients would generally coordinate deliveries to occur with a complete semi-trailer delivery or combined delivery which may be up to two semi-trailer loads. This would ensure that the transportation is undertaken in the most cost effective manner.

Outgoing vehicle movements are expected to be more concentrated, however given considerations of long distance haulage on major public highways and the need to allow for general traffic movements on these highways, a large convoy situation is not expected. The applicant has indicated that, depending on the project, the number of outgoing semi-trailer

movements are anticipated to be between 3 to 6 movements over a working day. Loading times would also influence the movement times.

The applicant has provided the following summary of the overall movements anticipated with the proposed transport depot and storage activities:

*“In considering the time in fabricating and transporting 6 semi-trailer loads of goods to the subject site for storage, anticipated holding time, then reloading for transport to the final project site, it would be reasonable to expect one “major” (up to 6 semi-trailers) re-loading event for transport to site every three to four months on average. It is noted that there will also be smaller (up to 3 semi-trailers) re-loading events in between. “The estimate of an average movements of 5 – 10 per week is conservative and when averaging over a 12 month period the anticipated vehicle movements would be towards the lower end of the range.”*

Typically, the deliveries will be made by semi-trailers only. No deliveries by road trains or oversized vehicles are proposed as part of this operation. Access to the site by road trains or oversized vehicles is subject to separate approval by the Shire.

The subject site is situated approximately 600m west of the intersection with Kargotich Road. The width of the carriageway is approximately 5m for this section but widens to in excess of 8m at the entrance to the property. Access to the site will be via Kargotich Road and Gossage Road. It is considered that with the low number of vehicle movements and short distance between the two points, the narrow carriageway will not give rise to significant problems.

#### Use Class and Permissibility

The application seeks planning approval for the use of the southern portion of the subject land (Stage 1) for the temporary storage of items during the life cycle of large fabrication projects. Essentially, the proposal involves the delivery of items to site, the storage of these items, then collection and transportation of items to the project site.

Based on the activities proposed, the applicant has sought the Shire’s approval for a ‘Transport Depot’. A ‘Transport Depot’ is an “SA” use within the Rural zone meaning that subject to exercising its discretion, Council may permit the use after notice of the application has been given in accordance with clause 6.3 of TPS 2. A ‘Transport Depot’ is defined under TPS 2 as follows:

***Transport Depot*** - means land or buildings used for one or more of the following purposes:

- (a) The parking or garaging of more than one commercial vehicle used or intended for use for the carriage of goods (including livestock) or persons.*
- (b) The transfer of goods (including livestock) or passengers from one vehicle to another vehicle.*
- (c) The maintenance, repair or refuelling of vehicles referred to in (a) or (b) above.*

*The above uses (a) to (c) inclusive, singularly or collectively may, with Council’s planning consent, include as an incidental use overnight accommodation of patrons of the facilities.*

While the proposal does involve ‘the transfer of goods from one vehicle to another vehicle’, it is not considered that the land use definition of ‘Transport Depot’ includes provision for temporary storage of items. The argument made by the applicant is that the ‘transfer of goods’ implies the need for the temporary storage or holding of items prior to delivery. However given that the storage element of the proposal represents a significant aspect of the operation, the use class definition of the storage component must be duly considered.

A storage facility is not defined under the TPS 2. In this instance it is important to consider clause 3.2.5 of TPS 2 which provides Council with the opportunity to consider such proposals:

*If the use of land for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:*

- (a) determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted; or*
- (b) determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 6.3 in considering an application for planning consent.*

In considering similar use classes in which a 'storage facility' may fall within, a 'Warehouse' is considered as a potential land use category. A 'Warehouse' is defined as follows:

**Warehouse** – means land and buildings wherein goods are stored and may be offered for sale by wholesale.

While the definition suggests that external storage could be considered as part of the 'Warehouse' land use, it is considered that the true and intended interpretation of 'Warehouse' is aligned with storage of goods smaller in scale than that proposed in this instance. The definition of 'Warehouse' also contains provision for the sale of goods by wholesale, suggesting that goods can be sold to persons other than the ultimate consumer. The primary purpose of the proposed storage facility is for the storage of large items which have been procured by the client, but for which delivery to the client project site is generally prevented due to site area restrictions. On this basis it is considered that the proposal would not fit the interpretation of 'Warehouse' and would therefore be considered a 'Use Not Listed'.

Having determined that the storage element of the proposal does not satisfactorily satisfy the definition of a transport depot but represents the primary land use, clause 3.2.5 of TPS 2 outlines the requirement for the proposal to be determined in terms of the extent to which the development satisfies the objectives and purpose of the Rural zone in which it is situated within. As such the current proposal needs to be considered in the context of:

1. The objectives and purpose of the Rural Zone as contained in TPS 2;
2. The objectives of TPS 2; and
3. The provisions of the Shire's Rural Strategy (1994) applicable to the location.

The Council is therefore requested to consider an application for a 'Use Not Listed'.

### Statutory Framework

#### TPS 2

The subject land is located within the Rural zone under TPS 2. Clause 5.10.1 of the TPS 2 outlines the objectives for the Rural Zone, as follows:

*"The purpose and intent of the Rural Zone is to allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area."*

It is clear that the objective the Rural zone is to provide for a wide variety of land uses. The proposed operation would not unreasonably reduce the availability of rural land within the Shire given that the site is already occupied by a timber mill and joinery. The proposed hardstand area has been located to ensure the retention of the majority of the vegetation on site and to ensure that fill is limited to the higher sandy areas present within the western and southern portions of the site. This assists in limiting modifications to the surrounding

wetlands and natural drainage courses. It is noted that the lower lying areas to the east and north of the site will remain undeveloped providing for opportunities for future grazing and agricultural land uses.

The relevant objectives of TPS 2 should also be considered:

- *To secure the amenity, health, safety and convenience of the inhabitants of the District;*
- *To zone land for the purposes described in the Scheme so as to promote the orderly development of the land by making suitable provisions for land use;*
- *To encourage coordinated development of the District in accordance with the guidelines set out in the planning studies adopted by the Council for particular areas or the District as a whole.*

The proposed operation involves the delivery and collection of large items by semi-trailer and the storage of these items. It is considered that due to the physical area of the subject land combined with the existing structures and vegetation, the visual impact of the operation in the context of the locality would be limited. Visual impacts can also be satisfactorily mitigated by way of screening landscaping. Noise impacts associated with heavy vehicle movements and the loading and unloading of items would be comparable to the noise generated by the existing timber mill and joinery operation.

No submissions from surrounding landowners were received during the public notification period, suggesting that the proposed operation could function without adversely impacting the amenity of surrounding landowners. It is therefore considered that the amenity impacts associated with the proposed transport depot and storage facility would be acceptable within the context of the Rural zone.

#### Rural Strategy

The subject site is identified as being part of the Rural Policy Area under the Rural Strategy, with a relevant extract provided below:

*It provides for a mosaic of agricultural uses but does not offer the protection for agriculture embodied in the Agriculture Protection Policy Area. The Rural Policy Area essentially maintains the current standards and practice of agricultural use and development.*

*The protection of rural lifestyle, of agricultural production, and rural character are very significant, but not necessarily over-riding, objectives in the use and development of land.*

Therefore, the proposed transport depot and storage area would function as a compatible operation to this existing Industrial land use by utilising existing vacant land surrounding the buildings. In addition, the proposal would not disrupt the rural capabilities of the subject site or surrounding land given that the land identified for hardstand and storage is already significantly degraded. The land to the east and north of the development area and existing buildings will remain undeveloped to ensure that vegetation and natural wetlands are retained.

The general locality is characterised by variety of land uses including extractive industries, poultry farming and other intensive agricultural land uses. The proposed operation and anticipated vehicle movements are considered to be in keeping with the intention of the Rural Policy Area. Due to the location of the storage area which is set back from Gossage Road and Kargotich Road, the proposal will maintain the rural character of the area. It is also considered that if the operation is appropriately managed it will not adversely impact on the amenity of adjoining properties.

#### Duration of approval

Clause 6.10 of TPS2 states:

*“Where the Council grants planning approval, the Council may impose conditions limiting the period of time for which the approval is granted”.*

Council may wish to give consideration to a time limited approval. The use of a time limited approval may be appropriate where consideration needs to be given to the potential impacts that a development may have on the amenity of the area. In this case, it is not considered that the proposed development will cause significant adverse impacts on the amenity of the area. The proposed use will remain ancillary to the approved rural use specialist timber workshop and it is considered that the requirement for additional landscaping will have a positive impact on the visual amenity of the site.

### Options and Implications

There are essentially two options available to Council in considering the development application:

1. To approve the application, subject to conditions.
2. To refuse to grant development approval.

Option 1 is recommended.

### Conclusion

The proposal involves the establishment of an external storage facility and the construction of a hardstand storage area for the storage of items prior to their delivery to the project site. The proposed use has been assessed in accordance with the provisions of TPS 2, the Rural zone and the Rural Strategy and found to be capable of approval in light of the objectives and intent of these provisions.

### **Attachments:**

- [OCM085.1/11/13](#) - Location Plan and Aerial Photograph (E13/3885)
- [OCM085.2/11/13](#) - Site Plan (E13/3865)
- [OCM085.3/11/13](#) - Schedule of Submissions (E13/3243)

### **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	Sustainable Industries
Key Action 4.1.1.	Target and engage sustainable, environmentally and socially responsible industries and businesses.
Objective 5.2	Excellence in Environmental Management
Key Action 5.2.1	Protect, restore and manage our landscapes and biodiversity.

### **Statutory Environment:**

- *Planning and Development Act 2005*
- TPS 2

### **Financial Implications:**

There are no financial implications associated with this proposal.

**Voting Requirements:** Simple Majority

**Officer Recommendation:**

**Moved Cr Urban, seconded Cr Moore**

That Council approve the application for the proposed transport depot and storage facility (Use Not Listed) at Lot 1000 (No 264) Gossage Road, Oldbury with the following conditions:

1. The extent of development to be consistent with that shown on the approved plans attached to and forming part of this proposal.
2. The land shall be used for the storage of items as set out in the development application dated 24 July 2013, unless otherwise approved in writing by Director Planning.
3. The use of the land for external storage shall remain ancillary to the primary approved rural use 'Specialist Timber Workshop'.
4. A landscape and vegetation management plan must be prepared and submitted to the satisfaction of the Director Engineering prior to the commencement of site works. For the purpose of this condition a detailed landscaped plan shall be drawn to a scale of 1:100 and shall show the following:
  - a) The location, name and mature heights of proposed trees and shrubs; and
  - b) Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles.

Landscaping is to be established in accordance with the approved plans by 25 November 2014 and thereafter maintained to the satisfaction of the Shire.

5. The use/development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, odour, dust, light spill or waste products and shall be managed to the satisfaction of the Director Planning.
6. The washing of machinery and parts is not permitted onsite.
7. Prior to the commencement of works on site, details of all driveway surfaces and vehicle parking areas shall be submitted to and approved by the Director Engineering and thereafter implemented.
8. Crossovers to be constructed in accordance with Serpentine Jarrahdale standard industrial crossover specifications and be located to the satisfaction of the Director Engineering.
9. Turning radius of crossover to be of a size suitable for large trucks to the satisfaction of the Shire.
10. Where damage is caused to Gossage Road pavement and/or bitumen seal adjacent to the access as a result of vehicle movements from the subject site, such damage shall be rectified at the landowner's expense and to the satisfaction of the Director Engineering.
11. A drainage management plan is required to be submitted and approved by the Director Engineering prior to the commencement of site works. This plan shall outline the methods of stormwater collection which may be achieved by spoon drains and the use of stormwater retention methods such as the grading hardstand area to drainage areas.

12. Direct disposal of stormwater onto the road, neighbouring properties, watercourse or natural drainage lines is not permitted.
13. No storage of environmentally hazardous chemicals including, but not limited to, fuel, oil or other hydrocarbons is permitted within the storage area.
14. No signs are to be displayed in the road reserve at any time.
15. The hours of operation of the business are restricted to 7am to 5pm Monday to Friday. Operation of the businesses on weekends and Public Holidays is not permitted.

#### Advice Notes

1. Clearing of native vegetation in Western Australia is prohibited, unless it is authorised by a clearing permit obtained from the Department of Environment Regulation or is of a kind that is exempt in accordance with Schedule 6 of the *Environmental Protection Act 1986* or *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.
2. The movement of any oversize vehicle, as per the interpretation contained in the *Road Traffic Act 1974*, to/from the subject site will require the separate approval of the Shire.
3. A planning consent is not an approval to commence any works. A building permit must be obtained for all works. Your application for a building permit must satisfy the conditions specified in this decision notice.
4. If the development, the subject of this approval is not substantially commenced within two years of the date of this approval, the approval will be deemed to have expired. Where an approval has expired, development must not be commenced or continued unless a fresh approval has been obtained from the Shire.
5. Native vegetation is valued and protected in the Serpentine Jarrahdale Shire. You are advised that the Shire's Town Planning Scheme requires separate approval for the clearing of native vegetation in many instances if approval for this is not given above.
6. A separate application for planning approval including a plan or description of all signs for the proposed development shall be submitted and approved by the Council prior to the erection of any signage on the site.
7. The applicant is advised that this planning consent does not absolve the applicant or owner from time to time from complying with the restrictions contained in any restrictive covenant, estate covenants or easement pertaining to the site. This is the case even if this planning consent is in respect of a development that if constructed or carried out, would necessarily breach such a covenant or easement. Any such restrictive covenant, estate covenant or easement is a matter of private rights between the applicant or owner from time to time and the owner and owners of the land with the benefit of that restrictive covenant, estate covenant or easement, and this planning consent does not authorise a breach of such private rights or prevent such owners from enforcing such rights.

#### Amendment:

Cr Rossiter gave verbal advice of his intention to move an amendment to the Officer Recommendation in Item OCM085/11/13 by making changes to point 9 of the recommendation and by adding an additional point 16.

Cr Urban and Cr Moore advised that they were agreeable to the changes and the amendment became the substantive motion.

**OCM085/11/13 COUNCIL DECISION:**

**Moved Cr Urban, seconded Cr Moore**

**That Council approve the application for the proposed transport depot and storage facility (Use Not Listed) at Lot 1000 (No 264) Gossage Road, Oldbury with the following conditions:**

- 1. The extent of development to be consistent with that shown on the approved plans attached to and forming part of this proposal.**
- 2. The land shall be used for the storage of items as set out in the development application dated 24 July 2013, unless otherwise approved in writing by Director Planning.**
- 3. The use of the land for external storage shall remain ancillary to the primary approved rural use 'Specialist Timber Workshop'.**
- 4. A landscape and vegetation management plan must be prepared and submitted to the satisfaction of the Director Engineering prior to the commencement of site works. For the purpose of this condition a detailed landscaped plan shall be drawn to a scale of 1:100 and shall show the following:**
  - a) The location, name and mature heights of proposed trees and shrubs; and**
  - b) Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles.**

**Landscaping is to be established in accordance with the approved plans by 25 November 2014 and thereafter maintained to the satisfaction of the Shire.**

- 5. The use/development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, odour, dust, light spill or waste products and shall be managed to the satisfaction of the Director Planning.**
- 6. The washing of machinery and parts is not permitted onsite.**
- 7. Prior to the commencement of works on site, details of all driveway surfaces and vehicle parking areas shall be submitted to and approved by the Director Engineering and thereafter implemented.**
- 8. Crossovers to be constructed in accordance with Serpentine Jarrahdale standard industrial crossover specifications and be located to the satisfaction of the Director Engineering.**
- 9. Turning radius of crossover to be designed to demonstrate the capacity to accommodate the dimensions of planned over dimensioned vehicles and loads of a size suitable for large trucks to the satisfaction of the Shire.**
- 10. Where damage is caused to Gossage Road pavement and/or bitumen seal adjacent to the access as a result of vehicle movements from the subject site, such damage shall be rectified at the landowner's expense and to the satisfaction of the Director Engineering.**
- 11. A drainage management plan is required to be submitted and approved by the Director Engineering prior to the commencement of site works. This plan shall outline the methods of stormwater collection which may be achieved by spoon drains and the use of stormwater retention methods such as the grading hardstand area to drainage areas.**

12. Direct disposal of stormwater onto the road, neighbouring properties, watercourse or natural drainage lines is not permitted.
13. No storage of environmentally hazardous chemicals including, but not limited to, fuel, oil or other hydrocarbons is permitted within the storage area.
14. No signs are to be displayed in the road reserve at any time.
15. The hours of operation of the business are restricted to 7am to 5pm Monday to Friday. Operation of the businesses on weekends and Public Holidays is not permitted.
16. The width and lengths of loads leaving the site to be restricted as to not require the use of a traffic escort, transport warden or police officer. If the load requires this escort, approval from the Director Engineering must be applied for one month prior.

**Advice Notes:**

1. Clearing of native vegetation in Western Australia is prohibited, unless it is authorised by a clearing permit obtained from the Department of Environment Regulation or is of a kind that is exempt in accordance with Schedule 6 of the *Environmental Protection Act 1986* or *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.
2. The movement of any oversize vehicle, as per the interpretation contained in the *Road Traffic Act 1974*, to/from the subject site will require the separate approval of the Shire.
3. A planning consent is not an approval to commence any works. A building permit must be obtained for all works. Your application for a building permit must satisfy the conditions specified in this decision notice.
4. If the development, the subject of this approval is not substantially commenced within two years of the date of this approval, the approval will be deemed to have expired. Where an approval has expired, development must not be commenced or continued unless a fresh approval has been obtained from the Shire.
5. Native vegetation is valued and protected in the Serpentine Jarrahdale Shire. You are advised that the Shire's Town Planning Scheme requires separate approval for the clearing of native vegetation in many instances if approval for this is not given above.
6. A separate application for planning approval including a plan or description of all signs for the proposed development shall be submitted and approved by the Council prior to the erection of any signage on the site.
7. The applicant is advised that this planning consent does not absolve the applicant or owner from time to time from complying with the restrictions contained in any restrictive covenant, estate covenants or easement pertaining to the site.

- 8. This is the case even if this planning consent is in respect of a development that if constructed or carried out, would necessarily breach such a covenant or easement. Any such restrictive covenant, estate covenant or easement is a matter of private rights between the applicant or owner from time to time and the owner and owners of the land with the benefit of that restrictive covenant, estate covenant or easement, and this planning consent does not authorise a breach of such private rights or prevent such owners from enforcing such rights.**

**CARRIED 9/0**

**Council Note: Council changed the Officer's Recommendation in Item OCM085/11/13 by amending point 9 and including an additional point 16 in order to protect the Shire's assets and the community's interests.**

<b>OCM086/11/13</b>	<b>Tender Evaluation - Management of Shire of Serpentine Jarrahdale Recreation Centre (SJ668)</b>
Author:	Carole McKee – Manager Community Services
Senior Officer:	Alan Hart – Director Corporate and Community
Date of Report:	31 October 2013
Disclosure of Officers Interest:	<p>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></p> <p>Andrew Watt (consultant facilitating the tender process) declared an interest as he has undertaken projects for one of the tenderers and as the previous president of ACHPER WA (voluntary role) his organisation had collaborated on a community project.</p> <p>The assessment of the tenders and the recommendations to Council are made by a panel of officers. The consultant's input was facilitation of the tender assessment process.</p>

**Introduction:**

Council is requested to endorse the recommendation made from the Tender Evaluation for the management of the Shire of Serpentine Jarrahdale Recreation Centre (from 2014-2018 and an option to extend from 2019-2021).

**Background:**

The Shire of Serpentine Jarrahdale's Recreation Centre in Byford has been open since 2005 and provides a multi-purpose sports facility delivering a range of health and fitness, recreation, sporting and leisure opportunities to the Shire's residents. Since opening, the management of the Centre has been contracted to a third party – YMCA. The YMCA's contract ceases on 31 December 2013.

**Relevant Previous Decisions of Council:**

Not Applicable

**Community / Stakeholder Consultation:**

No community consultation was required.

**Report:**

The Shire advertised the tender for the third party management of the Recreation Centre on Friday 23 August 2013 - seeking the services of a professional recreation management group to undertake the essential delivery of facility management and dry recreation services, including the optional provision of youth and seniors' leisure services.

Tender documents were prepared by Creating Communities Australia Pty Ltd on behalf of the Shire.

The Tender was advertised for the provision of the following:

- Facility management and dry recreation services (Essential)
- Youth services (Optional)
- Seniors leisure services (Optional)

Tenderers were required to submit tenders detailing how they will provide facility management and dry recreation services, it was an option to tender for youth services and / or seniors recreation and community services.

A Tender Briefing was held on Thursday 5 September 2013 at the Shire of Serpentine Jarrahdale Recreation Centre.

The key outcomes that were required to be addressed as part of the tender were:

- Positive recognition for the Shire from residents for its facilities and service provision.
- A diverse range of programs and activities which may be used by a broad cross section of groups and individuals within the community to participate in a variety of active and passive recreation pursuits, including:
  - Provision of high quality recreational programs.
  - Innovative children and youth engagement programs, including leadership programs, holiday activities and other activities that cater for a range of children and youth cohorts.
  - Seniors programs that are modified to meet the needs of senior community members.
  - Accessible programs for those with special needs.
    - A variety of high quality and realistically priced recreation opportunities and programs which are consistent with needs and aspirations of the community and that respond and adapt to the evolving community interests and needs.
    - Ease of access to amenities to all residents and community members (including establishing a 24 hour gymnasium).
    - An economically efficient and viable operation of the Centre, which minimises the cost and maximises value for money for the Council and residents.
    - Cost effective programs on a ‘user pays’ basis except where such policy conflicts with a previous commitment.
    - High quality programs and services delivered in a safe, comfortable and clean environment by professional staff committed to maintaining the highest standards of instruction and safety.
    - High levels of customer service and communication that demonstrate genuine interest and concern for the needs of each individual participant and provide opportunities for family and other group participation.
    - Enhancement of the Centre as a welcoming focal point and social hub for community interaction and development, where programs are offered in a relaxed, friendly atmosphere and foster opportunities for participants of all ages to socialise and to develop new friendships (note: this includes the delivery of a quality café/kiosk service).
    - Development of additional revenue streams and income generation through the utilisation of the Centre’s facilities, including more use of the Centre as a function venue and increased levels of casual usage of the Centre.
    - Harnessing growth in the Shire’s population to increase patronage, especially by those living in areas of the Shire other than Byford.
    - High quality promotion/marketing of the Centre as a high quality Shire facility.
    - Development of effective external partnerships to add value to the centre – (eg schools; local sporting clubs, youth service providers and seniors service providers).
    - Effective management of equipment/facility assets, including ensuring the venue is well maintained.

The following services were identified as being required to be delivered by the successful Tenderer in relation to the provision of services:

- Business planning
- Financial management
- Customer service focus
- Asset and maintenance management including all cleaning services
- Resource management
- Research and development – including identifying business development opportunities
- Marketing and promotion
- Development of fees and charges
- Provision of traineeships
- Occupational, health and safety management
- Provision of equipment for activities
- Provision of recreational and other related instruction services
- Seeking of sponsorship (subject to approval from Shire of Serpentine Jarrahdale)
- Monthly reporting on performance against agreed KPIs, including financial statements

The Shire of Serpentine Jarrahdale is responsible for the overall policy development and strategic planning for the Shire's sport, recreation and leisure facilities, to ensure that programs, activities and services meet users' needs and expectations, and provide a financial return/value for money to the community.

While playing a lead role in the planning and coordination at a local level, the Shire also seeks to develop partnerships of shared responsibilities across the community including with other levels of government, voluntary and private sectors.

The Shire's priority is to improve settings and opportunities that build participation at a local level to enable residents to engage in healthy, active pursuits.

Specific responsibilities of the Shire of Serpentine Jarrahdale in relation to the management of the Recreation Centre and the provision of recreation services include:

- Playing a lead role in directing the planning and delivery of services
- Planning, in conjunction with the Contractor and, at times, financing capital works for the facilities
- Providing adequate supervision of the Contractor
- Responding efficiently to any issues raised by the Contractor that are integral to the overall management and operation of the facilities
- Specific maintenance responsibilities under the conditions of this Contract
- Approving fees and charges as proposed by the Contractor
- Advocating and facilitating equitable participation for all people
- Recognising and supporting good governance of the Recreation Centre
- Supporting the promotion of the benefits of participation in healthy activities

The Tender RFT06/2013 was advertised on both the Shire's website and uploaded onto the E-tendering portal ([www.Tenderlink.com/sjshire](http://www.Tenderlink.com/sjshire)) on Friday 23 August 2013. The Tender was also advertised in the West Australian on Saturday 24 August 2013.

The tender closed at 2.00pm on Thursday 26 September 2013.

Tenders were received from the following:

1. Belgravia Leisure
  - o Facility management and dry recreation services (Essential)
  
2. YMCA
  - o Facility management and dry recreation services (Essential)
  - o Youth services (Optional)
  - o Seniors leisure services (Optional)

**Attachments**

- [OCM086.1/11/13](#) - Request for Tender (E13/3389)
- **OCM086.2/11/13** – Confidential - Tenderer’s Offer – YMCA Perth (IN13/17218)
- **OCM086.3/11/13** – Confidential - Tenderer’s Offer – Belgravia Leisure (IN13/17220)
- **OCM086.4/11/13** – Confidential - Addenda 1 - Released 28 August 2013 (OC13/12647)
- **OCM086.5/11/13** – Confidential - Addenda 2 - Released 6 September 2013 (OC13/15958)
- **OCM086.6/11/13** – Confidential - Tender Panel Assessment Report (E13/4525)
- **OCM086.7/11/13** – Confidential - Referee Report (E13/4524)
- **OCM086.8/11/13** – Confidential - Legal advice regarding review of compliance (IN13/19381)

**Alignment with our Strategic Community Plan:**

Objective 6.1	Engaged Community
Key Action 2.2.1	Provide a range of facilities and services that accommodate different lifestyles and cultures.

**Statutory Environment:**

- *Local Government Act 1995*
- *Local Government (Functions and General) Regulations 1996*

**Financial Implications:**

The 2013/14 Annual Budget provided \$174,000 for Recreation Centre Management. This is a constant allocation that is made each year. Both of the tenders that were submitted can be accommodated within this annual allocation.

**Conclusion:**

It is recommended that Council award the tender for the management of the Shire of Serpentine Jarrahdale Recreation Centre to YMCA for a five (5) year contract period from 1 January 2014 to 31 December 2018 to provide the following services:

- Facility Management and Recreation Services;
- Youth Services; and
- Seniors Leisure Services.

A possible extension of three (3) may be negotiated at the conclusion of the five (5) year contract.

**Voting Requirements: Absolute Majority**

**OCM086/11/13 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Kirkpatrick, seconded Cr Rossiter  
That Council:**

- 1. Award the tender submitted by YMCA for a five year contract period from 1 January 2014 to 31 December 2018.**
- 2. Authorise the Chief Executive Officer to approve the provision of an extension of three (3) years from 1 January 2019 to 31 December 2021, should the performance of the initial contract be deemed to be successful in accordance to requirements of the initial five (5) year contract.**

**CARRIED 9/0**

<b>OCM087/11/13</b>	<b>Re-Establishment of Shire of Serpentine Jarrahdale Bush Fire Advisory Committee (SJ648)</b>
Author:	Gordon Allan - Director Engineering
Senior Officer:	Richard Gorbunow – Chief Executive Officer
Date of Report:	7 November 2013
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:**

Council is requested to consider the re-establishment of the Shire of Serpentine Jarrahdale Bush Fire Advisory Committee (BFAC) and appointment of Elected Members as a delegate and a deputy on the BFAC, in accordance with Section 67 of the *Bush Fires Act 1954* (as amended) and Section 1.2 of the Emergency Services Operation Policy.

**Background:**

The BFAC was originally established over 25 years ago with the last meeting held in 2008 as a consequence of a move to separate operational and strategic matters. Matters traditionally being raised at BFAC meetings were operational matters, which are managed through the Chief Executive Officer under delegated authority as normal business of local government, in accordance with the *Local Government Act 1995* except where a matter requires a Council decision.

The Chief Executive Officer has recently received a Councillor Request which states, “*after communication with members of the community, can we please consider re-establishing the Bushfire Advisory Committee with Council delegates and a minute taker*”.

**Relevant Previous Decision of Council:**

There is no previous Council decision relating to this matter.

**Community / Stakeholder Consultation:**

- Captain’s Management Committee

**Comment:**

As a consequence of the *Local Government Act* review in 1995 a change in the business of local government in the context of separating operational and strategic matters was undertaken, resulting in operation procedures being implemented for day-to-day business. Council continued to recognise the important role bushfire brigades play as part of building a strong, resilient community and the provision of critical emergency response functionality within the community.

Council’s Emergency Services Department deals holistically with emergency management, prevention, preparedness, response, recovery elements and risk requirements, including the day-to-day management of the bushfire brigades. The establishment of operational procedures was developed with the volunteer emergency services, providing the framework to which the brigades and emergency services function, including the framework for operational matters, management committees and the Bushfire Advisory Committee.

Section 1.2 of Council's Emergency Services Operational Policy relates to Bush Fire Advisory Committee.

At a State level a review of the *Emergency Management Act* is currently being undertaken. The impact on the roles and functions of local government and its bushfire brigades is unknown.

The Captain's Management Committee has expressed a desire for the BFAC to be re-established. They have proposed a change to their quarterly operational meeting framework that would reflect two of the four meetings per year be converted to BFAC meetings, being April and October each year. The other two meetings would remain as operational meetings. This has merit as it clearly separates operational matters from strategic matters. It is proposed that the structure of the BFAC be in line with the Emergency Services Operational Policy.

Section 67 of the *Bush Fires Act* states that:

- (1) *A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.*
- (2) *A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.*
- (3) *In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings of the committee and may –*
  - (a) *makes rules for the guidance of the committee;*
  - (b) *accept the resignation in writing of, or remove, any member of the committee; and*
  - (c) *where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.*
- (4) *A committee appointed under this section –*
  - (a) *may from time to time meet and adjourn as the committee thinks fit;*
  - (b) *shall not transact business at a meeting unless the quorum fixed by the local government is present;*
  - (c) *is answerable to the local government and shall, as and when required by the local government, report fully on its activities."*

If Council resolves to re-establish the BFAC then the following persons are recommended to be part of the process:

- 2 Councillors – one a delegate and one a deputy
- Manager Emergency Services
- Emergency Services Risk Coordinator (or alternative)
- 2 representatives from each volunteer bush fire group

**Attachments:**

- [OCM087.1/11/13](#) – Emergency Services Operational Policy, updated November 2010 (E07/4843).
- [OCM087.2/11/13](#) – Emergency Services Volunteer Fire Brigade Organisation Chart (E04/1682)

**Alignment with our Strategic Community Plan:**

Objective 1.3	Capable Councillors
Key Action 1.3.1	Attract a diverse body of Elected Members that represents the composition of the community.
Objective 6.2	Active and Connected People
Key Action 6.2.4	Continue encouraging volunteering by providing support, training, funding, promotion and recognition.
Key Action 6.2.5	Create a reassuring and safe place to live.

**Statutory Environment:**

- *Local Government Act 1995*
- *Bush Fires Act 1954*

**Financial Implications:**

Costs associated with convening meetings of the Bushfire Advisory Committee can be accommodated within the 2013/2014 Budget.

**Voting Requirements:** Simple Majority

**OCM087/11/13 COUNCIL DECISION / Officer Recommendation:**

Moved Cr Wilson, seconded Cr Moore

That Council:

1. Endorse the re-establishment of the Shire of Serpentine Jarrahdale Bushfire Advisory Committee, in accordance with *Section 67 of the Bush Fires Act 1954*, as amended.
2. Appoint Councillor Ellis as delegate and Councillor Piipponen as deputy on the Bushfire Advisory Committee.

**CARRIED 9/0**

## 10. Information reports:

OCM088/11/13	Monthly Financial Report – October 2013 (SJ801)
Author:	Megan Hodgson – Financial Accountant
Senior Officer:	Alan Hart – Director Corporate and Community Services
Date of Report:	23 October 2013
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 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 matter.

### Community / Stakeholder Consultation:

No community consultation was undertaken / required.

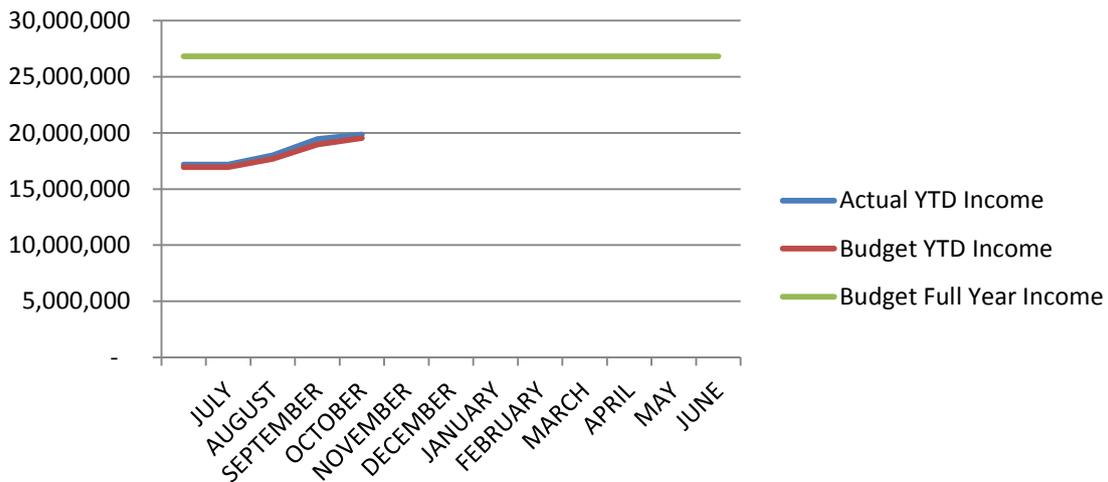
### Comment:

The period of review is October 2013. The municipal surplus for this period is \$14,926,874 compared to a budget position of \$12,822,904. This is considered a satisfactory result for the Shire for this time of the year.

Income for the October 2013 period, year-to-date is \$19,848,685. The budget estimated \$19,555,407 would be received for the same period. The variance to budget is \$293,278.

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

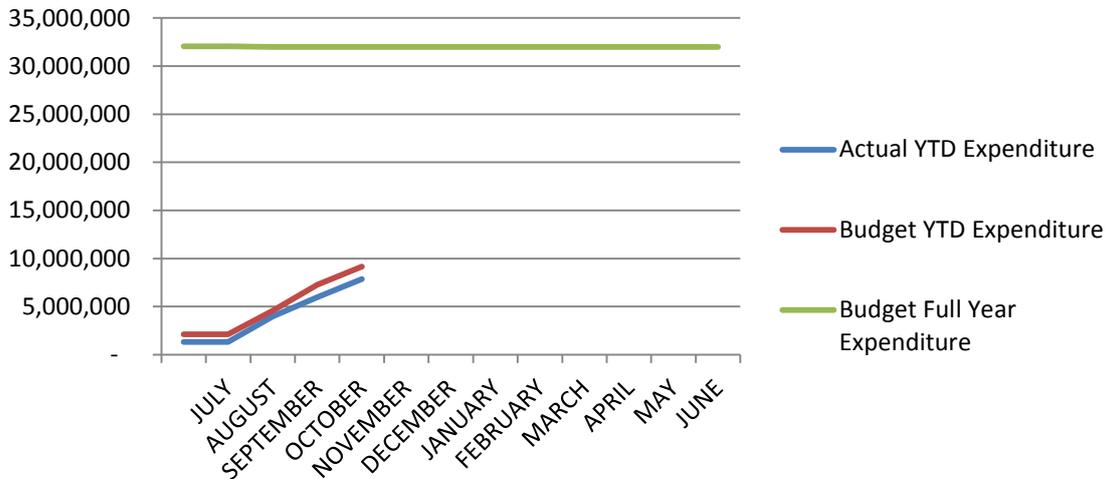
**Total Income**



Expenditure for the October 2013 period, year-to-date is \$7,878,235. The budget estimated \$9,154,088 would be spent for the same period. The variance to budget is \$1,275,853. 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**



**Attachment:**

- [OCM088.1/11/13](#) - October Monthly Financial Report (E13/4346)

**Alignment with our Strategic Community Plan:**

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

**Statutory Environment:**

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

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

**Financial Implications:**

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

**Voting Requirements:** Simple Majority

**OCM088/11/13 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Kirkpatrick, seconded Cr Rossiter**

**That Council receive the Monthly Financial Report for October 2013, in accordance with Section 6.4 of the *Local Government Act 1995*.**

**CARRIED 9/0**

<b>OCM089/11/13</b>	<b>Chief Executive Officer Information Report (SJ1508)</b>
Author:	Linda Jones - Executive Assistant to Chief Executive Officer
Senior Officer:	Richard Gorbunow - Chief Executive Officer
Date of Report:	1 November 2013
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:**

[OCM089.1/11/13](#) - Councillor Information Day, 12 November 2013 (E13/3864)

[OCM089.2/11/13](#) - Common Seal Register Report, October 2013 (E02/5614)

[OCM089.3/11/13](#) – Minutes – Peel Region Leaders Forum, 1 November 2013 (IN13/19714)

**Voting Requirements:** Simple Majority

**OCM089/11/13 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Moore, seconded Cr Piipponen**

**That Council accept the Chief Executive Officer Information Report for November 2013.**

**CARRIED en block 9/0**

<b>OCM090/11/13 Corporate and Community Information Report (SJ514-03)</b>	
Author:	Gillian Carr – Personal Assistant to Director Corporate and Community
Senior Officer:	Alan Hart - Director Corporate and Community
Date of Report:	28 October 2013
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.

**Attachment:**

- [OCM090.1/11/13](#) – Delegated Authority Financial Services (E13/4355)

**Voting Requirements**      Simple Majority

**OCM090/11/13 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Moore, seconded Cr Piipponen**

**That Council accept the Corporate and Community Services Information Report for October 2013.**

**CARRIED en block 9/0**

<b>OCM091/11/13 Planning Information Report (SJ537)</b>	
Author:	Jodie Evans - Personal Assistant to the Director Planning
Senior Officer:	Brad Gleeson - Director Planning
Date of Report:	22 October 2013
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

- [OCM091.1/11/13](#) – Planning, Building, Health, Rangers and Development Compliance - Delegated Authority Information Report (E13/4394) – check with Jodie
- [OCM091.2/11/13](#) – Scheme Amendment, Local Planning Policies and Local Structure Plans (E12/3985)

**Voting Requirements**      Simple Majority

**OCM091/11/13 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Moore, seconded Cr Piipponen**

**That Council accept the Planning Information Report for November 2013.**

**CARRIED en bloc 9/0**

<b>OCM092/11/13</b>	<b>Engineering Services Information Report (SJ514)</b>
Author:	Jill Jennings – Personal Assistant to Director Engineering
Senior Officer:	Gordon Allan – Director Engineering
Date of Report:	31 October 2013
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 various committees and working groups. The following details are provided to Councillors for information only.

**Attachments:**

- [OCM092.1/11/13](#) – SJ Community Landcare, AGM Report 2012/2013 (IN13/17593)
- [OCM092.2/11/13](#) – Landcare SJ Inc, Minutes of Board Meeting, 2 October 2013 (IN13/18141)
- [OCM092.3/11/13](#) – Rivers Regional Council Minutes, 17 October 2013 (IN13/18914)

**Voting Requirements:** Simple Majority

**OCM092/11/13 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Moore, seconded Cr Piipponen**  
**That Council accept the Engineering Services Information Report for November 2013.**  
**CARRIED en bloc 9/0**

## 11. Urgent business:

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

Cr Erren has declared an interest by close association in Late Item OCM093/11/13, in that he is a member of the Byford and Districts Country Club Inc and holds the position of Treasurer/Manager on the Club's Management Committee. Cr Erren also has a close association with the Project Manager for the proposed relocation of the Byford and Districts Country Club project, Mr Stephen White. Cr Erren withdrew from the meeting at 8.13pm.

Cr Hawkins has declared an interest by close association in Late Item OCM093/11/13, in that she has a close association with the Project Manager for the proposed relocation of the Byford and Districts Country Club project, Mr Stephen White. Cr Hawkins withdrew from the meeting at 8.13pm.

Cr Rossiter has declared an interest by close association in Late Item OCM093/11/13, in that he has a close association with the Project Manager for the proposed relocation of the Byford and Districts Country Club project, Mr Stephen White. Cr Rossiter withdrew from the meeting at 8.13pm.

<b>OCM093/11/13</b>	<b>Late Item - Councillor Request of which notice has been given – Byford and Districts Country Club Relocation (SJ1346)</b>
Author:	Alan Hart – Director Corporate and Community
Senior Officer:	Richard Gorbunow - Chief Executive Officer
Date of Report:	20 November 2013
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>

Cr Erren has declared an interest by close association in Late Item OCM093/11/13, in that he is a member of the Byford and Districts Country Club Inc and holds the position of Treasurer/Manager on the Club's Management Committee. Cr Erren also has a close association with the Project Manager for the proposed relocation of the Byford and Districts Country Club project, Mr Stephen White. Cr Erren withdrew from the meeting at 8.13pm.

Cr Hawkins has declared an interest by close association in Late Item OCM093/11/13, in that she has a close association with the Project Manager for the proposed relocation of the Byford and Districts Country Club project, Mr Stephen White. Cr Hawkins withdrew from the meeting at 8.13pm.

Cr Rossiter has declared an interest by close association in Late Item OCM093/11/13, in that he has a close association with the Project Manager for the proposed relocation of the Byford and Districts Country Club project, Mr Stephen White. Cr Rossiter withdrew from the meeting at 8.13pm.

### Introduction

Council is requested to consider a Council Resolution proposed by Cr Erren as follows:

That Council:

1. Include the proposal to relocate the Byford and Districts Country Club, including co-partners Armadale Home Help Services, Southside Care Team, People Who Care,

Directions Family Support Association, Southern Districts Support Association, Community Garden, Men's Shed and RSL in their Strategic Community Plan.

2. Inform the Department of Sport and Recreation that they will contribute \$440,000 towards the new facility.

### **Background:**

In 2013, Council was formally approached with a proposal to relocate the Byford and Districts Country Club onto Lot 2857, South Western Highway, Byford, otherwise known as the 'old rifle range'.

At the Ordinary Council Meeting on 15 July 2013, Council resolved to proceed with making land available for the Byford and Districts Country Club on this site. Council is currently obtaining the necessary government approvals to lease the land to the club.

At the Ordinary Meeting of Council on 26 August 2013, Council endorsed the Community Sport and Recreation Facilities Grant Application to construct the bowling greens for the new facility. The outcome of this grant application will be known early in the 2014 financial year.

### **Relevant Previous Decisions of Council:**

- OCM044/03/13 – Council Endorses the Grant Application to the Department of Sport and Recreation for the Byford and Districts Country Club Relocation.
- OCM015/08/13 – Council requested approval from the Minister of Lands to Lease part of Reserve 10164 to the Byford and Districts Country Club.

### **Community / Stakeholder Consultation:**

Not applicable

### **Comment:**

There are a number of issues that relate to these proposed Councillor recommendations. These are:

Part one of the Councillor recommendation is to include the project and all stakeholders in the Strategic Community Plan. The Strategic Community Plan does not detail projects and stakeholders and partners, rather it contains general statements or goals and aspirations of the Shire. When it comes to specific projects, the Forward Capital Works Plan details all of these.

The Forward Capital Works Plan was adopted by Council in June 2013 and is formally reviewed every two years with the next review due in 2015. As the Annual Budget is adopted by Council, when projects for the forthcoming year are added/deleted, the Forward Capital Works Plan for that year is amended to reflect actual planned expenditure.

Part two of the Councillor recommendation is to include \$440,000 in the 2014/15 Annual Budget to fund one-third of the project as per the grant application to the Department of Sport and Recreation. Council has not yet adopted the 2014/15 Annual Budget, this will be undertaken in June 2014 and the process of compiling the Budget and Council consideration of projects for inclusion in the Budget will commence in the first quarter of 2014.

The *Local Government Act* does not provide for Council to commit funds in future financial years. Council's only option in this case is to consider allocating funds in the 2014/15 year towards the project.

When the grant application was prepared, the application has committed this amount as Council's contribution towards the project. Should the grant be approved Council will include this amount in the annual budget for the year that the funds are needed.

The Department of Sport and Recreation has confirmed that the grant application complies with their requirements where one-third contribution must come from Council.

When preparing the application, the Byford and Districts Country Club gave a commitment to Council that they will make a contribution to the Shire (called an ex-gratia contribution) which is equivalent to the one-third contribution towards the project. The Byford and Districts Country Club now appears to withdraw this offer and request that Council fund up to \$440,000 from own source revenue in the 2014/15 Annual Budget.

Should Council agree to this request, Council will have two funding options when considering the 2014/15 Budget:

1. Funding from Municipal Funds

Municipal Funds is funding directly through the annual rates and other operating revenue streams. These funds are fully committed in the forward financial and capital works plan and should Council wish to fund the project from this source, then all projects and programs detailed in the forward capital works program and operational plans will need to be reviewed and reprioritised in order to achieve savings to fund a project of this magnitude.

2. Funding from Borrowings

The most common method of funding projects such as this is through borrowings and spreading the cost of the community infrastructure over a long period of time, usually ten years.

Whilst it is possible for Council to consider this option, the Shire's current level of borrowings is very high and the Shire cannot be guaranteed that the WA Treasury will approve borrowings for this project (and any other future projects that have been identified as loan funded).

The relocation of the Byford and Districts Country Club will free up land for commercial development and will increase the rates base because of this; however as the type, size and timing of any development is not known and will not be known until approvals are issued and construction commences, any additional rates revenue that maybe used to offset the costs of relocation will not be known.

Whilst the Minister for Planning has granted approval for the Byford Traditional Infrastructure Development Contribution Plan, funds cannot be applied to this project as this Plan does not allow for contributions towards the capital cost of community buildings in Byford.

Preliminary investigations have taken place and capital costings have been established for a range of community buildings and recreational facilities across the Shire. A Development Contribution Plan will be prepared for the whole Shire in the future, to seek contributions for community infrastructure. An amendment will be required to Council's Town Planning Scheme No 2, including approval from the Western Australian Planning Commission and the Minister for Planning. The scheme amendment process is likely to take about two years to complete.

In conclusion, the Councillor recommendations are not supported by administration as they are decisions that are not needed at this point in time and are inconsistent with the provisions of the *Local Government Act* in relation to Budgeting.

It is recommended that an alternative recommendation be considered by Council which is detailed in the Officer Recommendation. This recommendation is consistent with the provisions of the *Local Government Act* and follows the Shire's Annual Budget and Forward Financial Planning processes.

#### Attachments:

- [OCM093.1/11/13](#) - Letter from Byford and Districts Country Club dated 21 July 2012 - regarding Specific Funding Arrangement (IN13/12930)
- [OCM093.2/11/13](#) - Letter from Byford and District Country Club dated 11 November 2013 – regarding Strategic Community Plan 2013 to 2022 (IN13/20541)

#### Alignment with our Strategic Community Plan:

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:

Section 5.56 of the *Local Government Act (1995)*, as amended, requires Council to adopt a Plan for the Future of the District.

Section 6.2(1) of the *Local Government Act* details that Council must adopt an annual budget for the financial year. This section also states that Council cannot adopt a budget before 1 June in the year before the budget relates to.

Section 6.2(2) of the *Local Government Act* requires Council to have regard to the content in the Plan for the Future. It does not require Council to strictly adopt the project/programs detailed in the Plan for the Future so Council is able to include new projects during the budget preparation process.

#### Financial Implications:

Council will need to give due consideration to this request as the amount of funds requested by the Byford and Districts Country Club is significant and this will need to be considered together with all other projects planned in the 2014/15 financial year to ensure that the Shire will receive best value for money in terms of return of the community's investment in projects planned for the 2014/15 year.

**Voting Requirements:** Simple Majority

#### Officer Recommendation:

That Council:

1. Consider allocating \$440,000 in the 2014/15 Budget towards the construction of the new Byford and Districts Country Club facility that is planned to be constructed on Lot 2857, South Western Highway, Byford.
2. Recognise the importance of this strategic project and support the Byford and Districts Country Club and co-partners in relocating the facility to Lot 2857, South Western Highway, Byford.

3. Subject to Council allocating funds in the 2014/15 budget, the Forward Capital Works Plan be amended to reflect this project.

**OCM093/11/13 COUNCIL DECISION:**

**Moved Cr Kirkpatrick, seconded Cr Urban**

**That Item OCM093/11/13 be deferred to the Ordinary Council Meeting scheduled to be held on Monday 10 February 2014 in order for the Chief Executive Officer to seek clarification on legal advice received in relation to Councillors' declarations of interest.**

**CARRIED 6/0**

**Council Note: Council changed the Officer's Recommendation in Item OCM093/11/13 by deferring the item to the first meeting in February 2014, pending a full briefing to Councillors at a Councillor Information Day and clarification of legal advice on Councillors' declarations of interest.**

**Note: Cr Erren, Cr Hawkins and Cr Rossiter rejoined the meeting immediately following debate and voting on Item OCM093/11/13 at 8.18pm.**

## 12.1 Standing Orders Local Law 2002, section 3.11 (1) – Questions by Members of which due notice has been given

Cr Kirkpatrick gave notice of his intention to raise the following questions, in accordance with Shire of Serpentine Jarrahdale Standing Orders Local Law 2002, section 3.11 (1) – Questions by Members of which due notice has been given:

In Item P071/03/03 it states in the minutes of the meeting Carried 9/0 that the development will have 62 parking bays including 2 disabled. There are in fact 48 including 1 disabled parking bay. My questions are.

1. Why are there only 48 parking bays?

*Response:*

*Council granted planning approval for the development in 2004. At the time of the assessment of the development application, the applicant proposed a number of uses that were expected to occupy the development including shops, offices and showrooms. Based on this information it was determined that 62 parking bays will be required. This was included as a condition of approval.*

*After approval was granted, further information was provided to Council on the tenants that would occupy the building when the building was completed. Based on this information, it was determined that only 48 car parking bays would be required for the nominated tenants.*

*A further review of the approved plans has been undertaken. The exact number of car parking bays built when the building was constructed is not known however it is understood 48 bays were constructed at the time.*

*Due to the existence of a power pole in one car parking bay, this bay was converted to a motorcycle bay. This bay still forms part of the 48 bays.*

*In 2008, Main Roads Western Australia modified the intersection of South Western Highway and Pitman Way. The ten original car parking bays on Pitman Way were replaced by eight car parking bays. Two bays were lost.*

*A site inspection on 21 November 2013 has confirmed a total of 47 car parking bays are provided. This includes one disabled parking bay and one car parking bay, that is allocated for use by two motorcycles. Three informal car parking bays also exist on the southern end of George Street.*

2. Was cash-in-lieu paid for the 14 missing bays?

*Response:*

*No.*

3. If so where did the Shire construct them? This should not include the new section of George Street which has only been built in the past couple of years and is not part of the development.

*Response:*

*The Shire did not construct any car parking bays for this development.*

4. If not where are they?

*Response:*

*The Planning Department is currently investigating this matter. The number of car parking bays required for this development is based on the requirements of Town Planning Scheme No 2 and related planning policies.*

- 5. Are they on the land owned by the Country Club?

*Response:*

*Car parking bays on this land do not count towards the number of bays required for the development.*

- 6. If so what arrangements have been made to guarantee their future availability?

*Response:*

*Council is not aware of any of the conditions of the agreement between the two parties on use of this land as a car park.*

### **13. Closure:**

There being no further business the Presiding Member declared the meeting closed at 8.21pm.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on 9 December 2013.

.....  
Presiding Member

.....  
Date