



Shire of
Serpentine
Jarrahdale

Sustainable. Connected. Thriving!

Ordinary Council Meeting Minutes

Monday, 27 March 2017

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Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 27 March 2017. The Shire President declared the meeting open at 7.00pm and welcomed Councillors, staff and members of the gallery and acknowledged that the meeting was being held on the traditional land of the Noongar People and paid his respects to their Elders past and present.

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

In Attendance:

Councillors: J Erren Presiding Member
 K Ellis
 D Gossage
 S Hawkins
 S Piipponen
 J See
 M Rich

Officers: Mr K Donohoe Chief Executive Officer
 Mr A Schonfeldt Director Planning
 Mr D Elkins Director Engineering
 Mr P Kocian Acting Director Corporate and Community
 Ms K Cornish Governance Advisor (Minute Taker)

Leave of Absence:

COUNCIL DECISION

Moved Cr Rich, seconded Cr See

That Council approve Cr Atwell’s leave of absence for the period of 17 March 2017 until 2 April 2017

CARRIED UNANIMOUSLY

Apologies: Nil

Observers: Hon Barry Urban MLA

Members of the Public – Approx 121

Members of the Press – 1

2. Public question time:

2.1. Response to previous public questions taken on notice:

The following questions were taken on notice at the Ordinary Council Meeting on 27 February 2017.

Mrs L Bond, PO Box 44, Armadale, WA, 6122

Question 1

What date did the CCTV and audio equipment cease operating in the Council Chamber and outer foyers and what was the original cost to install it and the date it was installed

Response:

CCTV was reported not working in July 2016. CCTV was installed in October 2015 at a cost of \$3861.00. Council will consider a recommendation on a motion from the Annual Elector’s Meeting regarding the recording of public meetings.

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

Question 1

In the Shire budget of which year were funds last allocated to Cardup, what was the amount, and what were those funds used for?

Response:

Regulation 7 of the Local Government (Financial Management) Regulations 1996 states that “a local government is to have regard to the needs of the inhabitants of the district as a whole and is not to keep separate ward accounts or to determine expenditure on the basis of revenue from a ward”. As such, the Shire does not keep specific financial information on how much money has been expended in individual wards or localities. The overall budget of the Shire is determined based on activities/projects that have been prioritised in the Strategic Community Plan and Corporate Business Plan. The Shire is undertaking a major review of these documents in the first half of 2017 and community participation is being sought to help set priorities.

The Shire has reviewed expenditure for specific projects within Cardup and can advise the following;

	Budget 16/17	Actual to date 16/17	Budget 15/16	Actual 15/16	Budget 14/15	Actual 14/15	Budget 13/14	Actual 13/14
Cardup Community Hall	5,300	3,396	5,440	2,760	7,535	3,063	8,092	4,215
Cardup Siding Road Recreation Reserve L8003 & L8002	2,500	763	3,098	796	3,522	902	10,814	760
Soldiers Road - Bicycle Path	30,000	14,945	0	0	370,000	374,583	0	0
Cardup Business Park DCP	30,511	0	0	0	0	0	0	0
Hopkinson Road - Orton to Cavanagh	0	0	0	0	0	0	128,573	113,082
Total	68,311	19,104	8,538	3,556	381,057	378,548	147,479	118,057

Public question time commenced at 7.03pm**Mrs Lee Bond, PO Box 44, Armadale, WA, 6122**

Question 1

Is the hot tin shed on Watkins Road still being used as a pound, if yes are you still going to waste a large amount of money on it, if yes when?

Response:

The facility is currently being used as a temporary holding facility, and only during periods of moderate to cool weather conditions. The works will significantly improve the habitability of the facility and as such, is not considered a waste of money. There is an approved update plan for the facility and it is anticipated that works will commence in May 2017. The budgeted amount for these works is \$18,500.

Question 2

Is the meeting of the 27/3/2017 going to be conducted according to the Local Government Act of 1995, if so what are you going to do about the Electors Meeting for 2016 which was not conducted according to the Local Government Act 1995?

Response:

All Council, Committee and Annual Meetings of Electors are properly constituted meetings, pursuant to the Local Government Act 1995. Meeting procedures are governed by the Shire of Serpentine Jarrahdale Standing Orders Local Law 2002, which deals with important matters such as calling meetings, the business of the meeting, public access to agenda material, disclosure of financial interests, quorum, keeping of minutes, conduct of persons at meetings, conduct of members during debate, procedures for debate of motions, procedural motions, committees, and administrative matters. The Electors Meeting for 2016 was a properly constituted meeting pursuant to the Act, Regulations and Standing Orders.

Question 3

Are the ratepayers of this Shire still paying for electricity connected to a business in George Street, Byford?

Response:

The Shire does not have sufficient information to answer this question. Are you able to identify the property address and name of business?

Mr Michael Glendinning on behalf Michael Glendinning Property

Question 1

Will Council consider in its response to the WAPC modifying those recommendations which accede to or specify a 1ha minimum lot size to “a 1ha minimum or such lesser I

Response:

Council will consider all matters that impact on OCM24/03/17 when the matter is considered tonight. I am confident that Councillors will consider your question during tonight's debate.

Mr John Kirkpatrick, 77 Mead Street, Byford, WA, 6122

Question 1

In reply to question three from last months OCM 27.02.2017. My question is, why did the Shire decide not to prosecute either the Darling Downs Residents Association or Councillor Ellis as they were clearly in breach of Council requirements in that they had no vegetation Clearing Permit, no planning permission and no MOU to do any work at all on the reserves. This is stated clearly in a letter from the relevant Director?

Response:

The clearing was investigated by the Department of Environmental Regulation who determined not to take any action.

Question 2

As the Byford and District Country Club was built using grant funding, it ow belongs to the Shire, there is a legal requirements to put money aside to replace it at the end of its useful life. This is a condition of the Grant funding being made available. How much money is being set aside for this purpose and where is it reserve, also who is putting this money aside, is it the Shire or the BDCC as they have exclusive use of the facility?

Response:

As the Byford and District Country Club is situated on land under the care and management control of the local government, it is a Shire asset and recorded on the Shire's Asset Register. As a rule of thumb, 1.0-1.5% of the replacement value of a building should be transferred into an Asset Management Reserve on an annual basis to provide for the replacement of asset. No such requirement exists under the Funding Agreement or Lease Agreement between the Shire and the BDCC. This is however not indifferent to other lease agreements that the Shire has in place with other community groups for the use of Shire assets.

The replacement of assets remains a significant financial challenge for the Shire of Serpentine Jarrahdale, and is a critical consideration in the development of Shire's Long Term Financial Plan. The Long Term Financial Plan is informed by the Shire's Asset Management Plans, of which the renewal of the Byford and District Country Club will be

captured in the Shire's Building Asset Management Plan. Presently, the Shire is only meeting 56% of the required annual renewal expenditure across all asset classes (source 2015/16 Annual Report).

The challenge concerning the renewal and replacement of assets has been a strong topic of discussion during the recent 'open the books' workshops with the community. The community has indicated a desire to bridge the funding gap on asset renewals, and this will need to be prioritised as part of the Long term Financial Plan.

Question 3

Why did the Council make this decision as this road only goes from Larson Road into the carpark of Stephen Whites shopping centre car park. The Byford District Structure Plan show San Simeon Boulevard as the main road between Larson Road and the Village Centre and the High School to be built by the developer at their cost, also it has not appeared on any forward financial plan.

Response:

San Simeon Boulevard is an infrastructure item within the Byford Development Contribution Scheme and Plan. The road traverses through six local structure plan areas, of which, only one structure plan area has constructed a portion of San Simeon Boulevard, with another developer ceding the land for the road reserve.

Under section 4 of the Byford Development Contribution Plan (DCP), it identifies the priority of projects. At this stage, Abernethy Road and Thomas Road upgrades are the priority infrastructure items.

With funding accumulated through the DCP, there is only sufficient funding to go towards the construction of Abernethy Road at this point in time.

Given that San Simeon boulevard is a DCP item, the construction of the road is not required in the Forward Financial Plan.

However, Shire Officers meet with the Byford Industry Reference Group on a quarterly basis, whereby the timing of the construction of San Simeon Boulevard will be discussed and sought to be prioritised, following the construction of Abernethy Road.

Mrs Margaret Marshall, 20 Empire Rose Court, Darling Downs, WA, 6122

Question 1

Can Council please advise of what the Water Corporation has approved in principle for the plan for the Church? Do the plans allow for connection to mains water and sewage? If not, are there procedures in place for the quarterly testing of the water and for proper filtration for the water such as UV filters and the like?

Are Council aware, and have they made the water authority aware of the issues 5 years ago with contaminated water at the retirement units in Rowley Road? That the health department was going to place a demolition notice on the units due to contaminated water with high faecal readings. This was based on quarterly water testing and reporting to the authority and regardless of having a proper UV filter which was changed and cleaned on a regular basis.

If this contamination occurs in the water for the church, who will be paying the one million dollars to connect them to reticulated water. The Water Corporation, Council (ratepayers) or will the health authority condemn the building.

Response:

The first part to your question will be taken on notice and a response provided in notice. The officers recommendation is to refuse the application, if Council is to approve the application, conditions would require appropriate water quality measures to be put in place.

Question 2

Do the plans include hard stand parking? And do they also include correct drainage of the hard stand into ponds etc so there is no run off to neighbouring property.

Have Council factored into their budget or are council aware that should the development go ahead and there is damage caused through water inundation that they could be legally liable for the damage should the place of worship of have the finances to cover this.

Response:

The proposal includes 32 hard stand car parking bays on-site. The officers recommendation is to refuse the application, if Council is to approve the application, conditions would an Urban Water Management Plan to be prepared and implemented to the satisfaction of the Shire, which should address drainage requirements relating to the hard stand car parking area. As outlined above an Urban Water Management Plan would be required if it is approved and this plan should address appropriate standards to minimize risk of damage.

Question 3

How many members/followers of the proposed place of worship are ratepayers of Serpentine Jarrahdale? What possible benefit will this development bring to your ratepayers?

Response:

Please note that this point is not a relevant planning consideration, however in the Applicant's submission it is advised that the intended catchment area for the Place of Public Worship is for Darling Downs, Byford, Armadale, Harrisdale (Canning Vale), Parkwood, Honeywood, Success, Aubin Grove, Wandi and Leeming.

Mr David Rowley, 332 Gobby Road, Serpentine, WA, 6125

Question 1

Council has recently moved money to do road works on Elliott Road and Gossage Road, will they do this for Gobby Road?

Response:

Funding for the reconstruction of Elliot and Gossage Roads was allocated in the 2016/17 budget. The funding is for the reconstruction of sealed rural distributor roads. Gobby Road is an unsealed local access road, so is a low priority.

Question 2

Money is being held until the gravel issue is resolved, can that money be used for Gobby Road?

Response:

Gravel road re-sheeting is funded through a reserve account. Unused funds are retained in the reserve. Gravel is not available for resheeting any gravel road, including Gobby Road.

Question 3

Can the Byford and District Country Club be sold to recoup some funds for necessary works within the Shire?

Response:

The Reserve is vested in the Shire of Serpentine Jarrahdale under an Management Order for the purpose of Recreation and Community Uses. The Shire is not able to sell Crown land.

Mr Shane Rowley, 332 Gobby Road, Serpentine, WA, 6125

In reply to Question 1 by Mr Kirkpatrick, is it stated that the Shire entered into an agreement to construct the Byford and District Club and there was no agreement to charge a management fee.

Question 1

Why was there no agreement to charge a management fee for this construction as the Shire clearly incurred costs for a project that was clearly to be a private club?

Response:

The Funding Agreement between the Shire and Byford and Districts Country Club did not allow for project management costs to be allocated against the project budget.

Question 2

How much cost did the Shire incur to manage this project?

Response:

The Funding Agreement did not provide for the recovery of project management cost.

Question 3

Did the Shire waive planning costs and other statutory costs involved in obtaining planning permission?

Response:

Statutory fees relating to Planning and Building applications were invoiced and paid.

Mr Cameron Rowley, 332 Gobby Road, Serpentine, WA, 6125

Question 1

Does the Byford and District Country Club pay Shire rates for the site and the improvements?

Response:

Yes the Byford and District County Club are required to pay local government rates as provided for in the Lease Agreement. A request has been lodged with the Valuer General's Office and will be adjusted once this has been received from their office.

Question 2

When is Council going to implement Policy G003 following the last Shire election?

Response:

Policy G003 Councillor Entitlements has been adopted by Council and is a current document used to guide the support and entitlements available to Shire Councillors. This Policy will be reviewed as part of the 2017/2018 Budget deliberations.

Question 3

When is the Shire going to negotiate with the developers to construct San Simeon Boulevard?

Response:

San Simeon Boulevard is an infrastructure item within the Byford Development Contribution Scheme and Plan. Generally Developers will develop the relevant section of the road that transverses their particular development. San Simeon traverses through six local structure plan areas, of which, only one structure plan portion has been constructed to date, and another developer having already ceded the land for the road reserve.

Under the Byford Development Contribution Plan (DCP), it identifies the priority of projects. At this stage, Abernethy Road and Thomas Road upgrades are the priority infrastructure items. With funding accumulated through the DCP, there is only sufficient funding to go towards the construction of Abernethy Road at this point in time. Therefore it is likely that San Simeon will be delivered as a piece by piece, as development occurs over the next few years.

Public question time concluded at 7.23pm

3. Public statement time:

Public Statement time commenced at 7.23pm.

Mrs Lee Bond, PO Box 44, Armadale, WA, 6122

Tonights meeting will be dealing with the motions put forward at the Electors Meeting on 23 January 2017. I wouldn't be the only one wanting to know how you are going to deal with the minutes of that meeting. The truth of what happened at the meeting and what has been included in the minutes is not even half the truth. Just a reminder that minutes

are legal documents not scribble pads for pre-schoolers. The important matters must be recorded and that includes when Presidents of this Shire tell gallery members to "shut up" and other rude remarks along with all the other relevant details of the meetings.

Again the behaviour of some Council officers and Council employees, Councillors included have caused such distress to a decent family of this Shire they have moved out. They were repeatedly denied their matter to be treated according to the Local Government Act 1995 and the tone of some Council employees is not what ratepayers should be subjected to. Again it is one law for Council friends and arrogance for the victim. Councillors are here to serve the ratepayer not themselves. I sincerely hope the new CEO can resuscitate this Shire then it will be up to the ratepayer to provide excision of the bad growths and support to healthy replacements.

Mr Colin Evans, on behalf of Mardella Land Holdings, 7 The Coombe, Mosman Park, WA, 6012

Statement in relation to OCM027/03/17, and relates to Lot 460 Shanley Road, Mardella.

I submit the following in strong support of Council's RSR2013 as adopted relating to the subject land. Prior to my purchase of Lot 460 I was told by the Shire Planner at the time that he thought Council might look favourably at a residential proposal for the area. I subsequently engages consultants to undertake a soil analysis of the area and submitted an urban development proposal to Council in the 1990's that of course was rejected. When Council prepared its RSR2013 and proposed the land be identified for Residential and Stables Policy Area, we strongly supported the position of Council as reflected in the Scheme that was presented to the WAPC for endorsement.

We are strongly opposed to the WAPC request for Council to agree to amend the Scheme and classify the land as Frameworks Investigation Area. Considerable research as to a suitable land use for the area at the time the RSR2013 was prepared by Officers established the fact that the Shire of Serpentine Jarrahdale has a strong equine activity base. Our research confirms there is ongoing demand for residential/stables classified land.

I submit the following in support of the proposed land use as adopted by Council

- a) Retention of the proposed residential/stables policy area as it represents and customised
- b) In discussion with local real estate agendas I understand the original area of similar equestrian lot products in Byford that were produced sold within a short timeframe. Agents maintain there is ongoing demand for such lots.
- c) It is an appropriate use for the land and is strategically located with the future Tonkin Highway forming a defined northern boundary which will establish clear demarcation between the future urban expansion of the townsite. It also serves as an appropriate transition between rural areas to the south.
- d) Such designation will also support increased economic activity within the Shire.
- e) I am aware that at least two representations have been made to the Chair of WAPC who is now well aware of the desire and need for the land use as adopted by Council to be supported by the Commission and that the RSR2013 adopted use of the land is not removed or amended.
- f) In the currently adopted RSR2013 it is my understanding that the minimum lot size proposed is 2ha. I fail to see any valid or justifiable reason for the lot size to be 4ha. This is counter productive to optimising the economic contribution that would acres from 2ha sized lots. I respectfully request Council reconsider this issue.

Thank you for your attention.

Mr Michael Glendinning on behalf Michael Glendinning Property

I am a practising town planning consultant advising clients who are affected by aspects of the recommendations before Council tonight in respect of the Final Adoption of the Shire's Rural Strategy Review.

While the imminent finalisation of the Shire's 2013 draft document is welcomed by all, the recent emergence of the State Government's draft Government Sewerage Policy has led to the WA Planning Commission requesting modifications to the Shire's document based on that draft policy, on which many submissions have been lodged, therefore it is in no way an adopted policy.

Specifically the WAPC has requested the Shire's document be modified such that the minimum area for lots within particular Rural Living 'A' areas be increased to 1 hectare from the current 4000m² (being 0.4 hectares) given that the draft Government Sewerage Policy appears to require any lot less than 1ha in area to be connected to reticulated sewerage, however what is seemingly lost in the draft policy is that:

- i. the definition of reticulated sewerage, which includes (quote) "large scale centralised or smaller scale centralised schemes that use innovative technology to service two or more lots";
- ii. the draft policy exemptions to the requirement to connect to reticulated sewerage, subject to statutory authorities being satisfied that on-site sewage disposal will not endanger public health or the environment; and
- iii. Section 6.4 which specifies minimum requirements for on-site sewage disposal based on land capability rather than an arbitrary minimum lot size.

As such, if the Shire is to agree with the WAPC's request to adopt a 1ha minimum lot size for particular Rural Living 'A' areas and future Rural Living 'A' areas, it will affect the owners of subdividable land in existing 'RLA' areas such as Kargotich Rd Oakford (refer Modification 6), and Gossage Rd Byford (refer Modification 9) as well as the proposal on Lot 9 Hardey Rd Serpentine (refer Modification 14).

As consultant on the Hardey Rd proposal, the recommendation for Council to ask the WAPC to reconsider its request to modify this proposal from RLA to RLB is appreciated and supported given that, as the recommendation suggests this property forms a logical southern boundary for RLA. However given that the adjoining RLA areas to the north and west have been successfully developed with a minimum lot area of 4000m², thereby evidencing the local land capability, it would be equally logical to maintain that minimum for this new Rural Living 'A' area.

Paul Gangemi, PO Box 108, Armadale, WA, 6992

My name is Paul Gangemi. I have lived and worked in the Shire all my life. For over 30 years I have sought to have my land rezoned to Special Rural so that it can be subdivided into smaller lots that are much sought after within the Shire. My land is located between South Western Highway and Shanley Road and only 2.0 kms from the Mundijong townsite. It is high and dry throughout winter and is very well suited to rural residential development. The Council acknowledged this in the preparation and adoption of the Rural Strategy Review (RSR) and identified an area of land south of Mundijong (including my property) in the Residential and Stables Policy Area (2.0ha minimum lot size). My planning consultants Gray & Lewis had already lodged a scheme amendment with the Shire to request Council to rezone my land to facilitate subdivision into 2.0ha lots in accordance with the RSR.

As the Council is aware, the Commission resolved in December 2016 to remove a number of Rural Residential Policy areas (including the area south of Mundijong) primarily on the basis that they believed some were premature and would not be developed for another 20 years. This is not correct. I intend subdividing my land as soon as the statutory planning approvals are in place having regard to the sites proximity to Mundijong townsite, its high land capability, aesthetic qualities and the strong demand for good quality rural residential lots.

The Shire officers report recommends that the Council requests the Commission to reconsider Modification 10 (land immediately south of the Mundijong townsite) and reinstate the Residential and Stable policy area in this location to support the equine

industry. I strongly agree with the officer recommendations although I believe that a range of lot sizes from 2.0ha to 4.0ha should be allowed subject to land capability. This will provide for some variation

Mr John Kirkpatrick, 77 Mead Street, Byford, WA, 6122

It was disappointing but not surprising, to get a negative answer to my third question from the 27-02-2017 agenda.

To have documents that states that there has been no MOU between the Council and the Darling Downs Residents Association since September 2013 for the Reserves in the Darling Downs area that are in fact POS.

That they had no permit to remove vegetation including some re-vegetation, no planning permission to do any earthworks on the site and were in fact using a bulldozer. No permits were given to remove the bio-diversity in the Berriga drain. Remember the removal of any vegetation alive or dead interferes with the Bio-Diversity.

To watch the past presiding member, complete with Hi-Vis vest directing operations on Social Media as the removed trees. I must say he looked the part.

Nobody can account for where the \$180,000.00 in federal funding went that has been allegedly spent on this area and how was it obtained as the group had no authority to apply for it.

It would appear that as long as you have the Shire Presiding member as the President of your group, you do not have to comply with any Planning requirements or get a permit to remove vegetation.

Remember POS zoned for parks and public recreation not the exclusive use of the residents of the Darling Downs area.

To the general publicly just appears to be a case of wither shutting a blind eye or looking after ones mates.

Why are Council officers still meeting with the group when they have no authority to administer this area?

To reply to question 1 at the same meeting defies belief.

How can about \$550,000.00 in management fees be waived when it did not even come to Council for consideration. That is eh figure at about 10% of the value of the project.

As this was not approved by Council as a specific item, then it can only be construed as a donation.

Was it hidden to confuse the elected members?

Again we have the situation where the Shire Presiding member is the President of this private club. Is there a conflict of interests?

This same club got a donation of \$16,000.00 from the Bendigo Bank where lese did the money come from?

So when are you having a cheap meal or drinks at the BDCXC and this is advertised on social media including "Happy Hour" just be grateful to the residents and rate payers for subsidising your food and alcohol, you do not even have to be a resident of the Shire to take advantage of this offer.

Remember you are supposed to be a member to use this club and it is not unknown for a resident to be refused membership. There has been reference to the fact that they, the BDCC have been lax in enforcing the requirements of the Club Licence on the social media website. Does this mean anybody can drink here without signing in?

Note that other establishments in Byford have to raise the money to start up any eatery.

The sum of \$550,000.00 is about the equivalent of the rates from about 250 urban homes so if the Council can give away this amount of money to a private club then we should not get a rate rise this year as they must be flush with funds.

Mr & Mrs R&S Nussey, 81 Lingson Lane, Serpentine, WA, 6112

Background

A group of landowners to the west of Serpentine, in its 2011 submission to the Rural Strategy Review, expressed unanimous support for the concept of the Rowe Road Rural Planning Precinct (bounded by Rapids, Gull, Hopelands and Karnup Roads).

The proposal was taken up in the draft Rural Strategy, as endorsed by Council in 2012 and submitted to the WA Planning Commission/Department of Planning. In responding to Council in 2013, the Department of Planning stated that a Rural Small Holding (Farmlot) Zoning was not justified for the area west of the existing Walker Road farmlot lots, citing 'accessible to urban services' and 'employment opportunities' as unmet criteria.

The 2013 Rural Strategy Review was endorsed by Council in September 2013 for the purpose of advertising. Council considered modifications in the light of community/stakeholder consultation and, in July 2014, resolved to reinstate the Rowe Road Rural Planning Precinct within the proposed Farmlot Policy Zone.

The WA Planning Commission has since rejected outright any expansion to the Farmlot Zone west of Serpentine (Modification 16, WAPC January 2017). The Officers' Recommendation agrees with Modification 16, on the basis of the land being '...located away from the Serpentine Townsite and the necessary services and facilities which are essential to provide for an increased population in this area'. The original Rowe Road Rural Planning Precinct proposal of 2011 envisaged an additional 30 lots of 8-15 hectares, hardly likely to put much strain on existing infrastructure, services or facilities.

The WAPC rationale (Agenda, page 75) states that '...the land is not proven to be degraded or incapable of rural land uses...'. The authors of this statement appear to have little knowledge of the history of the Peel Estate. From the original by Thomas Peel, through Premier Thomas Mitchell's 1920's Group Settlement Scheme (involving drainage of the flood plain to the Peel Harvey Estuary and subdivision into 40-65 hectare blocks) to the current day, an awful lot of hearts have been broken by the poor quality, sandy soils and low grazing livestock capacities.

Case for Expanding the Farmlot/Rural Smallholding Policy Zone

The proposed Farmlot Zone (including the Rowe Road Rural Planning Precinct) is well serviced with infrastructure, is in close proximity to Serpentine and, via the Karnup Road corridor, is accessible to employment opportunities in the Rockingham/Kwinana/Baldivis business/industrial areas and the Perth-Bunbury Highway and Perth-Mandurah Railway.

The area west of Serpentine, between Walker/Gull/Rowe/Henderson Roads to the western boundary of the Shire, already resembles a Farmlot Zone, with nearly three quarters of lots being in the 2-40 hectare range. There appear to be no lots over 80 hectares, so absolutely nothing is sub-dividable under Rural Zoning.

In the proposed Farmlot Zone itself (Walker/Gull/Rowe/Karnup/Hopeland Roads), there are only 6 lots over 40 hectares and just one as large as 60 hectares (our property).

In opposing the Shire's proposal to expand the Farmlot Zone, the WA Planning Commission is effectively freezing all of these lots at their current sizes

The WA Planning Commission has provided no valid justification for rejecting the proposed Farmlot Zone expansion. The decision to thwart any foreseeable possibility of closer settlement west of Serpentine reflects a poor understanding of the area's agricultural limitations and any vision for an alternative future.

During public consultations on the Rural Strategy Review, the Shire's professional farmers generally supported relaxing the blanket 40 hectare minimum lot size across the wider Rural Zone. Few, if any, could claim to be operating commercially viable farms, with most needing to derive significant income from other businesses or off-farm employment.

Purchasing additional, low productivity land grazing land would do little to improve profitability, and farmers know this. This is borne out by the paucity of sales of large (40-60 hectares) west of Serpentine for many years.

The Department of Agriculture and Food, in "Potential Rural land Uses on the Palusplain", recognised the low profitability of grazing industries but failed to identify any major options in the study area. The Department merely suggested that some larger lots should remain to facilitate larger agricultural operations 'if the need arises'. The Department is justifiably concerned about nutrient export risks, especially from phosphatic fertilisers, and eutrophication of surface waters including the Peel Harvey Estuary.

The Palusplain is defined as 'seasonally waterlogged flat wetland'. The land west of Serpentine, including the Rowe Road Rural Planning Precinct, is largely undulating, sandy country that is not actually part of the Palusplain wetland. The most elevated parts of the landscape have the deepest, most unproductive sands. While less productive than the Palusplain, better drainage characteristics and abundant groundwater resources suit this land to a wider range of alternative uses, including closer settlement.

Maintaining a freeze on lot sizes in the Rural Zone, and in west Serpentine in particular, will contribute little to the emergence of more profitable or sustainable agricultural systems. Relatively large lot sizes probably impede, rather than facilitate, the emergence of new industries. Excess funds are tied up in unproductive land instead of in essential development and working capital, scarce funding and labour resources need to be diverted to land management requirements and the creation of more smaller lots would facilitate incremental growth if a new enterprise shows promise.

Population growth will require further subdivision within the Shire, particularly near existing settlements, and capable agricultural land will continue to be lost to urban uses. The proposed expansion of the Farmlot Zone to the west of Serpentine presents quite a different scenario, posing very little threat to agricultural output as it is already so low while replacing a small number of long-term, unviable farming operations with farmlots.

The notion that larger sized lots are managed to higher environmental standards, than are the area's many smaller, is strongly disputed. On the contrary, several indicators (such as fertiliser application, revegetation and weed intrusion) would suggest declining management standards on many larger lots due to insufficient farming returns. More landholders managing smaller lots would spread the burden of sustainable land management.

With re-zoning, the Shire would have the opportunity to issue specific guidelines for land use planning, management and environmental repair, including measures to minimise nutrient export.

Council is encouraged to maintain its strong commitment to the limited expansion in the Farmlot Zone west of Serpentine by rejecting Modification 16 and seeking reconsideration by the Commission.

Ms Lara Spagnolo, Serpentine Falls Park Home and Tourist Village, 2489 South Western Highway, Serpentine, WA, 6125

I represent my dad, Constantino Spagnolo who has lived in Serpentine for over 30 years and who owns Lots 487, 611 and 615 Arnold Road, Serpentine (and will refer to it as my Dad's Land throughout this statement). A Scheme Amendment was lodged for my Dad's

Land to rezone it from Rural to Rural Living A as a result of the Rural Strategy Review 2013. This Scheme Amendment was initiated by the Council in August 2015 and since then substantial work has been done to progress the Scheme Amendment to the point that in August 2016 it was ready for consideration and endorsement by Council.

This statement is made in support of the email I sent to all Councillors on Saturday 25 March 2017 proposing an alternative resolution for Modification 13 contained in the Agenda concerning Final Adoption of the Rural Strategy Review 2013.

The alternative resolution I propose to replace 2(m) on page 82 of the Agenda is:

“Requests the Western Australian Planning Commission to reconsider Modification 13: Land bound by South Western Highway on the east, southern boundary of Lot 483 (2622) South Western Highway, Lot 9 (147) Hardey Road/ ‘Rural Living A’ 27/ Serpentine Townsite to the west and creek line to the north (which is identified as ‘Rural Living A’) – Remove ‘Rural Living A’ classification and depict as Rural.

The reasons outlined in the Shire’s original rationale for the Rural Strategy Review 2013 remain valid as the land consolidates the existing ‘Rural Living A’ precinct which currently surrounds the Serpentine Townsite. The Shire considers identifying the subject land as ‘Rural Living A’ is consistent with the draft South Metropolitan Sub-regional Planning Framework which identifies the land as ‘Rural-Residential’. There is no intention for this land to be urban and identifying the land as Rural Living will secure the land for its intended purpose of consolidating an existing Rural Living precinct. Council does not consider it necessary to include an annotation which states any rezoning, expansion or intensification of this land is premature under the timeframe of the Rural Strategy Review 2013 and therefore requests that the ‘Rural Living A’ designation be retained”.

There are strong grounds to support the alternative resolution being:

1. The Shire initiated and progressed Scheme Amendment 193 for my Dad’s Land on the basis of the Rural Strategy Review 2013 which identified the land as “Rural Living A”. The Shire’s original rationale was that the land “consolidates the existing ‘Rural Living A’ precinct which currently surrounds the Serpentine Townsite ... it is considered logical for further subdivision and Rural Living development to occur on this portion of land” (page 72 of the Agenda report).

The Shire’s original rationale remains valid and is supported by the fact that Lot 487 Arnold Road of my dad’s Land directly abuts the existing Rural Living A precinct and it is logical for rural living development to continue as proposed by the Scheme Amendment.

Page 55 of the Agenda states that a submission was made by the Shire at the WAPC’s Statutory Planning Committee meeting on 20 December 2016 that “*Shire officers and Council continued to support the Council adopted Rural Strategy Review 2013 as resolved on 15 July 2014.*”.

The alternative resolution accords with this approach as it maintains the classification of “Rural Living A” contained in the Rural Strategy Review 2013 as adopted by the Council since 2014. It is submitted that the Shire’s approach to such issues should be consistent where-ever possible.

2. Modification 14 (page 72 of the Agenda) relates to areas in close proximity to my Dad’s Land. The Shire’s officers make reference to the draft South Metropolitan Sub-regional Planning Framework and the land being identified as “Rural Residential” in that document as the basis of a request that the WAPC reconsider their modification.

Given the Shire officers rely on the draft Framework to support reconsideration of Modification 14, the draft Framework should also be used to support reconsideration of Modification 13 given my Dad’s land is also identified in that document as “Rural Residential”.

3. The Shire's officers rely on the SJ2050 document identifying my Dad's land (and neighbouring land) for potential expansion of the Serpentine Townsite as the reason to support Modification 13. However, the map contained in SJ2050 is described as "*a conceptual document, with no policy or regulatory function*" (page 49 of SJ2050). Further, the SJ2050 document shows Serpentine Townsite having medium density (not an urban core) with a rural fringe. Therefore SJ2050 does not explain why the Shire should depart from its approach set out in the Rural Strategy Review 2013 adopted on 15 July 2014.

In addition the Shire's officers for modification 8 are requesting the WAPC reconsider their modification on the basis that "*there is no intention for this land to ever be Urban. Identifying this land as Rural Living will thus secure the land for its intended purpose of consolidating an existing Rural Living precinct.*". This same reasoning applies to Modification 13 given the SJ2050 supports Serpentine not being an urban townsite and that my dad's land is identified as "Rural Residential" in the draft Framework document previously mentioned.

4. The WAPC's rationale as regards Modification 13 is that "... any rezoning, expansion or intensification of this area is considered premature for the timeframe applicable to this Strategy (~5 – 10 years)." (page 72 of the Agenda). Page 54 of the Agenda provides background information regarding the Rural Strategy and states "*[t]he original Rural Strategy was adopted in 1994 and endorsed by the WAPC. Minor modifications were made to the Strategy in 2003 and again in 2006, however the overall intent and structure of the Rural Strategy has remained largely intact since 1994. In 2012/13 a major review was undertaken ... based on significant community consultation undertaken during 2011 and 2012.*".

This demonstrates that the timeframe applicable to a Strategy can be way beyond 5-10 years as noted by the WAPC and if the WAPC's modification is accepted, my Dad's land could remain subject to the classification for more than 10 years which jeopardises the opportunity for people to live in our beautiful area on rural living sized lots.

The Shire has experienced significant growth in recent times. Rural living lots offer a lifestyle choice for people who want to live within the Shire. Accepting the WAPC's modification postpones this opportunity and fails to react to the demand existing for people wanting to live within the Shire (and providing those people with choice in lot size and location). This was acknowledged in the Rural Strategy Review 2013 on page 11 where it was stated that "the opportunity for this style of development is becoming harder to find in the metropolitan area and is one of the key characteristics associated with the Shire of Serpentine Jarrahdale". Accepting the WAPC's modification also fails to appreciate the significant time involved in rezoning, subdividing and developing land to the point where it is ready for occupation. Similar reasoning was used by Shire officers in relation to requesting the WAPC reconsider Modification 10 (page 68 of the Agenda).

To conclude, if you stand by the position taken in the Rural Strategy Review 2013 which was based on significant community consultation and the fact that Serpentine is not going to be an urban townsite, then this alternative resolution accords with that stance and keeps alive other families getting to live in Serpentine on spacious blocks which as acknowledged in the Rural Strategy Review 2013 is becoming harder to find in the metro area. I spent the first 18 years of my life living in Serpentine and sincerely wish that other families will be able to experience the joy of living on spacious blocks in Serpentine.

Mr Barry Urban, Member for Darling Range, Suite 5/837 South Western Highway, Byford

On 11 March 2017, I was announced as the new member for Darling Range and was declared here at the Shire offices on Friday 24 March 2017.

On Friday was my final day as a Councillor where I had almost 6 years of being an elected member for the Southern Ward. It is with sadness that I have left the Shire of Serpentine Jarrahdale as a Councillor, but with equal excitement in representing the Darling Range as the State Member of Parliament.

There are many state issues that affect the Serpentine Jarrahdale residents. The commitment by the WA Labor Party made in the State election will be met the extension of the Armadale line to Byford and the new train station, the transfer of land at Keirnan Street to the Shire for the Regional sports facility and the money allocated to all the Bush Fire Brigades, sporting groups and community groups.

I look forward to representing this area in the Peel Region, South East Metro District and the East Metropolitan Region. Be assured I will be advocating hard for Serpentine Jarrahdale and Darling Range. I am looking forward to working with the Council and CEO Kenn Donohoe and the Shire's Leadership Team. My team and I intend to work closely with Council particularly to create local jobs and make affordable housing into affordable living.

Lastly, I wish to acknowledge Tony Simpson for his outstanding service to our community. I wish him, his wife Kim and family best wishes for the future and wish him well.

Public statement time concluded at 7.59pm

4. Petitions and deputations:

4.1 Mr Peter Benson to present a deputation in relation to item OCM022/03/17 Proposed Place of Public Worship – Lots 888 and 889 (215) Masters Road, Darling Downs.

I would like to present a statement on behalf of the Masters Road Action Group and for most of the Darling Downs residents in opposing the application for a Place of Worship in the Darling Downs.

In 2013 a Rural Strategy review was finalised. The review states that the purpose of the rural zone within Darling Downs is to “provide a separate zone for intense equine activities.

This year is the 30th year that the Darling Downs Residents Association committee and volunteers have maintained the rural setting and the integrity of the “Residential and Stables Precinct”, which was identified under this review. In conjunction with the Shire they have improved and maintained the bridle paths and public open space for residents and others to enjoy their equine pursuits.

Every person who visits and utilizes the Darling Downs area, comments on its uniqueness, and how lucky we are to be able to live in an area dedicated to equestrian pursuits.

Core Values of our Residents in the Shire:

The SJ Shire finalised their SJ2050 vision in November last year, through many hours of consultation and input from broader community. In the report there were 10 core values identified by key Research, the consulting company.

The core values with the highest rating with a mean rating score of 9.1 out of a possible 10 was to

1. Enhance safety and reduce crime, 88% of people rated this core value as “extremely important”.

The next 3 core values all has the same mean rating score of 8.4 out of 10. They were:

2. Maintain a strong sense of community and neighbourliness.

3. Plan for a sustained and economically resilient future and

4. Maintain a relaxed “country lifestyle” and welcoming values. 78% of people questioned rated this core value – Country Lifestyle, as “extremely important”

Investment Dollars Intrusted into this Community:

I was fortunate to be invited and attended an SJ Business Forum in Byford in late February this year. One of the speakers was the Shire's Economic Development Advisor, Mr John O'Neill and I listened to his presentation intently. One point he mentioned that there was a report written for the Shire in 2010/11 that said "the land values of all equine properties located in the Shire of SJ was estimated to be in the vicinity of \$950 million". That obviously includes all equine residential properties as well as equine businesses such as vet hospitals etc.

Now in 2017 that may well be in excess of \$1 billion in this Shire.

That is a massive amount of investment dollars that residents and equine business holders have invested in their equine pursuits in this Shire.

That shows to me a huge dedication of these people, to their land, their passion and to the belief that by investing and living in the equine designated areas of this Shire that their lifestyle is going to persist into the future.

Why would anyone invest up to a million dollars or more for a 5 acre equine property if they thought that their rural lifestyle was in jeopardy of being changed or replaced in the future.

Fortunately the SJ2050 Spatial Framework Plan, show that the Darling Downs area will stay as equestrian into the future as you can see on page 50 of the report. Darling Downs is in yellow classes as rural fringe, neighbourhoods of single family homes on larger lots, supporting the local equestrian industry.

But this application presented tonight, puts doubt in the hearts of the equine community that live here.

In regards to the "Place of Worship" Proposal:

Residents are concerned that if this application is allowed this could well set precedence for other applications in the same Category – Discretionary Uses requiring Public Notifications such as Animal Husbandry premises, Caravan and Trailer Hire premises, Cattery, Child Minding Centre, Club Premises, Convenience Store, Dog Kennels, Fuel Depot, Kennels, market, Public Amusement, reception Centre, Residential, Building, Restaurant, Service Station and Transport Depots.

In regards to Planning Report 7.2 that has been presented to all Councillors:

I would like to acknowledged your Council Officers, Helen Maruta , Senior Planning Officer and Andre Schonfeldt, Director of Planning for their very detailed 11 page report of the issues that have been identified from the first and second application.

They have listened and summarised the issues from the large number of objections that were received from residents regarding the first application and again with the second.

They have addressed how this proposal is inconsistent with Council's own future plans for the Shire and especially for the Darling Downs equine area.

In summary the Officers Recommendation is to refuse the application, the reasons being

1. The proposal is contrary to orderly and proper planning and is inconsistent with the Shire's Strategic Planning Framework, the objective of the Shire's Town Planning Scheme No2, the Shire's Rural Strategy and in particular the Residential and Stables policy area of the Rural Strategy.
2. The nature and intensity of the proposed use and associated activities is not considered appropriate with the existing and established character of the area.
3. The proposal will have a detrimental impact on the amenity of surrounding development, this was also expressed in a significant number of objections received during the community consultation period.
4. The proposed development is an undesirable outcome in this location which will significantly impact the quality of a rural living area recognised and valued for equine character of the area.

5. The proposal is better suited to, and should be located in, an area of the Shire where it will create less conflict with surrounding development and where the nature and intensity of the uses are more compatible.

In summary, I would like to commend the Councillors and their officers for the research reports they have developed and developing and making public.

That does show the Council wants feedback from their community and does want to listen.

I would however like to comment on two other sections of the Shire's Research Report: In the General Comments Section, of the Key Research Report, residents spoke of wanting "better communication and transparency", the need for residents to be heard as a high priority by Council. Also in another question "Just over half the residents 53% do not think the Shire makes it easy for them to participate in decision making that affects the Shire".

Tonight Councillors, you have the opportunity to show you are listening to the residents in your Shire. Your local residents are here tonight to show you their support for each other and their objection with this application by attending this council meeting once again as we did last year.

Your resident want you to retain the integrity and character of Darling Downs. They have invested hundreds of thousands of dollars into living in this area, in the belief and trust in you, that their lifestyle will not be compromised. They entrust in you to do the right thing by them.

Your residents are saying no to this non-equine proposal. Your own officers have given strong reasons for refusing this application. For these reasons we hope you will take the advice of your Council Officers and vote no to this application.

4.2 Ms Liz Butler to present a deputation in relation to item OCM022/03/17 Proposed Place of Public Worship – Lots 888 and 889 (239) Masters Road, Darling Downs.

Good evening Mr Shire President and Councillors. My name is Liz Butler and I live at 239 Masters Road, next door to the proposed development by the Evangel Christian Fellowship.

I would like to start my deputation by saying how very honoured I am to be living in one of the most prestigious equine communities in Australia. The Shire of Serpentine Jarrahdale quite rightly views Darling Downs as the jewel in their crown.

Unfortunately, the Evangels are now applying again to construct a Church right in the midst of our community, their report states that the equine rural nature of our region is not that prominent, but I would strongly contest that. The Shire states that the desirable land use in Darling Downs is the stabling and training of horses. The surrounding properties including 3 horse studs, 1 riding school and 1 agistment centre, moreover the majority of families in the area actively pursue equine pursuits.

The noise report that the Evangels submitted with their application make no mention of my new property even though it was substantially constructed at the time of the report dated 20th July 2016. In fact the general proposal submitted at the time does mention this property.

The Shire requested that this omission be rectified but the Evangels chose not to do this and that I suggest is because of non-compliance of noise levels at this the closest highly sensitive noise premises by about 40 meters. According to the noise model that they used in their sound report this distance equates to 6dB increase in sound which actually amounts to a 200% increase in intensity. Very substantial.

My neighbour Grier Bannon will elaborate more on this from an experts point of view.

In conclusion I would state that the proposed Place of Public Worship will contribute nothing to the local community and will in fact have an adverse impact on the equine nature of the area.

4.3 Mr Perry Holland to present a deputation in relation to item OCM022/03/17 Proposed Place of Public Worship – Lots 888 and 889 (215) Masters Road, Darling Downs.

My Wife and I have been land owners at this address for 26 years, resided in our new home from completion for 24 years. We bought here for the unique opportunity offered and to have a nice life on our ten acres, with our horses & a lovely Rural lifestyle.

When we travel over East in our Caravan, people ask where we come from, when we tell them Darling Downs WA, they say isn't that in Queensland? Yes there is, but we come from the WA Darling Downs. Some then say, is that the beautiful Equine area we've heard of, you are very privileged to live there, Yes we are.

Whether it be Far North QLD, Mid West NSW, The Great Ocean Rd, or Tasmania, people know of the Fantastic Darling Downs of Western Australia.

This proposal of a Place of Worship in the midst of this beautiful Equine area won't fit, it is not fitting within the bounds of our area, being Equine, horse activities. This not a fitting part of the community. This proposal, if allowed would be a slap in the face to all of the residents, I point to the huge crowd who have turned up to support the local community.

My main point Council is, here on page8, I read the times the Place of Worship would be active, 7 days a week, including evenings, Tuesday, Thursday, Saturday & Sunday with between 20 -100 plus adults and 20 plus children. I'm sorry but this is a business, 24/7. This is also a rates paying dodge, can I put a Cross up out front and call it Perry's Church, I don't think so.

4.4 Mr Michael Dagostino to present a deputation in relation to item OCM027/03/17 Rural Strategy Review 2013 – Final Adoption.

Current Position

There is one Residential and Stable area proposed in the draft Rural Strategy south of Mundijong. We are proposing given the importance of the equine industry to the Shire that there should be another equine area identified in this medium time frame plan and the Oakford Equine Precinct is well suited

Zoning Proposal to Councillors

That the Shire resolve to add an additional Residential and Stable Area covering the Oakford Equine Precinct. Or alternatively if the Shire will only support one additional Residential and Stable Area.

That the Residential and Stable area proposed in the draft Rural Strategy south of Mundijong be relocated to the proposed Oakford Equine Precinct.

Proposed Resolution to Amend

We the land owners in the Oakford Equine Precinct respectfully ask the Councillors to consider the following resolution. "That Council amend the draft Rural Strategy to include an additional area classified as Residential and Stable being the area described as the Oakford Equine Precinct south of Thomas Rd, north of Abernethy Rd, west of Kargotich Rd and east of Birriga Brook".

The Oakford Equine Precinct is shown below to the south of Thomas Rd, west of Kargotich Rd north of Abernethy Rd and east of Birregga Brook.

Do we have to accept the WAPC's position on limiting rural subdivisions ?

The WAPC has made it clear that for a range of reasons, primarily supply and demand, along with a view that the land use is inefficient, they wish to restrict subdivision of rural land to allow for small acreage properties. The WAPC approach on restricting rural residential subdivision is largely arbitrary and has resulted in a broad brush approach that does not take into account the demand in specific areas such as our Shire - which is developing a reputation as the preeminent equine area in the State.

We would ask that the Shire consider strongly rebutting that position with the WAPC and accept a moderate degree of rural/residential development and consequently including a logical and incremental area like the Oakford Equine Area.

If there is to be 1 Residential and Stable Area - why the Oakford Equine Area. However if the Shire view is that there should only be one Residential and Stable Area then we would submit that the Oakford Equine Precinct is a preferable location to the South Mundijong Area, for the following reasons. Proximity to existing facilities – Oakford Equine Area is very proximate to EXISTING NOT PROPOSED facilities, including the existing equine infrastructure in the locality (stables, bridle paths, vet), as well as being close to major transport routes and the EXISTING Byford Town Centre.

Infrastructure considerations including:

Location – the location of the OEP is preferable to Whitby equestrian precinct for the following reasons; Closer to the important equestrian facilities of Brookleigh Equestrian Estate and the State Equestrian Centre in the Swan Valley. Closer to Belmont and Ascot racecourses and Gloucester Park trots. Closer to the Byford Trotting Complex. It may be with the urban focus on Byford the residents in the Byford Trotting area will be asked to relocate and that area may become urban and in that eventuality the OEP would provide a very proximate location to where these facilities could be relocated. Centrally located compared to the alternative, which is located much further away to the east and south. Well located and immediately proximate to the existing equestrian estate of Darling Downs and would allow the cross utilisation of facilities and the joining up of bridle paths

Strategic Considerations why the Oakford Equestrian Precinct makes sense. Proximate to existing infrastructure such as the Tonkin Highway, Thomas Rd and Kwinana Freeway and In addition at the same time the Oakford Equestrian Precinct would be maintaining the rural character of the area and be a complimentary rural buffer to the expanding Byford township. Mitigating further sprawl – the OEP avoids the further sprawl which would occur if an equestrian precinct is located down south of Mundijong, further away from the CBD, the Swan Valley equestrian hub and the racecourses. When you look at the maps it is clear that the proposed equine precinct south of Mundijong is pushing development further south as the purple colouring of that area is misaligned with the rural zoning in the area, whereas the OEP proposal is a rational and gradual movement south to the next major “hard edge” which we propose in the short term be Abernethy Rd, with a long term view of Orton Rd. Bushfire Management- the Oakford Equestrian Precinct has little to no fire management issues or history. Due to the minimal amount of vegetation there has been little fire activity, however the Mundijong south area has had 2 major fires through the area in the last 10 years. Central to Existing Equestrian Facilities – the OEP is in Close proximity to 3 pony clubs namely, the Peel Horse and Pony Club, the Wallangara Pony Club and the Baldivis Pony Club whereas the other location only has the Serpentine Pony Club closeby

Original Basis for the Whitby Equine Precinct

In informal discussions with the Shire Officers it appears there has not been any research or equestrian experience and knowhow actively involved in reviewing the Whitby Equine Precinct and including the same in the Shire’s Rural Strategy.

There was some discussion that it has a polo field and the like in the area

OEP Position – we would counter that OEP is well suited to equestrian. The land is already extensively used for agistment with a number of horses properties and there are regular events conducted at the Oakford Equestrian Centre including Oakford Jump Cross and Oakford Show Jumping

The Officers believe Mundijong South is the preferred equine location, however all these reasons actually apply more strongly to an Oakford Equine Precinct:

Planning Considerations

The WAPC is seeking to abolish the Residential and Stables classification altogether, ignoring the importance of the equine industry to the Shire and the existing demand for this type of development.

As outlined previously there are two main reasons why the WAPC appears to have a position of avoiding subdivision of rural land. These are addressed below:

Supply and Demand

It is our contention that a Residential and Stables area is important in the Shire. At present the existing Darling Downs area is essentially fully built out, and anecdotally there is demand for further land of this type. At the time of writing, there were two properties listed for sale within the Darling Downs equine area, both with an asking price of close to \$1m. By comparison, there are over 70 smaller properties for sale (approx. 300-400m²) immediately south of Thomas Road in the Byford vicinity. The establishment of another purpose-built equine estate to complement Darling Downs should be a priority to the Shire.

Inefficient land use

The WAPC has a view that rural residential development can have the resultant impact of removing viable agricultural/rural land from production. Larger rural residential type lots in the past have also been badly managed in some areas – something the WAPC is keen to avoid.

Again, it is our contention that the creation of a Residential and Stables zone in close proximity to Darling Downs and other similar development in the locality will not result in an inefficient land use. In my view, the Darling Downs estate is very well managed and held in high regard by the residents that live there. The focus of the development on the equine area is quite clear, and something that we would look to replicate and build on in the Oakford Equine Estate.

The layout of any future subdivision would take into account requirements of the equine industry and build on existing infrastructure in the area to consolidate the equine land use in the northern half of the Shire. The intent would be that the development is promoted for equine purposes, with a connecting array of bridle paths and other supporting infrastructure as required. The private lots would be used for stabling and other related matters thus ensuring that the land is used efficiently.

Settlement Structure

The proposed site is surrounded by existing Rural Residential development to the north and east, and the proposed Oakford Village area to the west. It comprises an approximate 2km wide wedge of rural land between these potentially sensitive land uses. Allowing for some limited subdivision of 1-2ha to facilitate an equine precinct would provide an excellent transition in land use and lot size from the small-lot special residential land to the east, and the more intense urban development of Byford, only some 2km to the east of the site.

It will also provide for a graduation of lot sizes from the north, (where existing lots of between approximately 4000m² and 1ha are located), to the larger rural lots further south in the Shire.

By contrast the proposed Residential and Stables area south of Mundijong could be seen as a continuation of 'strip' oriented development along South Western Highway, ultimately bringing the settlements of Mundijong and Serpentine closer together with the possibility of a longer-term amalgamation of development in this area. This would not be a desirable planning outcome for the Shire, which is seeking to maintain the discreet identity of Serpentine.

Environmental considerations

Typical rural land use on the site is problematic due to poor quality soils and high groundwater tables. The land capability information within the Rural Strategy supports this, with much of the site classed very low (classes 4 or 5) or a range of agricultural activities.

The development of an equine precinct in this locality would allow for the detailed planning and design of the proposed development, taking into account environmental considerations, setbacks and rehabilitation of creeklines and the requirement to put in place suitable water management and nutrient management practices at an estate-wide level.

Why should there be 2 Residential and Stable Areas planned for the future in our Shire? Consideration should be given to having two equine/stable areas the benefit of this is:-
Economic – Equestrian business are an important and material part of our economy in the Shire eg there are a number of produce stores, the number of equine veterinary practices has quadrupled and the number of indoor arenas has also multiplied
Employment/revenue – equestrian businesses and equestrian properties provide employment
Economic impact – As the report on the Economic Assessment of the Peel Equine Industry (Non Racing) from May 2013 concluded, the total direct expenditure linked to the non-racing sector of the equine industry is estimate at \$90 m and the total number of recreational and sport horses in the Peel region was estimated at in excess of 13000.

The RWWA report on the Economic Impact of the Racing Industry in the Peel region 2012 concluded that the economic contribution to the Peel region by the Racing industry was in excess of \$77m

Strategic Impact

The Oakford Equine Area proposal is consistent with the long term strategic objectives outlined by the Shire in the Shire's 2050 vision – see attachment 1 – this depicts that equestrian is to be considered as the key use for land in proximity of the Oakford Equine Area

We believe making the Oakford Equine Area stable zoning would deliver long term sustainable outcomes in terms of more equestrian facilities in the area

More equine support facilities eg vets, farriers, produce stores, saddlery stores, rural farm stores, reticulation businesses, fencing businesses

By being in close proximity to the Darling Downs area – there could be an expanded area of bridle paths

Summary

We believe that looking forward – given that The Shire's Rural Strategy is a medium time frame document – we should be looking to the medium term and not just the needs for the next 5 years

It seems ludicrous that there is only one additional area zoned for equine/Stable in this medium term plan

Equine is economically and socially critical to our Shire and is complimentary to our rural lifestyle

We believe there are many advantages of a equine/stable zoning for the Oakford Equine Area including;

- it is consistent with the zoning around it
- The bushfire risk is very low in the Oakford Equine Area – it is a well cleared area without significant vegetation
- It would compliment the existing Darling Downs equestrian area and facilities
- It's a natural and rational infill and graduation as To the immediate north is 5 acre lots above Thomas Rd and to the immediate east of Kargotich Rd are 5 acre (and smaller) size lots

4.5 Mr Henry Dykstra from Harley Dykstra Planning and Survey Solutions to present a deputation in relation to item OCM027/03/17 Rural Strategy Review 2013 – Final Adoption.

A deputation was presented but not provided for inclusion within the minutes

4.6 Mr Peter Varelis to present a deputation in relation to item OCM027/03/17 Rural Strategy Review 2013 – Final Adoption.

Background:

Lot 55 McKenna Drive, Cardup (Lot 55) is an existing 24,000m² rural living property. Lot 55 is currently zoned Rural Living A with a potential minimum lot size of 4000m². This zoning, minimum lot size and subdivision potential has existed on Lot 55 since approx. 1999 when the land was zoned Rural Living A as part of Town Planning Scheme No.2 - Amendment No.100. There is currently a Subdivision Guide Plan amendment submitted with the Shire for consideration which supports subdivision of this property into five (5) lots of sizes between approx. 4200m² - 6000m² in accordance with the minimum lot size of 4000m² for the Rural Living A zone.

Concern:

The Western Australian Planning Commission Modification 9 to the Rural Strategy Review, in summary, seeks to reduce the subdivision potential of Lot 55 and its surrounding area to 1 ha (10,000m²). As investors in the Shire we have based our investment decision on the existing strategic and statutory planning framework which permitted a potential minimum lots size of 4000m². In making this decision we understood that the Shire's Rural Strategy was under review but noted that the advertised document and plan did not seek to change the minimum lot size for land within the Rural Living A zone. We also noted that the reviewed Rural Strategy had received confirmation to advertise by the Department of Planning and the minimum lot size remained unchanged. It is our opinion that the WAPC should have requested these modifications from the Shire before the Rural Strategy Review went out for public advertising not after public advertising. Given the nature of modifications, the public and landowners should have had the opportunity to comment. Making such drastic modifications post advertising and without providing landowners the opportunity to comment is not transparent.

Request:

That Council requests that this area maintains its existing Rural Living A Policy Area requirements and reinstate the 4000m² - 1ha minimum lot size for the following reasons:

- No site specific studies or detailed investigations have been undertaken over this area to justify applying a blanket 1ha minimum lot size.
- The existing Rural Living 'A' zone, specifically Town Planning Scheme No.2 Clause 5.12, requires appropriate planning and site investigations to support subdivision between 4000m² and 1ha. Individual proposals can be assessed on their merits without the need to apply a blanket 1ha minimum lot size to the whole area. The Subdivision Guide Plan amendment process provides a suitable process for this to occur.
- The draft State Government Sewerage Policy utilised as a basis by the Western Australian Planning Commission for imposing the 1ha minimum is still in draft format, has received significant opposition from the broader development industry, lacks any scientific evidence to reject the use of effluent treatment systems on the Palusplain and should not be utilised as a basis to make long term strategic planning decisions.
- Permitting the creation of lot sizes between 4000m² and 1ha will reduce the number of horses in this area because horses can not be kept on lots smaller than 1ha and may improve the nutrient run off on the Palusplain.
- There are various planning proposals which have justified lots smaller than 1ha and are at various stages of the planning process. These proposals have been prepared in accordance with the requirements of Town Planning Scheme No.2 Clause 5.12 and are based on the existing planning framework for the area. A moratorium or similar should have been placed on subdivisions and Subdivision Guide Plan amendments before such a significant modification was proposed to be made.
- The draft Rural Strategy Review 2013 was provided consent to advertise by the Department of Planning without the 1ha minimum lot size requirement for this area. Landowners have not been provided the opportunity to comment on this significant modification. The modification should have been requested by the Department of Planning before public advertising commenced.

4.7 Shirley Harding from Sports Aircrafts Building Club to present a deputation in relation to item OCM032/03/17 Sport Aircraft Builders Club – Request to Purchase Yangedi Airfield, Reserve 25911.

The Yangedi Reserve belongs to the Crown. The SJ Shire holds a Management Order over the Reserve – it does not own the land, it is only tasked with managing it. SABC has developed and managed the Reserve over the last 40 years. The club took on a degraded and unproductive farm. Members planted and nurtured native bush to help regenerate the Reserve.

We have been financially and practically self-sufficient, maintaining the airfield infrastructure, firebreaks and bush forever areas planted by our members, with no input from the Shire other than advice on maintaining the bush, and die-back management.

We operate on a similar basis to a Men's Shed. We have many retirees who come to Serpentine to build and fly their dream aircraft, passing on skills to the younger generation, bringing their grandchildren to fly and get their first taste of the thrill of aviation, and building something precious with your own hands. A visit to Serpentine Airfield has been the basis of many interesting school projects.

We request that the Shire relinquish the management order over the Reserve, so that SABC may continue to manage and protect the area as a recreational aviation centre of excellence into the future.

Our claim over the Reserve goes back decades. In 1990, Mark McGowan put a question on Parliament asking if the State Government would gift the land to SABC, because of the good work the club does. I can provide the Hansard record. It's a shame that was not pursued at the time. We have put an enormous amount of time into negotiations to take control of the airfield. We have gained the approval of all the interested government departments. This was done on the basis of a verbal agreement with a former Shire CEO. Now Officers have changed, and all our work is being undermined.

Please, do not base your decision on the report presented to you. It was written after one meeting with SABC representatives at Serpentine. I asked to see the draft before it was promulgated. This did not happen. In fact I did not receive the report until after a meeting with the CEO. It was handed to us as we were leaving the building. When I read it I was horrified by the errors of fact and false assumptions. I hope you have received the amendment document produced after further discussion. The report contains misunderstandings about information provided by the Dept. of Lands. It also seems to be based on an assumption that Serpentine Airfield could be developed for commercial purposes. I will explain why that is wrong. The author of the report has experience working for large airports handling Regular Public Transport flight. It seems she has perhaps applied knowledge of their operations to a completely different context of private, recreational aviation, of which she has no experience.

The report presented to you doesn't give a clear statement of the aim of rejecting our request. It appears to be solely to retain the land for the Shire's own future commercial development.

In discussion with SABC representatives, Shire officers have stated that the reason for rejecting our request is that in future they may be able to change the use of the Reserve and gain revenue from it. This goes against the principal of the Public Open Space and Recreational purpose of the Reserve.

The report also claimed that the Shire would lose an income stream from the Bureau of Meteorology sublease. This is not the case. the BOM site could stay as part of our lot; we could give BOM a long-term peppercorn lease and the Shire could charge them rates.

Shire officers have suggested the possibility of developing surrounding areas as an air park, using SABC's runways, which we have built and maintain entirely with voluntary labour and club member funds. Air park residents would probably want to bring their high-performance twin engine aircraft to operate at Serpentine. The noise they produce

would certainly upset our neighbours, with whom we currently have good relationships. We would lose control over the safe and orderly use of the airfield by club members.

Officers have also mentioned tourism development, and use by RFDS.

Tourism development implies commercial passenger carrying flights into Serpentine Airfield. Civil Aviation Safety Authority (CASA) regulates airport facilities for public transport category operations. Serpentine Airfield has no hope of meeting those standards, as the size of the Reserve restricts the length of runway available, and club funds restricted the width of runway we were able to build.

These limitations also apply to RFDS PC 12 aircraft operations. Our runway is just not suitable for such aircraft when fully loaded.

SABC members build and fly light weight, mostly 2 seat aircraft. Our runways are suitable for such recreational aircraft operations, but the tarmac strip was designed for their use only, and is not rated, i.e. strength tested, for heavier aircraft.

The report presented to you also originally suggested the airfield could be used for commercial flight training. This is not safe at Serpentine, due to the runway length and width. Trainee pilots need plenty of room for error- Serpentine can't provide that. Again, noise from repetitive circuit training would upset the peaceful rural atmosphere. SABC does not allow this, even for our own members.

SABC is willing to enter into partnership with SJ Shire to improve facilities at the field. If you are interested in us participating in tourism development, why not help us establish an aviation museum, such as Old Warden in England. We have a perfect setting, a high-quality grass strip, an attractive rural setting. This is what SABC wants to protect, and we feel that we have the runs on the board to prove that we can manage and protect the Reserve.

We used to have a very co-operative and cordial relationship with SJ Shire. Sadly this has deteriorated over the last few years as Shire staff seemed to see us a source of revenue. We could use that opportunity to repair this relationship, with new Shire officers.

If we were to leave at the end of a lease, everything would be removed - including the runways - as we would feel obligated to return the property to its original state. If the Shire wants some certainty about future control of the site, then we could include an agreement that if the club is wound up then the Shire can assume ownership on payment of fair market value to the Club.

By agreeing to relinquish the Management Order over the Reserve, you will not be losing an income stream. You will be shedding a management responsibility that the Shire has shown no inclination to shoulder for the past 40 years. Option 6 in your report states that at the expiration of our lease, the Shire would call for expressions of interest to manage the Reserve, clearly the Shire is not prepared to manage it.

By remaining holders of the management order, the Shire is exposed to liability claims for any aircraft accident at the site. Shire officers have actively prevented us from managing the fire risk in bushland on the Reserve. The shire must therefore accept liability for the consequences of a fire. SABC can relieve you of those liabilities through freehold ownership.

I respectfully request that you reject the Shire Officers' recommendation, and agree to relinquish the Management Order over the Reserve so that SABC may purchase the land and continue to maintain it for the benefit of future residents of SJ Shire.

4.8 Mr Damon Bannon to present a deputation in relation to item OCM022/03/17 Proposed Place of Public Worship – Lots 888 and 889 (215) Masters Road, Darling Downs.

I have already sent in an email outlining my objections to the application and now I would like to expand on this objection.

Section 5.2.1 Rural-Residential Character states “in rural-residential area, the agricultural use is not a defining factor and the area functions more as a lifestyle and low density residential choice”. Here in is one of the reasons people live in Darling Downs, for the function of the area, equine use/enjoyment, ability to be in a semi-rural environment with no industry, or other urban assets that can have an effect on the unique area we live in.

Things that define the area are reduced noise levels that are part of this lifestyle.

I do note the reference given at the bottom of page 16 “Defining Rural: Planning for Rural Character maintenance in Nashville-Davidson Country, Cardiff University and Radboud University, June 2015” and having read this it is evidence this is a thesis document, written about an American Shire and should not have been used as a reference as it is wholly inappropriate in this current context.

With particular reference to noise being generated from activities the report discusses, I would like to highlight the following:

No 225 Masters Road has a new dwelling that is near completion and is only mentioned in the picture on page 16 as a “Proposed Dwelling”. With this in mind and considering the applicants were aware the dwelling was being built the ‘Acoustic Impact report’ as mentioned in 5.2.4 has to be invalid as it does not address the dwelling that is now on this lot.

With this application, the noise emission calculations are for single isolated points of noise and has not addressed the obvious issue of multiple noise emissions points from the proposed structure. Multiple noise emissions can have a cumulative effect and therefore unless this is addressed the full impact on the new dwelling and other dwellings cannot be assessed.

The Architectural Acoustic Report (dated 20 July 2016), section 2.3 Exceptions for “Community Noise”, discusses exemptions for the sole purpose of a Place of Worship and when the premises are zoned ‘Place of Worship’ under the Local Government Act. The proposed use of the Place of Worship is not exclusively for worship and as far as I am aware it is not zoned ‘Place of Worship’. Therefore, these exemptions shall not apply and cannot be applied to the application.

As with the previous application, the noise control strategies of the users of the proposed Place of Worship, especially in relation to;

- Keeping windows shut
- Limiting the number of children in the playground

These requirements are at best administrative in nature and can easily be ignored by those persons who are using the premises. That is; these strategies do not eliminate noise, but rely on people to follow a rule and therefore there can be no guarantee the noise restrictions will be adhered to. How will the applicant police these requirements?

I have noted in the current application; the construction of the proposed structure mentions it has insulation but it does not fully describe if this insulation is noise insulation or if it is thermal insulation.

I believe this does not address the potential for ‘noise leakage (breakout)’ and again the application does not fully address the need to suppress noise in this environment.

Finally, the Acoustic Report states;

“No mechanical ductwork or other services are to be installed that will reduce the performance of any of the constructions (i.e. materials and methods of construction) mentioned in this report, i.e. no evaporative cooling system or direct exhaust/fresh air fans creating penetrations through the roof/ceiling system”.

In the entire submission, I cannot see any mention of how air-conditioning/air movement devices are to be installed or maintained in this building as these would need to be part of the construction. Until this is addressed and noise emission determined the application is incomplete and invalid.

In conclusion, the application for a Place of Worship is quite inappropriate in this unique equine setting of Darling Downs and does not fit this rural profile that the Darling Downs community has developed. As you are no doubt aware the original application was rejected in 2015 (06.06.2015) along these and other grounds and the decision to reject the application should remain the same.

COUNCIL DECISION

Moved Cr Hawkins, seconded Cr Gossage

That Council adjourn the meeting for a five minute break. The meeting was adjourned at 8.49pm.

CARRIED UNANIMOUSLY

The meeting reconvened at 8.54pm and all Councillors and Officers who were in attendance before the adjournment were present when the meeting reconvened.

5. President's report:

I would firstly like to congratulate Barry Urban our new member – we look forward to working with you over the coming years. We would also like to thank our former local member, Tony Simpson, for his support and commitment to Serpentine Jarrahdale.

We have just recently completed the SJ Real Choices workshops and online surveys with our community. We held 4 open community workshops in Serpentine, Mundijong and Byford, as well as the panel workshops with the statistically representative panel. We asked our residents to help us prioritise our medium term work program and received great feedback on a variety of topics such as prioritising roadworks and services. We will be keeping residents up to date on the outcomes of this process as we progress through the Integrated Planning Framework structure.

The Shire has partnered with the Serpentine Jarrahdale RSL for ANZAC Day this year on 25 April. Commemorate ANZAC Day at the ANZAC Crescent Memorial Park in Byford starting with a dawn service from 5.45am followed by a gunfire breakfast, commemorative service and processional march.

If you're looking for inspiration for the school holidays, the Mundijong Public Library and the SJ Recreation Centre have both got exciting school holiday programs, check out their websites for all the details.

Finally, I'd like to wish you all a very happy Easter.

6. Declaration of Councillors and officers interest:

Cr Hawkins declared a proximity interest in item OCM038/03/17 as she lives adjacent to Percy's Park. Cr Hawkins will leave the room when this item is discussed.

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

7.1 Minutes from previous Meetings:

7.1.1 Annual Meeting of Electors – 23 January 2017

COUNCIL DECISION

Moved Cr Ellis, seconded Cr Piipponen

That the minutes of the Annual Meeting of Electors held on 23 January 2017 be received (E17/766).

CARRIED 5/2

7.1.2 Ordinary Council Meeting – 27 February 2017

COUNCIL DECISION

Moved Cr See, seconded Cr Piipponen

That the minutes of the Ordinary Council Meeting held on 27 February 2017 be confirmed (E17/1678).

CARRIED UNANIMOUSLY

7.1.3 Audit Committee Meeting – 20 March 2017

COUNCIL DECISION

Moved Cr See, seconded Cr Hawkins

That the minutes of the Audit Committee Meeting held on 20 March 2017 be received.

CARRIED UNANIMOUSLY

7.2 Planning Reports:

OCM022/03/17	Proposed Place of Public Worship – Lots 888 and 889 (215) Masters Road, Darling Downs (PA16/135)
Author:	Helen Maruta - Senior Planning Officer
Senior Officer:	Andre Schonfeldt – Director Planning
Date of Report:	7 February 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

Proponent: Urbanism
 Owner: Evangel Christian Fellowship Inc.
 Date of Receipt: 8 August 2016
 Lot Area: 4.047ha
 Town Planning Scheme No 2 Zoning: Rural
 Metropolitan Region Scheme Zoning: Rural

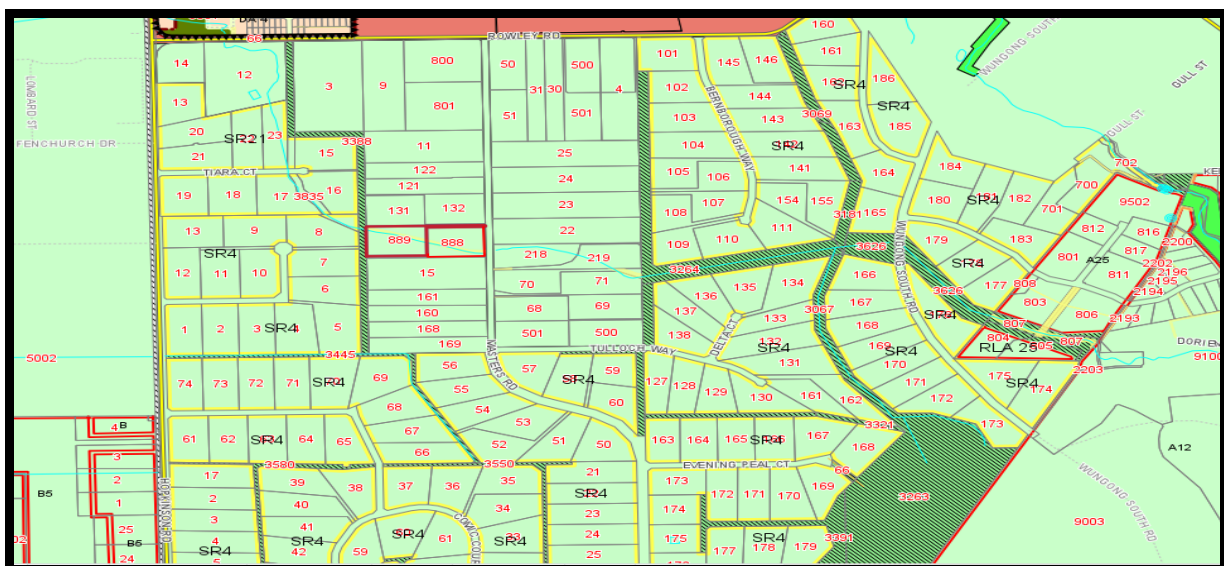
Introduction:

This report is presented to Council to consider a development application to develop land for the purposes of a 'Place of Public Worship' on Lots 888 and 889 Masters Road, Darling Downs. The application proposes the construction of a single storey building on the south western portion of Lot 889 and a change of use of Lot 888 from 'Residential' to a 'Place of Public Worship'.

The application is being presented to Council as significant objections have been received and Officers do not have delegation to determine applications where objections cannot be addressed through amendments or conditions.

It is recommended that the proposal be refused as the proposed development would not result in orderly and proper planning. A detailed assessment of the proposal and rationale for the recommended refusal are set out in this report.

Background:



Location Plan

The subject site comprises Lot 888 and Lot 889 which has a total area of 4.047ha. Lot 889 is a battle axe lot which is located at the rear of the block which gains its access via a 6m wide limestone driveway. The site has approximately a 129m frontage to Masters Road and is located approximately 700m from the intersection of Rowley Road and Masters Road.

The site contains a Multiple Use wetland UFI 7675 comprising an overstorey of *Eucalyptus rudis* and occasional *Melaleuca preissiana*. A linear natural watercourse that is within the Birrega Drainage Catchment, a rural drainage system, transverses the site in a north-west to south-east direction. The watercourse has a 15m wide drainage easement over the subject land.

To the west of the subject site is a bridle trail which forms part of the Darling Downs Trail network. The bridle trail is connected from '70 Acres' (Reserve R35701) south of the subject land, to Rowley Road to the north and Hopkinson Road to the east, where it continues into Oakford. The area was historically designed as an equine area with bridle trails being intertwined throughout the whole estate for use by local residents and the general community. The surrounding area is predominantly used for rural residential and equestrian activities that involve stabling and training of horses.

A previous application on the subject site for the development of a Place of Public Worship was refused by Council at its Ordinary Council Meeting of 6 June 2015. Council determined that the proposal was not considered to be an appropriate land use within the Residential and Stables policy area identified within the Rural Strategy 1994 and Rural Strategy Review 2013. It was also determined that the proposal had not adequately addressed a number of environmental matters including traffic movements, noise pollution, treatment of stormwater and impact on the wetland.

Existing Development

Lot 888 is currently developed with a two-storey dwelling along with incidental development (swimming pool, gazebo and patio). Three existing outbuildings are located along the northern boundary of the site with a combined floor area of approximately 543.8m².

Lot 889 contains an old and dilapidated structure on the northern boundary. A man made dam adjacent to the natural watercourse exists along the southern boundary. The dam was historically used to irrigate paddocks. The dam has not been maintained and is now proposed to be part of the treatment train for storm and surface water management.

Proposed Development

The development proposes a single storey Place of Public Worship building (Church) which has a total floor area of 499.7m². The Church has capacity to accommodate up to 120 people at any one time. The entry foyer is designed to provide access to the main Church hall and a separate access to the western wing of the building that accommodates a multipurpose room, administration/pastor's office and a utility room/resource library. The building also provides a storeroom and ablution facilities. The main elements of the building are described in the table below:

Use	Area
Church Hall - Seating: 100 people, Stage & Sound Desk	140m ²
Parents Room/Meeting Room	21.2m ²
Multi-Purpose Room (functions and kid's Church)	79.1m ²
Administration and Pastor's Office	45.4m ²
Meeting Room/ Boardroom	21.2m ²
Utility Room/ Resource Library	30.7m ²
Kitchen	33.6m ²
Entry Foyer	27m ²
Internal Circulation/ Hallway	58.62m ²
Store	7.5m ²
Sanitary/ Ablution Facilities	25m ²

The Place of Public Worship is proposed to operate 7 days a week (Monday to Sunday) between the hours of 9:00am to 10:00pm. It is expected that a maximum of 30 visitors will

attend the property on a daily basis for different Church programmes that include leadership training, character training, prayer meetings and youth training.

The church programme is defined by the following activities:

Day	Time	Activity	On-Site People
Monday	9am – 4pm	Character training	5 – 10 students
Tuesday	9am – 4pm 6pm – 9pm	Character training Leadership training	5 – 10 students 12 – 20 people
Wednesday	9am – 4pm	Character training	5 – 10 students
Thursday	9am – 4pm 7pm – 10pm	Character training Prayer meeting	5 – 10 students 50 people including children
Friday	6pm - 9pm	Youth meeting	20-30 people
Saturday	9am-2pm	Leadership/ evangelistic training	20-30 people
Sunday	9am – 2pm 6pm – 9pm	Sunday Morning Service Leadership training	100 Adults & 20 children. 12 – 20 people

Sunday services and special functions like weddings are expected to accommodate a congregation of up to 120 attendees. The catchment area for the Church members will be drawn from the localities of Darling Downs, Armadale, Harrisdale, Parkwood, Honeywood, Success, Aubin Grove, Wandi and Leeming.

Other key elements of the proposal are listed below:

- Car parking – a sealed car parking area comprising 32 angle bays located predominately to the south of the Church including a disabled bay near the entry to the Church. The proposal includes a provision for 6 bicycle parking stands.
- Access – a new 6.5m access driveway from Masters Road through Lot 888 to provide access to Lot 889. Access rights to both lots will be protected in a Right of Way easement. The driveway is to be extended to the south-western corner of the site to allow for emergency access and evacuation via the bridal trail. The application does not propose sealing of the driveway.
- Construction of a suitable culvert/bridge over the watercourse is proposed.
- Clearing of vegetation - removal of six trees to the immediate north of the proposed building to achieve a 24m wide fire protection zone.
- Landscaping - a contained children's area will be created to the western part of the building that will cater for a maximum of 10 children (3-5 years) at any time.
- Material and Colours – a Colorbond roof with fibre cement panels for the walls.
- Change of use - retain the existing double storey dwelling on Lot 888 and use it as a manse to be occupied by the Church Minister.

Relevant Previous Decisions of Council:

OCM087/06/15 – Council refused an application for a Place of Public Worship on Lot 889 Master Road, Darling Downs for the following reasons:

- The proposal was considered contrary to the objectives of the Residential and Stables Policy Area of the currently operative Rural Strategy (April 1994) and the Council adopted Rural Strategy Review 2013.
- The proposal would have a detrimental impact on the amenity and character of the Darling Downs Equestrian Region.
- The proposal did not adequately address traffic volumes, noise pollution, treatment of groundwater pollution and the impact of development on the conservation category wetland.

- Land use conflicts due to the accumulative effect of the traffic and pedestrian volumes as well as noise and light emissions associated with the proposed development resulting in direct conflict with the rural lifestyle pursuits in the area.

As a result of the refusal the applicant has lodged a new application. The new application is considered to be a fundamental change from the previous one with regards to siting and scale. The applicant has also addressed environmental concerns that were raised previously. The table below provides that comparison.

Elements	Previous Application	New Application
Sitting	<p>Located entirely on Lot 888 with an area of 2.013ha.</p> <p>Church was located approximately 125m from Masters Road.</p> <p>Converting an existing shed on the northern boundary of Lot 888 with a floor area of 220m² to a Church hall.</p> <p>Shed (Church) was proposed to be setback approximately 95m from a sensitive receptor.</p>	<p>Located on Lots 888 and 889 with a total area of 4.074ha.</p> <p>Church is to be located at the rear of Lot 888 approximately 205m from Masters Road.</p> <p>Construction of a new Church on the south western portion of Lot 889 building with a total floor area of 499.7m² with a capacity of 120 people.</p> <p>Church building is proposed to be setback approximately 160m from the nearest sensitive receptor.</p>
Access	Access to the site was via a battle axe driveway from Masters Road.	Access to the site is via a 6.5m dual driveway from Masters Road. As the driveway crosses an existing drain a suitable culvert or bridge is being proposed.
Car park	A total of 39 car parking bays were proposed.	The application proposes 32 car parking bays.
Amenity		
Noise Pollution	The proposal did not adequately address noise pollution concerns.	Based on the assessment of the Acoustic report submitted with the application Officers are satisfied that the proposal could comply with the <i>Environmental Protection (Noise) Regulations 1997</i> .
Traffic Volumes	The proposal did not adequately address the impact of increased traffic movement concerns.	Based on the Traffic Impact Assessment, Officers consider that the forecasted increase on vehicular movements on Masters Road would be marginal. The increase will not adversely impact the road network.
Groundwater pollution	The proposal did not adequately address the management of stormwater and run off from the roof and carpark.	Officers have considered that storm water and run off from the proposed car park and roof can be managed.
Land use conflicts	The land use was considered to be in conflict with the character of the locality.	It is considered that the proposal is not an appropriate land use within the Residential and Stables policy area identified within the Rural Strategy 1994 and Rural Strategy Review 2013.
Wetland	The proposal was considered to impact on the Conservatory Wetland.	The status of the wetland has been reviewed by the Department of Parks and Wildlife. Wetland UFI 7675 is now commensurate with a management category of Multiple Use.

Community / Stakeholder Consultation:

The application was advertised for a period of 23 days from 26 August 2016 to 16 September 2016, in accordance with the Clause 6.3 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS2) and the Shire's Local Planning Policy No.27 (LPP27) Stakeholder Engagement in Land Use Planning.

The application was also advertised to Department of Water (DoW) and Water Corporation due to the site being within the Birrega Drainage Catchment rural drainage system. The application was also referred to the Department of Parks and Wildlife due to the existing Multiple Use Wetland.

A total of 82 objections and 6 letters of support were received during the consultation period. A summary of the primary matters of concern include:

- Suitability of the land use in the rural zone;

- Compatibility of the land use in the area identified as ‘residential and stables’ under the Rural Strategy Review 2013;
- Noise impacts associated with singing and playing of the Church organs;
- Increased traffic movement and potential safety concerns to residents and horses and
- Management of storm water and runoff.

Attachment OCM022.8/03/17 of this report provides a summary of the comments and issues raised during the community consultation process and a technical response to each comment and issue.

Comment:

Town Planning Scheme No. 2 (TPS2)

The subject land is zoned Rural under TPS2 and Rural under the MRS. TPS2 states that the purpose and intent of the rural zone is to “*allocate land to accommodate a full range of rural pursuits and associated activities conducted in the Scheme area*”.

It is considered that the proposed Church is not consistent with the purpose and intent of the rural zone as it is not a rural pursuit and as such would not represent an activity of a rural pursuit. The Church is proposed to operate seven days a week involving various training programmes operating from 9am to 10pm. Such activities are not considered to be rural in nature and are incompatible with the established character of the area. In addition the intent and purpose (overall objective) for the rural zone is to allocate land to accommodate the full range of rural pursuits and associated activities. A Place of Public Worship is not considered to be a rural pursuit.

Use Class and definition

The proposal is considered to fall under the defined use class of a Place of Public Worship under Table I of TPS2, which is defined as follows:

“Public Worship - Place of - means land and buildings used for the religious activities of a church but does not include an institution for primary, secondary, or higher education, or a residential institution”.

In the rural zone a Public Place of Worship is an ‘SA’ use, which means that Council may at its discretion, permit the use after notice of the application has been given in accordance with Clause 6.3 of TPS2. In considering whether or not Council should exercise its discretion to approve the application, Council must have regard to the matters contained in the Planning and Development (Local Planning Scheme) Regulations 2015 (The Regulations) Clause 67 and the following matters set out under Clause 6.4.2 of TPS2:

- the purpose for which the subject land is reserved, zoned or approved for use under the Scheme;*
- the purpose for which land in the locality is reserved, zoned or approved for use under the Scheme;*
- the size, shape and characteristics of the land, and whether it is subject to inundation by floodwaters;*
- the provisions of the Scheme and any Council policy affecting the land;*
- any comments received from any authority consulted by the Council;*
- any submissions received in response to giving public notice of the application;*
- the orderly and proper planning of the locality; and*
- the preservation of the amenity of the locality.*

It was also considered whether the main function of the Church (based on the programme) is training and not religious activities. If this approach is taken then the land use could be classified as Educational Establishment which is defined by TPS2 as follows:

“means a school, college, university, technical institute, academy or other educational centre, but does not include a reformatory or institutional home.”

Whilst a Place of Public Worship is a discretionary use in the rural zone, which requires special advertising, an Educational Establishment does not require special advertising but still requires Council to exercise its discretion prior to approval. However as the training will be related to religious activities associated with the church, Officers, in accordance with Clause 3.2.4 of TPS2 considered that the land use should be classified as Place of Public Worship and as a result have dealt with the application accordingly.

Therefore in the paragraphs set out below Officers will assess the appropriateness of the use of a Place of Public Worship within the setting and the compatibility of the development with the character of the locality, having due regard for the matters listed in the Regulations, TPS2 and the relevant planning framework documents.

Rural Strategy

The Shire's Rural Strategy is a strategic land use planning document that allows Council to take stock of its rural areas and plan for land use management and development within the Shire. The strategy sets out, through the planning system, to protect the land and waters, their natural beauty and features worthy of conservation, from inappropriate land use and development. The Strategy identifies a range of distinct policy areas and policy overlays that provides a clear direction for strategic planning of the Shire's rural areas.

A primary concern of the Rural Strategy is to plan for the proper use and management of land in rural areas. It also seeks to protect the rural character of the Shire and the rural lifestyle of its community through co-operative approaches with landowners. The proposed Place of Public Worship is identified within the 'Residential and Stables' policy area under the Shire's 1994 Rural Strategy and the Shire's adopted Rural Strategy 2013 Review.

The policy area was created in 2003 to provide a zone for the Byford Trotting Complex and the Darling Downs Equestrian Reserve. The purpose of the policy area is to, "*provide, a separate zone for intense equine activities which can potentially generate offsite impacts that could conflict with the values of traditional rural living area.*" As such the subject land is a distinguished area of the Shire that is characterised by horse related activities. The most desirable land use of the policy area is predominantly the stabling and training of horses.

The objectives of the Equine Policy Area are:

- *To recognise the importance of the equine industry to the Shire;*
- *To recognise the adverse impacts of some activities ordinarily carried out within Rural Living area on the equine industry and to ensure that these are adequately planned for;*
- *To maintain and protect the rural living and equine dominated character of the Policy Area, and*
- *Protect Local Natural Areas and encourage re-vegetation.*

Officers have considered that the proposed Place of Public Worship does not comply with the overall objectives of the Rural Strategy with regards to the requirements to preserve the rural character and amenity of the locality, protect the rural living and the equine dominated locality, and the need to recognise the importance of the equine industry to the Shire.

The principal issue that has been considered by Officers is whether the proposal for developing the land for the purposes of a Place of Public Worship on the subject land, is an appropriate land use of the subject land within the context of the planning framework that identifies a Residential and Stables' policy area to be an area dominated by equestrian activities. Given that the Darling Downs Equestrian Reserve is a distinguished area characterised by horse related activities, Officers have considered that the proposal is not consistent with the objective of the policy area. The proposed Church and the associated activities will have an adverse impact on the amenity of the area due to its incompatible nature within the locality. As such the proliferation of land uses that are not related to the equine activities should not be supported as they contravene the intent of the strategic documents which provided guidance to long term plans.

The Place of Public Worship land is proposed to be operational seven days a week, from 9am up to 10pm. Allowing a proposal with such a schedule in a locality that is dominated by equestrian activities would be considered to be a departure from the intent of the strategic document (the Rural Strategy), and a distortion to the character of the policy area. The Darling Downs equestrian reserve and horse associated bridle trails were established many years ago to support equestrian activities that dominate this locality. The Darling Downs equestrian reserve which is called '70 Acres' is established with existing infrastructure (two horse arenas, fast track and cross country course trails) to support equine activities. The equestrian estate was established many years ago and the Darling Downs community is committed to the reservation of the lifestyle and character of the locality.

Officers have therefore considered that the Place of Public Worship is not an appropriate land use in a locality that is predominantly used for equine activities. The proposal is considered to be inconsistent with the objectives of the policy area and approving it would undermine the existing character of the area. Such an outcome would be contrary to the orderly and proper planning of the locality.

As such the Place of Public Worship is considered to be out of character within a locality which comprises various rural pursuits predominantly associated with equestrian facilities. In addition the development proposes a number of activities that are associated with the Church which will operate at an intensity which is incompatible with the expected level of amenity in a rural area. These various training programmes and associated activities are proposed to be carried out from Monday to Sunday and cannot be classified as falling into rural pursuits but rather suited to activities better associated with town centres or educational institution within urban neighbourhoods.

The Serpentine Jarrahdale 2050 Vision (SJ2050)

SJ2050 is one of the Shire's strategic vision documents that informs and supports the strategic direction of the Shire and associated land use strategies. The document was prepared in response to the Perth and Peel @ 3.5 Million that states that Perth's population will grow by 1.5 million. The projected growth, is expected to have a significant change and impact on the character and lifestyle of rural communities.

The SJ2050 includes a list of core values on what the community value most about living in the Shire. Equestrian facilities was among the top ten list of the most valued reasons for people to live in the Shire. The SJ2050 Spatial Framework embodies the values and outcomes expressed by the Serpentine Jarrahdale residents by helping to keep existing centres strong.

In that regard Officers have considered that the proposed Place of Public Worship is not considered to be an appropriate land use in this locality. The land use conflicts with the SJ2050 Spatial Framework Map which depicts the subject land (Darling Downs) to be area supporting the local equestrian industry. The development proposal cannot be supported as it is contrary to the core values of this locality as identified in the SJ2050 vision. The proposal does not support the intent SJ2050 vision to keep existing communities strong and requirement to maintain and protect the rural living and equine dominated character of the policy area. Officers have considered that approval of the proposal would be a departure from the planning framework and be in conflict with the equestrian designation of this land under SJ2050

Shire of Serpentine Jarrahdale Socio-economic profile

The socio-economic profile is a strategic document that has been prepared for the Shire to inform the Local Planning Strategy and the new Local Planning Scheme to guide future growth and development. The social-economic data and analysis assist stakeholders to understand the impact of projected and anticipated changes in the socio-economic indicators and the likely impact on the future economic development of the Shire.

The document identifies the equine industry to be one of the most important key economic opportunities for the Shire amongst agriculture, tourism and industrial land. The equine industry makes an important contribution to the economic and social fabric of many communities. The Shire's equine industry, (racing and non-racing) has also been identified to be a very significant economic indicator of the Peel region. Equine industry is identified in Figure 6.1 of the socio - economic profile report as one of the economic factors at micro level that is likely to shape and influence the future development of the Shire. The document also states that the current strategy for Racing and Wagering in Australia (RAWA) is to focus growth of the equine industry in the Peel region due to major population growth in the south eastern and western corridors and the availability of land.

The proposed land use is considered to be inconsistent with the strategic vision of the area with regards to the socio and economic focus and direction of the Shire. The vision of this area is to support economic activities that support the equine industry, such as fodder, agistment, veterinarian, stabling, and saddle. The strategic framework has plans to intensify the equine industry in the Peel region that includes the Shire's existing facilities.

Officers have therefore considered that the Place of Public Worship is not an appropriate land use and is in conflict with the growth of the equine industry, given the proposed development is located in a designated equine precinct. Approval of a land use that is not related to the equine industry will be disregarding the strategic planning framework.

Policies

State Planning Policy 2.5 Rural Planning

The purpose of this policy is to, "*protect and preserve rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values*". The policy provides a planning framework that comprehensively considers rural land and compatibility between land uses.

The policy seeks to protect rural land and land use by requiring that land use change from rural to all other uses be planned and provided for in a planning strategy or Scheme. In that regard the Officers have considered that a Place of Public Worship is not consistent with the policy as the strategy designates this area as a separate zone for intensive equine activities.

The policy also seeks to promote economic growth and regional development on rural land and for rural land uses. The Shire's socio-economic vision has identified the equine industry to be an economic opportunity that can be explored and expanded to promote economic growth of the Shire and the Peel region. It is therefore expected that the Shire should support economic activities that complement the equine industry. Officers have therefore considered that the Place of Public Worship is not an appropriate land use and is in conflict with the policy and does not support the growth of the equine area as identified within the socio-economic vision of the Shire.

Potential Impacts

Car Parking

The application states that the building is to cater for 30 people at any one time and up to 120 on Sundays and on special occasions. In accordance with TPS2 requirements, a Place of Public Worship requires 1 car parking space per 4 persons. The proposal will require 30 bays. The development proposes a total of 32 on-site car bays including a disabled bay. The provision for on-site car parking provided for the Place of Public Worship meets the requirement of the TPS2.

Setbacks

The Shire's TPS2 and policies do not specify a minimum setback for a Place of Public Worship land use in rural zone. However, in accordance with Clause 5.4.2 of TPS2 the rural

area has a Residential Code of (R2) which requires that residential and incidental development be set back at least 20m from front and rear boundaries, and 10m from side boundaries. The Place of Public Worship is proposed to be set back 39m from the southern side boundary and approximately 208m from the front boundary. The proposal complies with the required setbacks.

Change of Use

Lot 888 is currently being used as a residential premises consisting of a double storey house and several outbuildings. The application is proposing to change the use of Lot 888 from Residential to Place of Public Worship. The applicant has advised that the existing dwelling will be retained and be used as a manse to be occupied by the Church Minister and his/her family. In the context of TPS2 land uses, the manse would be classified as a single dwelling. The change of use will not result in an increase of dwellings on the subject land. The proposal therefore complies with the TPS2 requirements of the rural zone with regards to the number of single dwellings that are permitted on a single lot.

Noise

During the consultation period concerns were raised regarding potential noise from traffic movements and singing from the Church becoming a major concern on the general amenity of the surrounding residential properties.

The application included a noise assessment report that was prepared by Gabriels Environmental Design Pty Ltd. The report identified the church hall, multipurpose hall, outdoor play area, mechanical plant (air conditioning) and noise emissions from car movements as potential noise sources. The acoustics concluded that the development should comply with the assigned levels of the *Environmental Protection (Noise) Regulations 1997* subject to management of the children outdoor play which did not comply with the assigned level area during the night.

Officers were satisfied with the level of detail that was provided within the acoustic report. The report was considered to be comprehensive and adequately identified potential health impacts associated with noise. Compliance with the Noise regulations will be subject to a variety of noise management controls which can be addressed through a noise management plan.

Traffic

During the consultation period concerns were raised regarding potential increase of traffic on Masters Road and associated safety concerns and the capability of the existing network infrastructure to accommodate increased traffic volumes.

The application included a Traffic Impact Assessment (TIA) that was prepared by KCTT. The TIA identified that the proposed development is expected to generate approximately 25 vehicular movements per day with a forecasted impact of around 5 vehicular movements per hour in the peak hour on weekdays (2:00pm-5:00pm) and approximately 85 vehicular movements per day with a forecasted impact of around 35 vehicular movements per hour in the peak hour (10:00am-1:00pm) on weekends. The report also concluded that Masters Road is a Local Distributor road and currently operates at less than 25% of capacity during weekdays and at a marginally lower capacity on weekends. In accordance with the report, traffic generation of this proposal is approximately 2% of the current week day use and 6% of the weekend traffic which is considered to be very low.

The report was assessed by Officers who were satisfied with the level of detail in the report. Based on the report the forecasted increase vehicular movements on Masters Road was considered to be marginal and not likely to adversely impact the road network. Notwithstanding that the proposal will result in the marginal increase of traffic, Officers still considered that the area is largely used for equine purposes and the additional traffic that would be introduced to the area would have a negative impact on the desired land use identified by the Strategy.

Drainage

The subject area falls within the Birrega Drainage catchment in the Mundijong Drainage District, a rural drainage system. The Birrega drain traverses the subject site. The application proposes to cross the drain with a driveway requiring a culvert/bridge to be constructed. The development also proposes to allow stormwater excess to overflow into the Water Corporation drainage system drain. The application was referred to the Water Corporation as it is the responsible authority for managing the drain.

The proposal is expected to generate considerable runoff given the large amount of hardstand proposed on site (carpark) and roof structures. Water Corporation advised that any discharge to the Water Corporation drains must be compensated to pre-development levels and requires approval. The proposed culvert/bridge structure is required to be designed by a consultant engineer and submitted to the Water Corporation for approval.

The applicant provided a stormwater drainage strategy that assessed the suitability of the site to accommodate the proposed development and a concept for managing stormwater. The strategy was referred to DoW and as a result the department requested further information regarding proper management of stormwater on site and ground water levels of the site. This information was provided and the DoW were satisfied that initial concerns have been adequately addressed. The department provided further advice on the treatment of wastewater and stormwater.

With regards to stormwater management if this application was to be approved, Officers would require that an Urban Water Management Plan be submitted and approved by the Shire. The plan should demonstrate that the post-development flows do not exceed permitted pre-development flows as described by the Water Corporation Mundijong drainage management plan. The plan should also provide a geotechnical report that confirms that the building finished floor level does not impact on the existing drainage system.

Vegetation

The application will involve the removal of vegetation on-site to facilitate development of the access way and to achieve statutory fire and emergency requirements. Officers have reviewed the site and proposal and identified that removal of vegetation on site is acceptable. There will be a requirement to provide an offset for the tree removal. This can be achieved by planting and maintaining an equal number of local native trees in the vegetated area on the northern side of the watercourse.

Wetlands

Wetland UFI 7675 transverses Lots 888 and 889 in a north-east to south-west direction. The applicant requested Department of Parks and Wildlife (DPaW) to review the wetland mapping within *the Geomorphic Wetland Swan Coastal Plain* dataset and proposed that the wetland be modified to the management category from Conservation to Multiple Use category. As a result of the assessment that was undertaken the evaluation process indicated that the wetland UFI 7675 is commensurate with the management category of Multiple Use as the *'basic vegetation structure of wetland UFI 7675 is no longer intact and the capacity for rehabilitation is limited without intensive active management'*.

In that regard Officers have considered that the proposal would not unduly impact on the important functions, values and attributes of the wetland. The proposed would result in minimal removal of vegetation.

Options and Implications:

Council has the following options when considering this application:

Option 1: Council may resolve to approve the application subject to appropriate conditions.

Option 2: Council may resolve to refuse the application, including reasons.

Option 2 is recommended.

Conclusion:

The proposed development and associated activities will adversely impact on the amenity and character of the area which is established, recognised and valued for its rural quality and equine nature. The proposed development is inconsistent with the community expectations for the area and the type and intensity of use that is identified under the Shire’s Strategic Planning Framework.

It is recommended that the application be refused by Council.

Attachments:

- [OCM022.1/03/17](#) – Development Plans (E17/1273)
- [OCM022.2/03/17](#) - Clause 67 Deemed Provisions Planning Assessment (E17/1869)
- [OCM022.3/03/17](#) – Traffic Impact Assessment (E17/1270)
- [OCM022.4/03/17](#) – Stormwater Drainage Strategy (E17/1269)
- [OCM022.5/03/17](#) – Updated Stormwater Strategy (E17/1788)
- [OCM022.6/03/17](#) – Acoustic Report (E17/1272)
- [OCM022.7/03/17](#) – Bushfire Management Plan (E17/1271)
- [OCM022.8/03/17](#) - Summary of Submissions (E17/1274)

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 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:

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Metropolitan Regional Scheme (MRS)
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS2)
- Rural Strategy 2013 Review
- State Planning Policy 2.5 Rural Planning
- Shire of Serpentine Jarrahdale - Social Economic Profile
- Shire of Serpentine Jarrahdale - SJ2050
- Shire of Serpentine Jarrahdale Community Plan 2013-2022
- Draft South Metropolitan Peel Sub-regional Framework Towards Perth and Peel @ 3.5 Million

Financial Implications:

There are no direct implications regarding this matter.

Voting Requirements: Simple Majority

OCM022/03/17 COUNCIL DECISION / Officer Recommendation:
Moved Cr Hawkins, seconded Cr Ellis
That Council refuses the application submitted by Urbanism for a Place of Public Worship on Lots 888 and 889 (215) Master Road, Darling Downs as contained in

attachment OCM022.1/03/17, in accordance with clause 68 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, due to the following reasons:

- 1. The proposal is contrary to orderly and proper planning and is inconsistent with the Shire’s Strategic Planning Framework, the objectives of the Shire’s Town Planning Scheme No. 2, The Shire’s Rural Strategy and in particular the Residential and Stables policy area of the Rural Strategy.**
- 2. The nature and intensity of the proposed use and associated activities is not considered appropriate with the existing and established character of the area.**
- 3. The proposal will have a detrimental impact on the amenity of surrounding development, this was also expressed in a significant number of objections received during the community consultation period.**
- 4. The proposed development is an undesirable outcome in this location which will significantly impact the quality of a rural living area recognised and valued for equine character of the area.**
- 5. The proposal is better suited to, and should be located in, an area of the Shire where it will create less conflict with surrounding development and where the nature and intensity of the uses are more compatible.**

CARRIED UNANIMOUSLY

OCM023/03/17	Development Application and Extractive Industry Licence - Sand Extraction – Lot 137 (394) Hopeland Road, Hopeland (PA16/164)
Author:	Helen Maruta – Senior Planner
Senior Officer:	Andre Schonfeldt – Director Planning
Date of Report:	24 January 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

Proponent: Roberts Day Pty Ltd
 Owner: Michelle and Craig McAllister
 Date of Receipt: 16 August 2016
 Lot Area: 30.39 ha
 Town Planning Scheme No 2 Zoning: Rural
 Metropolitan Region Scheme Zoning: Rural

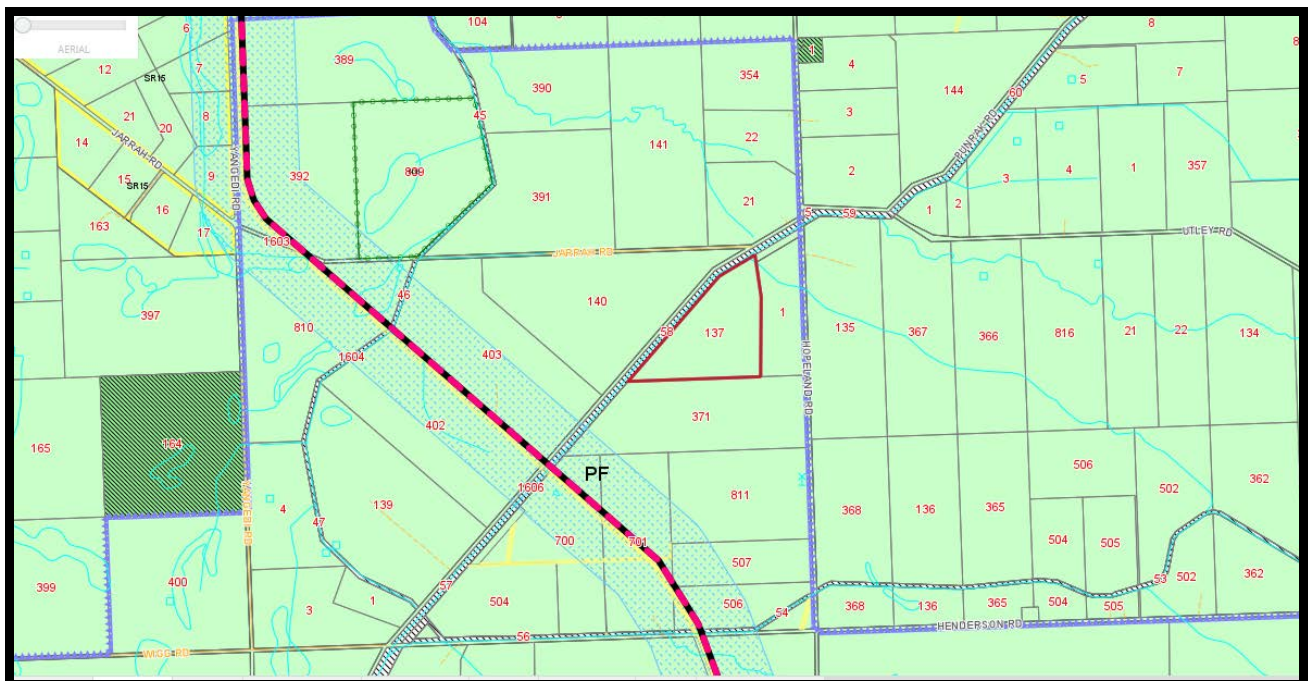
Introduction

This purpose of the report is for Council to consider a development application for sand extraction and an extractive industry licence at Lot 137 Hopeland Road, Hopeland.

The report is presented to Council to determine the development application under the provisions of Town Planning Scheme No. 2 (TPS2). It also forms a recommendation to the Western Australian Planning Commission (WAPC) to determine the application under the provisions of the Metropolitan Region Scheme (MRS).

The report recommends that the proposal be approved subject to conditions.

Background:



Location Plan

Site Characteristics

The site has an area of 30.40ha and is bound to the west by Punrak Road which is adjacent to the Punrak Drain. Vehicle access to the site is through a limestone gravel driveway via Hopeland Road which is situated to the east. The driveway is within a gazetted road reserve owned by the Shire.

A small portion of the land located north of the site is mapped as Resource Enhancement Wetland. The wetland is outside that proposed extraction area. The subject land contains portions of intact Banksia Woodland vegetation on the southern portion of the extraction area.

The excavation area has a topographic range of approximately 18m Australian Height Datum (AHD) to 25m AHD. The contours show that the excavation depth is to approximately 15m AHD to the north-west and 16m AHD to the south-east. At the end of extraction the finished floor level will range between approximately 17m AHD and 18m AHD.

Existing Development

The subject site is developed with an existing dwelling and outbuildings. The site is partially cleared and has been historically utilised for agriculture and equine activities associated with horse training and agistment. The subject site lies within a broad acre area that supports predominately agricultural based land uses, such as poultry farming, cattle grazing and horse agistment.

Proposed Development

The proponents are seeking an extractive industry licence and development approval to extract sand from the subject property. The resource will be extracted from an existing sand ridge which traverses the site in a north-south direction towards the eastern boundary.

The development application proposes excavation of approximately 1 million cubic metres (m³) of sand covering 12.24ha of the site. The depth of excavation ranges from 2m to 7m depending on groundwater levels and separation distance to the groundwater table. Sands underlying the excavation area are Bassendean sands which are described as white to pale grey at surface and yellow at depth. The extracted sand will be supplied to the land development industry within the Shire and around Perth.

Excavation Programme

Excavation of sand will be undertaken in three stages as shown in the staging plan provided in attachment OCM023.1/03/17. A maximum of 5ha will be excavated annually with approximately 8.8ha being extracted in the first two years of operation. Extraction of sand is anticipated to be completed within a five year period. The application does not propose processing of sand on site.

Excavation Procedure

The method of extraction for the proposed three stages is described as follows:

- Prior to excavation, vegetation will be cleared and topsoil will be removed and stored for use in rehabilitation.
- Overburden will be removed and stored for future land rehabilitation through backfill and placement, in accordance with a Rehabilitation Management Plan.
- The sand resource is typically screened using a portable screening plant to remove any organic material and stockpiled prior to tipping directly into road trucks for transportation to stockpile areas. A Department of Environment and Regulation (DER) works approval and screening licence will be obtained as required to undertake these works.
- Reformation of the land is normally carried out using a loader to push the topsoil and overburden.
- On completion, the land surface will be graded to ensure the final slopes will not exceed a grade of one in three in accordance with Shire of Serpentine Jarrahdale's Extractive Industries Local Law.
- Rehabilitation works to commence in accordance with an approved Rehabilitation Management Plan.

- Excavation will commence in the south-west area of the site (Stage 1).
- No clearing in Stage 3 will occur until a DER Purpose Permit approval is provided. In the event DER does not approve the clearing of the Banksia Woodland area a 20m buffer from the Banksia Woodland boundary will be accommodated.

The hours of operation are proposed to be from 7.00am to 5.00pm from Monday to Friday and 7.00am to 12.00 noon Saturday.

Relevant Previous Decisions of Council:

There is no previous Council decision in relation to this application.

Community / Stakeholder Consultation:

The application was advertised for a period of 29 days, from 5 September 2016 to 3 October 2016, in accordance with Clause 6.3 of TPS2 and the Shire's Local Planning Policy No.27 (LPP27) Stakeholder Engagement in Land Use Planning.

A total of 4 submissions were received comprising of 2 objections and 2 submissions in support of the application. The objectors raised concerns regarding increased truck movements and associated noise pollution, dust nuisance, impact on the landscape and environment, water management and potential effects on the local hydrology and hours of operation. These concerns are discussed later in the report.

Attachment OCM023.10/03/17 of this report provides a summary of the comments and issues raised during the community consultation process and a technical response to each comment and issue.

Comment:

Metropolitan Region Scheme (MRS)

The subject land is zoned Rural under the MRS. Extractive industries in the rural zone under the MRS are the subject of a 'clause 32' resolution, requiring a determination to be made both under TPS2 and the MRS. Accordingly, it is a requirement that Council provide a recommendation to the WAPC who will determine the application under the provisions of the MRS.

Town Planning Scheme No. 2 (TPS2)

The subject land is zoned Rural under TPS2. The purpose of the 'Rural' zone is 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."

The extraction of materials is considered to fall within the defined use class 'Industry – Extractive', under TPS2 which is defined as follows:

Industry Extractive - means an industry which involves-

- a) the extraction of sand, gravel, clay, soil, rock, stone, minerals, or similar substance from the land, and also includes the management of products from any of those materials when the manufacture is carried out on the land from which any of the materials so used is extracted or on land adjacent thereto, and the storage of such materials or products; and*

- (b) the production of salt by the evaporation of salt water.*

The proposal is considered to be consistent with this definition of land use as defined under TPS2. Within zoning Table 1 of TPS2 the use class has the designation 'AA' which under Clause

3.2.2 of TPS2 means that Council may at its discretion, permit the use if it is satisfied that the proposal will not have a detrimental impact on the amenity of the locality.

In consideration of whether the proposal can be approved, an assessment has been completed in accordance with Clause 6.4.2 of TPS2 which states the following:

- (a) *the purpose for which the subject land is reserved, zoned or approved for use under the Scheme;*
- (b) *the purpose for which land in the locality is reserved, zoned or approved for use under the Scheme;*
- (c) *the size, shape and characteristics of the land, and whether it is subject to inundation by floodwaters;*
- (d) *the provisions of the Scheme and any Council policy affecting the land;*
- (e) *any comments received from any authority consulted by the Council;*
- (f) *any submissions received in response to giving public notice of the application;*
- (g) *the orderly and proper planning of the locality; and*
- (h) *the preservation of the amenity of the locality.*

Rural Strategy

The subject land is identified within the 'Rural Policy' area under the Shire's Rural Strategy 1994 and Rural Strategy 2013 Review which was adopted by the Shire in 2014. The policy area seeks to protect land for productive agriculture and preserving the rural lifestyle and character of the area. The policy area also promotes alternative agricultural land uses with economic benefits and less land degradation.

The objectives of this policy area are:

- *To retain and maintain traditional agricultural uses in this policy area.*
- *To promote alternative agricultural uses, particularly those that have less land degradation and higher commercial viability.*
- *To prevent the further fragmentation of land through subdivision and thus retain the remaining large lots for future rural use.*
- *To retain and enhance the rural lifestyle and character of the area.*
- *To protect Local Natural Areas and encourage revegetation.*

Officers have considered that the proposed land use can be supported in the policy area as the proposed development will have a temporary impact on the agricultural capacity of the land. The policy also promotes alternative agricultural uses that have less land degradation. It is considered that upon completion of the sand extraction all facilities and equipment will be removed from site and the land will be rehabilitated. The site will be returned to a condition suitable to support rural uses that do not detract from the character and rural lifestyle of the area.

The applicant will be required to prepare a rehabilitation plan in accordance with the requirements of the Shire and the safety requirements of the *Mines Safety and Inspection Act 1994*. The application has adequately addressed potential land degradation concerns by carrying out land capability and geotechnical feasibility studies to determine suitability of the land use. Officers have considered that it is not in conflict with the policy and can be approved.

State Planning Policy 2.0 – Environment and Natural Resources (SPP2)

SPP2 identifies basic raw materials such as sand, clay, hard rock, limestone and gravel together with other construction and road building materials as being important natural resource assets and a vital part of the State's economy. SPP2 indicates that a ready supply of such materials in close proximity to developing areas is required in order to keep downward pressure on the cost of land development and the resultant price of housing.

Officers considered that the application is consistent with the policy as it proposes to extract Bassendean sand deposits which are suitable for use as construction and fill sand. Extraction of sand will facilitate the continued supply of a valuable sand resource to support Perth's land development industry. It is considered that the proposal is compatible with the intent of SPP2.

State Planning Policy 2.1 (SPP2.1) Peel-Harvey Coastal Plain Catchment

The subject site is located within the Peel-Harvey catchment area. The policy ensures that changes to land use within the Catchment to the Peel-Harvey Estuarine System are controlled so as to avoid and minimise environmental damage. Land uses which are likely to drain towards the Peel-Harvey Estuarine System, should be managed to reduce or eliminate nutrient export from the land.

The coastal plain catchment will not be impacted by the proposed sand extraction. The excavation proposes to lower natural surface topography to a finished floor level of approximately 17m and 18m AHD. These finished levels will not impact on the groundwater table. The DoW have confirmed that the surface changes will have negligible impact on the drainage site characteristics post development. The proposal is considered to be consistent with the policy, as further detailed within this report.

Statement of Planning Policy 2.4 - Basic Raw Materials (SPP2.4)

SPP2.4 is designed to facilitate the extraction of basic raw materials and sets out the matters which are to be taken into account by the WAPC and local governments in considering zoning, subdivision and development applications for extractive industries. The policy identifies policy areas for extraction of basic raw materials in various local government areas. These policy areas are categorised as priority resource locations, key extraction areas and extraction areas based on their regional significance.

The objectives of this policy are:

- *the location and extent of known basic raw material resources;*
- *protect priority resource locations, key extraction areas and extraction areas from being developed for incompatible land uses which could limit future exploitation;*
- *ensure that the use and development of land for the extraction of basic raw materials does not adversely affect the environment or amenity in the locality of the operation during or after extraction;*
- *provides a consistent planning approval process for extractive industry proposals including the early consideration of sequential land uses.*

The subject site is not identified as either a priority resource location, a key extraction area or an extraction area under the policy. However, the policy allows extraction of basic raw materials on any rural land subject to the proposal complying with planning and environmental requirements.

Officers have considered that the proponent can adequately address the environmental requirements through the implementation of dust, noise, traffic and flora management plans that have been submitted with the application. Officers are satisfied that the proposed extraction of sand will not result in land degradation and will not have a detrimental impact on the amenity of the locality. The management plans will form part of the planning approval if the application is approved. It is considered that the proposal is compatible with the objectives of SPP2.4.

Dust

An extractive industry will generate dust during all stages of the operation which includes removal of overburden, stripping of topsoil, sand excavation and stockpiling. The applicant was requested to submit additional information in the form of a site specific Dust Management Plan (DMP) to ensure that potential impacts for on-site workers and neighbouring properties would be minimised.

In that regard a DMP was prepared in accordance with relevant Department of Environment Regulation's Dust Guidelines document, "*A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities (DEC March 2011)*".

The dust mitigation, suppression and management measures described in the DMP were considered to be appropriate and adequate. These measures included the application of water trucks, sprinklers, water cannon and a complaint based system to deal with dust emissions. The use of water on operational and traffic areas would significantly reduce the potential for dust to lift. In addition, the site would be excavated in three stages of less than 5ha. Staging areas of extraction is considered to reduce the surface area susceptible to the risk of dust. Each stage would be rehabilitated when excavation has been completed. The management plan report states that operations will cease during adverse weather conditions.

Officers have considered the DMP to be adequate and are satisfied that the management measures proposed are clear and concise. If the dust management strategies are properly implemented the area can be managed to meet acceptable standards for dust control. In accordance with the DMP the site classification score is low risk to the sensitive receptors identified within the generic 500m buffer. In that regard the report recommends conditions that the development must comply with the approved DMP and that a maximum of 5ha of land to be excavated at any one time.

Noise

Noise from sand extraction has the potential to adversely impact on the health of residents and amenity of a rural environment. Noise sources can be from site operations and traffic movements in and out of the site.

The applicant provided an acoustic assessment which was prepared by Herring Storer Acoustics and dated November 2016. The noise study modelled potential noise levels to be received at nearby sensitive receptors, and provided noise management strategies to ensure noise levels comply with the *Environmental Protection (Noise) Regulations 1997*.

In accordance with the acoustic assessment report, noise levels received at the nearest premises comply with the *Environmental Protection (Noise) Regulations 1997* for the operating times. Notwithstanding, the recommendation of approval will include a condition limiting the hours of operation from 7.00am to 5.00pm Monday to Friday and 7.00am to 12.00 noon Saturday.

State Planning Policy - 4.1 State Industrial Buffer Policy (SPP4.1)

SPP4.1 addresses the buffer requirements for a number of industrial categories including extractive industries. The objectives of the policy avoid conflict between industry and/or essential infrastructure and sensitive land uses.

Extractive industries by their nature generate offsite impacts associated with dust and noise. The application identifies two sensitive land uses that are within the 500m buffer stipulated under the *Environmental Protection Authority Guidance Note 3 (Separation distances between Industrial and Sensitive Land Uses)*. While the buffer is not intended to be an absolute separation distance it provides general guidance on suitable separation distances in the absence of site-specific technical studies.

The applicant has provided dust and noise management plans which have strategies to sufficiently manage the potential impacts without adversely affecting the amenity of the locality. Officers are satisfied that the proposed extraction and associated activities can be managed and meet the requirements of *Environmental Protection (Noise) Regulations 1997* and acceptable standards for dust control. The management plans will form part of a planning approval.

Environmental Protection Authority (EPA) – Guidance Statement No.3

The Environmental Protection Authority Guidance Note 3 (Separation distances between Industrial and Sensitive Land Uses) provides guidance to proponents, responsible authorities and stakeholders on generic separation distances between industries and sensitive land uses to avoid or minimise the potential for land use conflicts. The guideline separation distance between extractive industry and sensitive land uses is between 300-500m depending on the size of the operation. Sand extraction can cause off-site health and amenity impacts primarily noise, dust and groundwater issues.

Clause 2.3 of the document defines a sensitive land use as:

“Land use sensitive to emissions from industry and infrastructure. Sensitive land uses include residential development, hospitals, hotels, motels, hostels, caravan parks, schools, nursing homes, child care facilities, shopping centres, playgrounds and some public buildings”.

The proposal has two (2) sensitive receptors within the generic 500m buffer as identified in Figure 1 below. These are located to the east and south of the proposal. The closest sensitive receptor residence is located 165m east of the proposed sand quarry. An acoustic assessment has been submitted and concludes that calculated noise levels will comply with the assigned levels.

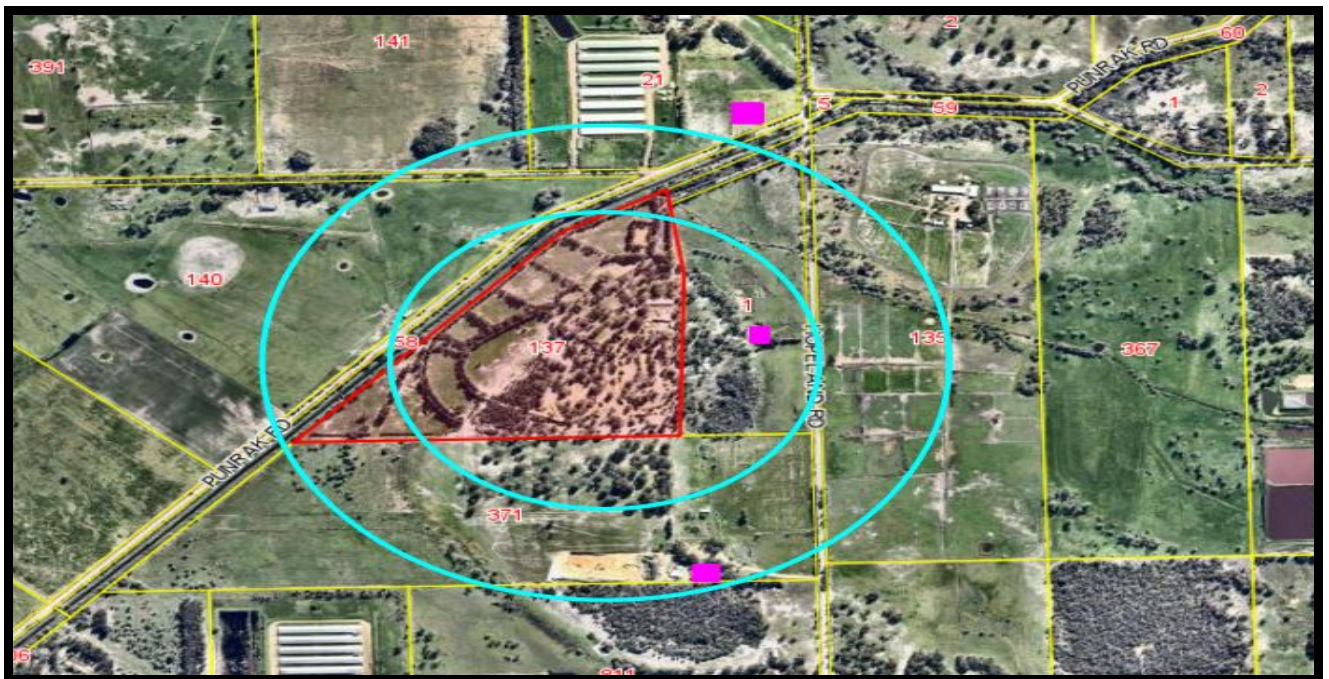


Figure 1. 300 and 500m buffers; sensitive receptors identified in purple

Shire’s Local Planning Policy No 6 - Water Sensitive Design (LPP6)

The main objective of the policy is to ensure that best water sensitive design management practices and methods are implemented for new developments within the Shire. With regards to extractive industries the policy requires that groundwater levels are monitored to protect properties from flooding or damage by surface water or groundwater and that hydrological impacts are carefully considered. The policy requires that groundwater levels are monitored to achieve the acceptable separation to Annual Average Maximum Groundwater Level (AAMGL). The policy also requires for the protection and maintenance of the diversity and abundance of locally indigenous fauna and flora species.

Hydrological Impacts

Hydrology is an important planning consideration for extractive industry proposals. If not managed properly extraction has the potential to impact on the quantity and quality of

groundwater and surface water resources within the area. The subject land has an existing licensed bore sourced from the Leederville aquifer.

Concerns were raised during the consultation period that inadequate information had been submitted with regards to site specific groundwater levels. In addition, the DoW also requested that a mine plan be provided, which includes finished levels and onsite monitoring which is to be undertaken to determine the AAMGL.

In that regard the applicant provided a Water Management Plan dated February 2017. In summary, the management plan discussed the following matters:

- Changes in on-site loss of rainwater and impacts on run-off rates including water balance components.
- Impacts on the groundwater regime of reducing sand coverage, site groundwater monitoring and mapping of the AAMGL.
- Groundwater level monitoring using two existing up-gradient monitoring bores and two down-gradient bores to be installed to monitor water levels and water quality.
- Surface water management to avoid disruption of surface water flows and ensure that contaminants are not released in the resource enhancement wetland (50m buffer will be maintained between the wetland and the mine operations).
- Fuels and chemical management through minimisation of storage of hydrocarbons on site and ensuring that any fuel on site is stored and spills managed in accordance with the Water Quality Protection Note 56: Tanks for Elevated Storage (DoW 2016).

Officers were satisfied that the Water Management Plan adequately demonstrated that a 2m separation distance (buffer zone) to the AAMGL is achievable. The 2m separation distance buffer provides a level of security that any surface changes will have negligible impact on the site characteristics post extraction. If works were to progress to extract sand to a lower floor level, then Shire Officers would require site specific geotechnical investigation and site specific groundwater monitoring to be undertaken.

The DoW was satisfied with the additional information provided and the following comments have been provided *“The Department is satisfied with the Water Management Plan Lot 137 Punrak Road Hopeland (RPS, 2016), which includes the methodology proposed by RPS to work to an interim excavation level of 2m above indicative ground water level and the commitment to groundwater monitoring”*.

Shire’s Local Planning Policy No 26 - Biodiversity Planning (LPP26)

The policy recognises the need to protect, restore and manage the Shire’s landscapes and biodiversity. The relevant objective of the policy is to protect, maintain and improve the viability of habitats, ecological communities, flora and fauna, and genetic diversity. The policy outlines measures to be taken to minimise the impact of the proposed development on biodiversity, including measures to restore and protect natural areas, ongoing management of natural areas, and revegetation of new areas.

Flora

The proposed extraction area runs across areas of remnant vegetation mapped on the Shire’s Biodiversity Strategy as a Potentially Locally Significant Natural Area (PLSNA). As the proposal would result in removal of native vegetation, the applicant was required to undertake a professional Level 2 Flora survey and report, assessing the quality of the vegetation in the extraction area.

The assessment targeted a search for threatened and priority flora within the survey area. The assessment was against a criteria relating to rarity, biodiversity, representatives of flora and vegetation condition. As a result of the survey the Banksia Woodland was identified as the only intact vegetation type within the survey area. The report concluded that the presence of 71 native taxa within the vegetation, categorised biodiversity as moderately high. At State level the vegetation was assessed as being significant based on the presence of Banksia

Woodland. Clearing of the native vegetation particularly State listed priority Banksia requires a permit from the DER.

It is noted that in 2015 the applicant lodged a clearing permit application to DER to clear 3.1ha of native vegetation. DER required the applicant to submit flora and vegetation surveys and to obtain planning approval and an extractive licence from the Shire.

In that regard Officers have therefore considered to approve clearing of vegetation in Stage 1 of the sand extraction. Approval for subsequent Stages 2 and 3 would be subject to DER issuing a clearing permit. The report recommends an advice note that states that clearing of vegetation in Stages 2 and 3 would be subject to a DER permit.

Rehabilitation and Management

The long lasting biodiversity impact that an extractive industry proposal can have on a landscape is an important planning consideration. There is potential for the proposal to degrade the landscape's visual and biodiversity value. Concerns were raised in regards to the rehabilitation of the site, the long term use of the site and the ability for the Shire to enforce the effective management and rehabilitation processes which have been proposed in the application.

The applicant has not provided a Rehabilitation Management Plan for the site at this stage. However the applicant has provided information that will assist in the site being rehabilitated over time to achieve final and full rehabilitation once the extraction on the site has ceased. The applicant has provided that upon completion of the sand extraction, all facilities and equipment will be removed and the site being rehabilitated to a condition suitable for horse training and other land uses. The application also outlines broad actions to be undertaken for the rehabilitation process as follows:

- *Respread of topsoil stockpiles as part clearing works up to a depth of 300mm to assist in the establishment of pasture species. Where required seed for pasture will be spread to maximise growth and ensure that 90% vegetation cover is achieved.*
- *Batter areas will be stabilized through revegetation with native plants to minimise erosion risk. All final slopes will be similar to those in the local area and the excavated site will be left in a safe manner in accordance with the Mines Safety and Inspection Act 1994.*
- *The final contours are anticipated to be visually comparable with the flatter parts of the site and suitable batters (no greater than one in three) will be created along the interface between excavation area and the 20m vegetated buffer along the site boundary.*
- *The rehabilitation of the site is intended to return the land to a condition suitable to support, as a minimum, activities that are currently supported by the site which includes horse training.*

Officers have considered such rehabilitation measures can be implemented through the conditions of a planning approval. In that regard the report recommends a condition for a rehabilitation management plan. The management plan will be required to outline the process of revegetation and biodiversity management that is to be continued over the site to ensure that it is rehabilitated over time to achieve final and full rehabilitation once the extraction on the site has ceased.

Wetland

The majority of the site is not classified as wetland. Resource Enhancement Wetland UF115364 is mapped to the north and east of the proposed excavation area. A portion of the wetland UF115785 extends along the site's western boundary and east of the proposed excavation area. The site has been designed and will be operated to minimise surface water flows and ensure that potential contaminants are not released into the wetland. To protect the wetland from any pollution a 50m buffer will be maintained between the wetland and

operational areas of the mine. The Department of Parks and Wildlife have considered that the proposal and any potential environmental impacts can be appropriately addressed through the existing planning framework.

Shire's LPP63 - Integrated Land Use and Transport Planning

The objectives of the Shire's draft Integrated Land Use and Transport Planning policy are to:

- *“Ensure that transport assessments are effectively integrated into land use planning processes;*
- *That there is clear guidance about the level of information required to be provided in support of planning proposals, including structure plans, subdivisions and developments;*
- *Ensure a consistent, open and transparent approach is taken to the consideration of transport impacts; and*
- *Recognise that there are a significant number of stakeholders involved in the effective design and implementation of integrated land use and transport planning outcomes.”*

Traffic movements

Concerns raised by residents related to the potential amenity impact as a result of an increase in traffic movements, the impact the increased traffic would have on the safety of road users and the capacity of the roads to cater for increased heavy traffic volumes. Concerns were raised by Officers regarding the following matters:

- The capability of the unsealed section of road (access road) to service the heavy vehicles required to transport the sand;
- Sight lines at the unsealed and Hopeland Road intersection; and
- The impact of the traffic on the intersections of Hopeland Road and Karnup Road.

A Traffic Impact Assessment (TIA) prepared by Tarsc and dated 5 January 2017 formed part of the development application. As a result of the traffic analysis the following findings were made:

- The proposed development should generate in the order of 65 vehicular trips per day with 60 of these being truck movements on a typical day;
- The proportion of heavy vehicles due to the quarry operations is expected to increase from 14% to 17% on Hopeland Road and 12.9% to 13.8% on Karnup Road;
- The driveway will be maintained to a crushed limestone standard for the duration of the operations by the quarry operator;
- The impacts of the traffic volumes associated with the development on the road network are considered acceptable with the generated traffic being 1% to 4% of the ultimately expected traffic volume on Karnup Road and Hopeland Road respectively; and
- Delays and queues at the nearby intersections and crossover are expected to be minimal with very good levels of service now and into the future.

The main route for the majority of trips associated with the operation will be to and from Kwinana Freeway via the Hopeland Road and Karnup Road intersection. An assessment of the turning paths at the intersection of Hopeland Road and Karnup Road indicates that the intersection is currently not safe for use by semi-trailers with the current or adjusted white lines. In that regard Officers have considered that the intersection needs to be upgraded to keep 19m semi-trailers lane compliant.

Officers have considered that there is a reasonable planning nexus between the proposed use and upgrading the intersection as the proposal will increase traffic movements to and from the site. The increase in traffic movements associated with the proposal are likely to exacerbate the safety of the intersection. In that regard the report recommends conditions that the applicant is required to contribute towards upgrading of the Hopeland Road and Karnup Road intersection.

Access to the site is via a limestone driveway via Hopeland Road. The non-sealed surface of the access way will generate dust from the movement of semi-trailers entering and exiting the site. In order to reduce and manage the impact of dust to acceptable levels Officers have recommended that the first 20m of the access road be constructed and sealed to the minimum standard of the Shire as detailed in the IPWEA Subdivisional Guidelines. In that regard the report recommends conditions that the applicant is required to construct the access road.

Shire's Council Policy – Extractive Industry Licences (PP14)

The extractive industry licence policy applies to all extractive industries within the Shire as defined in the *Extractive Industries Local Law 1995*. The policy sets out the process to be undertaken by Shire Officers when auditing and reviewing compliance of extractive industry licence.

The objectives of the policy are:

- *To provide incentive for good management of extractive industries within the Shire in accordance with extractive industry licence conditions.*
- *To provide a level of certainty to extractive industry licence holders on the licence approval and audit process.*
- *To set a process for determining audit review timeframes. To set a process for reviewing documents required under licence conditions to be undertaken by Shire Officers.*

If the proposal is approved the applicant will be required to comply with the conditions set out for the extractive industry in accordance with PP14. The licensee is required to make payment of a new license fee based on quantities of excavated material and/or area of excavation, or the relevant proportion of the annual licence fee as determined by the local government by 30th June each year.

The report recommends that an advice note regarding licensing of the operation be included as a condition of approval.

Shire's Extractive Industry - Local Law

The local law is administered under the *Local Government Act 1995* for licensing the operation of extractive industries. Under the local law an extractive industry means quarrying and/or excavating for stone, gravel, sand and other minerals and a person who undertakes to carry on an extractive industry must, under the local law, make an application to the Shire for a licence in the manner prescribed.

Under the provision of the Shire's Extractive Industry Local Law, a licence is required to be issued prior to the commencement of any excavation activities. The applicant is seeking approval of an extractive industry licence for a period of up to five years. The period being sought is considered to be consistent with the timeframes that the Shire has previously approved and have been supported by the State Administrative Tribunal in the instances when the term of approval condition had to be reviewed.

Options and Implications

Council has the following options when considering this application:

Option 1: Council may resolve to approve the application subject to appropriate conditions.

Option 2: Council may resolve to refuse the application, including reasons.

Option 1 is recommended.

Conclusion

The application has been assessed and has been determined that it is capable of being approved due to being consistent with the Shire's planning framework. The proposal will provide a resource that is increasingly required locally and throughout the State for development. The local area is growing rapidly and the increased urban development within the south eastern corridor requires sand fill due to the topography characterised by low lying areas prone to flooding.

Officers have assessed the application and are satisfied that development issues such as dust, noise, hydrology and rehabilitation of the site can be adequately managed through the application of proper planning conditions.

Attachments:

- [OCM023.1/03/17](#) – Development Plans (IN17/3207)
- [OCM023.2/03/17](#) – Staging Plan (E17/1426)
- [OCM023.3/03/17](#) - Clause 67 Deemed Provisions Planning Assessment (E17/1764)
- [OCM023.4/03/17](#) – Flora and Vegetation Survey (E17/1413)
- [OCM023.5/03/17](#) – Dust Management Plan (E17/1278)
- [OCM023.6/03/17](#) – Acoustic Assessment (E17/1277)
- [OCM023.7/03/17](#) – Water Management Plan (E17/1276)
- [OCM023.8/03/17](#) - Transport Impact Assessment (E17/1442)
- [OCM023.9/03/17](#) - Fire and Emergency Plan (E17/1279)
- [OCM023.10/03/17](#) - Summary of Submissions (IN17/3825)

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 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:

- *Planning and Development Act 2005 (WA)*
- *Local Government Act 1995 (WA)*
- *Metropolitan Region Scheme*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Environmental Protection (Noise) Regulations 1997 (WA)*
- Shire of Serpentine Jarrahdale's Town Planning Scheme No.2
- State Planning Policy SPP2.4 (SPP2.4) – Basic Raw Materials
- State Planning Policy SPP2.1 (SPP2.1) – Peel-Harvey Coastal Plain Catchment
- State Planning Policy SPP4.1 (SPP4.1) State Industrial Buffer
- Local Planning Policy LPP6 – Water Sensitive Design
- Local Planning Policy LPP26 – Biodiversity Planning
- Local Planning Policy LPP63 – Integrated Land Use Transport Planning
- Extractive Industries Local Law 1995
- Council Planning Policy 14 - Extractive Industry Licences

Financial Implications:

There are no direct financial implications regarding this matter.

Voting Requirements: Simple Majority

Officer Recommendation:

That Council approves the application submitted by Roberts Day Australia Pty Ltd for an Extractive Industry on Lot 137 (394) Hopeland Road, Hopeland as contained in attachment OCM023.1/03/17 in accordance with clause 68 Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the following conditions:

1. That the Chief Executive Officer forward a copy of the notice of determination to the Western Australian Planning Commission in accordance with RES 2015/01 resolution under Clause 32 of the Metropolitan Region Scheme for their consideration.
2. This approval is valid for a period of five years from the date of determination.
3. Operating hours shall be restricted to 7.00am to 5.00pm Monday to Friday and 7.00am to 12noon Saturday. Work is not permitted on Sundays or Public Holidays.
4. The applicant shall not undertake any processing or washing of excavated material on the development site.
5. The applicant shall implement noise mitigation measures in accordance with the Noise Assessment Report prepared by Herring Storer Acoustics dated 17 November 2016 so that no unreasonable noise (as defined in Regulation 5 of the Environmental Protection (Noise) Regulations 1997 (WA)).
6. The applicant shall implement dust management measures in accordance with the Dust Management Plan prepared by RPS dated 2 February 2017, so as to minimise dust emissions and ensure that visible dust is not emitted beyond the boundaries of the development site.
7. The applicant shall implement the water management measures detailed in the Water Management Plan prepared by RPS dated 2 February 2017 so that the development does not adversely affect groundwater or surface water quality in any manner.
8. All stormwater is to be disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, water courses and drainage lines is prohibited.
9. The perimeter of the area to be worked must be pegged and clearly marked to ensure that all earthworks are contained within the approved area. No earthworks, including batters, shall intrude into any buffer areas described in the Water Management Plan prepared by RPS dated 2 February 2017.
10. The excavation area shall be progressively rehabilitated when final contour levels and grades for each stage are achieved and within six months of the closure of each stage, with such rehabilitation being in accordance with the Rehabilitation Management Plan.
11. The applicant shall implement suitable fire protection measures in accordance with the Fire Management Plan prepared by RPS dated 2 February 2017.
12. The applicant shall implement measures to minimise the risks of spills or leaks of chemicals including fuel, oil or other hydrocarbons in accordance with the Management Plan and shall ensure that no chemicals or potential liquid contaminants are disposed of on site.

13. The applicant shall submit an annual report to the Shire of Serpentine Jarrahdale by 31 March each year. The annual report shall include an internal compliance audit of all the development and licence approval conditions and Rehabilitations Management Plan requirements, to the satisfaction of the Shire. The annual report shall also provide details of complaints and complaint responses.
14. Prior to the commencement of works the developer shall make a substantial or complete contribution to the costs associated with the required upgrading of Hopeland Road and Karnup Road intersection. The contribution is to be negotiated with the Shire.
15. Prior to commencement of works the developer shall construct the unmade road reserve up to Hopeland Road to the minimum standard as required by the Shire and as detailed in the IPWEA Subdivisional Guidelines. The pavement shall be designed for a 40 year fatigue life and shall comprise a minimum of a 200mm thick limestone subbase with a 100mm crushed granite roadbase.
16. The landowner shall ensure that all loads leaving the premises with sand, soil or other particulate material, are to be enclosed or completely covered by a secured impermeable tarpaulin or some other effective mechanism used to prevent dust nuisance.
17. A Rehabilitation Management Plan shall be prepared by a suitably qualified person at the developer's cost and submitted for approval by the Shire and thereby implemented by the developer at the conclusion of each stage of extraction work prior to commencement of further extraction works.
18. At the completion of each stage of mining operations, the landowner shall ensure that all sand faces, non-operational stock piles and bund walls are safe and stable and must provide a report from a certified geotechnical Engineer.

Advice Note:

1. The removal of vegetation for the development application for sand extraction is approved for Stage 1 only. Approval for subsequent Stages 2 and 3 are subject to clearing permit from the Department of Environmental Regulation.
2. The applicant shall undertake the extractive industry operations in accordance with the Shire of Serpentine Jarrahdale's Extractive Industries Local Law. Annual extractive industries licence fees shall be paid on or before 31 December each year as determined by the Shire.

OCM023/03/17 COUNCIL DECISION / Alternative Recommendation:

Moved Cr Rich, seconded Cr Gossage

That Council approves the application submitted by Roberts Day Australia Pty Ltd for an Extractive Industry on Lot 137 (394) Hopeland Road, Hopeland as contained in attachment OCM023.1/03/17 in accordance with clause 68 Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, subject to the following conditions:

1. Stage three and an associated 20 metre buffer identified on plan 'figure 2' 'staging plan' does not form part of this approval as the clearing of native vegetation results in the removal of Banksia Woodland which is listed as endangered under the Environment Protection and Biodiversity Conservation Act 1999 and the Environmental Protection Act 1986.

2. The development complying with any details marked in red on the approved plans.
3. That the Chief Executive Officer forward a copy of the notice of determination to the Western Australian Planning Commission in accordance with RES 2015/01 resolution under Clause 32 of the Metropolitan Region Scheme for their consideration.
4. This approval is valid for a period of five years from the date of determination.
3. Operating hours shall be restricted to 7.00am to 5.00pm Monday to Friday and 7.00am to 12noon Saturday. Work is not permitted on Sundays or Public Holidays.
4. The applicant shall not undertake any processing or washing of excavated material on the development site.
5. The applicant shall implement noise mitigation measures in accordance with the Noise Assessment Report prepared by Herring Storer Acoustics dated 17 November 2016 so that no unreasonable noise (as defined in Regulation 5 of the Environmental Protection (Noise) Regulations 1997 (WA)).
6. The applicant shall implement dust management measures in accordance with the Dust Management Plan prepared by RPS dated 2 February 2017, so as to minimise dust emissions and ensure that visible dust is not emitted beyond the boundaries of the development site.
7. The applicant shall implement the water management measures detailed in the Water Management Plan prepared by RPS dated 2 February 2017 so that the development does not adversely affect groundwater or surface water quality in any manner.
8. All stormwater is to be disposed of within the property. Direct disposal of stormwater onto the road, neighbouring properties, water courses and drainage lines is prohibited.
9. The perimeter of the area to be worked must be pegged and clearly marked to ensure that all earthworks are contained within the approved area. No earthworks, including batters, shall intrude into any buffer areas described in the Water Management Plan prepared by RPS dated 2 February 2017.
10. The excavation area shall be progressively rehabilitated when final contour levels and grades for each stage are achieved and within six months of the closure of each stage, with such rehabilitation being in accordance with the Rehabilitation Management Plan.
11. The applicant shall implement suitable fire protection measures in accordance with the Fire Management Plan prepared by RPS dated 2 February 2017.
12. The applicant shall implement measures to minimise the risks of spills or leaks of chemicals including fuel, oil or other hydrocarbons in accordance with the Management Plan and shall ensure that no chemicals or potential liquid contaminants are disposed of on site.
13. The applicant shall submit an annual report to the Shire of Serpentine Jarrahdale by 31 March each year. The annual report shall include an internal compliance audit of all the development and licence approval conditions and

Rehabilitations Management Plan requirements, to the satisfaction of the Shire. The annual report shall also provide details of complaints and complaint responses.

14. Prior to the commencement of works the developer shall make a substantial or complete contribution to the costs associated with the required upgrading of Hopeland Road and Karnup Road intersection. The contribution is to be negotiated with the Shire.
15. Prior to commencement of works the developer shall construct the unmade road reserve up to Hopeland Road to the minimum standard as required by the Shire and as detailed in the IPWEA Subdivisional Guidelines. The pavement shall be designed for a 40 year fatigue life and shall comprise a minimum of a 200mm thick limestone subbase with a 100mm crushed granite roadbase.
16. The landowner shall ensure that all loads leaving the premises with sand, soil or other particulate material, are to be enclosed or completely covered by a secured impermeable tarpaulin or some other effective mechanism used to prevent dust nuisance.
17. A Rehabilitation Management Plan shall be prepared by a suitably qualified person at the developer's cost and submitted for approval by the Shire and thereby implemented by the developer at the conclusion of each stage of extraction work prior to commencement of further extraction works.
18. At the completion of mining operations, the landowner shall ensure that all sand faces, non-operational stock piles and bund walls are safe and stable and must provide a report from a certified geotechnical Engineer.

Advice Note:

1. In relation to condition 1, the removal of Banksia Woodland does not comply with clause 7.13.6(c) of the Shire of Serpentine Jarrahdale Town Planning Scheme No.2. Removal of vegetation will impact on a threatened ecological community which is contrary to this clause.

CARRIED UNANIMOUSLY

Council Note: The Officers Recommendation was amended by changing condition 1 and condition 3 and advice note 2 was removed and advice note 1 was amended. This was to ensure that a 20 metre buffer identified on plan 'figure 2' 'staging plan' does not form part of this approval as the clearing of native vegetation would result in the removal of Banksia Woodland which does not comply with clause 7.13.6(c) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.

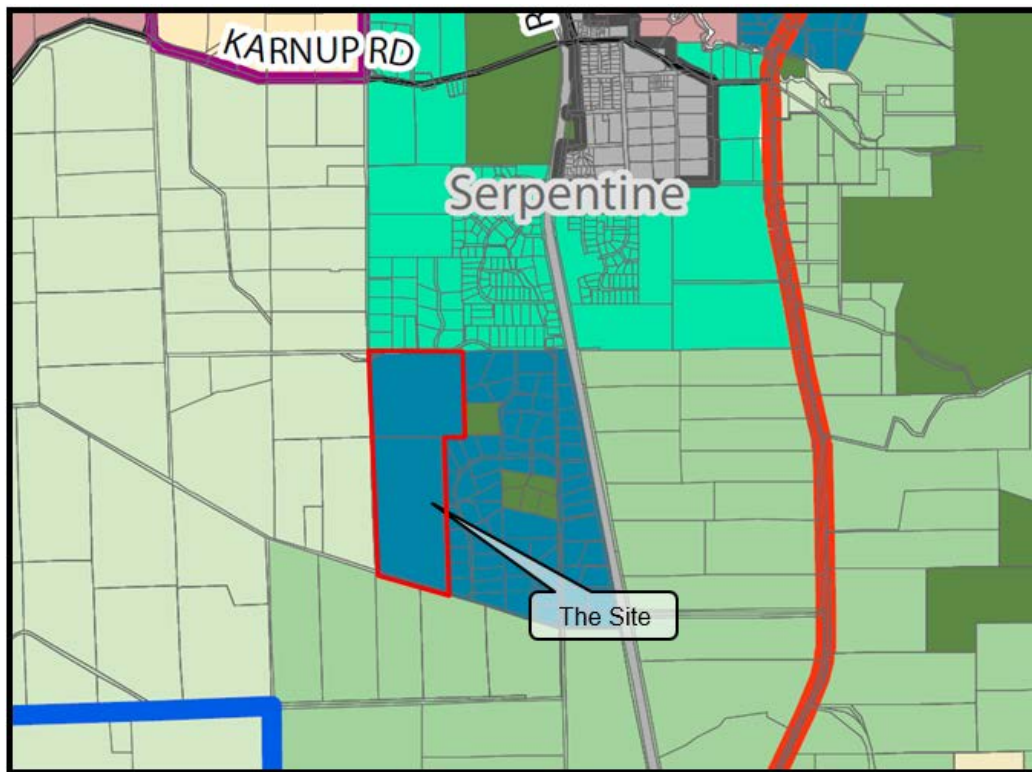
OCM024/03/17	Lot 9001 Utley Road and Lot 9002 Wattle Road, Serpentine – Initiation of Proposed Scheme Amendment No.199 – Rezoning from ‘Rural’ to ‘Special Rural’ (PA16/209)
Author:	Rob Casella - Senior Strategic Planner Deon van Der Linde – Executive Manager Strategic Planning
Senior Officer:	Andre Schonfeldt -Director Planning
Date of Report:	10 March 2017
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: Gray & Lewis Land Use Planners
 Owner: Stron Pty Ltd
 Date of Receipt: 7 September 2016
 Lot Area: 91.1291 Ha (combined)
 Town Planning Scheme No. 2 Zoning: Rural
 Metropolitan Region Scheme Zoning: Rural

Introduction:

The purpose of this report is for Council to consider the initiation of Scheme Amendment No. 199 (the amendment), as a ‘standard’ amendment to the Shire of Serpentine Jarrahdale’s Town Planning Scheme No.2 (TPS2). The amendment proposes to rezone Lot 9001 Utley Road and Lot 9002 Wattle Road, Serpentine, from ‘Rural’ to ‘Special Rural’ and seeks to amend the Scheme maps and include specific development provisions within Appendix 4 of TPS2.

Officers do not have delegation to consider amendments to TPS2 and therefore this report is presented to Council for determination. As is set out in this report, Officers recommend that Council resolves to adopt the proposed amendment for the purposes of advertising.



Locality Plan

Background:Existing Development:

The subject site is currently utilised for cattle grazing and horse agistment with low stocking rates. The site currently accommodates an existing dwelling, caretakers dwelling, stables and associated outbuildings, all located on Lot 9002 Wattle Road, Serpentine. The existing dwelling is proposed to be retained on a larger lot, whilst the ancillary buildings will be demolished at subdivision stage.

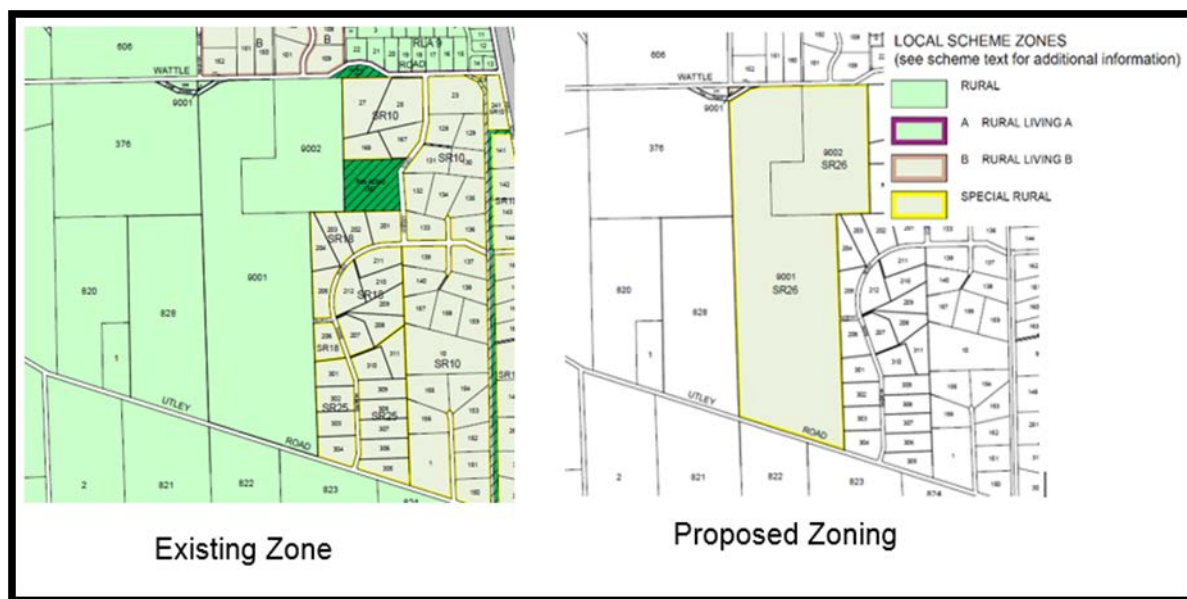
The subject site borders 'Rural Living' lots of different sizes to the north, east and south, with 'Rural' land to the west. The subject site could therefore be considered as a bookend to the 'Rural Living' development to the south west of the Serpentine Townsite.

Proposed Development:

The proposal to amend the Shire's TPS2 has been submitted as follows:

1. Rezoning Lot 9001 (No.154) Utley Road and Lot 9002 (No.103) Wattle Road, Serpentine from 'Rural to 'Special Rural' in accordance with the Scheme Amendment Map;
2. Amending the Scheme Map by delineating Lot 9001 (No.154) Utley Road and Lot 9002 (No.103) Wattle Road, Serpentine as 'SR 26';
3. Listing Lot 9001 (No. 154) Utley Road and Lot 9002 (No 103) Wattle Road, Serpentine as 'SR 26' in 'APPENDIX 4 – SPECIAL RURAL ZONE' with land use controls and special provisions:
 - a) All buildings and structures shall be constructed at a minimum setback of 15m from the primary street dwelling and 10m from any other lot boundary'
 - b) No building shall be constructed of materials, the colour or texture of which in the opinion of the Council is undesirable for the locality;
 - c) No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste treatment system as approved by the Department of Health, and with the base of the system or the modified irrigation area being the required distance above the highest known water table.
 - d) The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of the Council. Animal stocking rates shall not exceed the stocking rates recommended by the Department of Agriculture for the pasture type for the policy area.

Under TPS2, the 'Special Rural' zone permits a minimum lot area of 2ha to 4ha in accordance with the objectives and guidelines of the Rural Strategy. The accompanying structure plan, which is provided in support of the Scheme Amendment, identifies the creation of 41 'Special Rural' lots between 2ha and 3ha.



Zoning Plan

Relevant Previous Decisions of Council:

There are no previous Council decisions relating to this application.

Community / Stakeholder Consultation:

Under Part 5, Division 4 of the *Planning and Development (Local Planning Scheme) Regulations 2015 (LPS Regulations)*, a standard scheme amendment is required to be advertised for a minimum of 42 days should the local government adopt the amendment for advertising. Therefore community consultation will be undertaken if Council resolves to adopt the amendment for advertising, as is recommended by Officers.

Planning Assessment:Type of Amendment:

The *LPS Regulations* set out the overall framework for scheme amendments. The regulations set out three processes to scheme amendments such as basic, standard and complex. The proposed amendment is considered to be a 'standard' amendment as it is consistent with this definition in the *LPS Regulations* as follows:

- "An amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve."
- "An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment."
- "An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area."

The *LPS Regulations* also set out the statutory timeframes and process in dealing with each Scheme Amendment type lodged with the local authority. For each proposed amendment the local government is required to resolve what type of amendment it is, and then to follow the process set out in the *LPS Regulations* for that type of amendment.

Compliance with Relevant Legislation/Policy:

The proposed Scheme Amendment has been considered against the following relevant State and Shire policies:

- Directions 2031 and Beyond;
- Draft Perth and Peel @ 3.5 Million;
- State Planning Policy 2.1 – Peel-Harvey Coastal Plain Catchment
- State Planning Policy 2.5 – Rural Planning
- State Planning Policy 3.7 - Planning in Bushfire Prone Areas
- Shire of Serpentine Jarrahdale Rural Strategy 1994 and 2013 Review

Directions 2031 and Beyond (Directions 2031)

Directions 2031 sets out the framework and strategic plan for the future growth of the metropolitan Perth and Peel region. The purpose of the document is to direct the detailed planning and delivery of housing, infrastructure and services to achieve a connected city pattern of growth.

Directions 2031 recognises the potential growth of the south-east sub-region and estimates this to be between 30% and 35% by 2031. The proposed rezoning from 'Rural' to 'Special Rural' will inevitably contribute to the estimated growth, albeit only a very small portion.

A key strategy of Directions 2031 is to ensure development of rural land is carefully considered. Specifically, the prevention of any adverse impact on priority agricultural activity and essential basic raw materials. As further explained in the Officers report, emphasis on the protection of rural and agricultural activities is provided, in line with the strategic direction of Directions 2031. The proposal is considered to be generally consistent with the provisions of Directions 2031.

Draft Perth and Peel @3.5 Million and Draft South Metropolitan Peel Sub-regional Planning Framework (the Framework)

The Framework is a suite of documents which seeks to guide future development of the Perth and Peel regions. This is supported through the development of a unified, long-term growth strategy for land use and infrastructure. The Framework provides guidance on where sustainable development should occur over the next 35 to 40 years, primarily through infill development initiatives. The framework identifies the subject site as 'Rural Residential':



South Metropolitan Peel Sub Region – Map Extract

The Framework explains that a conservative approach to Rural Residential areas has been taken and as a result areas identified for Rural Residential in the Framework would only reflect areas already endorsed in existing strategies or areas considered to be 'rounding-off' of existing areas. With regards to the subject site, it is both in line with our Rural Strategy and considered to be a "rounding-off" of existing Rural Residential developments. The Framework raises issues in relation to the potential impacts of Rural Residential developments on the Peel Harvey Catchment, this is further addressed below.

It also acknowledges that this style of development provides alternative lifestyle and housing opportunities and can be a transitional zone between urban and rural areas. The proposal is

therefore considered to be consistent with the intent of the Framework as it has been included for this purpose for the longer term.

State Planning Policy 2.1 – Peel-Harvey Coastal Plain Catchment

The Peel-Harvey coastal plain catchment policy (SPP2.1) aims to ensure that land use changes within the Peel-Harvey estuarine system are controlled through planning provisions to prevent environmental damage to the estuary.

The objectives of this policy include to:

- a) *Improve the social, economic, ecological, aesthetic and recreational potential of the Peel-Harvey coastal plain catchment.*
- b) *Ensure that changes to land use within the catchment of the Peel-Harvey estuarine system are controlled so as to avoid and minimise environmental damage.*
- c) *Balance environmental protection with the economic viability of the primary sector.*
- d) *Increase high water-using vegetation cover within the Peel-Harvey coastal plain catchment.*
- e) *Reflect the environmental objectives in the draft Environmental Protection Policy (Peel-Harvey Estuarine System) 1992.*
- f) *Prevent land uses likely to result in excessive nutrient export into the drainage system.*

The provisions contained in SPP2.1 relate to land capability and suitability, as well as specific management practices (such as effluent treatment and revegetation and stocking rates). Officers have carried out an assessment of the proposal against the relevant general provisions of the SPP2.1, being:

- a) *Proponents shall ensure the proposed changes of land zonings take account of land capability/suitability criteria with regard to the net effect that such changes are likely to have on the nutrient load discharging from that catchment into the Peel – Harvey Estuarine System.*

The scheme amendment application is supported by a land capability – geotechnical assessment report (Landform Research, June 2016). The report discusses the capability for household infrastructure on the subject land. The report confirms that the subject land is capable of accommodating rural living lots with a minimum area of 2ha, stating “*there are no significant limitations that cannot be mitigated during the design and construction processes.*”

The report also confirms that the use of conventional septic systems are not acceptable in the local area. This is due of the potential for elevated water tables and policies to protect the Peel-Harvey Estuary. Therefore, requirements for effluent disposal systems to be 500mm above temporarily water logged areas and 1,200mm above any impermeable clay layer are required, to ensure compliance with Department of Health legislation.

Under section 7.0 of the Land Capability Report, brief discussions are provided as to the suitability of the subject site to accommodate ‘alternative land uses’. However, the report does not address the likely impact or mitigation measures to be imposed, aimed at reducing the impact of livestock and nutrient export from the proposed lots. Further site specific land capability investigations / mitigation measures will need to be provided at the structure plan stage. The outcomes of the investigation will need to be reflected in the design outcomes of the structure plan.

- b) *The retention and rehabilitation of existing remnant vegetation is to be encouraged. A catchment target of 50% of land area established to deep rooted perennial plants, preferably local indigenous species but including high water using and suitable exotic species, shall be attempted. Remnant vegetation shall be retained along watercourses, or the margins shall be replanted to higher water-using vegetation to maintain the stability of banks and exert some control on sediment and nutrient movement.*

Historically, the subject area has been cleared of most of its deep rooted perennial vegetation.

The land capability report confirms that the overall site is generally cleared with vegetation in the east completely degraded as it is currently grassland pasture. Although there are isolated pockets of trees in the central east, the overall condition is considered to be “degraded”.

The Land Capability report identifies that the only remnant vegetation existing on the site is Jarrah (*Eucalyptus Marginata*) – Marri remnant trees on the deeper yellow sand and in the central east with scattered *Eucalyptus (Corymbia calophylla)* trees in the east. A mixture of local and non-local Eucalypts are sited in the north of the subject site, planted in belts.

In summary, the report provides a number of recommendations for consideration to assist in the protection of the healthier remnant vegetation. The identification of the trees to be protected and management measures are to be further detailed at the Structure Plan stage. The management measures and identified trees shall be addressed within a landscape and revegetation management plan.

- c) *Subdivision proposals shall make provisions for a drainage system, which maximises the consumption and retention of drainage on site. Biological wetland filters, or other means of drainage water retention or treatment approved by the EPA, will need to be incorporated into the drainage design possibly by amendment of the soils in drainage basins or by the provision of wetland filters with nutrient retentive soil amendments in accordance with drainage management to the satisfaction of the State Planning Commission and EPDA. Conservation reserve are not appropriate as biological wetland filters. Development near conservation reserve may require special constraints to protect and preserve them.*

The Local Water Management Strategy (LWMS) prepared by Landform Research, in support of the scheme amendment proposal, identifies a number of recommended outcomes to be considered for subdivision design. These are as follows:

- *“Swale drains to be installed along road reserves that connect to easements on private land to enable maintenance as required in the future;*
- *The 100m of surface water from the adjoining land to the east needs to be taken into account during the design of the stormwater network;*
- *Two detention basins are proposed, a northern one located in an allocated area of 0.18ha on proposed Lot 4 and a site in the south on proposed Lot 31, totalling an area of 0.12ha.”*

The LWMS proposes that water generated during the 1 hour 1 year storm events are to be retained within the subject lot. Larger storm events will subsequently be discharged off-site, resulting in similar pre-development volumes.

As discussed above, the application is for the rezoning of the subject land from ‘Rural’ to ‘Special Rural’. The intended land uses to be supported are domestic households, hobby farming and equestrian uses.

The assessment of the subject application has confirmed that further detailed, site specific investigations will be required at the subsequent structure plan stage. Specifically, the land capability of each site will need to be assessed to address appropriate livestock volumes (dry and irrigated paddocks), as recommended in the Department of Agriculture and Food's Stocking Rates Guidelines, the retention of remnant vegetation cover and any relevant provisions contained within SPP2.1.

Overall, it is considered the proposal is capable of being developed and managed appropriately to avoid any negative impact on local waterways and the Peel Harvey Estuary.

State Planning Policy 2.5 – Rural Planning

State Planning Policy 2.5 – Rural Planning (SPP2.5) is the basis for planning and decision-making for rural and rural living land for the State. The objectives of the policy, relevant to this proposal, are to:

- a) *Support existing, expanded and future primary production through the protection of rural land, particularly priority agricultural land and land required for animal premises and/or the production of food;*
- b) *Provide investment security for existing, expanded and future primary production and promote economic growth and regional development on rural land for rural land uses;*
- c) *Avoid and minimise land use conflicts;*
- d) *Promote sustainable settlement in, and adjacent to existing urban areas; and*
- e) *Protect and sustainably manage environmental landscape and water resource assets.*

SPP2.5 provides specific policy measures for the assessment of rural living proposals as follows:

- a) *Rural living proposals shall not be supported where they conflict with the objectives of this policy or do not meet the criteria listed at (b) and (c);*
- b) *The rural living precinct must be part of a settlement hierarchy established in an endorsed planning strategy;*
- c) *The planning requirements for rural living precincts are that –*
 - (i) *the land be adjacent to, adjoining or close to existing urban areas with access to services, facilities and amenities;*
 - (ii) *the proposal will not conflict with the primary production of nearby land, or reduce its potential;*
 - (iii) *areas required for priority agricultural land are avoided;*
 - (iv) *the extent of proposed settlement is guided by existing land supply and take-up, dwelling commencements and population projections;*
 - (v) *areas required for urban uses are avoided;*
 - (vi) *water supply shall be as follows –*
 - *where lots with an individual area of 4ha or less are proposed and a reticulated water supply of sufficient capacity is available in the locality, the precinct will be required to be serviced with reticulated potable water by a licensed service provider. Should an alternative to a licensed supply be proposed it must be demonstrated that a licensed supply is not available; or*
 - *where a reticulated supply is demonstrated to not be available, or the individual lots are greater than 4ha, the WAPC may consider a fit-for-purpose domestic potable water supply, which includes water for firefighting. The supply must be demonstrated, sustainable and consistent with the standards for water and health; or*
 - *the development cannot proceed if an acceptable supply of potable water cannot be demonstrated;*
 - (vii) *electricity supply shall be as follows –*

- *where a network is available the precinct is to be serviced with electricity by a licensed service provider, or*
 - *where a network is not available, the precinct is to be serviced by electricity from renewable energy source/s, by a licensed service provider, and this has been demonstrated;*
- (viii) *the precinct has reasonable access to community facilities, particularly education, health and recreation;*
- (ix) *the land is predominantly cleared of remnant vegetation, or the loss of remnant vegetation*

SPP2.5 expresses an emphasis on preventing future land use conflicts between sensitive land uses and primary production / agricultural operations, as a result of subdivision of rural zoned land. Therefore, a desktop analysis was carried out to determine the potential land use conflicts from surrounding rural / agricultural operations.

The desktop investigation identified that the subject site is located within 1.3km from the Shire's poultry farm special control area - a designated area where primary production industries can locate and invest in, without the encroachment of sensitive land uses. Under the Environmental Protection Authority's (EPA) *Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses No.3 (2005)(GAEF)*, it suggests that a separation distance of 300m – 1,000m for residential land uses from poultry farm operations is appropriate. As such the subject site exceeds this suggested separation distance.

Additionally, an existing piggery is located approximately 3.7km west from the subject site. A generic buffer of 5,000m is recommended as per the table contained in Appendix 1 of the EPA's GAEF. The piggery has approval for over 5,000 pigs and the Shire records identify that the operations of the piggery have been modified to accommodate mainly weaning pigs. This has reduced the odour generated from the piggery and as such the odour tends to be localised to the immediate neighbours only. Odour issues occur mainly during the clean out of sediment ponds, which only occurs twice a year. As such it is considered that the reduced separation distance is not likely to generate any significant conflicts with the proposed Rural Residential subdivision.

As discussed above, the subject site borders an existing Rural Residential development to the north and east, however, it is proposed to border directly onto Rural zoned land to the west. In this regard, Officers recommend that the Structure Plan be amended to provide for Walker Road to be extended south along the western boundary of the subject site, in order to create an additional buffer between existing Rural zoned land and the proposed Rural Residential lots. This would have the added benefit of minimising conflicts between future proposed land uses on the Rural land and the Rural Residential lots. The road will also provide a hard edge to the Rural Residential area thereby clearly delineating where the Rural areas start and stop and where Rural Residential starts.

Shire of Serpentine Jarrahdale – Rural Strategy

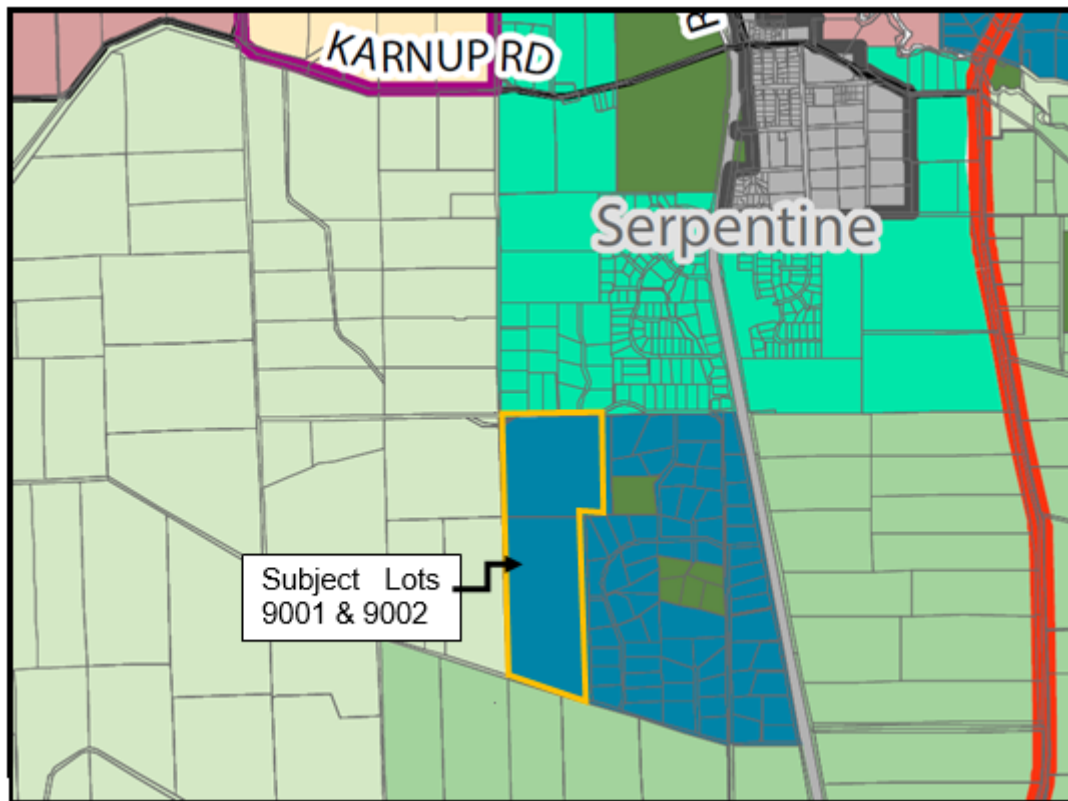
The overall purpose of the Rural Strategy is to '*preserve and enhance the Shire's rural character and its role as an important contributor to the Shire and broader region*'.

The Shire's Rural Strategy was first adopted in 1994 with a number of reviews. The 1994 Rural Strategy identifies the subject lot as 'Rural'. The Rural Strategy has undergone three subsequent reviews, with the latest 2013 review identifying the subject land as 'Rural Living B'.

Under the Rural Strategy Review 2013 (the Strategy), the Rural Living Policy Area provides an opportunity for residential uses in a rural setting. The strategy recommends that

consideration be given to changing the policy area to Rural Residential to be more consistent with the purpose and use of these types of lots.

Specifically, the subject lot is identified as Rural Living B (2ha to 4ha lots) under the Strategy. The subject site is virtually a 'rounding-off' of the Serpentine rural living precinct, as illustrated in the image below.



Lots 9001 and 9002 – Extract Rural Strategy Review 2013

The modifications requested by the WAPC to the Rural Strategy, the subject of another report in this agenda, do not impact the subject lots and retains it within the Rural Living B Policy Area. It is therefore Officers' opinion that the proposed scheme amendment is consistent with the objectives of the Shire's Rural Strategy Review 2013.

Other Considerations:

The application requests that the lots be zoned to 'Special Rural' as opposed to 'Rural Living B'. Officers consider this appropriate for the following reasons:

1. Table 1 of TPS2, sets out the land use permissibility for the Special Rural zone, whilst the Rural Living B zone, requires individual land use permissibility to be considered under a Schedule to TPS2. This provides more clarity as to what can and cannot be approved within the area.
2. It will also ensure a consistent subdivisions typology from the east to the west and will avoid potential land use conflicts and confusion for purchasers about what land uses are allowed in the area. This should mitigate conflicts with neighbouring property owners as the land use rights will be similar.

Bushfire

According to the WAPC's State Planning Policy No. 3.7 – Planning in Bushfire Prone Areas, strategic level proposals, such as Scheme Amendments, are required to prepare a Bushfire Hazard Level (BHL) assessment which shall include, for lots identified within a bushfire prone area:

- i) the results of a BHL assessment determining the applicable hazard level(s) across the subject land, in accordance with the methodology set out in the Guidelines;

- ii) a BAL Contour Map to determine the indicative acceptable BAL ratings across the subject site, in accordance with the Guidelines;
- iii) the identification of any bushfire hazard issues arising from the relevant assessment; and
- iv) clear demonstration that compliance with the bushfire protection criteria in the Guidelines can be achieved in subsequent planning stages.

The subject site is designated as a bushfire prone area. The scheme amendment proposal contains a comprehensive Bushfire Management Plan (BMP) prepared in accordance with the provisions of SPP3.7. The report demonstrates that *‘after application of risk management strategies incorporated into the design of the development, the residual bushfire risk post subdivision is significantly reduced compared to the current state.’*

The BMP contains within it, a bushfire attack level (BAL) contour map, as required by SPP3.7. The BAL contour map illustrates the potential radian heat impacts and associated BAL ratings for the assessment area, for the scenario, post subdivision.

The BMP was referred internally to the Shire’s Emergency Services Department for comments. The BMP was considered sufficient subject to additional consideration to vegetation originally excluded from the assessment. At this high strategic level, the proposed BMP is considered satisfactory for assessment purposes. Further site specific investigations will be required at subsequent stages in the planning process (structure plan and subdivision).

Environment

The Scheme Amendment document is supported by a land capability assessment (LCA). The LCA identifies the soil as being consistent of alluvial loams and clays as basal soil units. Generally the soils are regarded as duplex type soils with a sheet of sand over a loam clay base. The variation being the thickness of the overlying sand sheet. Overlying these alluvial soils are grey brown sand over brown and yellow earthy sand of the Bassendean Sands. This sand is 800mm - 1000mm thick, making it land suitable for rural living lifestyle lots, akin to hobby farming and grazing / agistment.

In summary, the soils on the site are considered to be no different to those within the adjoining subdivisions, suitable for accommodating rural lifestyle development.

Hydrology

As part of the technical investigations to support the proposed scheme amendment, a local water management strategy (LWMS) was prepared. The LWMS seeks to address the pre-development environment, water use and sustainability initiatives, stormwater management strategies, groundwater management strategies, future design considerations and implementations mechanisms.

The land does not have defined rivers or creeks and is relatively flat, grading approximately 4m from the south to the north along the western boundary, with a central rise to the east.

The main watercourse is Karnet Brook which is located south of Utley Road, feeding into the Serpentine River. Surface drains exist resulting from traditional farming practices, cutting the land in an east-west alignment. The proposed subdivision layout will dissect the drains through the construction of a north-south central road. Therefore surface water that is collected through storm events will be directed along swale drains to maintain the natural environmental flows.

As discussed above, wastewater treatment is to be undertaken via onsite treatment units, deemed suitable in accordance the Department of Health’s Guidelines 2001 for Aerated Treatment Units (ATU’s). This is due to the high nutrient retention characteristics of the site.

Officer's assessment of the LWMS identified that no groundwater monitoring was done. Furthermore, the hydrological analysis of the system is not consistent with Australian Rainfall & Run-off (AR&R) 2016 and is therefore not supportable as a LWMS. The analysis did not utilise the latest version of the AR&R that uses burst analysis and therefore it is considered the submitted LWMS is only appropriate for use as a District Water Management Strategy, which is the appropriate level document for scheme amendment proposals. The applicant will be required to amend the calculations and assumptions in accordance with the AR&R 2016 in preparation of a structure plan application.

Modifications to proposed Amendment 199

Officer have assessed the proposed wording recommended to be included in 'SR 26' Appendix 4 – Special Rural Zone. Modifications are being proposed to this text to ensure it accurately describes the intent and also to incorporate the road to the western boundary of the lot as considered above. Insertions are included in bold and proposed deletions are struck through as follows:

- a) All buildings and structures shall be constructed at a minimum setback of 15m from the primary street and 10m from any other lot boundary'
- b) No building shall be constructed of materials, the colour or texture of which in the opinion of the Council is undesirable for the locality;
- c) No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste water treatment system as approved by the Department of Health, and with the base of the system or the modified irrigation area being the required distance above the highest known water table.
- d) The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of the Council. Animal stocking rates shall not exceed the stocking rates recommended by the Department of Agriculture for the pasture type for the policy area.
- e) The Structure Plan and subsequent subdivision shall incorporate a road on the western boundary of the subject sites to ensure an appropriate separation and buffer is created between the Rural and Rural Residential interface. To this extent it is expected that the western boundary road would be an extension of Walker Road from Wattle Road in the north to Utley Road in the south.

Options and Implications:

With regard to the determination of the application, Council has the following options:

Option 1: Council may resolve to proceed to advertise the amendment to the local planning scheme without modifications.

The advertising of the amendment without modifications will result in the advertising of an amendment, not strictly in accordance with the Rural Strategy and Rural Strategy Review, however it would meet the objectives of the Rural Living Policy Area of the Rural Strategy 2013.

Option 2: Council may resolve to proceed to advertise the amendment to the local planning scheme with modifications.

Modifications will require further negotiations with the applicant and possibly the Department of Planning prior to public consultation.

Option 3: Council may resolve to not proceed to advertise the amendment to the local planning scheme.

Resolving to not advertise the amendment would result in the subject site remaining 'Rural' in line with TPS2.

Option 1 is recommended.

Conclusion:

Council has been requested to initiate a ‘standard’ amendment to the Shire of Serpentine Jarrahdale (The Shire) Town Planning Scheme No.2 (TPS2) that proposes to zone Lots 9001 Utley Road and Lot 9002 Wattle Road, Serpentine (subject site) from ‘Rural’ to ‘Special Rural’. The amendment seeks to amend the Scheme maps and include specific development provisions within Appendix 4 of TPS2.

It is considered that the lots have suitable soils to accommodate 2ha lots in the subject location and that they are capable of being developed for rural lifestyle lots. The Rural Strategy Review 2013 identifies the lots in the ‘Rural Living Policy Area’ and were identified with the objective of environmental repair in mind, as it was considered that these properties are likely to be managed appropriately by the landowner and lead to environmental improvements. The proposal is consistent with the Shire endorsed Rural Strategy Review 2013 that has conditional approval from the Western Australian Planning Commission.

Officers recommend that the proposed scheme amendment be supported by Council subject to modifications for the purpose of advertising.

Attachments:

- [OCM024.1/03/17](#) – Proposed Scheme Amendment No. 199 (IN16/24586)

Statutory Environment:

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Directions 2031 and Beyond;
- Draft Perth and Peel @ 3.5 Million;
- Metropolitan Regional Scheme (MRS)
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS2)
- Shire of Serpentine Jarrahdale Rural Strategy 1994
- Shire of Serpentine Jarrahdale Rural Strategy Review 2013
- State Planning Policy 2.1 – Peel-Harvey Coastal Plain Catchment
- State Planning Policy 2.5 – Rural Planning
- State Planning Policy 3.7 - Planning in Bushfire Prone Areas

Financial Implications:

There are no direct financial implications regarding this matter.

Alignment with our Strategic Community Plan:

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

Voting Requirements: Simple Majority

OCM024/03/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Rich

That Council, pursuant to Section 75 of the *Planning and Development Act 2005* (as amended) and the *Planning and Development (Local Planning Schemes) Regulations 2015*:

- 1. Determines that proposed Amendment No. 199 to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2, as contained in attachment OCM024.1/03/17, is a 'standard' amendment in accordance with Part 5, Division 1, Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015;**
- 2. Adopts Scheme Amendment No. 199 in accordance with Regulation 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the purposes of advertising subject to the following modifications to the text included in attachment OCM024.1/03/17 :**
 - a) All buildings and structures shall be constructed at a minimum setback of 15m from the primary street and 10m from any other lot boundary'**
 - b) No building shall be constructed of materials, the colour or texture of which in the opinion of the Council is undesirable for the locality;**
 - c) No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste water treatment system as approved by the Department of Health, and with the base of the system or the modified irrigation area being the required distance above the highest known water table.**
 - d) The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of the Council. Animal stocking rates shall not exceed the stocking rates recommended by the Department of Agriculture for the pasture type for the policy area.**
 - e) The Structure Plan and subsequent subdivision shall incorporate a road on the western boundary of the subject sites to ensure an appropriate separation and buffer is created between the Rural and Rural Residential interface. To this extent it is expected that the western boundary road would be an extension of Walker Road from Wattle Road in the north to Utley Road in the south.**
- 3. Forwards two (2) copies of Amendment No. 199 of Town Planning Scheme No.2 to the Western Australian Planning Commission in accordance with Regulation 37(2) of the Planning and Development (Local Planning Schemes) Regulations 2015; and**
- 4. Authorises Shire Officers to make any such modifications as requested by the Western Australian Planning Commission to ensure that the Amendment No. 199 is satisfactory for advertising.**

CARRIED UNANIMOUSLY

OCM025/03/17	Proposed Extension to Approval - Sawmill - Lot 9 (#550) Gossage Road, Oldbury (P04060/01)
Author:	Haydn Ruse – Planning Officer
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	21 February 2017
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:	Jarrahwood Australia Pty Ltd
Owner:	Roy McKernan
Date of Receipt:	12 December 2016
Lot Area:	19.74ha
Town Planning Scheme No 2 Zoning:	'Rural'
Metropolitan Region Scheme Zoning:	'Rural'

Introduction:

The purpose of this report is for Council to consider an extension to a previously approved Sawmill at Lot 9 (550) Gossage Road, Oldbury. The initial approval was determined by the Development Assessment Panel (DAP) at its meeting on 17 December 2014. The approval was valid for a period of two (2) years and lapsed on 17 December 2016.

Under Clause 17 of the *Planning and Development (Development Assessment Panels) Amendment Panel Regulations 2016*, land owners have the ability to apply for an extension to an approval during or after the period of approval.

This report is thereby presented to Council to consider the officer Responsible Authority Report (RAR) to the DAP in accordance with Clause 17 of the DAP Amended Regulations.

The attached RAR (OCM025.1/03/17) recommends that the extension to the approval timeframe be approved. It is recommended that Council endorse the RAR to be presented to the DAP.

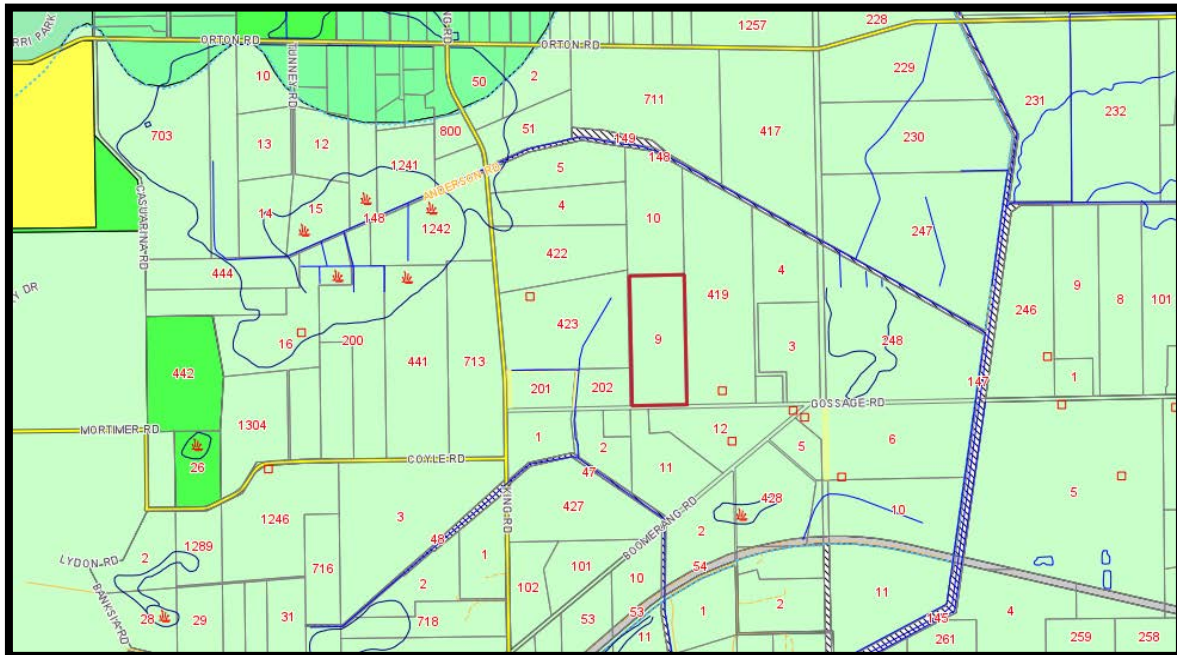
Background:

An application for a Sawmill was approved by the DAP on 17 December 2014. The application was also presented to Council at its Ordinary Meeting on 8 December 2014 where Council resolved to support the officer recommendation for approval by the DAP.

The subject application does not include any changes to the development which was approved by the DAP and Council in 2014.

Changes to the planning framework since the application was initially approved have occurred and considering during the assessment of the subject application. The changes to the planning framework do not impact or alter the planning assessment and ability to approve the proposal.

A copy of the initial application and assessment have been included as an attachment to this report for Councils information (OCM025.5/03/17).



Locality Plan

Relevant Previous Decisions of Council:

OCM097/12/14 – Proposed Sawmill and Storage – Lot 9 Gossage Road, Oldbury

Planning Assessment:

There were several issues raised through the assessment of the initial application that were addressed through additional information or conditions of approval. Several issues arose from submissions received during consultation by surrounding neighbours, including land use, amenity impacts, traffic problems, noise management and dust control.

The applicant submitted technical information to address the issues raised during consultation, including a Traffic Impact Assessment report, Noise Management Plan and Dust Management Plan. The Shire was satisfied that the documents addressed concerns relating to vehicle movement, noise and dust control.

With respect to land use permissibility, the proposed development is an 'Industry Rural' use under Town Planning Scheme No.2 which is designated as an 'AA' use. An 'AA' use is capable of being approved subject to approval from Council.

Concerns in relation to the amenity impact of the structure were addressed by conditioning a Landscape and Revegetation Management Plan. The condition requires the applicant to provide revegetation to the satisfaction of the Shire, screening the development and preserving the amenity of surrounding land owners.

The Shire also had concerns in relation to drainage and clearing of vegetation, however, a condition requiring a Storm Water Management plan was imposed to address drainage. The Shire's concern relating to the clearing of vegetation was considered to be addressed through the condition for a Landscape and Revegetation Management Plan. The vegetation being cleared will be compensated for by revegetation required as part of the Landscape and Revegetation Management Plan.

Land Use

No changes to the land use or operations of the Sawmill have been proposed. There have been no changes to the TPS2 since the application was approved that would affect the land use definition. As such, the land use is not considered to be a concern for the proposed extension to the approval.

Strategic Planning

The Shire’s Rural Strategy policy was presented to Council in February 2017 and approved for final endorsement and gazetal by the Western Australian Planning Commission. The Rural Strategy document approved by Council has been considered and assessed against the proposal and changes to the policy have been determined to not affect the approval or ability for the approval period to be extended.

Community / Stakeholder Consultation:

The application for extension to the term of approval has not been advertised to surrounding properties and does require to be advertised in accordance with the Shire’s Town Planning Scheme.

Whilst the initial application as advertised at the discretion of the Shire, the request to extend the approval period was not advertised on account of the issues and concerns raised during consultation being addressed as noted in the planning assessment section of this report.

Options and Implications

There are two options available to Council with respect to this application as follows:

Option 1: Recommend to the JDAP the application be approved, subject to conditions.

Option 2 Recommend to the JDAP that the application be refused.

Option 1 is recommended.

Conclusion

The proposal seeks an extension to the approval timeframe for a Sawmill at Lot 9 (550) Gossage Road, Oldbury. The extension will allow the applicant to substantially commence the previously approved development.

The proposal does not seek any amendments to the previous approval and is consistent with changes to the planning framework since the application was approved in 2014. It is considered that the extension to the approval timeframe is reasonable and is recommended that Council endorse the RAR report contained within attachment OCM025.1/03/17.

Attachments:

- [OCM025.1/03/17](#) – Responsible Authority Report (E17/1540)
- [OCM025.2/03/17](#) - Clause 67 Deemed Provisions Planning Assessment (E17/1867)
- [OCM025.3/03/17](#) – Council Resolution of 8 December 2014 (CR14/135)
- [OCM025.4/03/17](#) – Application for Extension to Approval (IN16/27214)
- [OCM025.5/03/17](#) – Application for Development Approval (IN17/4530)

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 (Development Assessment Panels) Regulations 2011*
Regulation 17 (1)(a) requires any subsequent changes to a DAP approval be determined by the DAP:

“(1) An owner of land in respect of which a development approval has been granted by a DAP pursuant to a DAP application may apply for the DAP to do any or all of the following —

(a) To amend the approval so as to extend the period within which any development approved must be substantially commenced;”

Financial Implications:

There are no direct financial cost implications for Council as a result of this application.

Voting Requirements: Simple Majority

OCM025/03/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Piipponen

That Council endorses the Responsible Authority Report contained within attachment OCM025.1/03/17, which recommends that the Metropolitan East Joint Development Assessment Panel approve the application seeking extension to the approval timeframe for the proposed Sawmill at Lot 9 (#550) Gossage Road, Oldbury, with relevant conditions:

- 1. The conditions of approval shall be as per those conditions imposed by the Development Assessment Panel for DAP/14/00628 at its meeting on 17 December 2014, as per attachment OCM025.2/03/17; and**
- 2. This approval is valid for a period of two years (2) from the date of approval being granted.**

CARRIED UNANIMOUSLY

OCM026/03/17 Lot 37 (No.12) Rigoll Court, Mundijong – Proposed Carport (PA16/510)	
Author:	TPG + Place Match
Senior Officer/s:	Andre Schonfeldt - Director Planning
Date of Report:	10 March 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

Proponent: Aiden Patios
 Owner: Michael & Debra Upton
 Date of Receipt: 1 December 2016
 Lot Area: 840m²
 Town Planning Scheme No. 2 Zoning: 'Urban Development'
 Metropolitan Region Scheme Zoning: 'Urban'

Introduction:

The purpose of this report is to consider a development application proposing a 'Carport' at Lot 37 (No.12) Rigoll Court, Mundijong.

The proposal is presented to Council in accordance with 'Council Policy G703 - Control over employees dealing in land and other business activity within the Shire of Serpentine Jarrahdale', as the proponent is an employee of the Shire.

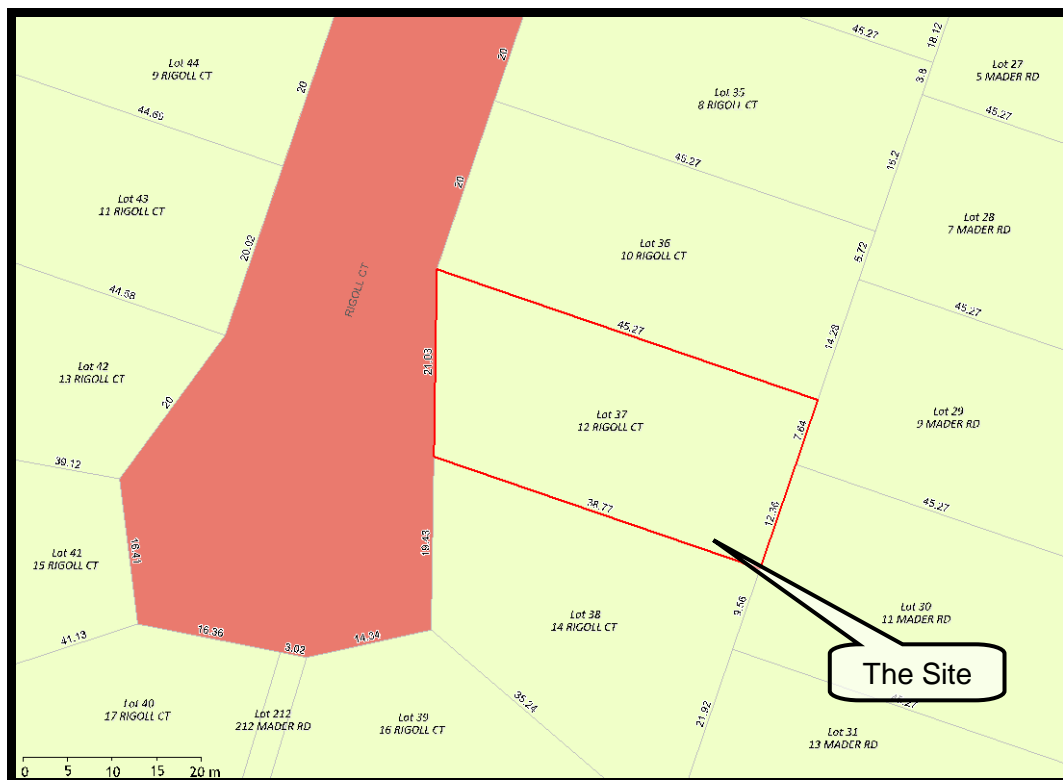


Figure 1: Locality Plan

Background:

Existing Development:

The subject lot currently contains an existing single dwelling and a garage abutting the rear boundary.

The surrounding area is largely residential in nature and generally comprises established single dwellings.

Proposed Development:

A development application was lodged with the Shire in December 2016 seeking approval for a ‘Carport’, which is to be located at the primary street frontage of the existing dwelling, abutting Rigoll Court, and to be used primarily to house the owners’ caravan.

The proposed carport will be affixed to the fascia of the existing dwelling and is to measure 7m by 7m, and occupy a total area of 49m². The structure will be open-sided and incorporate a flat roof design that provides a ground clearance of between 3.1m and 3.3m.

A 0.5m setback is provided to the primary street frontage, while a 1.5m setback is provided to the southern side boundary.

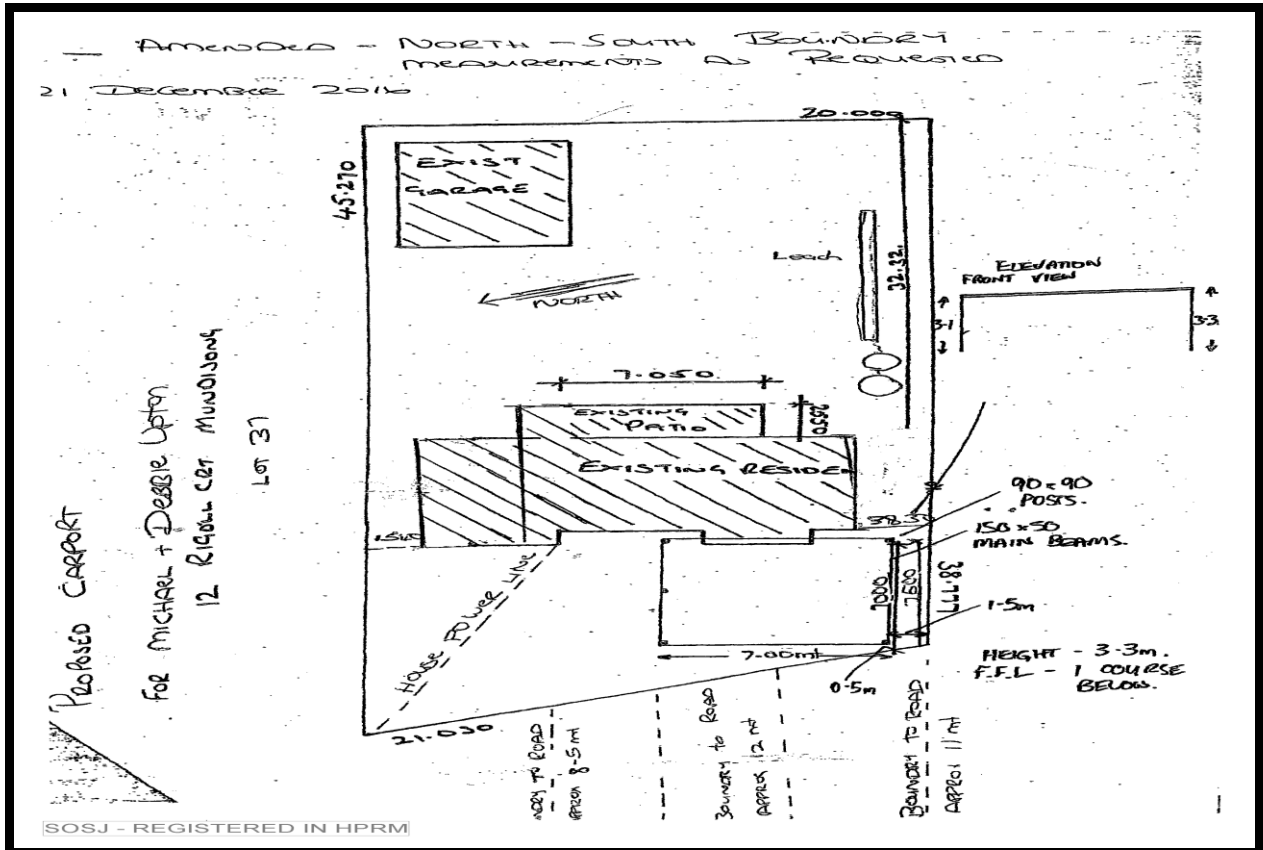


Figure 2: Site Plan

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this application.

Community / Stakeholder Consultation:

The application has been advertised as per Part 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, with no objections having been received.

Statutory Environment:

- Metropolitan Regional Scheme (MRS)
The lot is zoned ‘Urban’ under the MRS.
- *Planning and Development (Local Planning Schemes) Regulations 2015*.
- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS2)
The lot is zoned ‘Urban Development’ under the TPS 2.
- Mundijong Whitby District Structure Plan – Precinct F.
- Local Planning Policy 29 – Mundijong Whitby Planning Framework (LPP29).

Financial Implications:

Due to the requirements of Council Policy G703 - Control over employees dealing in land and other business activity within the Shire of Serpentine Jarrahdale' the assessment of this particular application was required to be undertaken by an independent planning consultant. The total cost for this was approximately \$3,850 which has been paid out of TPP502 Consultancy Planning, used for this purpose.

Officers consider that minor matters such as this particular application should be able to be addressed under delegation, if a proper policy is put in place to deal with conflicts of interest and reporting lines are made clear. To this extent Officers recommend that this policy be reviewed as part of a future policy manual review and that a level of discretion be built into the policy to allow minor developments to be approved without the need to appoint external consultants and unnecessarily expend funds.

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.

Planning Assessment:

Planning Framework

The subject lot is located within the 'Urban Development' zone pursuant to TPS2, the purpose of which is:

'...to provide for the orderly planning of large areas of land in a locally integrated manner and within a regional context, whilst retaining flexibility to review planning with changing circumstances.'

The site is also situated within 'Development Area 1' under TPS2. Specific provisions relating to 'Development Areas' are provided through Appendix 15 of TPS2, with Clause 5.18.1 of TPS2 further stating that a structure plan is required for 'Development Areas'. In this regard, the Mundijong Whitby District Structure Plan has been prepared to provide broad level guidance to inform more detailed planning in relation to the future subdivision and development of the area.

The Mundijong Whitby District Structure Plan identifies the site as forming part of Precinct F and requires the preparation of a local structure plan, however, one is yet to be prepared over the site. In this respect, Clause 5.18.7.2 of TPS2 states the following:

'Development of a single house on a lot within the "Urban Development" zone prior to the approval of a Structure Plan is permitted subject to the Council being satisfied that such development will not have an adverse effect on:-

- a) the preparation of a Structure Plan for; or*
- b) the orderly and proper planning of the area intended for the preparation of a Structure Plan.'*

The proposed development is considered to be incidental to the existing single dwelling and therefore is capable of approval in accordance with the above.

It is also noted that given no local structure plan has been prepared for the site, there is no effective zoning from which to derive applicable development standards. As such, the application has been assessed against the provisions of Part VII – General Provisions of TPS2 and Clause 67 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Setbacks

Whilst no setback requirements are applicable to the proposed development under the planning framework, it is considered the setbacks of the carport are appropriate to maintain clear sight lines along the street and to not detract from the streetscape or appearance of the dwelling, noting the open nature of the structure.

The significant area of road reservation in front of the property's boundary with the primary street also mean that the development will be well setback from the street alignment at approximately 9.5m, thereby reducing the impact of the structure on the streetscape and mitigating potential conflict with the operation of the roadway.

Design and Visual Amenity

TPS2 does not specifically set out design requirements for development in the 'Urban Development' zone, however, Part VII does provide general development standards. In particular, Clause 7.1 of TPS2 states the following:

'No person shall without the approval of the Council erect or commence to erect a building which by virtue of its colour or type of materials, architectural style, height, bulk or ornamental or general appearance has, in the opinion of Council, an exterior design which is out of harmony with exterior designs of existing buildings or is likely to injure the amenity of the locality.'

The proposed development is considered to be of an appropriate design for its residential context in terms of the materials used, architectural style, height and general appearance of the structure being flat roofed, open sided and incorporating finished steel construction.

Matters to be Considered by Local Government

Clause 67 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides that when considering a development application, the local government is to have due regard to a range of matters contained within that Clause, to the extent that they are relevant to the proposed development. As such, the following matter from Clause 67 is considered relevant to the assessment of the proposed development:

'the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.'

In respect of the above, the proposed development is considered to be compatible with its residential setting, in that it is incidental to the existing single dwelling on the site and will have limited impact on neighbouring properties in terms of height, siting and appearance.

Options and Implications:

With regard to the determination of the application, Council has the following options:

- Option 1: Council may resolve to approve the application subject to conditions.
The approval of the application will not result in a negative impact on the amenity or character of the area.
- Option 2: Council may resolve to refuse the application.
Refusal of the application may result in an appeal to SAT which may not be able to be successfully argued.

Option 1 is recommended.

Conclusion:

It is considered that the proposed development is capable of approval despite there being no local structure plan prepared over the site, in accordance with Clause 5.18.7.2 of TPS2. Furthermore, the proposed development is considered to be minor in nature and will have little to no discernable impact on the streetscape, amenity of surrounding properties or safe operation of the roadway, owing to the siting, design and overall appearance of the structure. As such, the application is recommended for approval, subject to conditions.

Attachments:

- [OCM026.1/03/17](#) – Clause 67 Deemed Provisions Planning Assessment (E17/1876)
- [OCM026.2/03/17](#) – Site Plans (E17/1884)

Voting Requirements: Simple Majority

OCM026/03/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Ellis, seconded Cr Rich

That Council approves the application submitted by Aiden Patios on behalf of Michael and Debra Upton for a 'Carport' as indicated on the approved plans and does not relate to any other development on Lot 37 (No.12) Rigoll Court, Mundijong, subject to the following conditions:

- 1. If the development is not substantially commenced within a period of two (2) years from the date of this approval, the approval shall lapse and be of no further effect.**
- 2. The landowner shall ensure all activities related to the construction of the development (such as, but not limited to, storage of building materials and contractor vehicles) shall be contained wholly within the lot boundaries.**

CARRIED UNANIMOUSLY

OCM027/03/17	Rural Strategy Review 2013 – Final Adoption (SJ1082)
Author:	Lauren Dujmovic – Strategic Planner
Senior Officer/s:	Andre Schonfeldt – Director Planning
Date of Report:	9 March 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

Introduction

The purpose of this report is to inform Council of the Western Australian Planning Commission's (WAPC) decision on the Rural Strategy Review 2013 and present Council with options to respond to this decision. In December 2016, the WAPC resolved to provide in-principle support for the Rural Strategy Review 2013 subject to modifications in accordance with Part 3 Section 15(1)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

This report outlines the 19 modifications required by the WAPC and provides officer comment in relation to each of these modifications, with discussion surrounding the Shire's original rationale for the Rural Strategy Review 2013 and the WAPC's rationale for the modification. Of the 19 modifications to the Rural Strategy Review 2013 required by the WAPC, Shire officers support seven of the modifications and do not agree with nine of the modifications, one modification is partially supported with the remaining two modifications relating to textual and map changes to reflect the other 17 modifications. This report provides Council with the opportunity to request the WAPC to reconsider the required modifications in light of the officer comments contained within this report.

Background:

Council's Rural Strategy is a land use planning document that has been in place since 1994. The overall purpose of the Rural Strategy is to preserve and enhance the Shire's rural character and its role as an important economic contributor to the Shire and broader region. The Rural Strategy identifies a range of policy areas and policy overlays. Through this document the Shire has a clear direction for planning the Shire's rural areas, as well as a document to provide guidance in considering Town Planning Scheme zoning amendments, development and subdivision applications.

The original Rural Strategy was adopted in 1994 and endorsed by the WAPC. Minor modifications were made to the Strategy in 2003 and again in 2006, however the overall intent and structure of the Rural Strategy has remained largely intact since 1994. In 2012/13 a major review was undertaken that brought together the key elements of the 1994 Strategy as well as providing further modifications based on significant community consultation undertaken during 2011 and 2012. A similar approach to policy areas was also integrated into the review at the advice of the Department of Planning (DoP), with the aim of updating the objectives and guidelines in accordance with policy changes since the last review. The Rural Strategy Review 2013 was adopted by Council at its meeting of 15 July 2014 and presented to the WAPC for endorsement on 18 September 2014.

The DoP advised that the assessment of the Rural Strategy Review 2013 would be paused pending the release of the State's Strategic Assessment of the Perth and Peel Regions. In May 2015 the draft Perth and Peel@3.5million frameworks were released by the DoP. In December 2015 the draft Perth and Peel Green Growth Plan for 3.5million was released by the Department of the Premier and Cabinet. These two documents form the Strategic Assessment of the Perth and Peel Regions. Given the release and public advertisement of these documents, the DoP proceeded to assess the Rural Strategy Review 2013.

The draft Rural Strategy Review 2013 was presented to the WAPC's Statutory Planning Committee (SPC) meeting of 20 December 2016. At this meeting the WAPC resolved to provide in-principle support for the Rural Strategy Review 2013 though required modifications prior to granting final endorsement.

Relevant Previous Decisions of Council:

OCM024/08/12 – Draft Rural Strategy Review 2013 Adoption for Purposes of Advertising
OCM033/09/13 – Rural Strategy Review 2013 Consideration of Submissions and Adoption

Community / Stakeholder Consultation:

Formal community consultation for the Rural Strategy Review 2013 was originally undertaken between 1 November 2013 and 31 January 2014. A total of 92 submissions were received during this period. Council considered all submissions and adopted the Rural Strategy Review 2013 at its Special Council Meeting of 15 July 2014, subject to modifications. These modifications were made and sent to the DoP for consideration.

The SPC meeting of 20 December 2016 considered the Council adopted Rural Strategy Review 2013 as well as the submissions received during the advertising period. A deputation was made by the Shire officers in which it was made clear that Shire officers and Council continued to support the Council adopted Rural Strategy Review 2013 as resolved on 15 July 2014.

Comment:

The overall purpose of the Rural Strategy is to preserve and enhance the Shire's rural character and its role as an important economic contributor to the Shire and broader region. The Rural Strategy Review 2013 also aims to provide a framework for development in the absence of a Local Planning Strategy and was assessed by Council as such. The Rural Strategy is therefore a significant strategic document and is used as a primary resource to assess statutory applications.

For this reason the Rural Strategy Review 2013 is given much the same status as a Local Planning Strategy and has followed the same process and received the same endorsement from Council. The adopted Rural Strategy Review 2013 was sent to the DoP for consideration and at the SPC meeting of 20 December 2016 the WAPC resolved to:

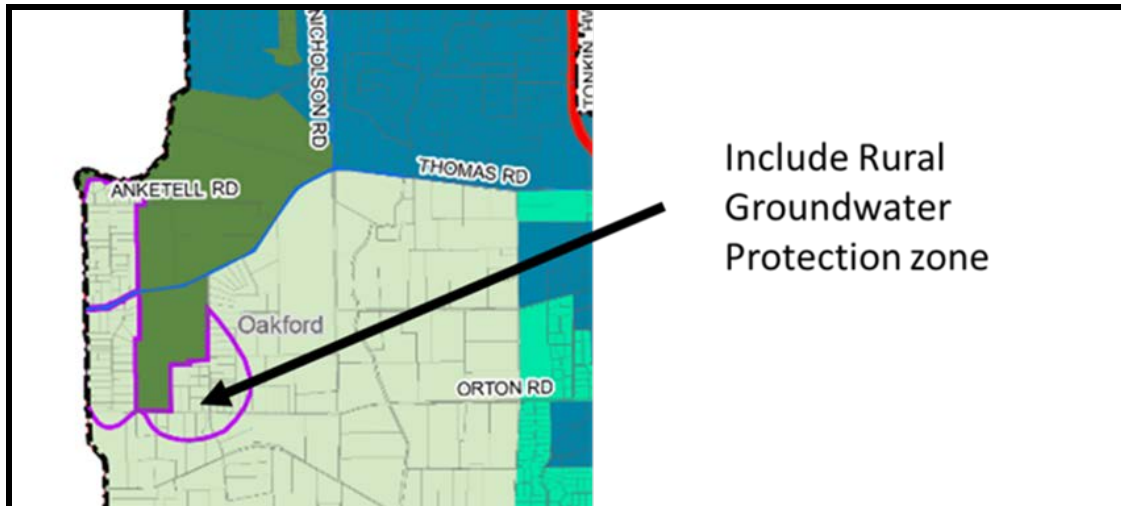
- “1. provide in-principle support for the Rural Strategy Review 2013, subject to the modifications outlined in Attachment 7, as a basis for guiding future amendments to Town Planning Scheme No.2 and other rural subdivision and land use proposals.*
- 2. require the Shire to modify the document accordingly and request that the final document to be provided to the Department of Planning for ratification.”*

The support of the WAPC is subject to 19 modifications. These modifications generally fall into five categories, as summarised below:

1. Alteration to the Rural Strategy Review 2013 map to ensure consistency with the Metropolitan Region Scheme (MRS). (Modifications 1, 3 and 4)
2. Alteration to the Rural Strategy Review 2013 map to ensure consistency with the draft South Metropolitan Peel Planning Framework (SMPPF) which forms a part of the draft Perth and Peel@3.5million documents. (Modifications 2, 5, 7, 11, 12 and 14 – 17)
3. Removal of policy area changes proposed under the Rural Strategy Review 2013, where although consistent with the SMPPF are considered to be premature under the implementation timeframe of the strategy review. (Modifications 8, 10 and 13)
4. Inserting text for particular Rural Living 'A' areas to specify a minimum 1 ha lot size for subdivision. (Modifications 6 and 9)
5. Altering the text component of the Rural Strategy Review 2013 to match the modifications required to the map. (Modifications 18 and 19)

The formal schedule of modifications is contained in attachment OCM027.1/03/17. Attachment OCM027.3/03/17 allows a visual comparison of the spatial changes required by the WAPC. The following section outlines and provides discussion on each of the WAPC's required modifications. For each modification, the following is provided:

- The WAPC's required modification;
 - The Shire's original rationale for the Council adopted version of the Rural Strategy Review 2013;
 - The WAPC's rationale for the required modification; and
 - Shire officer comment in regards to the Shire's original rationale and the WAPC's rationale.
1. **Modification: Jandakot Groundwater Mound** – *Delineate the Rural - Groundwater Protection zone on the Map. *Note: the boundary on the Rural Strategy Review Map is slightly misaligned to the Metropolitan Region Scheme.*



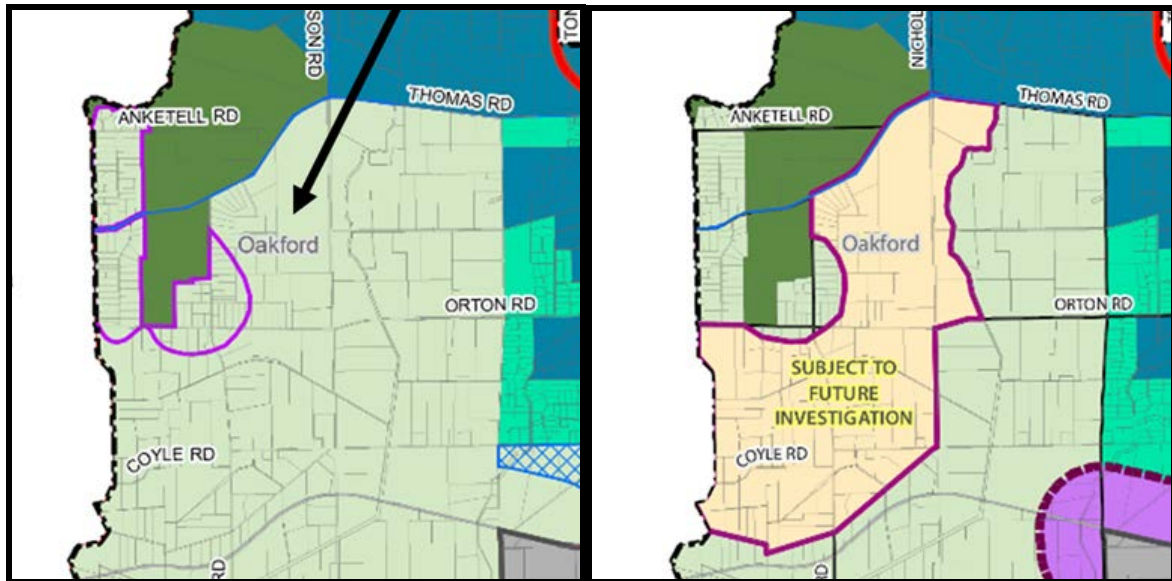
Shire's Original Rationale: The Jandakot Groundwater Mound or Rural Groundwater Protection zone was not identified on the Rural Strategy Review 2013 Map.

WAPC Rationale: Not Stated.

Officer Comment: Shire officers support the identification of the Rural – Groundwater Protection zone on the Rural Strategy Review 2013 map. The Jandakot Groundwater Mound is an important resource which provides high quality drinking water for the State. Identifying the Rural – Groundwater Protection zone on the Rural Strategy Review 2013 map, highlights the importance of the Jandakot Groundwater Mound, and notifies landowners of the protection and management objectives of land in this area. It would also refer planning officers to State Planning Policy 2.3 Jandakot Groundwater Protection (SPP2.3), which contains policy measures for the protection of the Jandakot Groundwater Mound.

Officers recommend that Council agree to Modification 1: *Jandakot Groundwater Mound – Delineate the Rural - Groundwater Protection zone on the Map*, as the Jandakot Groundwater Mound is an important resource which provides high quality drinking water for the State this modification would ensure it is appropriately identified on the Rural Strategy Review 2013 map.

2. **Modification: Oakford/Oldbury Subject to Future Investigation Area** – *Remove the 'Subject To Future Investigation' classification and depict the underlying land as Rural.*



Shire's Original Rationale: The Oakford 'Subject to Future Investigation' area was included in the Rural Strategy Review 2013, based on a concept which was originally identified in the 1994 Rural Strategy. The Oakford Village was identified as one of three urban villages included in the 1994 Rural Strategy, which were proposed to accommodate approximately 5,000 people each. The other two urban villages identified in the 1994 Rural Strategy were Hopeland and The Flats.

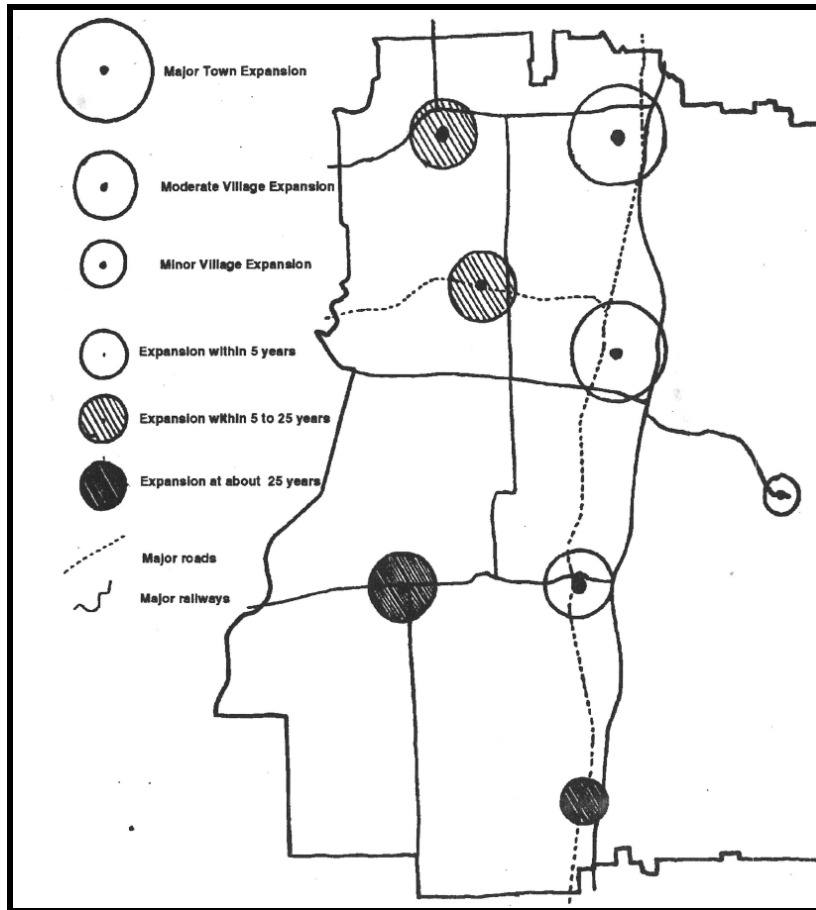
The 1994 Rural Strategy stated the following in regards to these new villages:
'The new villages appear to have only limited land with suitability for urban development density and are primarily intended as Rural Living Villages with an urban centre, somewhat similar to the town of Serpentine.'

In 2003 a review of the Rural Strategy identified the 'Oakford Village Possible Site' on the Rural Strategy map. This continues the original intent of a village within the area as identified in the 1994 strategy.

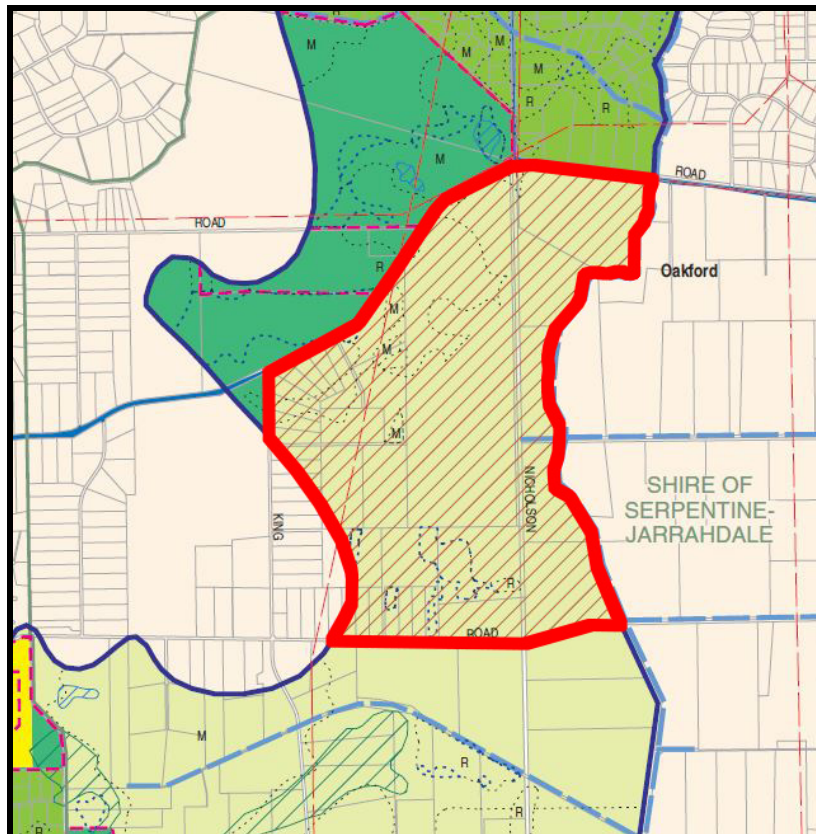
In 2007 the WAPC approved the Jandakot Structure Plan, which based on the 1994 Rural Strategy, proposed a small rural village in Oakford at the intersection of Thomas Road and Nicholson Road. The Jandakot Structure Plan also identified Rural living development in the area south of Thomas Road generally between King Road and Nicholson Road, to accommodate rural activities, that require medium-large sized lots. To reflect this a 'Rural Economic Living Area' was identified over the Oakford site within the 2007 Jandakot Structure Plan.

In May 2008, Council resolved to provide in-principle support for the Oakford Village Concept plans. In 2011, the Shire adopted Local Planning Policy No. 51: 'Oakford Rural Economic Living Area Planning Framework' to provide a framework for the future development of the Oakford area in particular in relation to the implementation of the Oakford Village and the 'Rural Economic Living Area' as identified in the 1994 Rural Strategy and 2007 Jandakot Structure Plan.

The Shire also received a request to support a MRS amendment to rezone 180ha of land in Oakford from Rural to Urban in 2011. In 2012, Council resolved to provide in-principle support for the proposed amendment and formally requested the Western Australian Planning Commission to progress the amendment. This MRS amendment was not progressed by the Commission pending the finalisation of the Strategic Assessment of the Perth and Peel Regions. Given this history of the Oakford site for a possible village and rural living precinct, the Rural Strategy Review 2013 included the Oakford/Oldbury Subject to Future Investigation Area.



1994 Rural Strategy – Proposed Urban Villages



2007 Jandakot Structure Plan – Rural Economic Living Area

WAPC Rationale: *The intent for this land remains uncertain until such time as the SMPPF is finalised and it is recommended that the land remain classified as Rural.*

Officer Comment: Officers do not support the WAPC's decision to remove the Oakford/Oldbury Subject to Future Investigation Area from the Rural Strategy Review 2013. This area has been identified for further development in Shire and WAPC approved documents since 1994 as described above under the Shire's original rationale. Under the 2007 Jandakot Structure Plan, a portion of the Oakford/Oldbury 'Subject to Future Investigation Area' was identified as a 'Rural Economic Living Area'. In 2016, Council adopted the SJ 2050 document which identified a settlement pattern aligned with the Perth and Peel@3.5million frameworks, and identified the Oakford area as an intensive agriculture area. A significant percentage of the existing land uses within the area are considered to fall within the rural enterprise or intensive agriculture land use classifications.

Given a portion of the area has been identified for rural economic living purposes in Shire and WAPC approved documents; the existence of a significant proportion of rural enterprise land uses in the area; and the identification of Oakford for intensive agricultural land uses within SJ 2050; Officers recommend that a rural enterprise precinct be identified in Oakford. In this regard, Officers recommend that this precinct should align with the land identified as the 'Rural Economic Living Area' under the 2007 Jandakot Structure Plan.

It should be noted that this area of land is smaller than the area of land identified within the Oakford/Oldbury 'Subject to Future Investigation Area' that was proposed under the Rural Strategy Review 2013. However, Officers consider that this area of land is appropriate to be depicted as 'Rural' with an overlay for 'Rural Enterprise Future Investigation', as this will allow for Rural Enterprise land uses and may include a rural service centre around the Thomas Road and Nicholson Road intersection. As such this smaller investigation area could then also be considered to be consistent with the previous strategies and plans endorsed for this area.

As such Officers recommend that Council request the Western Australian Planning Commission to reconsider Modification 2: *Oakford/Oldbury Subject to Future Investigation Area – Remove the 'Subject To Future Investigation' classification and depict the underlying land as Rural*, and to request that the Rural Strategy Review 2013 Map be amended to, depict the land identified as 'Rural Economic Living Area' in the Jandakot Structure Plan 2007, as 'Rural' with an overlay for 'Rural Enterprise Future Investigation'. This will allow for Rural Enterprise land uses within the area, and may include a rural service centre around the Thomas Road and Nicholson Road intersection.

- Modification: Reserve 10164 Byford** – *Remove 'Rural Living B' classification, depict as Parks and Recreation to reflect the land reservations under the Metropolitan Region Scheme (eastern portion) and Town Planning Scheme No. 2 (western portion).*



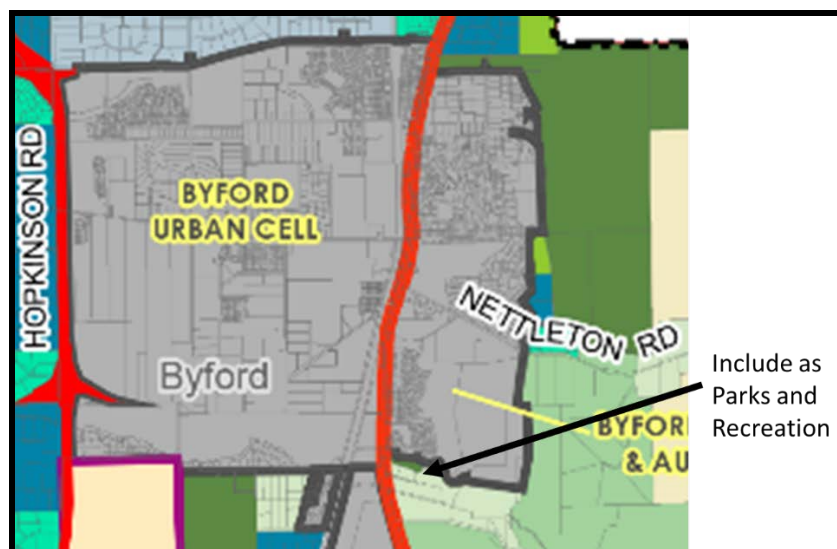
Shire's Original Rationale: The eastern portion of Reserve 10164 was identified as 'Parks and Recreation' under the Rural Strategy Review 2013 and the western portion was identified as 'Rural Living B'. It was a minor oversight that the western portion of this reserve was not identified as 'Parks and Recreation' in the draft Rural Strategy Review 2013.

WAPC Rationale: Not Stated.

Officer Comment: The western portion of Reserve 10164 is reserved as 'Public Open Space' under Town Planning Scheme No. 2 and the eastern portion is reserved 'Parks and Recreation' under the MRS. This is a minor modification to better reflect the purpose of this land.

Officers recommend that Council agree to Modification 3: Reserve 10164 Byford – Remove 'Rural Living B' classification', depict as 'Parks and Recreation' to reflect the land reservations under the Metropolitan Region Scheme (eastern portion) and Town Planning Scheme No. 2 (western portion) as this minor variation better reflects the purpose of the land.

4. **Modification: Byford Urban Cell** – (a) Boundaries to reflect the Urban and Future Urban zoned areas under Metropolitan Region Scheme and draft South Metropolitan Peel Sub Regional Planning Framework (excluding 'Rural Living A' 19). (b) R48455 (Lots 116 and 425) should be depicted as Parks and Recreation to reflect its reserve status.



Shire's Original Rationale: The Rural Strategy Review 2013 was prepared prior to the release of the draft SMPPF. It was a minor oversight that Reserve 48455 was not identified as 'Parks and Recreation' in the draft Rural Strategy Review 2013.

WAPC Rationale: Not Stated.

Officer Comment: (a) This is considered to be a minor modification which does not change the intent of the Council endorsed Rural Strategy Review 2013. (b) This portion of land is reserved as 'Public Open Space' under Town Planning Scheme No. 2. This is a minor modification to better reflect the purpose of this land.

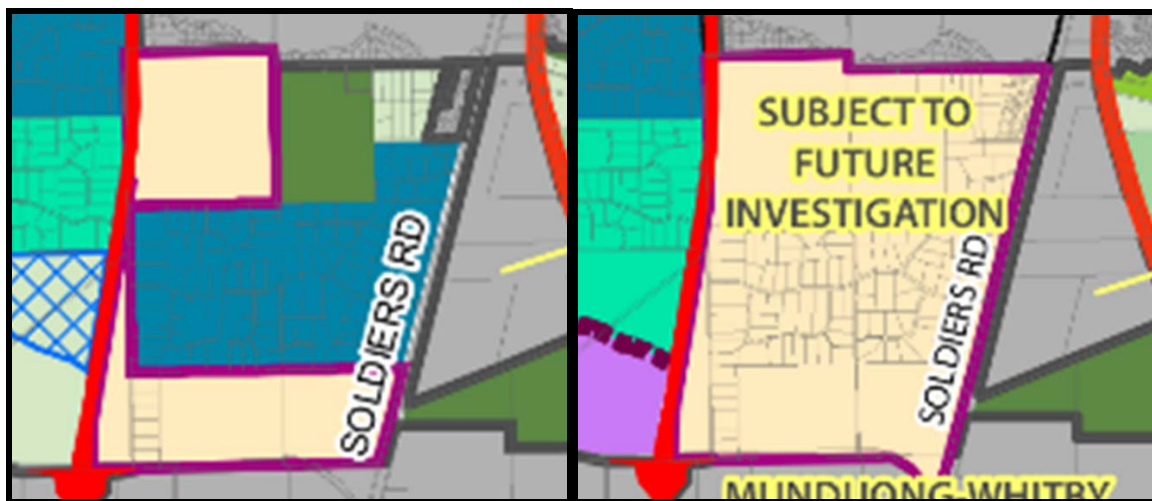
Officers recommend that Council agree to Modification 4: Byford Urban Cell – (a) Boundaries to reflect the Urban and Future Urban zoned areas under Metropolitan Region Scheme and draft South Metropolitan Peel Sub Regional Planning Framework (excluding 'Rural Living A' 19). (b) R48455 (Lots 116 and 425) should be depicted as 'Parks and Recreation' to reflect its reserve status as this minor variation better reflects the purpose of the land.

5. **Modification: Subject to Future Investigation between Byford and Mundijong** – To be depicted as ‘Subject To Future Investigation’.
- Lot 33 (681) Hopkinson Road,
 - Lot 103 (130) Bishop Rd, Cardup, and
 - Lot 30 (496) Soldiers Rd, Cardup

All remaining land to be depicted as per the current Strategy/Scheme classifications, being:

- Parks and Recreation for R2457,
- ‘Rural Living B’ for Special Rural 8 and Special Rural 17
- Urban Cell for the R5 coded area
- Rural for the land between the R5 and R2457
- Rural for Lots -391 (900) Hopkinson Rd, and Lots 19-24 Hopkinson Rd, Cardup

*Lot 1 (1) Bishop Road is part of the Mundijong urban cell.



Shire’s Original Rationale: All land between Byford and Mundijong bound by Soldiers Road and the future Tonkin Highway was identified as ‘Subject to Future Investigation’ in the Rural Strategy Review 2013 given the strategic location of this land between two urban centres. This land is well-located and in close proximity to the existing and planned facilities and services in Byford and Mundijong, and the Cardup Business Park to the east. The future Tonkin Highway provides a logical boundary to separate the urban land from the Rural and Rural Living uses to the west.

WAPC Rationale: Not Stated.

Officer Comment: Shire officers support the inclusion of Lot 33 (681) Hopkinson Road, Lot 103 (130) Bishop Road and Lot 30 (496) Soldiers Road in Cardup within a Subject to Future Investigation Area. However, the land between Mundijong and Byford should retain a rural residential character to ensure the two urban areas of Byford and Mundijong have defined urban boundaries. The investigation areas should therefore be carefully planned to ensure this character and rural residential edge remains in perpetuity. This was articulated in the SJ 2050 settlement pattern and spatial framework. In this regard it is considered that soft rural residential edges are important to create distinction and legibility, and to differentiate between the urban areas of Mundijong and Byford. As such Officers are supportive of the Future Investigation Area being reduced to only include Lot 33 (681) Hopkinson Road, Lot 103 (130) Bishop Road and Lot 30 (496) Soldiers Road in Cardup.

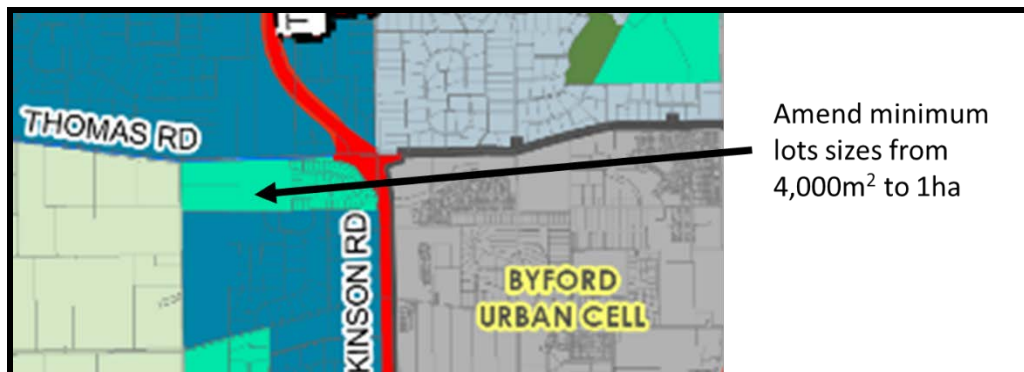
Shire officers do not agree to the identification of the land between the R5 coded area and Reserve 2457 as Rural given that this small area of land is surrounded by urban and rural living properties. The lot sizes in this area are more appropriate for a rural

living designation and identifying this land as rural, may lead to future land use conflicts and impacts to amenity. As such Officers recommend that this area be depicted as Rural Living B.

Officers recommend that Council agree to Modification 5: The inclusion of Lot 33 (681) Hopkinson Road, Lot 103 (130) Bishop Road and Lot 30 (496) Soldiers Road in Cardup within a Subject to Future Investigation Area. This modification will retain the Rural Living character between the two urban centres, but will still facilitate further investigation on the nominated lots.

Additionally Officers recommend that Council request the Western Australian Planning Commission to designate the area of land between the land coded R5 and Reserve 2457 as Rural Living B. This designation is considered more appropriate to reflect the lot sizes in this area and to if this land was identified for rural purposes, it may lead to future land use conflicts and impacts to the amenity.

6. **Modification: Lot 4 (331) Kargotich Road and Lot 2 (1842) Thomas Road, Oakford.** Retain 'Rural Living A' classification and insert text specific to this area which states: "Clause 5.12.4 of Town Planning Scheme No.2 applies in this area where a minimum lot size of 1 hectare is permitted".



Shire's Original Rationale: This land was identified as 'Rural Living A' to consolidate the existing rural living precinct bound by Thomas Road, Kargotich Road and the future Tonkin Highway.

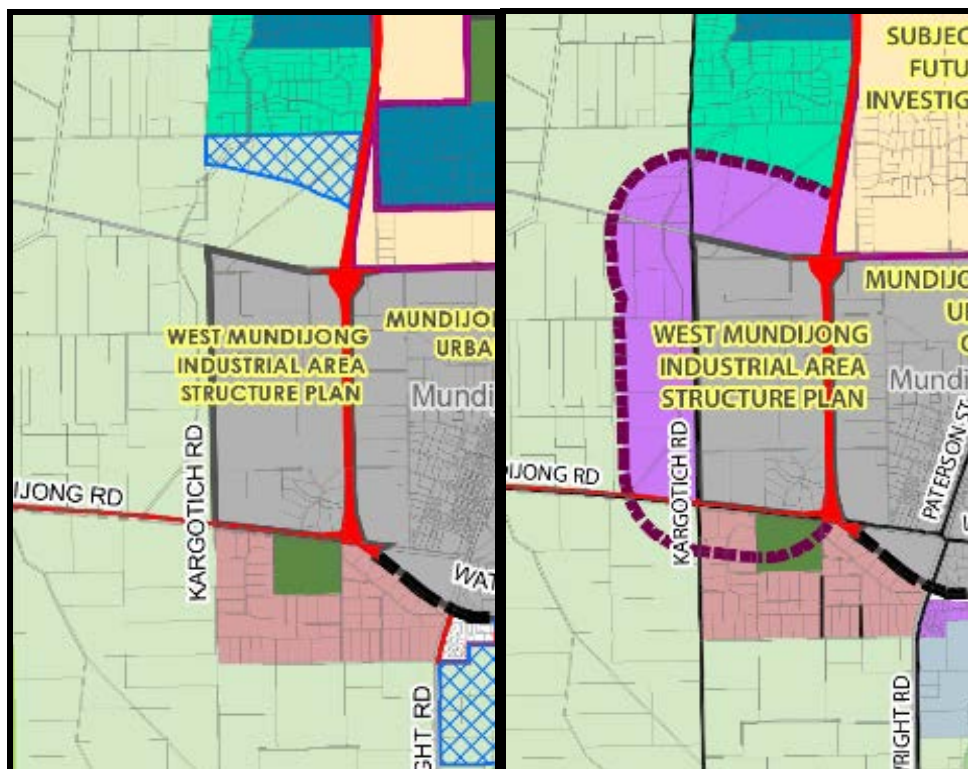
WAPC Rationale: It is acknowledged that these landholdings are identified for Urban Expansion in the draft SMPPF where the land may eventually be developed to lot sizes of less than 1 hectare, however, the RSR identified this land for 'Rural Living A' which promotes a lot size range of between 4,000m² and 1 hectare. In addition, these lots are affected by the recent release of the draft GSP (2016) and the requirement for a 1 hectare minimum lot size.

In view of the uncertainty pertaining to this site at this time, it is recommended that the land remain classified for 'Rural Living A' with an annotation that a 1 hectare lot size is applicable. Subject to the final release of the SMPPF and future demand for rural living land within the Shire, there may be scope for this land to be further subdivided below 1 hectare if deemed appropriate. However, this modification will ensure that in the short-term, the intent of the GSP (2016) is not undermined nor the urban potential of the site prejudiced prior to the final outcome of the SMPPF in the interim.

Officer Comment: Shire officers consider that modifying the text to apply a 1ha lot size minimum in this area is appropriate given that the land is yet to be developed, State Planning Policy 2.5 – Rural Planning classifies rural living lots to be in the range of 1ha – 4ha, the draft SMPPF has not been finalised and the release of the draft Government Sewerage Policy which only exempts lots greater than 1ha from requiring a connection to reticulated sewerage. Requiring larger lot sizes in this location would reduce the potential for land use conflicts with the rural land uses to the west.

Officers recommend that Council agree to Modification 6: Lot 4 (331) Kargotich Road and Lot 2 (1842) Thomas Road, Oakford. Retain 'Rural Living A' classification and insert text specific to this area which states: "Clause 5.12.4 of Town Planning Scheme No.2 applies in this area where a minimum lot size of 1 hectare is permitted". The land is yet to be developed, State Planning Policy 2.5 – Rural Planning classifies rural living lots to be in the range of 1ha – 4ha, the draft South Metropolitan Sub-regional Planning Framework has not yet been finalised and the recent release of the draft Government Sewerage Policy only exempts lots greater than 1ha from requiring a connection to reticulated sewerage.

7. **Modification: West Mundijong Industrial Area Buffer and Rural Enterprise – Remove the Industrial buffer and Rural Enterprise classification.**



Shire's Original Rationale: Structure planning for the West Mundijong Industrial Area identified the need for an off-site buffer to surround the proposed development. The West Mundijong Industrial Area District Structure Plan specified that the buffer of 1 km to the north and west of the development would be secured in the Rural Strategy Review 2013. The use of the Rural Strategy Review 2013 to identify the buffer was selected for the following reasons:

- Appendix 2 of State Planning Policy 4.1 identifies local rural strategies as a mechanism to maintain the integrity of buffer areas;
- It is proposed that the industries within the West Mundijong Industrial Area will have generally low emissions; and
- Local structure planning of the West Mundijong Industrial Area will require further noise assessments to identify potential compatible developments.

The Rural Strategy Review 2013 introduced the Rural Enterprise Policy Area as a renaming of the Light Industry Policy Area which was included in the 1994 Rural Strategy. This renaming occurred to more accurately represent the intent of the policy area. The land within the West Mundijong Industrial Area Buffer was identified as Rural Enterprise to allow compatible land uses. Additionally, designating this buffer under the Rural Strategy Review 2013 protects this land from urban encroachment. It provides certainty to existing and prospective landowners that this land is within the buffer of an industrial area, minimising the likelihood of the development of sensitive land uses.

WAPC Rationale: Not Stated.

Officer Comment: Shire officers maintain that the West Mundijong Industrial Area Buffer and the Rural Enterprise land use classification should be depicted on the Rural Strategy Review 2013 for the reasons outlined under the Shire's original rationale.

Officers recommend that Council requests the Western Australian Planning Commission to reconsider Modification 7: West Mundijong Industrial Area Buffer and Rural Enterprise – Remove the Industrial buffer and Rural Enterprise classification. The West Mundijong Industrial Area Buffer and the Rural Enterprise land use classification should be depicted on the Rural Strategy Review 2013 as the Buffer designation would restrict sensitive land uses from encroaching on the industrial precinct, thereby ensuring the industrial uses could operate with impunity. As for the Rural Enterprise designation this would enable the use of land within the buffer for composite light industrial land uses thereby ensuring the land is not sterilised.

8. **Modification: Land south of Gossage Road, east of Kargotich Road and west of Future Tonkin Highway** – Remove 'Rural Living A' classification and depict the underlying land as Rural. The Map is to include a footnote attached to the legend which states 'Frameworks Investigation Area #' with the following text: # It is acknowledged that this area is depicted as Rural-Residential in the draft South Metropolitan Sub-regional Planning Framework instalment of the Towards Perth and Peel@3.5million initiative, intended to guide development/demand in the Perth Metropolitan Area to 2050. Expansion of this area is premature under this Strategy which is intended to guide development for ~5 - 10 years.



Shire's Original Rationale: This land was included as 'Rural Living A' in the Rural Strategy Review 2013 to consolidate the Rural Living precinct bound by Kargotich Road, Thomas Road, the future Tonkin Highway and the West Mundijong Industrial Area buffer. This expansion of the already existing Rural Living areas to the north does not create a new Rural Living precinct and is not considered to result in a significant increase in lots.

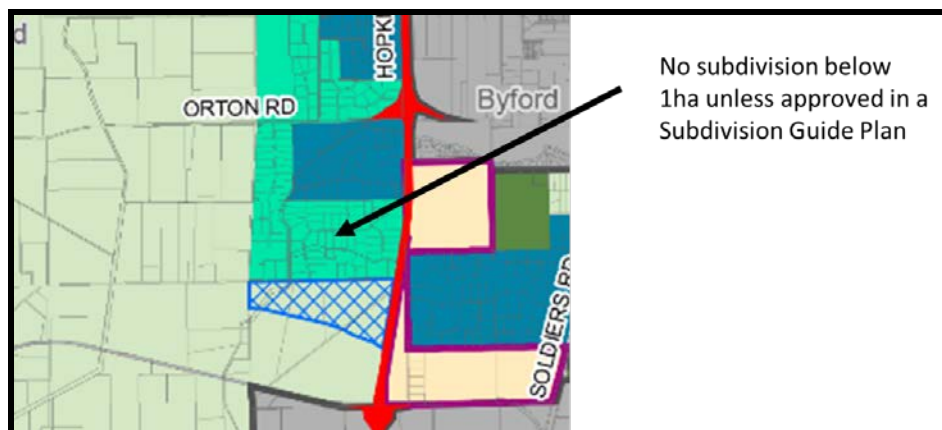
WAPC Rationale: The landholdings are identified as Rural Residential in the SMPPF which is intended to guide development to 2050. It is recommended that the RSR Map include an annotation that acknowledges the classification of the land within the draft SMPPF, however, any rezoning, expansion or intensification of this area is considered premature for the timeframe applicable to this Strategy (~5-10 years).

Officer Comment: Shire officers consider that it is important for this land to be identified as Rural Living under the Rural Strategy Review 2013 as there is no intention for this land to ever be Urban. Identifying this land as Rural Living will thus secure the land for its intended purpose of consolidating an existing Rural Living precinct. With regard to

the proposed timeframes, officers consider that it would depend on market forces and would still be subject to changes in the planning framework which would impact on the timing. As such it is not considered necessary to include an annotation which states any rezoning, expansion or intensification of this land is premature under the timeframe of the Rural Strategy Review 2013.

Officers recommend that Council requests the Western Australian Planning Commission to reconsider Modification 8: Land south of Gossage Road, east of Kargotich Road and west of Future Tonkin Highway – Remove 'Rural Living A' classification and depict the underlying land as Rural. Officers do not consider it necessary to include an annotation which states any rezoning, expansion or intensification of this land is premature under the timeframe of the Rural Strategy Review 2013 and therefore requests that the 'Rural Living A' designation be retained.

9. **Modification: 'Rural Living A' area east of Kargotich Road, north of Gossage Road, west of future Tonkin Highway and south of Special Rural 17 and 20 – Insert text specific to this area which states: "Clause 5.12.4 of Town Planning Scheme No.2 applies in this area where a minimum lot size of 1 hectare is permitted, unless a Subdivision Guide Plan and/or overlay depicting smaller lots was existing and approved at such time as the Rural Strategy Review was supported by the Western Australian Planning Commission".**



Shire's Original Rationale: The 4,000m² – 1ha lot size range has been applicable for the 'Rural Living A' zone since the 1994 Rural Strategy.

WAPC Rationale: This area is affected by the recent release of the draft GSP (2016), however, a number of areas have existing and approved Subdivision Guide Plan overlays which facilitate lot sizes below 1 hectare where capability is demonstrated. A modification to insert the following text into the RSR is recommended:

"Clause 5.12.4 of TPS No.2 applies in this area where a minimum lot size of 1 hectare is permitted, unless a SGP and/or overlay depicting smaller lots was existing and approved at such time as the RSR was endorsed by the WAPC".

This clause is intended to:

- (i) clarify where lots below 1 hectare are acceptable, and*
- (ii) enable continued and consistent decision-making in existing areas.*

Officer Comment: Shire officers consider that modifying the text to apply a 1ha lot size minimum in this area is appropriate given that State Planning Policy 2.5 – Rural Planning classifies rural living lots to be in the range of 1ha – 4ha, the draft SMPPF has not been finalised and the recent release of the draft Government Sewerage Policy. Requiring larger lot sizes in this location would reduce the potential for land use conflicts with the rural land uses to the west. The draft Government Sewerage Policy outlines the circumstances in which the requirement for reticulated sewerage may be exempted. It is specified that in sewerage sensitive areas, the creation of lots greater than 1ha will be exempted from requiring connection to reticulated sewerage.

This land is located within a sewerage sensitive area and therefore, to be consistent with the provisions of the draft Government Sewerage Policy, the creation of lots smaller than 1ha should not be supported. The draft Government Sewerage Policy does not include the existence of an approved structure plan or subdivision guide plan as an exemption to the requirement for reticulated sewerage for lots under 1ha in size in sewerage sensitive areas. As such, inserting text to apply a 1ha lot size minimum based on the Government Sewerage Policy, though exempting land where a subdivision guide plan has been approved which states lots can be subdivided below 1ha, would be contradictory the provisions of the draft Government Sewerage Policy.

Officers recommend that Council partially support Modification 9: *'Rural Living A' area east of Kargotich Road, north of Gossage Road, west of future Tonkin Highway and south of Special Rural 17 and 20 – Insert text specific to this area which states: "Clause 5.12.4 of Town Planning Scheme No.2 applies in this area where a minimum lot size of 1 hectare is permitted, unless a Subdivision Guide Plan and/or overlay depicting smaller lots was existing and approved at such time as the Rural Strategy Review was supported by the Western Australian Planning Commission"*. Applying a 1ha lot size minimum in this area is appropriate given that the new State Planning Policy 2.5 – Rural Planning classifies rural living lots to be in the range of 1ha – 4ha, the draft Government Sewerage Policy that specifies that in sewerage sensitive areas, the creation of lots greater than 1ha will be exempted from requiring connection to reticulated sewerage. Additionally it is recommended that Council requests the Western Australian Planning Commission to not insert text that allows for subdivision smaller than 1ha where a subdivision guide plan has been approved as this would be contradictory the provisions of the draft Government Sewerage Policy and is not supported.

10. **Modification: Land south of Mundijong urban cell identified as Rural Enterprise and Residential and Stable** – a) *Depict the existing Special Use area as Special Use zone. (b) Remove the Rural Enterprise and Residential and Stable classification from all other land and depict as Rural/Agricultural Protection as per the 2002/03 Rural Strategy. Map includes an overlay in the legend which states 'Frameworks Investigation Area #' with the following footnote: # It is acknowledged that this area is depicted as Rural-Residential in the draft South Metropolitan Sub-regional Planning Framework instalment of the Towards Perth and Peel@3.5million initiative, intended to guide development/demand in the Perth Metropolitan Area to 2050. Expansion of this area is premature under this Strategy which is intended to guide development for ~ 5 -10 years.*





Shire's Original Rationale: The Residential and Stables Policy Area south of Mundijong was included in the Rural Strategy Review 2013 to provide an equestrian precinct (293.8ha) in close proximity to the Mundijong Whitby urban area, similar to the location of the Darling Downs equestrian precinct directly north of the Byford urban area. The site south of Mundijong was considered to be suitable to accommodate an equestrian precinct for the following reasons:

- To provide an equestrian precinct in close proximity to the Mundijong Whitby urban area;
- To facilitate the graduation of lot sizes between the Mundijong Whitby urban area and the rural uses further south;
- To accommodate demand for equestrian properties south of Mundijong as well as in Byford;
- The site is strategically located and well-connected with access to South Western Highway and the future Tonkin Highway; and
- The site will be in close proximity to the services and facilities within the Mundijong Whitby urban area.

It should be noted that the equine industry is a significant contributor to the local economy and the rural character and lifestyle. Providing opportunities to concentrate these types of development and directly surrounding major settlements will strengthen the industry and further contribute to the area.

WAPC Rationale: *The landholdings are identified as Rural Residential in the SMPPF which is intended to guide development to 2050. It is recommended that the RSR Map include an annotation that acknowledges the classification of the land within the draft SMPPF, however, any rezoning, expansion or intensification of this area is considered premature for the timeframe applicable to this Strategy (~5-10 years).*

When the demand for further rural living land is required within the Shire (beyond the life of this RSR), there are many zonings that may be appropriate for this land, however, in the interim the land is recommended to remain classified for Rural/Agricultural Protection as per the 2002/03 Rural Strategy.

With regard to the Shire and public submissions which seek the creation of a formal equine precinct for horse-keeping, it is noted that the existing Residential and Stables area located in Darling Downs is actually zoned Rural and Special Rural under TPS No.2 as Residential and Stables is not a zoning that exists in the current Scheme. An area does not need to be labelled as a Residential and Stables policy area in the RSR in order to facilitate equine precinct and or horse-keeping. In fact, there are many 'Rural Living A' and B areas within the Shire where the keeping of horses is permitted. The

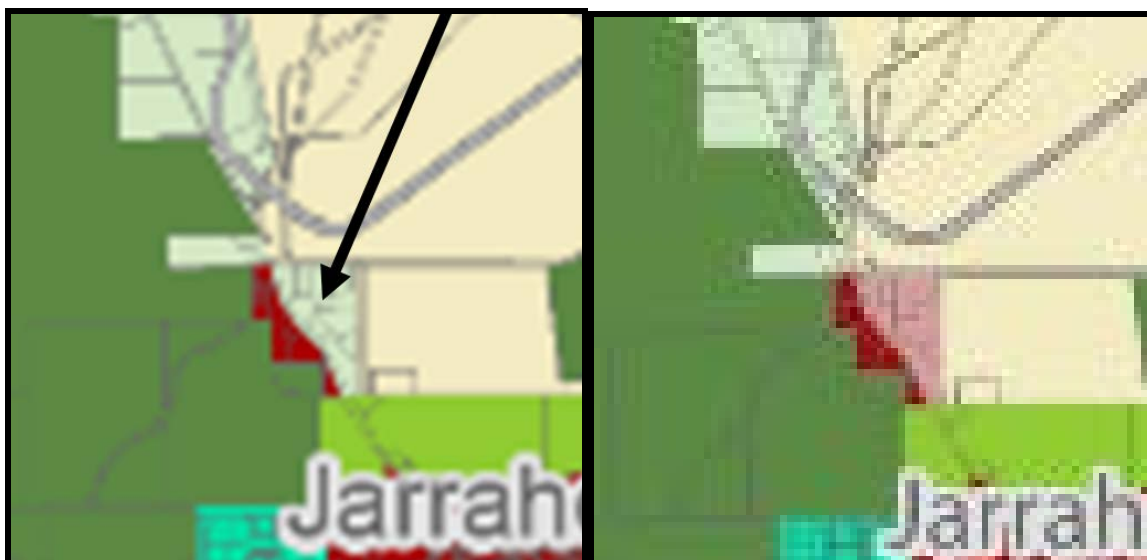
retention of these landholdings as Rural/Agricultural Protection policy areas is not considered detrimental to these ambitions being realised in the future, if deemed appropriate at that time.

Officer Comment: Shire officers consider that the timing of identifying this land as Residential and Stables in the Rural Strategy Review 2013 will not be an issue as the future Tonkin Highway forms the urban boundary and this land is not intended for longer term urban expansion. The rezoning of this land and subsequent subdivision and development will take a significant amount time and as such Shire officers do not consider there to be an issue in identifying this land in the Rural Strategy Review 2013.

With regard to the WAPC's comment that area does need to be labelled Residential and Stables under the Rural Strategy Review 2013 to facilitate an equine precinct and the keeping of horses, the Shire's intention is to create a character area which encourages a cluster of equine uses adjacent to the Mundijong-Whitby urban area. As stated above under the Shire's original rationale, the equine industry is both a significant contributor to the local economy and important aspect of lifestyle and character within the Shire. Officers therefore consider that it is important to identify this precinct in the Rural Strategy Review 2013 to identify the intent for this land, encourage the development of equine land uses, discourage land uses which are incompatible with the equine industry and to facilitate the creation of lots with a minimum lot size of 4ha to accommodate equine land uses in a rural living context.

Officers recommend that Council request the Western Australian Planning Commission to reconsider Modification 10: Land south of Mundijong urban cell identified as Rural Enterprise and Residential and Stable – a) Depict the existing Special Use area as Special Use zone. (b) Remove the Rural Enterprise and Residential and Stable classification from all other land and depict as Rural/Agricultural Protection as per the 2002/03 Rural Strategy Map includes an overlay in the legend which states 'Frameworks Investigation Area #'. The Residential and Stables designation under the Rural Strategy Review 2013 facilitates an equine precinct and the keeping of horses, to create a character area which encourages a cluster of equine uses adjacent to the Mundijong-Whitby urban area and identify the intent for this land, encourage the development of equine land uses, discourage land uses which are incompatible with the equine industry and to facilitate the creation of lots with a minimum lot size of 4ha to accommodate equine land uses in a rural living context and Officers believe it to be important for the area.

11. Modification: Land bound by Jarrahdale Road, Nettleton Road and Rhodes Place identified as 'Farmlet' – Remove 'Farmlet' classification and depict as Rural.



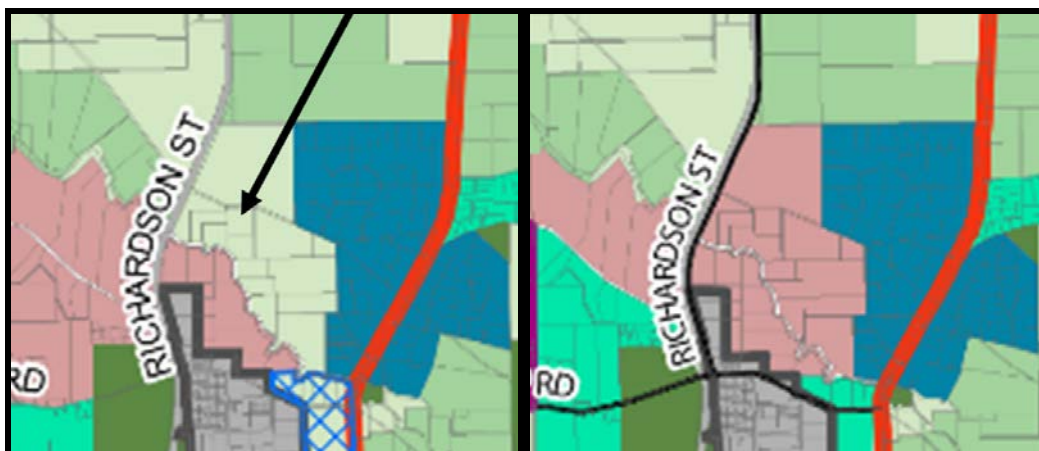
Shire's Original Rationale: This portion of land was identified as 'Farmlet' in the Rural Strategy Review 2013 given the proximity of this land to the Jarrahdale town site, the other land uses surrounding this land and to more accurately reflect the current lot sizes and land uses of these lots. It was considered more suitable for this portion of land to be identified as 'Farmlet' as these lots are not large enough to accommodate rural land uses. The development of the full range of rural land uses in this location, on lots of this size, would create land use conflicts and be incompatible with the surrounding development.

WAPC Rationale: Not Stated.

Officer Comment: Shire officers do not agree with the WAPC's modification to depict this land as Rural for the reasons outlined above under the Shire's original rationale. Furthermore, given that the existing lot sizes of this portion of land range from approximately 2,000m² to 1ha, Shire officers consider that it would be more appropriate for this land to be identified as 'Rural Living A' under the Rural Strategy Review 2013.

Officers recommend that Council request the Western Australian Planning Commission to reconsider Modification 11: Land bound by Jarrahdale Road, Nettleton Road and Rhodes Place identified as 'Farmlet' – Remove 'Farmlet' classification and depict as Rural. For the reasons outlined in the Shire's original rationale and furthermore, given that the existing lot sizes of this portion of land range from approximately 2,000m² to 1ha, this land is to be identified as 'Rural Living A'.

12. **Modification: Land bound by Feast Road to the north, Richardson Street to the west, creek line to the south and Special Rural 6 to the east (which is identified as 'Farmlet') – Remove 'Farmlet' classification and depict as Rural.**



Shire's Original Rationale: This portion of land was identified as 'Farmlet' in the Rural Strategy Review 2013 as it is located in close proximity to the Serpentine Townsite and is located adjacent to a 'Rural Living B' precinct to the east. Identifying this land as 'Farmlet' consolidates the Rural Living precinct to the north of the Serpentine Townsite and facilitates a graduation in lot sizes. Many of the lots within this precinct have already been subdivided to smaller lot sizes which would be more appropriately identified within the 'Farmlet' Policy Area.

One of the outcomes of a Market and Economic Assessment Report prepared for the Shire in 2012 was that a variety of rural lot sizes can enable a greater diversity in rural land uses. This may lead to greater affordability, productivity and economic opportunities for the Shire as smaller rural lots would facilitate more use of the land. Enabling new technologies in agricultural practice will not only have economic benefits, it can also result in improved land use practice. Newer, more environmentally sustainable technologies may reduce the amount of pollutants entering the environment and the waterways. This would have many ecological benefits and would improve water quality.

Identifying this land as 'Farmlet' would also lead to greater control over which land uses would be permitted in this area. If the land were to remain as Rural, the development of the full range of rural land uses would be permitted in this area. The 'Farmlet' Policy Area provides for 'some limited form of agricultural production' with a focus on alternative agriculture and a diversity of uses. Limiting the range of rural land uses in this area, particularly those which may cause environmental degradation or land use conflicts with the surrounding Rural Living development, would result in improved environmental outcomes and would protect the amenity of the Rural Living areas.

The 'Farmlet' Policy Area would still allow this land to be utilised for agricultural production, however, land uses within the area should not adversely affect the environment or nearby residents. A key aspect of the 'Farmlet' Policy Area is to create areas with a specific character and form of development. Providing lots for equestrian uses is an important feature of the 'Farmlet' Policy Area. As outlined above, it should be noted that the equine industry is a significant contributor to the local economy and the rural character and lifestyle of the Shire. Providing lots to accommodate equestrian land uses is an important function of the 'Farmlet' Policy Area.

WAPC Rationale: *The creation of additional 'Farmlet' lots will result in the unnecessary fragmentation of rural land which is inconsistent with SPP 2.5. There is no demonstrated 'need' for 'Farmlet' land in this location, the land is not proven to be degraded or incapable of rural land uses and this proposal will cultivate the extent and expectations pertaining to rural living around Serpentine which is not considered desirable in the lifetime of this RSR.*

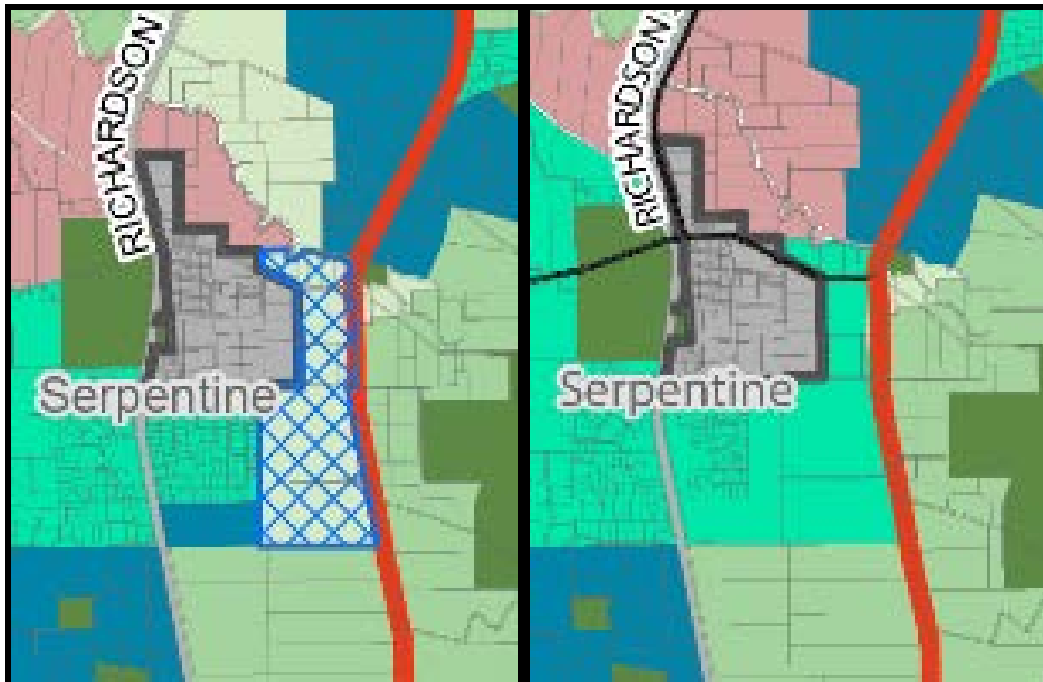
Officer Comment: Shire officers do not agree with the WAPC's modification for the reasons outlined above under the Shire's original rationale. In addition to this, the subject land is strategically located between land which has already been zoned by the WAPC for 'Rural Living B' and earmarked as 'Farmlet' development, located in close proximity to the Serpentine Townsite. The subject land has also already been considerably fragmented and identifying this land as 'Farmlet' would facilitate only limited subdivision potential. Therefore the argument that it would cause fragmentation is not necessarily substantiated considering the current subdivision pattern.

Additionally as this land is located between existing rural living developments and is in close proximity to the Serpentine Townsite, Shire officers consider that there is a risk in allowing this land to remain Rural, as this may lead to land use conflicts. This is considered to be contrary to the objectives of State Planning Policy 2.5 Rural Planning. Shire officers are therefore not in favour of the WAPC's modification to remove the 'Farmlet' policy area and maintain that this land should be identified as 'Farmlet'.

Officers recommend that Council request the Western Australian Planning Commission to reconsider Modification 12: *Land bound by Feast Road to the north, Richardson Street to the west, creek line to the south and Special Rural 6 to the east (which is identified as 'Farmlet') – Remove 'Farmlet' classification and depict as Rural.* The reasons outlined in the Shire's original rationale remain valid and as the subject land is already fragmented and strategically located between land which has been supported by the Western Australian Planning Commission for 'Rural Living B' and 'Farmlet' development, retaining it as Rural could cause significant land use conflicts contrary to the intention of State Planning Policy 2.5 Rural Planning. As such this land should remain as 'Farmlet'.

- 13. Modification: Land bound by South Western Highway on the east, southern boundary of Lot 483 (2622) South Western Highway, Lot 9 (147) Hardey Road/'Rural Living A' 27/Serpentine Townsite to the west and creek line to the north (which is identified as 'Rural Living A') – Remove 'Rural Living A' classification and depict as Rural. Map to include an overlay in the legend which states 'Frameworks Investigation Area #' with the following footnote: # It is acknowledged that this area is depicted as Rural- Residential in the draft South Metropolitan Sub-regional Planning**

Framework instalment of the Towards Perth and Peel@3.5million initiative, intended to guide development/demand in the Perth Metropolitan Area to 2050. Expansion of this area is premature under this Strategy which is intended to guide development for ~ 5 - 10 years.



Shire's Original Rationale: This portion of land was identified as 'Rural Living A' under the Rural Strategy Review 2013 as it is located adjacent to the Serpentine Townsite and consolidates the existing 'Rural Living A' precinct which currently surrounds the Serpentine Townsite. Situated between the Serpentine Townsite and South Western Highway, it is considered logical for further subdivision and Rural Living development to occur on this portion of land. This would not create a new Rural Living precinct and it provides a transition in lot sizes.

WAPC Rationale: *The landholdings are identified as Rural Residential in the SMPPF which is intended to guide development to 2050. It is recommended that the RSR Map include an annotation that acknowledges the classification of the land within the draft SMPPF, however, any rezoning, expansion or intensification of this area is considered premature for the timeframe applicable to this Strategy (~5-10 years).*

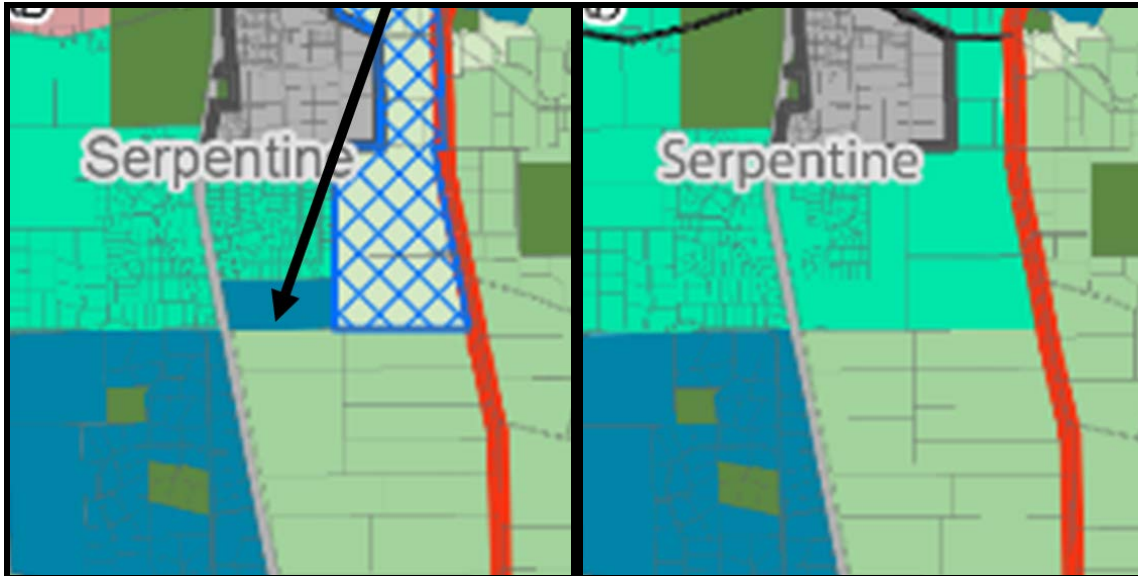
It is acknowledged that the Shire's support for an 'investigation area' over this land is for different reasons to the Department. Notwithstanding, it is clear that both agencies consider the proposal for 'Rural Living A' (as advertised) to be premature and/or unacceptable at this time, which is further complicated by the 1 hectare minimum lot size required by the draft GSP. The footnote/classification proposed by the Department will ensure that this land is not prejudiced in the lifetime of this RSR.

Officer Comment: Council recently endorsed SJ 2050 which identified a potential expansion to the Serpentine Townsite over this portion of land. Given the potential of this land for the longer term expansion of the Serpentine Townsite, Shire officers consider that an investigation area over this land may be more appropriate and support the investigation area recommended by the WAPC.

Officers recommend that Council agree to Modification 13: Land bound by South Western Highway on the east, southern boundary of Lot 483 (2622) South Western Highway, Lot 9 (147) Hardey Road/'Rural Living A' 27/Serpentine Townsite to the west and creek line to the north (which is identified as 'Rural Living A') – Remove 'Rural Living A' classification and depict as Rural. Map to include an overlay in the legend which states 'Frameworks Investigation Area #'. The land was identified in SJ2050 for

the longer term expansion of the Serpentine Townsite and therefore an investigation area over this land is appropriate.

14. Modification: Lot 9 (147) Hardey Road, Serpentine – Remove ‘Rural Living A’ classification and depict as ‘Rural Living B’.



Shire’s Original Rationale: The Rural Strategy Review 2013 identified this lot as ‘Rural Living A’ as an extension to the existing ‘Rural Living A’ to the north and to align with the southern ‘Rural Living A’ boundary in the area west of Hall Road.

WAPC Rationale: *These landholdings were advertised with a ‘Rural Living A’ classification. It is recommended that this land be classified as ‘Rural Living B’ to:*

- *more accurately reflect the draft SMPPF;*
- *provide an appropriate transition zone between the ‘Rural Living A’ area to the north and the rural land to the south, whilst complimenting the larger lots within the ‘Rural Living A’ across Hardey Rd;*
- *avoid the creation of unnecessary, unforeseen and inefficient additional ‘Rural Living A’ (Special Residential) lots; and*
- *ensure compliance with the minimum lot sizes required by the draft GSP.*

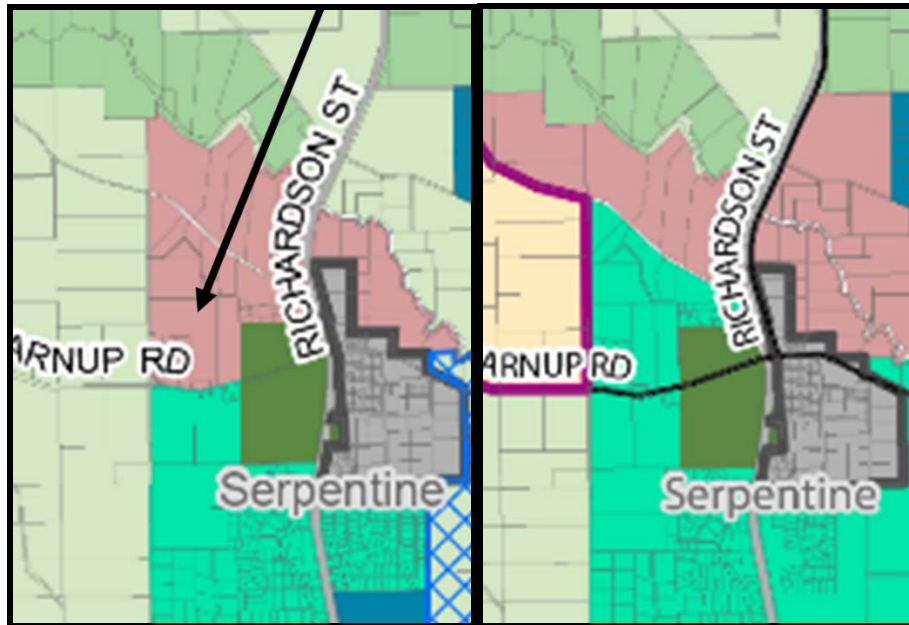
Officer Comment: Shire officers consider it is logical for the southern ‘Rural Living A’ boundary to be consistent surrounding the Serpentine Townsite and consider that this portion of land should remain as ‘Rural Living A’. The subject lot is identified as Rural Residential within the draft SMPPF. The intent of the ‘Rural Living A’ policy area is closely aligned with the Rural Residential category under the draft SMPPF. Shire officers therefore consider that identifying the subject land as ‘Rural Living A’ is consistent with the draft SMPPF. While the ‘Rural Living A’ policy area provides for lots in the range of 4,000m² – 1ha, the intent of the policy area is to provide lots for rural residential purposes. Under the draft SMPPF some ‘Rural Living A’ areas have been identified within the urban category where lots sizes are mostly 4,000m². To ensure the lot sizes of the subject area align with the Rural Residential category as identified within the draft SMPPF, Shire officers consider it would be more appropriate to include text similar to what the WAPC has recommended for other ‘Rural Living A’ areas which applies a 1ha lot size minimum rather than changing the policy area to ‘Rural Living B’.

Additionally, a 1ha lot size minimum would be considered appropriate given that State Planning Policy 2.5 – Rural Planning considers rural living lots to be in the range of 1ha – 4ha and the provisions of the recently released draft Government Sewerage Policy only exempts lots greater than 1ha from requiring a connection to reticulated sewerage.

Officers recommend that Council request the Western Australian Planning Commission to reconsider Modification 14: *Lot 9 (147) Hardey Road, Serpentine – Remove ‘Rural*

Living A' classification and depict as 'Rural Living B'. It will provide a logical southern boundary if the area is depicted as 'Rural Living A' with a 1ha minimum lot size designation.

15. **Modification: Land north of Karnup Road, East of Walker Road, west of R27453/railway and south of Gull Road – Remove 'Rural Living A' classification and depict as 'Farmlet'.**



Shire's Original Rationale: This portion of land was identified as 'Rural Living A' as it is located in close proximity to the Serpentine Townsite and consolidates the existing 'Rural Living A' precinct which surrounds the Serpentine Townsite. This would not create a new Rural Living precinct and it provides a transition in lot sizes.

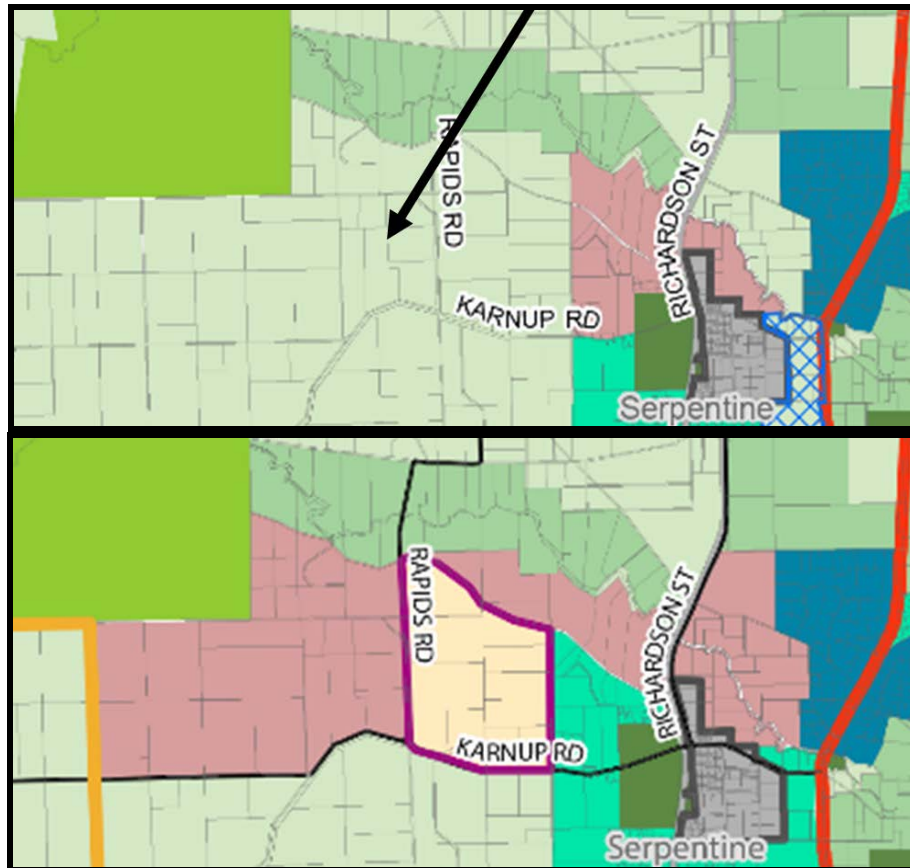
WAPC Rationale: *It is recommended that these landholdings revert from the advertised 'Rural Living A' classification to the 'Farmlet' classification as per the 2002/03 Rural Strategy. A 'Rural Living A' classification will result in the unnecessary, additional fragmentation of land into inefficient special residential lots in this location which is not reflected in the draft SMPPF.*

Lot 5 (142) Gull Road is considered an acceptable exception, as this will provide for the area to be 'rounded' off along a distinct boundary.

Officer Comment: Shire officers do not have a strong objection to the WAPC's modification to revert the subject land back to the 'Farmlet' policy area. The majority of lots in this area have already been rezoned as 'Farmlet' under TPS2 and some subdivision has occurred. Shire officers consider that is appropriate for this land to remain as 'Farmlet' as it has not been identified for Rural Residential purposes under the draft SMPPF and 'Farmlet' development has already been progressed, compromising the feasibility and quality of further subdivision.

Officers recommend that Council agree to Modification 15: Land north of Karnup Road, East of Walker Road, west of R27453/railway and south of Gull Road – Remove 'Rural Living A' classification and depict as 'Farmlet'. This land is to remain as 'Farmlet' as it has not been identified for Rural Residential purposes under the draft South Metropolitan Sub-regional Planning Framework and 'Farmlet' development has already been progressed, compromising the feasibility and quality of further subdivision.

16. **Modification: (All) Land east of Gull Road and east of Walker Road identified for 'Farmlet' and STFI – Remove 'Farmlet' and 'Subject to Future Investigation' areas and depict as Rural.**



Shire's Original Rationale: The Rural Strategy Review 2013 identified this portion of land to be depicted as 'Farmlet' and 'Subject to Future Investigation'. The intent was to provide for a diversity in lot sizes and to enable a range of rural land uses. One of the outcomes of the Market and Economic Assessment Report 2012 was that a variety of rural lot sizes can enable a greater diversity in rural land uses. This may lead to greater affordability, productivity and economic opportunities for the Shire as smaller rural lots would facilitate more use of the land. Enabling new technologies in agricultural practice will not only have economic benefits, but it can also result in improved land use practices. Newer, more environmentally sustainable technologies, may reduce the amount of pollutants entering the environment and the waterways. This would have many ecological benefits and would improve water quality.

Identifying this land as 'Farmlet' could also lead to greater control over which land uses would be permitted in this area. If the land were to remain as Rural, the development of the full range of rural land uses would be permitted in this area. The 'Farmlet' Policy Area provides for 'some limited form of agricultural production' with a focus on alternative agriculture and a diversity of uses. Limiting the range of rural land uses in this area, particularly those which may cause environmental degradation or land use conflicts with the surrounding Rural Living development, would result in improved environmental outcomes and would protect the amenity of the Rural Living areas. The 'Farmlet' Policy Area would still allow this land to be utilised for agricultural production, however land uses within this area should not adversely affect the environment or nearby residents. A key aspect of the 'Farmlet' Policy Area is to create areas with a specific character and form of development. Providing lots for equestrian uses is an important feature of the 'Farmlet' Policy Area. It should also be noted that the equine industry is a significant contributor to the local economy and the rural character and lifestyle of the Shire. Providing lots to accommodate equestrian land uses is an important function of the 'Farmlet' Policy Area.

WAPC Rationale: *The Department required the majority of this land to revert to a Rural classification prior to providing consent to advertise as this land is not accessible to urban services, infrastructure services or employment opportunities.*

The Department maintains that this proposal is ad-hoc and constitutes the unnecessary fragmentation of rural land. There is no demonstrated 'need' for 'Farmlot' land in this location, the land is not proven to be degraded or incapable of rural land uses and this proposal will cultivate the extent and expectations pertaining to rural living around Serpentine which is not considered desirable in the lifetime of this RSR. It is recommended that the landholdings be modified to remain Rural in the RSR.

Officer Comment: The Rural Strategy Review 2013 depicted approximately 273ha of land as 'Subject to Future Investigation'. If this was developed to a gross density of 15 lots per hectare, it would have the potential to develop a village of around 4,000 houses or 12,000 people. The proposal for a village within this area is not considered to be consistent with the SMPPF and was also not included in the SJ2050 settlement pattern. Officers therefore support the removal of this designation from the Rural Strategy Review 2013 map.

Additionally the land depicted for 'Farmlot' (approximately 697ha) could theoretically provide for approximately 174 lots. The area already contains a variety of lot sizes which fall within the 4ha – 40ha range as provided for by the 'Farmlot' Policy area and the associated zone in TPS 2. It should be noted that the further fragmentation of rural land is not a desirable outcome as contained within State Planning Policy 2.5 – Rural Planning. It is considered that the existing variety of lot sizes would enable a greater diversity in rural land uses which may lead to more economic opportunities. This area of land is also located away from the Serpentine Townsite and the necessary services and facilities which are essential to provide for an increased population in this area. As such, and having regard to the newly adopted State Planning Policy 2.5 – Rural Planning, Shire officers do not object to the WAPC's modification.

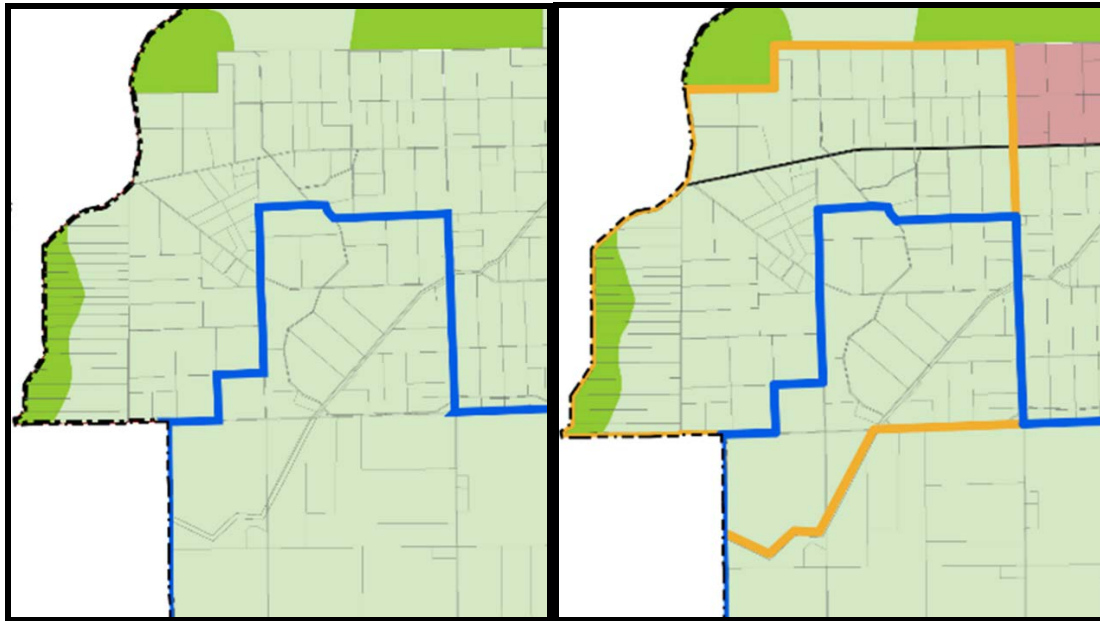
Officers recommend that Council agree to Modification 16: (All) Land east of Gull Road and east of Walker Road identified for 'Farmlot' and 'Subject to Further Investigation' – Remove 'Farmlot' and 'Subject to Future Investigation' areas and depict as Rural. This area of land is located away from the Serpentine Townsite and the necessary services and facilities which are essential to provide for an increased population in this area.

17. Modification: Hopeland Urban Village Future Investigation Area – Remove from overlay (and legend).

Shire's Original Rationale: The Hopeland Urban Village Future Investigation Area was included in the Rural Strategy Review 2013 as it was a concept which was originally identified under the 1994 Rural Strategy. The Hopeland Village was identified as one of three urban villages in the 1994 Rural Strategy which were each proposed to accommodate approximately 5,000 people. The other two urban villages identified in the 1994 Rural Strategy were Oakford and The Flats. The 1994 Rural Strategy stated the following in regards to these new villages:

'are primarily intended as Rural Living Villages with an urban centre, somewhat similar to the town of Serpentine.'

The 1994 Rural Strategy recommended that of the three proposed urban villages, the Hopeland Urban Village would be the last to develop. It was also clarified under the 1994 Rural Strategy that the identification of possible locations for new villages should not be construed as justification for the development of these villages.



The boundary of the Hopeland Urban Village Future Investigation Area identified within the Rural Strategy Review 2013 was derived from the 2003 Rural Strategy which identified a townsite urban expansion investigation area. Additionally, there are a cluster of lots in the Hopeland area which are zoned Special Rural under TPS2 and were identified as 'Rural Living B' since the 1994 Rural Strategy. As further studies and investigations are required in regards to Hopeland, the Hopeland Urban Village Future Investigation Area was included as a policy overlay in the Rural Strategy Review 2013.

WAPC Rationale: Not Stated.

Officer Comment: Shire officers note that there is a conflict between the Poultry Policy Overlay and the Hopeland Urban Village Future Investigation Area identified in the Council adopted Rural Strategy Review 2013. The Poultry Policy Overlay also relates to the Poultry Farm Special Control Area contained within TPS2. Shire officers therefore agree that it would be inappropriate for an urban village investigation area to be located within the Poultry Policy Overlay. The Council adopted vision document SJ 2050 reiterates the importance of this area as a food bowl and Shire officers are in support of removing the Hopeland Urban Village Future Investigation Area from where it overlaps with the Poultry Policy Overlay.

Officers further agree that an urban village in Hopeland which could accommodate up to 5,000 people, as was proposed under the 1994 Rural Strategy, is not considered appropriate for the following reasons:

- The proposal is in conflict with Section 5.3(c)(i) of State Planning Policy 2.5 – Rural Planning which states rural living precincts are required to be '*adjacent to, adjoining or close to existing urban areas with access to services, facilities and amenities*'. The Hopeland Urban Village Future Investigation Area is not in proximity to the Shire's urban areas;
- The proposal is in conflict with Section 5.3(c)(ii) of State Planning Policy 2.5 – Rural Planning which states rural living precincts are required to '*not conflict with the primary production of nearby land, or reduce its potential*'. The Hopeland Urban Village Future Investigation Area overlaps with the Poultry Policy Overlay and is located in a rural area of the Shire which has the purpose of primary production.
- The proposal is in conflict with Section 5.3(c)(iv) of State Planning Policy 2.5 – Rural Planning which states '*the extent of proposed settlement is guided by existing land supply and take-up, dwelling commencements and population projections*'. Population forecasting indicates that projected growth can be accommodated within

the currently planned urban areas within the Shire. Rural living demand was calculated and planned for as a part of the Rural Strategy Review 2013 and does not plan for an urban village in Hopeland.

- The proposal is in conflict with Section 5.3(c)(xii) of State Planning Policy 2.5 – Rural Planning which states that land subject to a rural living proposal is required to not be subject *‘to a separation distance or buffer from an adjoining land use, or if it is, that no sensitive land uses be permitted in the area of impact’*. The Hopeland Urban Village Future Investigation Area overlaps with the Poultry Policy Overlay. The Environmental Protection Authority’s *Guidance Statement No. 3 – Separation Distances between Industrial and Sensitive Land Uses* recommends a buffer in the range of 300m – 1000m for poultry farms. A potential urban village would include sensitive land uses.
- The Hopeland Urban Village Future Investigation Area is located within the Peel Harvey Catchment and is bound by significant waterways. The intensification of land and greater population density that would result from an urban village, would generate greater amounts of waste and pollutants which may lead to pollutants entering the waterways within the Peel Harvey Catchment.

However, it should be noted that there are existing lots, which are zoned Special Rural under TPS2, within this area. These lots were included in the 2003 review as ‘Rural Living B’, but as part of the Rural Strategy Review 2013 these lots were designated as Rural. Considering the existing land use rights and zoning, Officers recommend that the ‘Rural Living B’ designation be reinstated over the particular lots.

Additionally while Shire officers agree that the extent and scale of the Hopeland Urban Village Investigation Area as identified on the Council adopted Rural Strategy Review 2013 map, is not appropriate as discussed above, Officers do not support the removal of this investigation area in its entirety. This is in light of considering the infrastructure and development existing on the Serpentine Airfield (Yangedi) and the potential for this to be clustered with the Special Rural lots to create a specialised node within this area. As such Officers recommend that the investigation area be modified to no longer be an ‘urban village’ investigation area but rather a ‘specialised investigation area’. Shire officers also recommend that this investigation area be reduced to only apply over the precinct north of the Poultry farm overlay and south of Karnup road, and for it to include the existing Special Rural lots and the Serpentine Airfield.

Officers recommend that Council request the Western Australian Planning Commission to reconsider Modification 17: *Hopeland Urban Village Future Investigation Area – Remove from overlay (and legend)*. The Hopeland Village was included in 1994 Strategy and as there are existing lots which are zoned Special Rural under TPS2 located in the same precinct as the Serpentine Airfield resulting in a clustering of compatible land uses, and that the Hopeland investigation area apply over the precinct north of the Poultry farm overlay and south of Karnup road to include the existing Special Rural lots and the Serpentine Airfield.

18. **Modification: The legend** – (a) Remove ‘Main Roads’ depicted on the map (b) Remove Rural Enterprise classification (c) Remove West Mundijong Industrial Area Buffer. (d) Remove the lot size ranges applicable to the ‘Rural Living A’ and ‘Rural Living B’ classifications and insert an * with a footnote which states: *“Lot size ranges are a guide only. Final Subdivision Guide Plan’s/Structure Plans outlining subdivision potential are determined by site specific conditions, capability and constraints”*.

Shire officers recommend that Council request the WAPC to reconsider the modifications with regard to the discussion and Shire officer comments outlined in this report.

19. **Modification: Strategy text / document** – *Update the Strategy text/document to reflect the aforementioned modifications, including but not limited to the following clauses/matters:*

- (i) 3.2: *Exclusion Areas - Update to reflect map; remove Oakford/Oldbury Investigation Area and outline some of the land between the Byford and Mundijong Whitby urban cells is subject to future Investigation.*
- (ii) 4.1: *Background - Delete the Rural Enterprise Policy Area and associated section (being 4.8).*
- (iii) 4.2: *Town and Village Urban Policy Area - Delete the first dot point.*
- (iv) *Numerous Policy Areas - Increase rainwater supply requirement from 90,000 litres per lot to 120,000 litre requirement.*
- (v) 4.5 and 4.6: *Rural and Agricultural Protection Policy Areas - Insert State Planning Policy 2.5 - Land Use Planning in Rural Areas into the 'Subdivision and Development Guidelines' as a document to accord with.*
- (vi) 4.9: *Residential and Stables - text shall be modified to outline that the only Residential and Stables area within the Shire is located in Darling Downs, however, this zoning is not available in the current Scheme (TPS No.2) and appropriate rural living zonings and lot sizes (generally a minimum of 2ha) should be proposed/applied in discussion with the Shire/Western Australian Planning Commission.*
- (vii) 4.11: *Hopeland and Urban Village Investigation Area – Delete clause.*
- (viii): *The following statement should be inserted into the text, linking to the # depicted on the Map, as follows: "It is acknowledged that this area is depicted as Rural-Residential in the draft South Metropolitan and Peel Sub-Regional Planning Framework instalment of the Towards Perth and Peel@3.5 Million initiative, intended to guide development/demand in the Perth Metropolitan Area to 2050. Expansion of this area is premature under this Strategy which is intended to guide development for ~ 5 - 10 years".*
- (ix) *The following statement should be inserted into the text, linking to the * depicted on the Map, as follows: "Lot size ranges are guide only. Final Subdivision Guide Plan's/Structure Plans outlining subdivision potential are determined by site specific conditions, capability and constraints".*

Officers recommend that Council request the Western Australian Planning Commission to reconsider Modification 18 and 19: *The legend and Strategy text / document* to include only those aspects agreed upon by Council in terms of the above.

Options and Implications

In accordance with regulation 15(1)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the WAPC determined to require the Shire to modify the Rural Strategy Review 2013 and resubmit the updated document to the DoP. Council can request the WAPC to reconsider this decision, however it should be noted that the reconsideration of a decision under regulation 15(1)(c) is not a formal process under the *Planning and Development (Local Planning Schemes) Regulations 2015*. If the WAPC does not agree to reconsider the required modifications and Council subsequently does not agree to make the required modifications, the 2006 Rural Strategy (as amended) will remain the planning framework of the Shire. Council has the following options:

Option 1: Request the Western Australian Planning Commission to reconsider the modifications that Council does not agree to.

Option 2: Modify the Rural Strategy Review 2013 as required by the Western Australian Planning Commission.

Option 1 is recommended.

Conclusion

The WAPC on 20 December 2016 resolved to provide in-principle support for the Rural Strategy Review 2013 subject to modifications, and required the Shire to modify the document accordingly and requested that the final document be provided to the DoP for ratification. The modifications are substantial and although Shire officers have made it clear that Council continued to support the previous Council adopted Rural Strategy Review 2013

as resolved on 15 July 2014, the SPC made significant changes as indicated in the report. Council is now required to respond to the WAPC's decision.

Shire officers recommend that Council request the WAPC to reconsider the modifications with regard to the discussion and Shire officer comments outlined in this report.

Attachments:

- [OCM027.1/03/17](#) – Schedule of Modifications (IN17/1057)
- [OCM027.2/03/17](#) – WAPC's Map of Modifications (IN16/22191)
- [OCM027.3/03/17](#) – Map depicting the changes as proposed by the WAPC (E17/1021)

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 (Local Planning Schemes) Regulations 2015*

Financial Implications:

There are no financial implications.

Voting Requirements: Simple Majority

Officer Recommendation:

That Council:

1. Notes the Western Australian Planning Commission's decision on the Rural Strategy Review 2013 as contained in attachment OCM027.1/03/17; and
2. Requests the Chief Executive Officer to write to the Western Australian Planning Commission advising of the Council position on the modifications as outlined below considering the detailed rationale provided in the report:
 - a. Agrees to Modification 1: *Jandakot Groundwater Mound – Delineate the Rural - Groundwater Protection zone on the Map*, as the Jandakot Groundwater Mound is an important resource which provides high quality drinking water for the State this modification would ensure it is appropriately identified on the Rural Strategy Review 2013 map.
 - b. Requests the Western Australian Planning Commission to reconsider Modification 2: *Oakford/Oldbury Subject to Future Investigation Area – Remove the 'Subject To Future Investigation' classification and depict the underlying land as Rural.*, Council therefore requests that the Rural Strategy Review 2013 Map be amended to, depict the land identified as 'Rural Economic Living Area' in the Jandakot Structure Plan 2007, as 'Rural' with an overlay for 'Rural Enterprise Future Investigation'. This will allow for Rural Enterprise land uses within the area, and may include a rural service centre around the Thomas Road and Nicholson Road intersection.
 - c. Agrees to Modification 3: Reserve 10164 Byford – Remove 'Rural Living B' classification', depict as 'Parks and Recreation' to reflect the land reservations under the Metropolitan Region Scheme (eastern portion) and Town Planning Scheme No. 2 (western portion) as this minor variation better reflects the purpose of the land.
 - d. Agrees to Modification 4: Byford Urban Cell – (a) Boundaries to reflect the Urban and Future Urban zoned areas under Metropolitan Region Scheme and

draft South Metropolitan Peel Sub Regional Planning Framework (excluding 'Rural Living A' 19); and (b) R48455 (Lots 116 and 425) should be depicted as 'Parks and Recreation' to reflect its reserve status as this minor variation better reflects the purpose of the land.

- e. Partially agrees to Modification 5: The inclusion of Lot 33 (681) Hopkinson Road, Lot 103 (130) Bishop Road and Lot 30 (496) Soldiers Road in Cardup within a Subject to Future Investigation Area. This modification will retain the Rural Living character between the two urban centres, but will still facilitate further investigation on the nominated lots. And requests the Western Australian Planning Commission to designate the area of land between the land coded R5 and Reserve 2457 as Rural Living B. This designation is considered more appropriate to reflect the lot sizes in this area and to if this land was identified for rural purposes, it may lead to future land use conflicts and impacts to the amenity.
- f. Agrees to Modification 6: Lot 4 (331) Kargotich Road and Lot 2 (1842) Thomas Road, Oakford. Retain 'Rural Living A' classification and insert text specific to this area which states: "Clause 5.12.4 of Town Planning Scheme No.2 applies in this area where a minimum lot size of 1 hectare is permitted". The land is yet to be developed, State Planning Policy 2.5 – Rural Planning classifies rural living lots to be in the range of 1ha – 4ha, the draft South Metropolitan Sub-regional Planning Framework has not yet been finalised and the recent release of the draft Government Sewerage Policy only exempts lots greater than 1ha from requiring a connection to reticulated sewerage.
- g. Requests the Western Australian Planning Commission to reconsider Modification 7: West Mundijong Industrial Area Buffer and Rural Enterprise – Remove the Industrial buffer and Rural Enterprise classification. The West Mundijong Industrial Area Buffer and the Rural Enterprise land use classification should be depicted on the Rural Strategy Review 2013 as the Buffer designation would restrict sensitive land uses from encroaching on the industrial precinct, thereby ensuring the industrial uses could operate with impunity. As for the Rural Enterprise designation this would enable the use of land within the buffer for composite light industrial land uses thereby ensuring the land is not sterilised.
- h. Requests the Western Australian Planning Commission to reconsider Modification 8: Land south of Gossage Road, east of Kargotich Road and west of Future Tonkin Highway – Remove 'Rural Living A' classification and depict the underlying land as Rural. Council does not consider it necessary to include an annotation which states any rezoning, expansion or intensification of this land is premature under the timeframe of the Rural Strategy Review 2013 and therefore requests that the 'Rural Living A' designation be retained.
- i. Partially agrees to Modification 9: *'Rural Living A' area east of Kargotich Road, north of Gossage Road, west of future Tonkin Highway and south of Special Rural 17 and 20 – Insert text specific to this area which states: "Clause 5.12.4 of Town Planning Scheme No.2 applies in this area where a minimum lot size of 1 hectare is permitted, unless a Subdivision Guide Plan and/or overlay depicting smaller lots was existing and approved at such time as the Rural Strategy Review was supported by the Western Australian Planning Commission"*. Applying a 1ha lot size minimum in this area is appropriate given that the new State Planning Policy 2.5 – Rural Planning classifies rural living lots to be in the range of 1ha – 4ha, the draft Government Sewerage Policy that specifies that in sewerage sensitive areas, the creation of lots greater than 1ha will be exempted from requiring connection to reticulated sewerage. Additionally Council requests the

Western Australian Planning Commission to not insert text that allows for subdivision smaller than 1ha where a subdivision guide plan has been approved as this would be contradictory the provisions of the draft Government Sewerage Policy and is not supported.

- j. Requests the Western Australian Planning Commission to reconsider Modification 10: Land south of Mundijong urban cell identified as Rural Enterprise and Residential and Stable – a) Depict the existing Special Use area as Special Use zone. (b) Remove the Rural Enterprise and Residential and Stable classification from all other land and depict as Rural/Agricultural Protection as per the 2002/03 Rural Strategy Map includes an overlay in the legend which states 'Frameworks Investigation Area #'. The Residential and Stables designation under the Rural Strategy Review 2013 facilitates an equine precinct and the keeping of horses, to create a character area which encourages a cluster of equine uses adjacent to the Mundijong-Whitby urban area and identify the intent for this land, encourage the development of equine land uses, discourage land uses which are incompatible with the equine industry and to facilitate the creation of lots with a minimum lot size of 4ha to accommodate equine land uses in a rural living context and Council believes it to be important for the area.
- k. Requests the Western Australian Planning Commission to reconsider Modification 11: Land bound by Jarrahdale Road, Nettleton Road and Rhodes Place identified as 'Farmlot' – Remove 'Farmlot' classification and depict as Rural. For the reasons outlined in the Shire's original rationale and furthermore, given that the existing lot sizes of this portion of land range from approximately 2,000m² to 1ha, this land is to be identified as 'Rural Living A'.
- l. Requests the Western Australian Planning Commission to reconsider Modification 12: *Land bound by Feast Road to the north, Richardson Street to the west, creek line to the south and Special Rural 6 to the east (which is identified as 'Farmlot')* – Remove 'Farmlot' classification and depict as Rural. The reasons outlined in the Shire's original rationale remain valid and as the subject land is already fragmented and strategically located between land which has been supported by the Western Australian Planning Commission for 'Rural Living B' and 'Farmlot' development, retaining it as Rural could cause significant land use conflicts contrary to the intention of State Planning Policy 2.5 Rural Planning. As such this land should remain as 'Farmlot'.
- m. Agrees to Modification 13: Land bound by South Western Highway on the east, southern boundary of Lot 483 (2622) South Western Highway, Lot 9 (147) Hardey Road/'Rural Living A' 27/Serpentine Townsite to the west and creek line to the north (which is identified as 'Rural Living A') – Remove 'Rural Living A' classification and depict as Rural. Map to include an overlay in the legend which states 'Frameworks Investigation Area #'. The land was identified in SJ2050 for the longer term expansion of the Serpentine Townsite and therefore an investigation area over this land is appropriate.
- n. Requests the Western Australian Planning Commission to reconsider Modification 14: *Lot 9 (147) Hardey Road, Serpentine – Remove 'Rural Living A' classification and depict as 'Rural Living B'*. It will provide a logical southern boundary if the area is depicted as 'Rural Living A' with a 1ha minimum lot size designation.
- o. Agrees to Modification 15: Land north of Karnup Road, East of Walker Road, west of R27453/railway and south of Gull Road – Remove 'Rural Living A' classification and depict as 'Farmlot'. This land is to remain as 'Farmlot' as it has not been identified for Rural Residential purposes under the draft South Metropolitan Sub-regional Planning Framework and 'Farmlot' development

has already been progressed, compromising the feasibility and quality of further subdivision.

- p. **Agrees to Modification 16: (All) Land east of Gull Road and east of Walker Road identified for 'Farmlet' and 'Subject to Further Investigation' – Remove 'Farmlet' and 'Subject to Future Investigation' areas and depict as Rural. This area of land is located away from the Serpentine Townsite and the necessary services and facilities which are essential to provide for an increased population in this area.**
- q. **Requests the Western Australian Planning Commission to reconsider Modification 17: *Hopeland Urban Village Future Investigation Area – Remove from overlay (and legend)*. The Hopeland Village was included in 1994 Strategy and as there are existing lots which are zoned Special Rural under TPS2 located in the same precinct as the Serpentine Airfield resulting in a clustering of compatible land uses, and that the Hopeland investigation area apply over the precinct north of the Poultry farm overlay and south of Karnup road to include the existing Special Rural lots and the Serpentine Airfield.**
- r. **Requests the Western Australian Planning Commission to reconsider Modification 18 and 19: *The legend and Strategy text / document* to include only those aspects agreed upon by Council in terms of the above.**
- s. **Requests the Western Australian Planning Commission to reconsider the modifications with regard to the discussion and Shire officer comments outlined in this report.**

OCM027/03/17 COUNCIL DECISION / Alternative Motion:

Moved Cr Gossage , seconded Cr Ellis

That Council defers item OCM027/03/17 to the April Ordinary Council Meeting in order to seek further information and consideration of public statements and deputations made.

CARRIED UNANIMOUSLY

7.3 Engineering Reports:

Cr Hawkins declared a proximity interest in item OCM028/03/17 as she resides opposite the site of the proposed public toilet. Cr Hawkins left the meeting at 9.16pm.

OCM028/03/17	Proposal to Construct a Public Toilet in Percy's Park (SJ1997)
Author:	Doug Elkins – Director Engineering
Senior Officer:	Gary Clark – Chief Executive Officer
Date of Report:	11 November 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

At the Ordinary Council Meeting of 28 November 2016, Council resolved to defer consideration of this item until the Ordinary Council Meeting of March 2017. While not included in the resolution, of Council, the reason for moving to defer consideration of the report, until the later date, was to allow advice to be sought from the local Police, as to the acceptability of the placement of a public toilet in Percy's Park. The report is now represented to Council for consideration, with the additional requested information included below.

Council is asked to consider the result of localised public consultation, on the proposal to install a public toilet in Percy's Park, and determine whether or not to proceed with the project. Based on the feedback, from the consultation process, it is recommended that Council proceed with the Percy's Park toilet, and allocate the required additional funds, to complete the project.

Background:

As part of the 2015/16 annual budget, Council resolved to include funds for the construction of a public toilet in Percy's Park, Byford. This project was not identified on a forward plan, and was inconsistent with Council's policy that determined where such facilities were to be constructed.

To progress this project, officers identified a number of possible locations for the facility, and two designs. One design was determined in-house, using the expertise of one of the Shire's landscape architects. The other design was determined by an interest group. At the Ordinary Council Meeting of 22 August 2016, Council resolved to consult residents, in the immediate vicinity of the park, on the palatability of a public toilet, in the park, and preference for location and design.

In accordance with Council's resolution, letters were sent to 170 properties. Of the contacted residents, two objected to the proposal, and fourteen supported the proposal. The basis of the objections are discussed below.

Community / Stakeholder Consultation:

As noted above, letters, requesting comment, were written to 170 residents. Shire Officers have met with representatives of the Mead Street Community Garden, who are driving this project.

In addition to the comments received from residents contacted, a local resident approached people in the park, to forward form letters to the Council on this issue. The comments in the form letters are considered to be of no value. As this park is a local park, the intent of the public consultation process was to determine whether or not residents, who will be directly impacted by any negative consequences of installing a public toilet, objected to such an installation, or otherwise had concerns. It was considered that, as a general rule, someone who does not have to live with the negative aspects of the public toilet, would be supportive of the general convenience.

The Mundijong Police were requested to provide comment on the proposal. The response provided was that the Police do not have a concern, provided it is not possible to pull a car alongside the toilet. Based on this additional advice, the officer’s recommendation is unchanged.

Comment:

The result of the consultation was clear. Out of 170 residents contacted, only sixteen responses were received. The lack of response suggests that, generally, residents in the vicinity of the park are not concerned with any consequences of a public toilet being located in the park. Essentially, out of 170 people contacted, only two people objected.

Relevantly, the objections to the toilet were not on the basis of the potential social issues, or perceived social issues, a public toilet may create. One objection was based on the general lack of need. The second objection was based partly on safety concerns and partly on the ongoing cost to the Council of another asset. The latter reason for objection is consistent with Council’s policy that would ordinarily prevent a public toilet from being installed in a local park.

The issue of safety was also commented on by supporters of the proposal. Some responses indicated a need for the entrance to be seen from the road for passive surveillance purposes, and for the doors to be locked at night. The night concerns would also be addressed through appropriate lighting around the toilet. Essentially, through a well-designed and thought out placement, and method of operation, the only objection to the toilet, is the considered lack of need and future on-going cost. These issues are in the realm of Council to decide, and Officers are reviewing the proposal on the basis that, Council’s inclusion of the toilet on the budget, is a decision that a need exists and the Council should pay the ongoing costs. Notwithstanding that this park would not normally receive a toilet under Council’s policies. If this is not the case, Council will need to remove the toilet from the budget.

A second part of the consultation was location of the toilet. Noted above, generally the affected community does not appear to be concerned with the location and style. Within the supporters for the toilet, twelve of the fourteen supported location one (as per attachment OCM028.1/03/17). With regard to the toilet style, nine of the fourteen supporters preferred toilet style two (as per attachment OCM028.2/03/17). Accordingly, should Council desire to continue with this project, toilet style two, installed in location one, is recommended.

Noted in the report to Council of 22 August 2016, is the need for additional funds to complete this project. In the case that Council desires to continue with this project, and supports the Officer’s recommendation to install toilet style two, in location one, an additional amount of \$81,000 will be required to be allocated to the budget.

Attachments:

- [OCM028.1/03/17](#) – Toilet Locations (E16/9344)
- [OCM028.2/03/17](#) – Exeloo Toilet (E16/9345)

Alignment with our Strategic Community Plan:

Key Action 3.1.2	Provide appropriate amenities and accommodation for the Shire’s growing population of youth and seniors
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Statutory Environment:

The general obligations regarding budgets, decision making, and management, of the *Local Government Act 1995*, apply.

Financial Implications:

An additional allocation of \$81,000 is required, if Council supports the officer's recommendation. The require budget variation is included in the officer's recommendation. Note, the recommendation has been updated to reflect the changes in the budget, since the presentation of the original report. The effect of the resolution is the same.

Voting Requirements: Absolute Majority

OCM028/03/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Piipponen, seconded Cr Rich

That Council:

1. Endorse the construction of a public toilet, in Percy's Park, in location one of the attached plan (OCM028.1/03/17) with the Exeloo toilet, as shown on attachment OCM028.2/03/17; and
2. Adjust the 2016/17 annual budget, to include an additional allocation of \$81,000 to the Percy's Park Toilet Budget, as follows:

GL Account	Description	Carry Forward/Current Budget	Proposed Adjusted Budget	Variation
PPT900	Percy's Park Toilet	91,300	172,300	81,000

3. Note that the budget variation is not included in the mid-year review, and will reduce net current assets by \$81,000, resulting in a forecast surplus of \$184,208, less \$81,000.

LOST 4/2

Cr Hawkins returned to the meeting at 9.23pm and the Shire President advised Cr Hawkins that the Officers Recommendation was lost 4/2 as an absolute majority was required.

7.4 Corporate and Community Services Report:

OCM029/03/17 Confirmation Of Payment Of Creditors (SJ514-07)	
Author:	Vicki Woods - Finance Officer
Senior Officer:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	1 March 2017
Disclosure of Officers Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction

The purpose of this report is to prepare a list of accounts paid by the Chief Executive Officer each month, as required by The *Local Government (Financial Management) Regulations 1996*.

Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue.

Community / Stakeholder Consultation

No community consultation was required.

Comment

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

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

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

It is recommended that Council receives the payments authorised under delegated authority and detailed in the list of invoices for period of 1 February 2017 to 28 February 2017, as per attachment OCM029.1/03/17 and the Purchasing Card Report 6 January 2017 to 5 February 2017 as per attachment OCM029.2/03/17.

Attachments:

- [OCM029.1/03/17](#) - Creditors List of Accounts 1 February 2017 to 28 February 2017. (E17/1549)
- [OCM029.2/03/17](#) – Purchasing Card Report 6 January 2017 to 5 February 2017. (E17/1550)

Alignment with our Strategic Community Plan:

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

Financial Sustainability

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

Statutory Environment

Section 5.42 of the *Local Government Act 1995* states that the Local government may delegate some of its powers to the Chief Executive Officer. Council have granted the Chief Executive Officer Delegated Authority CG07 - Payments from Municipal and Trust Fund.

Financial Implications

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

Voting Requirements Simple Majority

OCM029/03/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Ellis

That Council accepts:

1. The payments authorised under delegated authority and detailed in the list of invoices for period of 1 February 2017 to 28 February 2017, as per attachment OCM029.1/03/17 - Creditor List of Accounts 1 February 2017 to 28 February 2017 including Creditors that have been paid in accordance with the *Local Government (Financial Management) Regulations 1996*.
2. The payments authorised under delegated authority and detailed in the Purchasing Card Report 6 January 2017 to 5 February 2017, as per attachment OCM029.2/03/17 that have been paid in accordance with the *Local Government (Financial Management) Regulations 1996*.

CARRIED UNANIMOUSLY

OCM030/03/17	Serpentine Jarrahdale Community Recreation Centre – Upgrade Kingia Function Centre and Extreme Sports Arena Flooring (SJ994)
Author:	Kellie Bartley – Manager Corporate Service
Senior Officer/s:	Peter Kocian – Acting Director Corporate & Community Services
Date of Report:	8 March 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

Introduction

The purpose of this report is to request Council approve the upgrade of the flooring at the Serpentine Jarrahdale Community Recreation Centre.

Background:

In July 2016 Council adopted the Annual Budget with a \$33,523 allocation towards the renewal of a portion of the flooring at the Serpentine Jarrahdale Community Recreation Centre. Council's resolution when adopting the budget required a business case to be presented to Council prior to the renewal of the flooring.

Relevant Previous Decisions of Council:

SCM011/07/16 – Adoption of the 2016/2017 Statutory Budget. Condition 17 resolved business cases be approved by Council prior to the commencement of the project.

Community / Stakeholder Consultation:

The project was recommended by the Serpentine Jarrahdale Community Recreation Centre who manage this facility on Council's behalf and this was supported by Council, subject to the submission of a business case, in their adoption of the Annual Budget. Therefore no further community/stakeholder consultation is required.

Comment:

A routine inspection undertaken by the Serpentine Jarrahdale Community Recreation Centre on 29 February 2016 identified the extreme sports floor requiring repainting. The surface of the floor in its current condition is a hazard which is further impacted by sand from volleyball courts making it slippery. During the same inspection, the main stadium flooring and the line marking was highlighted for attention.

A recommendation was made during the inspection that the floor be repainted with non-slip paint and refix the lines in the main stadium floor. The overflow of sand onto the extreme sports flooring is to be managed to reduce any slip hazard.

Trip hazards have also been identified in the Kingia Function room. The carpet requires replacement due to frayed carpets tears which can be seen in attachment OCM030.3/03/17.

The Serpentine Jarrahdale Community Recreation Centre has approximately over 100 patrons within this vicinity on any one day. The facility area in question conducts before and after school care programmes, extreme sports (school groups utilise this area), indoor volley competition twice a week (50 persons at any one time in the time allocated on the night) and with school groups with up to 50 children per activity.

These matters have been reported every quarter as an outstanding Occupational Health and Safety item since being identified in February 2016.

As per the contractual agreement between the Shire and Serpentine Jarrahdale Community Recreation Centre, the Serpentine Jarrahdale Community Recreation Centre is responsible for general maintenance and all minor repairs. It is the Shire's responsibility for any major building defects and repair costs that exceed a total cost of \$5,000.

The Serpentine Jarrahdale Community Recreation Centre has supplied as per their contract the legal obligation to advise the Council of this inspection and a condition report that is required to be undertaken by an independent auditor to help determine the requirement of the building.

The officer recommends Council commit to upgrading the flooring and allow for the budgeted amount of \$33,523 to be accepted. This will enable the Serpentine Jarrahdale Community Recreation Centre to proceed with repairs and to be compliant with regards to the Occupational Health and Safety report that has been outstanding since February 2016.

Attachments:

- [OCM030.1/03/17](#) – Business Case (E17/1730)
- [OCM030.2/03/17](#) – Quotes for repair of flooring (E17/1770)
- [OCM030.3/03/17](#) – Photos of damaged flooring (E17/1742)
- [OCM030.4/03/17](#) - Health and Safety Report from SJCRC (IN17/5079)

Alignment with our Strategic Community Plan:

Objective 2.1	Responsible Management
Key Action 2.1.1	Undertake best practice financial and asset management
Key Action 2.1.2	Manage assets and priorities major capital projects to ensure the long-term financial sustainability.
Objective 6.2	Active and Connected People
Key Action 6.2.1	Encourage new residents to get involved in local activities.
Key Action 6.2.2	Use community facilities to provide social interactions for all age groups through appropriate activities and events

Statutory Environment:

The budget was adopted by Council at SCM011/07/16 on 25 July 2016 by absolute majority pursuant to section 6.2 of the *Local Government Act 1995*. It is not recommended that the budget be amended, simply that approval be granted for the project to proceed.

Financial Implications:

The 2016/2017 budget includes the amount of \$33,523 for Recreation Centre for new flooring for the Kingia Function Centre and Extreme Sports Arena from SRC900.

Voting Requirements: Simple Majority

OCM030/03/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Hawkins

That Council receives the Officer's report and the Business Case to progress the upgrade to flooring at the Kingia Function Centre and Extreme Sports Arena to procurement phase, with the project to be fully expended and completed by 30 June 2017.

CARRIED UNANIMOUSLY

OCM031/03/17 Monthly Financial Report - February 2017 (SJ514-07)	
Author:	Tracey Torley – Management Accountant
Senior Officer/s:	Peter Kocian – Acting Director Corporate and Community Services
Date of Report:	9 March 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction:

The purpose of this report is to provide a monthly financial report which includes rating, investment, reserve, debtor, and general financial information to Councillors in accordance with Section 6.4 of the *Local Government Act 1995*.

Background:

The *Local Government Act 1995* and *Financial Management Regulations* require that the Shire prepare a Statement of Financial Activity each month. The *Local Government Act 1995* further states that this statement can be reported by either by Nature and Type, Statutory Programme or by Business Unit. The Shire has resolved to report by Business Unit and to assess the performance of each business unit, by comparing the year-to-date budget and actual results. This gives an indication of how each business unit (and collectively the Shire) is performing against expectations for this point in time and any variance over or under 10% is reported.

Relevant Previous Decisions of Council:

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

Community / Stakeholder Consultation:

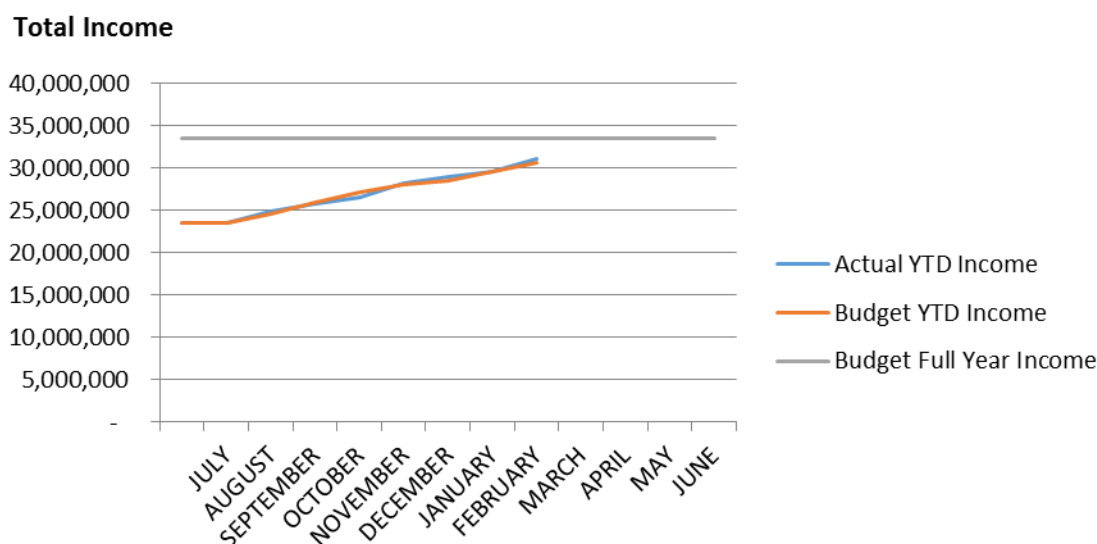
No community consultation was undertaken / required.

Comment:

The period of review is February 2017. The municipal surplus for this period is \$15,340,682 compared to a budget position of \$4,696,112. This is considered a satisfactory result for the Shire as the Shire is maintaining a healthy budget surplus position.

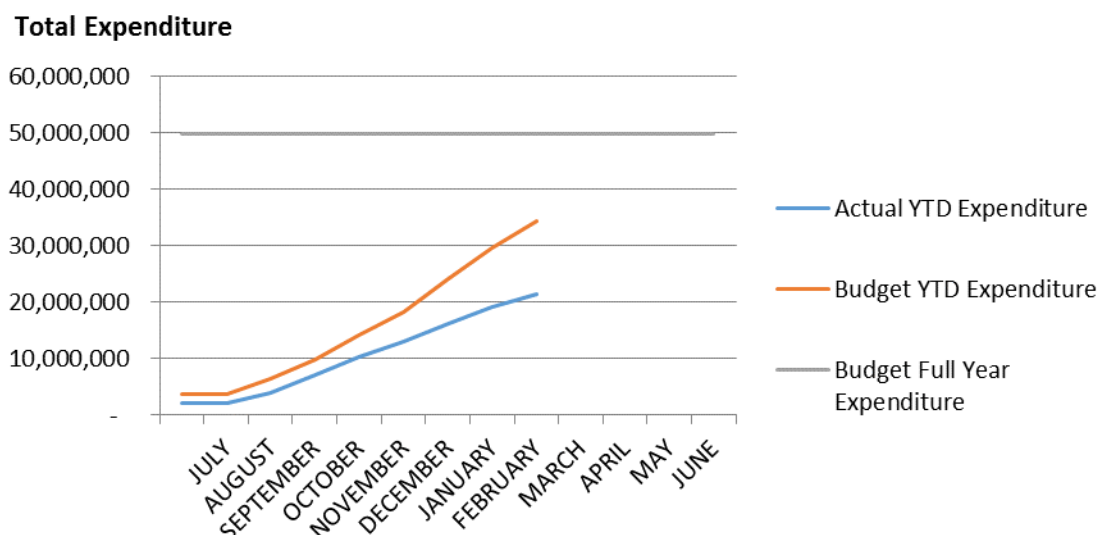
Income for the February 2017 period, year-to-date is \$31,126,641. The budget estimated \$30,608,630 would be received for the same period. The variance to budget is \$518,011. Details of all significant variances are provided in the notes to the Statement of Financial Activity by Directorate.

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



Expenditure for the February 2017 period, year-to-date is \$21,341,820. The budget estimated \$34,334,363 would be spent for the same period. The variance to budget is \$12,992,543. 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.



Attachment:

- [OCM031.1/03/17](#) – Monthly Financial Report February 2017 (E17/1750)

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

OCM031/03/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr See

That Council accepts the Monthly Financial Report for February 2017, in accordance with Section 6.4 of the *Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996* as contained in attachment OCM031.1/03/17.

CARRIED UNANIMOUSLY

OCM032/03/17	Sports Aircraft Builders Club – Request to Purchase Yangedi Airfield, Reserve 25911 (SJ975-05)
Author:	Sara Bryan – Leasing and Property Officer
Senior Officer/s:	Peter Kocian - Acting Director Community and Corporate Services
Date of Report:	10 March 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

Introduction

This report is presented to Council to consider the request from the Sports Aircraft Builders Club (SABC) to purchase Yangedi Airfield, Reserve 25911.

Background:

Lot 164, Reserve 25911 is located at 286 Yangedi Road, Hopeland. The Shire of Serpentine Jarrahdale (the Shire) has a management order over the Reserve for the purpose of Recreation with the power to lease for a period of 21 years, subject to the consent of the Minister for Lands. Town Planning Scheme No. 2 lists the site as Public Open Space.

The Shire entered into a Lease with the SABC on 19 March 2002 for a 21 year term.

The SABC is a recreational club and provides a facility for its members to build, hangar and fly their aircraft. The SABC operates an authorised light aircraft landing area but not a registered airfield. As an unregistered airfield, the site is exempt from compliance with the Civil Aviation Safety Authority (CASA) regulations, however CASA provide support and guidance for the management of unregistered infrastructure and airspace through their Civil Aviation Advisory Publication (CAAP). The CAAP also gives guidance on a code of conduct (good airmanship) to allow flexibility for pilots when flying at, or in the vicinity of, non-controlled aerodromes.

The airfield is situated within the authorised training area from Jandakot Airport which also includes the Murray Field airfield. The neighbouring sites share a Common Traffic Advisory Frequency (CTAF) for communication purposes.

In 2008 the SABC surrendered a portion of their leased area back to the Shire, so that the Shire could enter into a new lease with the Bureau of Meteorology (BOM). The BOM lease is for a period of 10 years expiring 2018 and contains an option to extend for a further 10 year term.

In September 2009, the SABC independently approached the Department of Lands (formerly State Land Services) with a proposal to extend the lease from 21 years to 50 years with an option of a further 50 years. The objective behind this request was to align the term of tenure with the level of capital invested in development of the site. At the time, advice from the Department of Lands was that under normal circumstance, power to lease on a managed reserve is limited to 21 years. However, consideration may be given to extending power to lease a managed reserve for periods up to and including 42 years dependent upon the level of capital expenditure involved. The Department of Lands sought comment from the Shire with regard to this proposal, however, the Shire did not formally respond to this request.

Between 2009 and 2012, the Yangedi Bush Forever Airfield Reserve Management Plan was developed as a joint management plan between the SABC and the Shire to document environmental conservation, social, hazard management and governance of the site.

The SABC have entered into a process to seek to purchase the land from the State Government. The purpose for seeking ownership of the Reserve is for long term security of

tenure for the property. The ability of the sale is conditional on agreement by Council to surrender the management order for the Reserve.

In a situation where a third party requests to purchase a portion of Crown Land with a Management Order in favour of a Local Government, the State Government, through the Department of Lands conduct a referral process for the consideration of the proposal by relevant government agencies and service providers. Feedback from this referral process is then presented to Council for their consideration and determination of the matter as the responsible manager of the land.

The Department of Lands referred this proposal to the Department of Planning, Department of Mines and Petroleum, Department of Environment and Regulation, Department of Parks and Wildlife and public utility providers. Three responses were received and are detailed below:

- The Department of Mines and Petroleum has provided approval pursuant to section 16(3) of the Mining Act 1978 for disposal of Reserve 25911 to 'restrictive freehold'. SABC has confirmed that it would support a grant of restrictive freehold as they have no interest in commercial activities or subdivision within the potential freehold area.
- Department of Planning (DoP) has considered the best approach would be to excise the portions of vegetated land (subject to Bush Forever Area 378) from the portion of land available for sale, to retain the regionally significant bushland in public (State) ownership.
- Department of Parks and Wildlife (DPaW) does not support sale of the entire Reserve, and has recommended a Crown subdivision to exclude the Bush Forever Area 378.

Subsequent to the feedback indicated above, the Department of Lands liaised with SABC to consider concerns raised regarding the maintenance of the bushland. SABC advised the Department of Lands that they have assumed responsibility of maintaining the Bush Forever Area and firebreaks on Lot 614 and committed to the ongoing responsibility of maintaining the land. The Shire manages dieback control on the site with a 3 yearly programme. This was last completed in October 2016. Weed control across all Shire Reserves is managed by the environment and sustainability team, the extent of the weed control programme is dependent on annual budget allocation and priorities across the entire Reserves portfolio.

As such, the Department of Lands indicated a preference to sell the whole of Lot 164, including those Bush Forever Areas to SABC; subject to Council surrendering the management order for the Reserve.

The Shire facilitate access arrangements for the Department of Fire and Emergency Services (DFES) to use a portion of the site on an annual basis between the months of November and April. DFES require access to the site for the accommodation of a helicopter and the construction of required ancillary infrastructure to provide emergency fire response to high risk areas within the region. A letter from the SABC, dated 21 November 2011 (IN14/24311) is retained on the property file to note their ongoing approval for the DFES to access the site at any time for the purpose of firefighting, however no formal agreement exists to protect this arrangement.

DFES were not contacted as part of the referral process conducted by the Department of Lands. Officers contacted DFES to gather their feedback and understand that they are keen to enter into a formal agreement to secure their tenure on the site for a period of 3 years.

Relevant Previous Decisions of Council:

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

Community / Stakeholder Consultation:

In considering the proposal, Officers conducted an internal referral process to consider any impacts to the Shire.

Officers have indicated a desire for the Shire to retain control of the Management Order for the Reserve to ensure efficient and effective management of the Bush Forever Site and to ensure continued access arrangements for DFES during fire season.

Officers currently manage and monitor the Yangedi airfield through the actions located in the Yangedi Bush Forever Airfield Reserve Management Plan (Reserve Management Plan). They also provide ongoing education and environmental support to the Lessee. The expertise of the environment and sustainability team is critical in managing the reserve in both the short and long term. It is prudent to note that the Reserve Management Plan should be considered for review and amendment to determine responsibilities for environmental and emergency management and to ensure that the Shire are able to monitor these activities effectively.

Officers have also indicated that the site is of significant value for medium to long term future development opportunities and management should be maintained by the Shire. The State Government has developed a State Aviation Strategy which discusses opportunities around general aviation and flight training. The close proximity of the airfield to Jandakot does provide synergies to investigate future long term planning of the site.

A meeting was held with the President and one of the members of the SABC on Friday 23 February 2017 to discuss the current status of the proposal and consider options for this agreement moving forward.

During the meeting, the SABC representatives indicated that while it would be their first preference to proceed with the request to purchase the reserve, they would also consider transfer of the management order or an extended lease term to ensure security of tenure.

A second meeting was held with the President and one of the members of the SABC on Friday 10 March to discuss the details of this report and proposed recommendation. The SABC reaffirmed that their first preference would be to purchase the reserve and assume full responsibility for the management of the airfield.

Comment:

In responding to the SABC's request to purchase Reserve 25911, Council have a number of options to consider.

- Option 1 Reject the SABC's request to purchase Reserve 25911.
- Option 2 Agree to the sale of Reserve 25911, subject to removal of the Bush Forever sites.
- Option 3 Agree to the sale of the whole of Reserve 25911.
- Option 4 Reject the SABC's request to purchase Reserve 25911 and approve the transfer of the Management Order to the SABC
- Option 5 Reject the SABC's request to purchase Reserve 25911 and approve an extension to the current lease term.
- Option 6 Reject the SABC's request to purchase Reserve 25911 and conduct an Expressions of Interest process to consider future management options for the site at the expiry of the current lease term in March 2023

Option 1 – reject the SABC's request to purchase Reserve 25911

Rejection of the request would effectively halt the current 'request to purchase process' and the Lease term would continue, expiring in March 2023.

Consideration of this option in isolation of any alternative solutions would not address the desire of the SABC to obtain security of tenure on site and would have the potential to cause an unnecessary strain on the relationship between the SABC and the Shire.

Option 2 – agree to the sale of Reserve 25911, subject to the excision of the Bush Forever sites and the Bureau of Meteorology Lease area

Support for any sale of the Reserve will result in a permanent reduction of the Shire's recreational property portfolio.

The excision of the Bush Forever sites would allow the Shire to maintain oversight and management of the regionally significant bush areas. To facilitate this, a formal Crown subdivision process would be required to survey the subject areas to remove them from the recreational area. Currently, the SABC perform physical maintenance of the bush area. Should this option be considered further, it is recommended that the Shire and SABC work together to review the current Reserve Management Plan as it exists to incorporate broader site management arrangements as would be applicable in the management of an airfield, including operations and emergency management plans.

In this scenario, there would be a direct impact to the current agreement between the Shire and the Bureau of Meteorology (BOM) for the lease site on the North West corner of the Reserve. In order to address the issue, the BOM lease agreement would either need to be assigned to the SABC or excised from the Reserve.

The administration of a Crown subdivision would involve consideration of a number of land administration actions, including the preparation of land survey drawings and formalisation of servicing requirements for all individual lots created as part of the subdivision process. At the time of writing this report, the Department of Lands provided the following response in relation to the associated costs and timeframe associated with a Crown subdivision:

If the Sport Aircraft Builders Association (SABC) wishes to proceed with the purchase of Reserve 25911, which is also subject to the Shire surrendering its management order, then SABC will be the responsible all the costs associated the purchase of the subject reserve portion. However the proposed excision of the part of the reserve comprising the Commonwealth Bureau of Meteorology was not discussed in detail. However, the Shire will have to confirm this point with SABC as to who is going to pay for a Crown subdivision before the sale of Reserve 25911 occurs. Please note there are no other fees incurred in excising the reserve and lodgement of documents at Landgate.

Without confirmation of the quantum of costs associated with a Crown subdivision, neither the Shire nor the SABC would be able to critically assess this option for formal consideration at this stage.

The State Government, through the Department of Lands would benefit financially from the sale of a Crown Land Asset. In accordance with their Land Asset Sales Programme, proceeds from the sale of government land is generally used to reduce State debt.

It is prudent to note that, as a general rule, the ownership of land assets restricts the eligibility of not for profit organisations to obtain funding.

Option 3 – agree to the sale of the whole of Reserve 25911

Support for any sale of the Reserve will result in a permanent reduction of the Shire's recreational property portfolio.

In this scenario, there would be a direct impact to the current agreement between the Shire and the Bureau of Meteorology (BOM) for the lease site on the North West corner of the Reserve. In order to address the issue, the BOM lease agreement would need to be

assigned to the SABC resulting in the loss of an annual revenue stream with a passing annual rent of \$1,866.20 exclusive of GST, totalling a total amount of \$20,528.20 exclusive of GST (minus annual escalation) for the remainder of the lease term.

Should this option be considered further, it is recommended that the Shire and SABC work together to review the current Yangedi Bush Forever and Airfield Reserve Management Plan as it exists to incorporate broader site management arrangements as would be applicable in the management of an airfield, including operational and emergency management plans.

The State Government, through the Department of Lands would benefit financially from the sale of a Crown Land Asset. In accordance with their Land Asset Sales Programme, proceeds from the sale of government land is generally used to reduce State debt.

There would be minimal to no administration costs associated with such a transaction, however the relinquishment of responsibility for management of areas of environmental significance could pose risks to their management in the long term. Should this option be considered for formalisation, Council may wish to investigate the ability for the site to be managed under a strata plan.

It is prudent to note that as a general rule, the ownership of land assets restricts the eligibility of not for profit organisations to obtain funding.

Option 4 - Reject the SABC's request to purchase Reserve 25911 and approve the transfer of the Management Order to the SABC

Support for the transfer of the Management Order for the Reserve will result in a permanent reduction of the Shire's recreational property portfolio.

In this scenario, there would be a direct impact to the current agreement between the Shire and the Bureau of Meteorology (BOM) for the lease site on the North West corner of the Reserve. In order to address the issue, the BOM lease agreement would need to be assigned to the SABC resulting in the loss of an annual revenue stream with a passing annual rent of \$1,866.20 exclusive of GST, totalling a total amount of \$20,528.20 exclusive of GST (minus annual escalation) for the remainder of the lease term.

There would be minimal to no administration costs associated with such a transaction, however the relinquishment of responsibility for management of areas of environmental significance could pose risks to their management in the long term.

Should this option be considered further, it is recommended that the Shire and SABC work together to review the current Yangedi Bush Forever and Airfield Reserve Management Plan as it exists to incorporate broader site management arrangements as would be applicable in the management of an airfield, including operational and emergency management plans.

Option 5 – reject the SABC's request to purchase Reserve 25911 and approve an extension to the current lease term

During consultation with the SABC it has been clearly indicated that the desire to seek ownership of the Reserve has been motivated by inadequate historical property management by the Shire. Concerns have been raised in relation to a number of matters including, but not limited to:

1. Lack of notification for Shire representatives attending the site in contravention to the terms of the lease;
2. The imposing of Local Government rates to the Club in isolation to any other not for profit organisation occupying Shire property;
3. The management of formal access arrangements with third parties to the site, such as DFES and BOM without following due process in accordance with the terms of the lease.

Should Council resolve to proceed with this option, it is suggested that the proposal made by the SABC in 2009 for an extended lease term be revisited.

Under this option, it is suggested that a fresh lease agreement be negotiated between the SABC and the Shire to include the following:

- Agreed parameters for the consideration of any sublease applications to ensure that vital services are able to run from the site;
- Review and update of current Yangedi Bush Forever Airfield Reserve Management Plan to capture and manage risk associated with aviation activities, current and future development planning, emergency management, environmental management;
- Shared understanding of strategic planning for the reserve in the short, medium and long term;
- Reporting mechanism for the SABC to provide annual membership, financial and activity reports through to the Shire.

Option 6 - Reject the SABC's request to purchase Reserve 25911 and conduct an Expressions of Interest process to consider future management options for the site at the expiry of the existing lease in March 2023

Rejection of the request would effectively halt the current 'request to purchase process' and the Lease term would continue, expiring in March 2023.

Under this option, if Council were to consider no further action or negotiation with the SABC at this point, it could consider forward planning for the management of the site on expiry of the current lease agreement. In this scenario, it would be recommended that a formal Expressions of Interest process be conducted to ascertain market appetite for the management of the site.

Consideration of this option would not address the desire of the SABC to obtain security of tenure on site and would have the potential to cause an unnecessary strain on the relationship between the SABC and the Shire.

Conclusion

It is the Officer's recommendation that the implementation of Option 5 would work towards meeting the objectives of both parties.

While the SABC have indicated a preferred option to proceed with the purchase of the Reserve, Option 5 would work to address the SABC's objective to ensure security of tenure of the site to support the return on investment for current and potential future capital developments within the leased area.

Should Council resolve to proceed with the recommendation of this item, it will need to be supported with the commitment for an improvement to the property management process moving forward. This will include the development of a process and procedure to ensure appropriate internal referrals are conducted to consider any proposed developments on site as well as improved property management practices to support efficient and effective levels of service for the Lessor and Lessee relationship.

Any review and amendment of the existing lease documentation should consider the Lessee's quiet enjoyment of the site and support the success and sustainability of the SABC in to the future.

The Shire is also aware of some compliance issues around building and conforming land uses on site. Part of the Officer recommendation of this item suggests that the Shire work in partnership with the SABC to audit and rectify these issues in conjunction with the review of the Lease and Yangedi Bush Forever Airfield Reserve Management Plan.

Attachments:

- [OCM032.1/03/17](#) - Yangedi Bush Forever Airfield Reserve Management Plan (IN13/8565)
- [OCM032.2/03/17](#) – Lease between the Sports Aircraft Builders Club and the Shire of Serpentine Jarrahdale for Reserve 25911 (IN10/2657)
- [OCM032.3/03/17](#) – Letter of request (IN17/5045)

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:

The disposal of property when dealing with community organisations is exempt from Section 3.58 of the *Local Government Act 1995* in accordance with Regulation 30 of *Local Government (Functions and General) Regulations 1996*.

The disposal of property to organisations whose activities are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and whose members are not entitled to receive any pecuniary profit from the transactions are exempt from requiring formal Council decision and public advertising process.

Financial Implications:

Should Council proceed with the Officer Recommendation of this item there will be no material impact to the to 2016/17 budget.

The SABC are fully self-sufficient and the Shire have no regular maintenance obligations on site. Officers have interrogated the electronic records system and note that the Shire have not made any contribution to the capital infrastructure on site during this period, dating back to 2001.

The SABC are responsible for the payment of Local Government Rates in accordance with their occupation of the site. Rate income recognised during the 2016/17 budget period is \$13,106.90.

Voting Requirements: Simple Majority

Officer Recommendation:**That Council:**

1. **Rejects the request from the Sports Aircraft Builders Club to purchase the Yangedi Airfield, Reserve 25911 from the Department of Lands.**
2. **Authorises the Chief Executive Officer to negotiate a new lease for the Yangedi Airfield, Reserve 25911 to the Sports Aircraft Builders Club with the inclusion of the following key items:**
 - a. **Agreed parameters for the consideration of any sublease applications to ensure that vital services are able to run from the site;**
 - b. **Annual reporting process for the Sports Aircraft Builders Club to provide membership, financial and activity reports, inclusive of any current and future development plans through to the Shire.**
3. **Requests the Chief Executive Officer to initiate a review of the Yangedi Bush Forever Airfield Reserve Management Plan in partnership with the Sports Aircraft Builders Club.**
4. **Requests the Chief Executive Officer to initiate the development of a Local Aviation Strategy in partnership with the Sports Aircraft Builders Club to consider strategic economic development opportunities in line with the Western Australian State Aviation Strategy.**

OCM032/03/17 COUNCIL DECISION / Amended Officer Recommendation:

Moved Cr Gossage, seconded Cr See

That Council:

- 1. Rejects the request from the Sports Aircraft Builders Club to purchase the Yangedi Airfield, Reserve 25911 from the Department of Lands.**
- 2. Authorises the Chief Executive Officer to negotiate a new lease for the Yangedi Airfield, Reserve 25911 with the inclusion of the following key items:**
 - a. Agreed parameters for the consideration of any sublease applications to ensure that vital services are able to run from the site;**
 - b. Annual reporting process for the Sports Aircraft Builders Club to provide membership, financial and activity reports, inclusive of any current and future development plans to the Shire.**
- 3. Requests the Chief Executive Officer to initiate a review of the Yangedi Bush Forever Reserve Management Plan in partnership with the Sports Aircraft Builders Club.**
- 4. Requests the Chief Executive Officer to advise the Department of Lands of its decision.**

CARRIED UNANIMOUSLY

Council Note: The Officers Recommendation was amended by changing condition 4.

OCM033/03/17 2016/17 Budget Review (SJ1969)	
Author:	Stacey Hobbins – Management Accountant
Senior Officer/s:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	8 March 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

This report presents the statutory Budget Review of the 2016/17 Budget. A number of budget variations are proposed as part of this review, which results in an overall favourable change in projected net current assets of \$143k, resulting in a projected net current asset balance of \$184k, as at 30 June 2017.

Supplementary information has been presented to the Council to provide further information regarding the Shire's activities.

Background:

The budget review is a statutory review that is undertaken in accordance with the Local Government Act 1995 and Regulation 33 of the Local Government (Financial Management) Regulations 1996. The purpose of this review is to identify significant variations from the Annual Budget and to recommend any amendments that may be necessary.

Changes to the Annual Budget are required during the year as circumstances change from when the Annual Budget was adopted by Council at the beginning of the financial year. Amendments to the Annual Budget will ensure that tight fiscal control is maintained on the Shire's finances.

Relevant Previous Decisions of Council:

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

Community / Stakeholder Consultation:

Meetings were held with all Responsible Officers to review their budgets and discuss any requests to change the original budget. After these adjustments had been incorporated into the Budget Review model, Managers were notified of pending changes to review and provide feedback.

Comment:

The Budget Review for 2016/17 includes a number of significant variations. Significant variations for the purpose of the mid-year budget review are where the forecast budget differs from the original budget by \$5,000 or more.

In discussing proposed amendments in the commentary below, recommended budget variations are categorised as either Favourable (F); Unfavourable (U); or Contra (C). This status relates to their impact on the net current asset position. As an example, a project that is fully funded by Grants or Reserves would generally be a Contra entry – that is, it will have a nil impact on net current assets as the expenditure is fully supported by specific source funding. The balance of net current assets is a key indicator of the Shire's ability to meet its debts and obligations as and when they fall due, and its financial flexibility in responding to opportunities, such as dollar for dollar grants, as and when required.

Variations to the original budget are summarised below by nature and type:

REVENUE	Original Budget	Budget Review	Variance
Rates	19,901,753	20,309,384	(407,631)
Operating grants, subsidies and contributions	3,440,324	3,366,199	74,125
Fees and charges	5,483,809	5,804,845	(321,036)
Interest earnings	640,000	679,844	(39,844)
Other revenue	718,012	865,870	(147,858)
	30,183,898	31,026,142	(842,244)

- A budget increase of \$408K in additional rates. Interim rates are significantly higher than expected due to close off of rates in 2015/16 to allow for rates modelling – F
- Operating grants, subsidies and contributions decrease of \$74K. An increase in the MRWA Direct Grant offsets a decrease of the Financial Assistance Grant – untied roads. A reclassification of reimbursements from the YMCA to other revenue makes up most of the shortfall – C
- An increase in Fees & Charges collected of \$321K is primarily due to interim waste charges, which will be offset by the increase in waste collection expenditure – F / C
- An increase of \$40K to Interest Earnings attributable to additional earnings from DCP investments, due to the timing of Abernethy Road expenditure not being incurred as yet - F
- Other revenue increased by \$148K due to the reclassification of reimbursements from Fees & Charges, plus additional unbudgeted reimbursements received from insurance and workers compensation claims – C

EXPENDITURE	Original Budget	Budget Review	Variance
Employee costs	(13,678,632)	(13,723,627)	44,995
Materials and contracts	(12,805,437)	(13,560,353)	754,916
Utility charges	(1,083,456)	(1,094,309)	10,853
Depreciation on non-current assets	(9,099,827)	(5,269,825)	(3,830,002)
Interest expenses	(125,014)	(85,791)	(39,223)
Insurance expenses	(465,278)	(450,497)	(14,781)
Other expenditure	(91,239)	(131,365)	40,126
	(37,348,883)	(34,315,767)	(3,033,116)

- Increase of \$45K in employee costs. Due to an industry position salary review, but offset by structural changes and position vacancies. Budgeted full time employees was 151, expected full time employees has increased to 155 – U
- Materials and contracts has increased by \$755K. Increases in waste collection costs (offset by waste charges collected), consultants engaged to assist with the Integrated

Planning and Reporting Framework, \$70K for feasibility of the renewal of the gravel pit facility and increase in temporary staff to cover vacancies - U

- Small unfavourable variance to utility charges – U
- Depreciation has been recalculated to reflect actual depreciation costs for 16/17. This encompasses changes in the useful life of infrastructure assets that were adopted in the process of producing the 2015/16 Financial Report - Non cash item; no impact on surplus
- Interest expenses are less than predicted (39K) due to changes in loan expectations. See Loans Schedule – F
- Insurance expenses have been adjusted to reflect actual costs incurred, a favourable variation of \$15K – F
- Other expenditure has been increased by \$40K. This includes the return of a wi-fi grant to the Department of Infrastructure - U

CAPITAL EXPENDITURE	Original Budget	Budget Review	Variance
Profit on asset disposals	(24,330)	(6,941)	(17,389)
Loss on asset disposals	20,906	38,039	(17,133)
Proceeds from disposal of assets	493,000	364,013	128,987
Purchase property, plant and equipment	(1,485,063)	(1,644,076)	159,013
Purchase and construction of infrastructure	(10,992,370)	(12,394,221)	1,401,851

- There has been a decision made to delay the replacement of administration's light vehicle fleet until further investigation of efficiencies has been explored. This has led to a reduction in expected proceeds and profits. Losses have been incurred on most vehicles sold to date.
- Full details of the Capital Expenditure programme can be found in the attached report, but major variances include;
 - Byford Skate Park; \$231K to be carried forward to 17/18 budget.
 - Jarrahdale RV Site; \$49K to be carried forward to 17/18 budget (transfer to Restricted Cash).
 - Serpentine Polocrosse Reticulation: \$75K to be transferred to Reserve.
 - Civic Centre Roof/Ceiling Repair: \$100K allocated to the repair and restoration of the damaged roof funded from Reserve.
 - Administration Building Renovation: \$141K allocated to the design and renovation of the administration staff offices funded from Reserve.
 - Jarrahdale Road Bridge and Richardson Street Bridge; works undertaken and fully funded by Main Roads and Financial Assistance Grant under the Special Projects – Bridges scheme.
 - Projects funded by the 15/16 surplus addressed by OCM235.12.16.
 - Hopeland Community Hall Water Storage Tank: increase of \$30K as approved at February OCM.
 - Byford Dog Park Budget; Transfer of remaining budget \$32K to Restricted Cash, to be quarantined until after the 12 month trial period.
 - Gravel Road Resheeting; \$345K funded from Reserve as part of the Asset Management Plan, to be deferred until issue of gravel pit is resolved.
 - Footpath Asset Management Plan: \$100K increase in budget, transferred from operating budget. Most footpath works are deemed to be renewal in nature.
 - Cancellation of Lowlands Road, and funds transferred to Elliot Road \$109K.
 - Cancellation of Summerfield Road, and funds transferred to Gossage Road \$150K.

RESERVES & RESTRICTED CASH	Original Budget	Budget Review	Variance
Transfers to cash backed reserves (Restricted assets)	(3,295,932)	(3,769,921)	473,989
Transfers from cash backed reserves (Restricted assets)	1,932,589	2,625,920	(693,331)
Transfers to restricted cash (Municipal)	(93,900)	(716,070)	622,170
Transfers from restricted cash (Municipal)	5,732,884	5,745,950	(13,066)

Reserves

- Administration Building Reserve to fund the repair of Civic Centre roof and also the design and renovation of office space.
- Briggs Park Reserve increase of \$81K due to the 15/16 carry forward not needed in 16/17 budget. Hold in reserve until needed.
- Building Asset Management Reserve – transfer in reduced by \$100K, and transferred to Administration Building Reserve instead.
- Community Facilities Reserve not used in 15/16 as expected, opening balance higher than predicted in budget.
- Leave Reserve reduced to reflect actual liability.
- Light Fleet and Plant Acquisition: recommending to fund plant lease payments from here, as lease is in lieu of purchase.
- Serpentine Jarrahdale Sporting Precinct; increase in Reserve due to deferment of Polocrosse Reticulation project.
- Waste Reserve absorbing some of the increased cost of changing service providers.

Restricted Cash

- Environmental Works – TTREE is not expecting any outflow this financial year, as predicted in original budget.
- Tourism WA grant for Jarrahdale RV site is not expected to be expended this financial year. Plans are in place for 17/18.
- Fire Contributions from Developers is to be used in part to fund the extra monies required for the Hopeland Water Storage Tank.
- Byford by the Scarp monies expected to be used this year to repair Benalla Crescent.
- Developer Contributions receipted were unbudgeted, and interest higher than original budget due to expected expenditure of funds. Monies to be spent late this financial year after works begin.
- Carry forward projects identified in order to quarantine monies for future financial year;
 - Health promotions \$15K,
 - IT Systems Upgrade \$69K,
 - Communications – Outdoor Event \$50K,
 - Asbestos Audit \$35K,
 - Skate Park Byford \$231K,
 - Byford Dog Park \$32K.

OTHER MATERIAL VARIANCES	Original Budget	Budget Review	Variance
Non-operating grants, subsidies and contributions	3,271,241	4,257,786	(986,545)
Repayment of debentures	(506,744)	(386,724)	(120,020)
Proceeds from new debentures	1,986,057	1,886,057	100,000

- Overall there has been an increase in non-operating grants, subsidies and contributions received, due to the Special Projects – Bridges programme fully funded by Financial Assistance Grant \$917K and Main Roads contribution \$459K.
- Grants totalling \$658K relating to the Byford & Districts Country Club are to be removed from this year's budget as they were received late in the 15/16 financial year.
- Repayment of loans is lower than expected as the Shire has not yet drawn down on any additional funding to date.
- Expected proceeds from new loans has decreased as we are no longer seeking to fund development contribution schemes from loan funding.

Attachment:

- [OCM033.1/03/17](#) – 2016/17 Budget Review Report (E17/1690)

Alignment with our Strategic Community Plan:

Objective 1.1	Strong Leadership
Key Action 1.1.1	Drive a continuous improvement, 'can-do' and creative work culture.
Objective 1.2	Progressive Organisation
Key Action 1.2.4	Provide robust reporting that is relevant, transparent and easily accessible by staff and the community.
Key Action 1.2.6	Comply with all legislative and statutory requirements.

Statutory Environment:

Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires that;

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
 - (a) consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) consider the local government's financial position as at the date of the review; and
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.
**Absolute majority required*
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

Financial Implications:

The financial implications related to this review are outlined in this report. No additional funds are required from these adjustments. Based on the review there will be a budget surplus at 30 June 2017 of \$184,208.

Below is a summary of the variances that been identified and the recommended changes.

Description	Original Budget	Budget Review	Variance
Opening Surplus at 1 July 2016	1,064,265	2,235,294	(1,171,029)
Proceeds from sale of assets	493,000	364,013	128,987

Changes to net transfers to and from Reserves	(1,363,343)	(1,144,001)	(219,342)
Changes to net transfers to and from Restricted Cash	5,638,984	5,029,880	609,104
Loan Principal Drawdown (New loans)	1,986,057	1,886,057	100,000
Loan principal repayments	(506,744)	(386,724)	(120,020)
Capital expenditure	(12,477,433)	(14,038,297)	1,560,864
Capital revenue (cash items)	3,271,241	4,257,786	(986,545)
Operating revenue (cash items)	30,183,898	31,026,142	(842,245)
Operating expenditure (cash items)	(28,249,055)	(29,045,942)	796,887
	40,870	184,208	(143,338)

Voting Requirements: Absolute Majority

OCM033/03/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr See , seconded Cr Ellis

That Council:

1. Receives the 2016/17 budget review report as per attachment *OCM033.1/03/17* and adopts the budget adjustments to the 2016/17 statutory budget.
2. Notes that the 2016/17 budget review results in a favourable improvement of \$143,338 in the budget surplus as at 30 June 2017, with a forecast surplus of \$184,208.
3. Notes the following projects/activities have been identified for carry over into 2017/18.

PROJECT / ACTIVITY	Original Budget	Allocation from 15/16 Surplus	Budget Review	Amount approved for carry over
Health Promotions	15,000	-	-	15,000
Systems Upgrade	119,050	-	50,000	69,050
Communications - Outdoor Event	143,000	-	93,000	50,000
Asbestos Expenses	45,000	-	10,000	35,000
Skate Park Byford	200,000	80,700	50,000	230,700
Dog Park	35,000	-	3,383	31,617
				431,367

CARRIED UNANIMOUSLY

AC002/03/17	Audit, Risk and Governance Committee – Adopt Terms of Reference (SJ2195)
Author:	Karen Cornish – Governance Advisor
Senior Officer/s:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	13 March 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

Introduction

The Audit Committee are being asked to endorse and recommend to Council the adoption of a comprehensive Terms of Reference (ToR) for what is currently the Audit Committee. By adopting the ToR, Council also resolves to rename this Committee to the Audit, Risk and Governance (ARG) Committee.

Background:

The establishment of an Audit Committee is a requirement under section 7.1A of the *Local Government Act 1995* for all local governments.

The functions of an Audit Committee are set out in Regulation 16 of the *Local Government (Audit) Regulations 1996*:

An Audit Committee —

- (a) *is to provide guidance and assistance to the local government —*
 - (i) *as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and*
 - (ii) *as to the development of a process to be used to select and appoint a person to be an auditor; and*
- (b) *may provide guidance and assistance to the local government as to —*
 - (i) *matters to be audited; and*
 - (ii) *the scope of audits; and*
 - (iii) *its functions under Part 6 of the Act; and*
 - (iv) *the carrying out of its functions relating to other audits and other matters related to financial management; and*
- (c) *is to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to —*
 - (i) *report to the Council the results of that review; and*
 - (ii) *give a copy of the CEO's report to the Council.*

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this matter.

Community / Stakeholder Consultation:

A workshop on the ToR was held with Councillors on 13 March 2017. Community consultation was not required in this instance.

Comment:

ARG Responsibilities

The ARG Committee will play an important role in supporting Council fulfil its responsibilities in 6 key areas:

1. Risk management systems.
2. Internal control structure.
3. Financial reporting.

4. Compliance with laws and regulations.
5. Internal audit functions.
6. External audit functions.

Within each of the 6 key areas, there are numerous responsibilities the ARG Committee will oversee:

- » Risk Management
 - Review risk management framework and associated procedures.
 - Review process for fraud control arrangements.
 - Review the Shire of Serpentine Jarrahdale Business Continuity Plan.
- » Internal Control
 - Review the approach of the internal control framework.
 - Review relevant policies and procedures.
 - Assess at least once a year whether key policies, procedures and delegations are complied with.
- » Financial Report
 - Review significant accounting and reporting issues.
 - Review with management and the external auditor the results of the audit.
 - Review annual financial report and performance report.
 - Review the mid year budget review.
- » Compliance
 - Review systems and processes to monitor compliance with legislation and regulations.
- » Internal Audit
 - Review the terms of reference, activities and resourcing of the internal audit function.
 - Review and recommend to Council for adoption the annual internal audit plan.
 - Review all internal audit reports.
 - Monitor the implementation of internal audit recommendations.
- » External Audit
 - Develop and recommend a process for the selection and appointment of an external auditor.
 - Develop and recommend to Council a written agreement for the appointment of an external auditor.
 - Consider the findings and recommendations by the external auditor.
 - Review the performance of the external auditor.

In carrying out these responsibilities, the ARG Committee will report regularly to Council on the Committee's activities, issues and related recommendations.

An annual review of the ARG Committee's ToR is recommended and contained within the ToR.

The Department of Local Government and Communities has a guideline on Local Government Audit Committees which was consulted during the drafting of the ToR.

Composition

It is proposed the ARG Committee will consist of seven (7) members. This is made up of five (5) elected members and two (2) external members. The external members will be persons independent of the Shire of Serpentine Jarrahdale who can demonstrate sound knowledge in financial management, governance and audit. A public advertisement will call for expressions of interest and the CEO will evaluate the applicants and make a recommendation to Council.

Conclusion

It is recommended the Audit Committee endorse and recommend to Council the adoption of the proposed ToR as contained in attachment AC002.1/03/17. This comprehensive ToR will support Council in discharging its legislative responsibility associated with governing the Shire's affairs and will positively promote transparency and accountability in the Shire's financial reporting. Effective and responsible management of risks will also ensure protection of the Shire's assets.

Attachments:

- [AC002.1/03/17](#) – Proposed Terms of Reference (E17/1739)

Alignment with our Strategic Community Plan:

Objective 1.2	Progressive Organisation
Key Action 1.2.6	Comply with all legislative and statutory requirements.
Objective 1.3	Capable Councillors
Key Action 1.3.2	Ensure Elected Members have a comprehensive understanding of Council's roles and responsibilities.

Statutory Environment:

The Audit Committee was established under section 7.1A of the *Local Government Act 1995*. The functions of an Audit Committee are outlined under regulation 16 of the *Local Government (Audit) Regulations 1996*.

Section 7.1A(2) of the *Local Government Act 1995* states the membership of an Audit Committee must be at least three of the members and the majority of members must be Council members. Members to the ARG Committee are appointed by an absolute majority vote by Council.

The ARG Committee does not have executive powers or authority. All recommendations of the ARG Committee are to be presented to Council for determination.

Financial Implications:

There are no financial implications associated with the adoption of the ToR.

Voting Requirements: Simple Majority

AC002/03/17 COUNCIL DECISION / Audit Committee Recommendation / Officer Recommendation:

Moved Cr Rich, seconded Cr See

That Council:

1. Endorses and recommends that Council adopt the change of name from Audit Committee to Audit, Risk & Governance Committee.
2. Endorses and recommends that Council adopt the Terms of Reference as contained in attachment *AC002.1/03/17*.

CARRIED UNANIMOUSLY

AC003/03/17	Review of Risk Management, Legislative Compliance and Internal Controls (SJ2196)
Author:	Kellie Bartley – Manager Corporate Services
Senior Officer/s:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	13 March 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

Introduction

This report recommends that the Audit Committee receive the status report on risk management, legislative compliance and internal controls and makes recommendations to Council on priority actions.

Background:

A status report has been prepared reporting against identified issues with respect to risk management, legislative compliance and internal controls. The status report is not an exhaustive listing and will be a living document and updated as issues are identified. It is presented to the Audit Committee to assist in their role to report to Council and provide advice and recommendations on matters relevant to its terms of reference.

Relevant Previous Decisions of Council:

OCM234/12/16 – Report on review of Risk Management, Legislative Compliance and Internal Controls

Community / Stakeholder Consultation:

Internal stakeholder consultation has occurred with Responsible Officers as designated in the status report attached to this item.

Comment:

The Department of Local Government and Communities developed an Operational Guideline on Audit in Local Government. Appendix 3 of this Guideline lists a number of issues that should be presented to an Audit Committee for review and monitoring:

Risk Management:

- Reviewing whether the local government has an effective risk management system;
- Reviewing whether the local government has a current and effective business continuity plan;
- Reviewing areas of potential non-compliance with legislation, regulations and standards and local governments policies;
- Reviewing the following; litigation and claims, misconduct, and significant business risks;
- Obtaining regular risk reports, which identify key risks, the status and the effectiveness of the risk management systems, to ensure that identified risks are monitored and new risks are identified, mitigated and reported;
- Assessing the adequacy of local government processes to manage insurable risks and ensure the adequacy of insurance cover, and if applicable, the level of self-insurance;
- Reviewing the effectiveness of the local governments internal control system with management and the internal and external auditors;
- Assessing whether management has controls in place for unusual types of transactions and/or any potential transactions that might carry more than an acceptable degree of risk;

- Assessing the local government's procurement framework with a focus on the probity and transparency of policies and procedures/processes and whether these are being applied.

Internal Control Systems:

- Separation of roles and functions, processing and authorisation;
- Control of approval of documents, letters and financial records;
- Limit of direct physical access to assets and records;
- Control of computer applications and information system standards;
- Regular maintenance and review of financial control accounts and trial balances;
- Comparison and analysis of financial results with budgeted amounts;
- Report, review and approval of financial payments and reconciliations;
- Comparison of the result of physical cash and inventory counts with accounting records.

Legislative Compliance:

- Monitoring compliance with legislation and regulations;
- Reviewing the annual Compliance Audit Return and reporting to Council the results of that review;
- Reviewing whether the local government has procedures for it to receive, retain and treat complaints, including confidential and anonymous employee complaints;
- Obtaining assurance that adverse trends are identified and review managements plans to deal with these;
- Reviewing management disclosures in financial reports of the effect of significant compliance issues;
- Considering the internal auditors role in assessing compliance and ethics risks in their plan;
- Monitoring the local government's compliance frameworks dealing with relevant external legislation and regulatory requirements.

UHY Haines Norton (now Moore Stephens) were engaged in 2014/2015 to provide the following services to the Shire in relation to the requirements of Regulation 17 of the Local Government (Audit) Regulations 1996:

- Undertake a high level review of the risk management systems, policies, procedures and plans in place;
- Evaluate the financial internal control systems and procedures at the Shire;
- Evaluate the operational internal control systems and procedures at the Shire including a review of the probity of the Shire's procurement framework;
- Assess systems and processes for maintaining legislative compliance including an assessment of the reliability of the Shire's latest compliance audit return;
- Develop a gap analysis of any improvements identified during the assessment;
- Provide recommendations to assist the CEO to assess the appropriateness and effectiveness of the relevant systems and procedures.

The scope of this review was therefore consistent with the Regulations and the matters recommended in the Operational Guideline. Council received and then considered the report at the Ordinary Meeting of 19 December 2016. An Improvement Plan was presented to this meeting; which now forms the basis of the status report presented as Attachment AC003.1/03/17.

The status report will be a standing item and presented to the Audit Committee on a quarterly basis.

Attachments:

- [AC003.1/03/17](#) - Improvement Plan - Review of Risk Management, Legislative Compliance and Internal Audit Controls (E17/1934)

Alignment with our Strategic Community Plan:

Objective 1.2	Progressive Organisation
Key Action 1.2.6	Comply with all legislative and statutory requirements.

Statutory Environment:

Section 17 of the *Local Government (Audit) Regulations 1996* requires the CEO to review the appropriateness and effectiveness of a local government's systems and procedures in relation to Risk Management, Internal Control and Legislative Compliance separately or all at the one time, on the provision that each matter is reviewed at least once every two years.

Section 16(c) of the *Local Government (Audit) Regulations 1996* requires the CEO to report to Council the results of that review and give a copy of the CEO's report to the Council.

Financial Implications:

There are no financial implications directly relevant to this item. However, additional resources may be required for the implementation of the Improvement Plan and associated process and systems in a timely manner.

Risk ratings have been determined with respect to probability and or consequence of adverse outcomes if action is not taken. Potential adverse outcomes may be quantitative impact (for example financial loss) or qualitative impact (for example inefficiency, non-compliance, poor service to the public or loss of public confidence).

Voting Requirements: Simple Majority

AC003/03/17 COUNCIL DECISION / Audit Committee Recommendation / Officer Recommendation:

Moved Cr See, seconded Cr Rich

That Council:

1. **Receives the status report on risk management, legislative compliance and internal controls;**
2. **Recommends to Council that the following priority actions be considered.**

CARRIED UNANIMOUSLY

AC004/03/17	Compliance Audit Return 2016 (SJ893)
Author:	Karen Cornish – Governance Advisor
Senior Officer/s:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	13 March 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

Introduction

The Audit Committee are requested to endorse the Department of Local Government and Communities' 2016 Compliance Audit Return (CAR).

Each year local governments are required to complete a CAR for the period 1 January to 31 December. The CAR is to be reviewed by the Audit Committee, adopted by Council and submitted to the Department of Local Government and Communities by 31 March each year.

The aim of the CAR is to build good governance by promoting and enforcing compliance and encouraging all local governments to move beyond minimum compliance through continuous improvement.

Background:

The Shire's Audit Committee is requested to review the completed CAR. The recommendation of the Audit Committee will then be presented to the Ordinary Council meeting on the 27 March 2016. Following adoption by Council, the CAR will be submitted to the Department of Local Government and Communities by the required closing date of 31 March 2017.

Relevant Previous Decisions of Council:

The previous CAR was presented to Council for endorsement as AC001/03/16 on the 29 March 2016.

Community / Stakeholder Consultation:

No community consultation is required on this matter. However, a number of Officers who have compliance responsibility relevant to the CAR were consulted. Source documents such as, but not limited to, minutes of meetings, declarations of interest, annual and primary returns, resolutions of Council and public notices, were all utilised in evidencing the Shire's compliance with the requirements of the Compliance Audit Return.

Comment:

Section 7.13(1)(i) of the *Local Government Act 1995 (the Act)* requires local governments to carry out an annual audit of their compliance with specific statutory obligations which may be prescribed in regulations.

The scope of the Compliance Audit Return (the Return) is prescribed by regulation 13 of the *Local Government (Audit) Regulations 1996* and may vary from year to year.

The 2016 Compliance Return focuses on the following:

- a) Commercial Enterprises by Local Governments;
- b) Delegation of Power/Duty;
- c) Disclosure of Interest;
- d) Disposal of Property;
- e) Elections;
- f) Finance;

- g) Local Government Employees;
- h) Official Conduct; and
- i) Tenders for Providing Goods and Services.

Regulation 14 requires the Audit Committee to review the CAR and report the result of that review to Council, prior to Council's adoption and submission to the Department by 31 March each year.

In previous years, the Shire has engaged an independent consultant to peer review the Compliance Audit Return. Effective peer reviews provide an independent perspective and judgments of professionals who are knowledgeable in the subject area being reviewed. This has been at a cost of approximately \$2,200 per annum. Due consideration should be given to establishing an internal audit process that undertakes a peer review of the Shire's CAR. This could be undertaken by an external source following completion of the CAR with the results being reported back to the Audit Committee.

Non-compliance reported

In undertaking the 2016 CAR there was one non-compliance recorded in the section titled Delegation of Power/Duty. This non-compliance involves the keeping of a written record when exercising a delegated power or authority. At various times during 2016, a register was not maintained to record instances of the CEO exercising a delegated power or duty. In order to rectify this, a process is being developed that will identify when a delegated power or duty is exercised and a register being set up to record these instances. Exercising of delegations is currently reported in the Councillor Information Bulletin and this will continue to be the case.

The Council has appointed a new CEO who has a strong governance and compliance background, and it is not expected that such instances of non-compliance will occur going forward.

Attachments:

- [AC004.1/03/17](#) - Draft Compliance Audit Return 2016 (E17/1937)

Alignment with our Strategic Community Plan:

The proposal aligns with the following specific objectives outlined in the Strategic Community Plan:

Objective 1.2	Progressive Organisation
Key Action 1.2.6	Comply with all legislative and statutory requirements.

Statutory Environment:

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

A compliance return is to be:

1. Reviewed by the Audit Committee and report to Council the results of that review.
2. Presented to Council at a meeting of the Council,
3. Adopted by Council, and
4. Recorded in the minutes of the meeting which it is adopted.

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

Financial Implications:

There are no financial implications to be considered as part of this recommendation.

Voting Requirements: Simple Majority

AC004/03/17 COUNCIL DECISION / Audit Committee Recommendation / Officer Recommendation:

Moved Cr Rich , seconded Cr Hawkins

That Council:

- 1. Endorses the Local Government Compliance Audit Return for the period 1 January to 31 December 2016 as contained in attachment AC004.1/03/17.**
- 2. Authorises the Shire President and Chief Executive Officer to sign the joint certification and lodge with the Director General of the Department of Local Government and Communities by 31 March 2017.**
- 3. Notes the non-compliances and requests the Chief Executive Officer to address the areas of non-compliance and report back to a future Audit Committee meeting on the measures taken to mitigate the non-compliances.**
- 4. Gives consideration to an independent peer review being undertaken for the 2017 Compliance Audit Return, with the results from this review to be reported to the Audit Committee.**

CARRIED UNANIMOUSLY

AC005/03/17	2016/17 Interim Audit – Fraud and Error Assessment by the Audit Committee
Author:	Kelli Hayward – Manager Finance
Senior Officer/s:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	17 March 2017
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 1995</i>

Introduction:

This report presents the Fraud and Error Assessment by the Audit Committee letter from the Shire Auditors, Moore Stephens. The letter is required to be completed by the Audit Committee and returned to Moore Stephens as a part of their assessment during the interim audit.

Background:

Moore Stephens have been appointed by the Shire to conduct the Annual Audit and Financial Management Review (required every 4 years). In performing the audit engagement, the Australian Auditing Standards require the auditors to consider the risk that fraud or error could occur within the organisation for the year ended 30 June 2017.

These standards require the auditors to make enquiries of those charged with governance of the risk of fraud or error within the organisation. This includes the Chief Executive Officer and the Audit Committee.

The Assessment is to be completed and returned to the auditors prior to the interim audit.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this matter.

Community / Stakeholder Consultation:

There are no community / stakeholder requirements relating to this matter.

Attachment:

- [AC005.1/03/17](#) – Appendix 4 – Fraud and Error Assessment by the Audit Committee (E17/2008)

Alignment with our Strategic Community Plan:

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

Statutory Environment:

Section 7.9. of the Local Government Act 1995 requires an Audit to be conducted.

s7.9. Audit to be conducted

- (1) An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to —
 - (a) the mayor or president; and
 - (b) the CEO of the local government; and

(c) the Minister.

(2) Without limiting the generality of subsection (1), where the auditor considers that —

- (a) there is any error or deficiency in an account or financial report submitted for audit; or
- (b) any money paid from, or due to, any fund or account of a local government has been or may have been misapplied to purposes not authorised by law; or
- (c) there is a matter arising from the examination of the accounts and annual financial report that needs to be addressed by the local government, details of that error, deficiency, misapplication or matter, are to be included in the report by the auditor.

(3) The Minister may direct the auditor of a local government to examine a particular aspect of the accounts and the annual financial report submitted for audit by that local government and to —

- (a) prepare a report thereon; and
- (b) forward a copy of that report to the Minister,

and that direction has effect according to its terms.

(4) If the Minister considers it appropriate to do so, the Minister is to forward a copy of the report referred to in subsection (3), or part of that report, to the CEO of the local government to be dealt with under section 7.12A.

s7.10. Powers of auditor

(1) An auditor —

(a) has a right of access at all reasonable times to such books, accounts, documents and assets of the local government as are, in the opinion of the auditor, necessary to allow the audit to be conducted; and

(b) may require from a member or an employee of the local government —

- (i) any book, account, document or asset of the local government; or
- (ii) any information, assistance or explanation, necessary for the performance of the duty of the auditor in relation to the audit; and

(c) may, at the expense of the local government obtain and act upon a legal opinion on a question arising in the course of an audit.

(2) In this section and in section 7.11 employee includes a person who has a contract for services with the local government.

Under regulation 5. (c) of the *Local Government (Financial Management) Regulations 1996* the CEO is required to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every four years) and report to the local government the results of those reviews.

r5. CEO's duties as to financial management

(2) The CEO is to —

- (a) ensure that the resources of the local government are effectively and efficiently managed; and

(b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and

(c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews

Financial Implications:

There are no financial implications in relation to this item.

Voting Requirements: Simple Majority

'DCDleft at 9.28

AC005/03/17 COUNCIL DECISION / Audit Committee Recommendation / Officer Recommendation:

Moved Cr See , seconded Cr Rich

That Council reviews the Fraud and Error Assessment for the 2016/17 Interim Audit and authorises the Presiding Member of the Audit Committee to complete and sign the assessment.

CARRIED UNANIMOUSLY

7.5 Chief Executive Officer Reports:

AEM001/01/17	Motion AEM001/01/17 from the 23 January 2017 Elector's General Meeting (SJ2170)
Author:	Karen Cornish – Governance Advisor
Senior Officer/s:	Peter Kocian – Acting Director Corporate & Community
Date of Report:	8 March 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

Motion AEM001/01/17

Moved Mr John Kirkpatrick, seconded Ms Lee Bond

That this Annual Electors Meeting rejects the two reports as tabled and determines that the rate payers have no confidence with the current Shire President and the current Acting Chief Executive Officer.

CARRIED by simple majority 32/23

Background

The Elector's General Meeting was held on the 23 January 2017. There were a number of decisions made at that meeting. Council is required to consider decisions made at an Elector's General Meeting in accordance with *section 5.33 of the Local Government Act*.

At the Ordinary Council Meeting held 27 February 2017 Council resolved to consider all decisions from the 23 January 2017 Elector's General Meeting at the 27 March Ordinary Council Meeting. This gave sufficient time for officers to provide information and advice to Council and prepare a report.

Officer comment

Council is required to consider all decisions made at the Elector's General Meeting.

Motion AEM001/01/17 was carried at the Elector's General Meeting and is presented to Council for consideration. Pursuant to the *Local Government Act 1995*, the decision carried has no legislative effect in accordance with the provisions.

1. Section 5.27(2) of the *Local Government Act 1995* requires that an Elector's General Meeting is to be held not more than 56 days after the Shire accepts the annual report. The Shire's annual report for the 2015/16 year was adopted by Council on the 28 November 2016 and the date for the Elector's General Meeting was resolved to be held on the 23 January 2017.
2. The provisions relating to matters to be discussed at the Elector's General Meeting is detailed in regulation 15 of the *Local Government (Administration) Regulations 1996*, whereby the contents of the annual report for the previous financial year is to be discussed.

As the Council has already adopted the annual report, and the report has been presented to the Elector's General Meeting for discussions as prescribed, even though the reports were rejected by a motion at the Elector's General Meeting, there is no other purpose that Council can proceed with, in relation to part 1 of motion AEM001/01/17, based on law.

In relation to part 2 of motion AEM001/01/17, the disqualification provisions relating to holding office on the Council and when and how presidents are elected by Council, are set down in the *Local Government Act 1995*;

Section 2.20 – Members of parliament disqualified;
Section 2.21 – Disqualification because of insolvency;
Section 2.22 – Disqualification because of convictions;
Section 2.23 – Disqualification because of membership of another Council;
Section 2.24 – Disqualification because of misapplication of funds or property;
Section 2.25 – Disqualification for failure to attend meetings; and
Schedule 2.3 – When and how mayors, presidents, deputy mayors and deputy presidents are elected by the Council;

Based on this, there is no purpose based on law for Council to proceed with part 2 of motion AEM001/01/17.

Voting Requirements: Simple majority

DCC returned to the meeting at 9.29pm

AEM001/01/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Hawkins

That Council notes motion AEM001/01/17.

CARRIED 5/2

AEM002/01/17	Motion AEM002/01/17 from the 23 January 2017 Elector's General Meeting (SJ2170)
Author:	Karen Cornish – Governance Advisor
Senior Officer/s:	Peter Kocian – Acting Director Corporate & Community
Date of Report:	8 March 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

AEM002/01/17**Moved Ms Mary Plant, seconded Mr Grant Richardson**

That Council review their policy in administering regulations whereby some people are targeted and penalised and others who do not comply are left alone (or in some cases given retrospective approvals). This is particularly the case in relation to fire breaks and building approvals.

CARRIED by simple majority 50/5

Background

The Elector's General Meeting was held on the 23 January 2017. There were a number of decisions made at that meeting. Council is required to consider decisions made at an Elector's General Meeting in accordance with *section 5.33 of the Local Government Act 1995*.

At the Ordinary Council Meeting held 27 February 2017 Council resolved to consider all decisions from the 23 January 2017 Elector's General Meeting at the 27 March Ordinary Council Meeting. This gave sufficient time for officers to provide information and advice to Council and prepare a report.

Officer Comment:

The Shire are developing a policy that provides for clear and transparent methodology for dealing with compliance issues across all legislation. The policy will provide for three different priorities, being minor, medium and major with responses dependent upon the level of risk involved. Enforcement will be guided by a risk matrix developed by various departments across the Shire. It is anticipated the policy will be considered by Council at the April Ordinary Council Meeting.

The Shire's Planning Directorate has taken an average of 3,000 customer enquiries per month during the last three months. In addition to this the Shire's compliance team has received an average of ten formal complaints in relation to development compliance during the same period. Whilst our development compliance inspections are predominantly on a reactive basis, we do undertake proactive inspections or patrols in relation to firebreaks, local law enforcements (through ranger activities), pool barrier and health or food safety inspections. These proactive inspections aim to mitigate serious risks to lives and properties and are therefore the focus of our compliance work.

In December the Shire inspected all rateable properties (11,704) to ensure compliance with the Firebreak Notice. A total of 299 work-orders were issued where people had made an effort to comply with the notice, but weren't fully compliant for a number of minor reasons. Only 57 infringements were issued, meaning only 0.5% of all the properties inspected were infringed and 2.6% required some additional work to achieve compliance.

In January the Shire again inspected all rateable properties (11,704) as a second inspection regarding compliance with the Firebreak Notice. An additional 104 work-orders and 17 infringements were issued where people were still not fully compliant. This means that after the second inspections there were only 136 properties still not compliant or 1.2% of all

rateable properties. The Shire will continue to work on ensuring compliance during the coming months, however we believe that these are fairly high compliance rates and appreciate the efforts of the community in this regard.

The table below provides data on the number of requests/complaints, inspections and compliance issues the Shire has dealt with over the previous 3 months:

Actions	2016	2017		Total	Average
	December	January	February		
Number of customer requests received / month (formal - Telephone, in-person)	2,168	3,087	3,754	9,009	3,003
Number of formal complaints received	9	14	8	31	10
Number of active compliance matters	6	5	6	17	6
Number of Firebreak Inspections	11,704	11,704	136	23,544	7,848
Work orders	299	104		403	134
Infringements	57	17		74	25
LG Works		15		15	5
Number of Patrols Undertaken	65	96	88	249	83
Number of Health Assessments and Inspections undertaken	10	18	19	47	16
Number of Fines Issued	4	4	17	25	8
Number of Pool Inspections undertaken per month	95	118	160	373	124
Number of Compliant Pool Inspections undertaken per month	23	64	49	136	45
Number of No Access Pool Inspections undertaken per month	9	10	18	37	12

Voting Requirements: Simple majority

AEM002/01/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Gossage , seconded Cr Hawkins

That Council notes motion AEM002/01/17 and requests a review of Council policies in the next twelve (12) months.

CARRIED UNANIMOUSLY

AEM003/01/17	Motion AEM003/01/17 from the 23 January 2017 Elector's General Meeting (SJ2170)
Author:	Karen Cornish – Governance Advisor
Senior Officer/s:	Peter Kocian – Acting Director Corporate & Community
Date of Report:	8 March 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

AEM003/01/17

**Moved Mr Sepehr Vahdat, seconded Mr John Kirkpatrick
That Council consider the plan and submissions for Scrivener Road Gravel Pit and bring before Council as soon as possible, before committing any further funds.**

CARRIED by simple majority 17/6

Background

The Elector's General Meeting was held on the 23 January 2017. There were a number of decisions made at that meeting. Council is required to consider decisions made at an Elector's General Meeting in accordance with *section 5.33 of the Local Government Act*.

At the Ordinary Council Meeting held 27 February 2017 Council resolved to consider all decisions from the 23 January 2017 Elector's General Meeting at the 27 March Ordinary Council Meeting. This gave sufficient time for officers to provide information and advice to Council and prepare a report.

Officer Comment

At this stage, an environmental scoping document has been submitted to the Environmental Protection Authority ('EPA') for a determination, as was required by the EPA. The assessment level assigned to the project is a high level assessment, requiring greater detail than required for a mining operation. Once the EPA determination has been made, the detail required to prove the environmental and social efficacy of the project will be known.

However, regardless of the EPA process, and the current pre-existing source of gravel, there is no reason to limit the opportunity to this one source. Importantly, the EPA process does not guarantee the project will be approved. The EPA process allows the project to be rigorously assessed, ensuring that, in the case an approval is issued, the management of the project is to the highest of standards, in the context of the environmental and social amenity risks. Consequently, ultimately, this existing gravel source may not be suited, due to the high cost of implementing the management plan, as shaped by the conditions of approval; or simply may not be approved. It may also be that an alternative source of gravel is available, and can be sourced at a lower financial cost, due to lower constraints.

In order to allow a proper assessment of the Scrivener Road gravel pit, it is recommended that the development of the management plan and documentation required by the EPA continue. However, it is further recommended that additional funds be provided to expand the project to consider alternative sources of gravel, which might be economically available to the Shire. Ultimately, this will allow the business case for any particular gravel source to be thoroughly tested, while also ensuring that every effort is made to ensure a source of gravel is available in the case that Scrivener Road is unavailable or too costly. It is recommended that an additional \$50,000 be made available, as part of a future budget review, or as part of the 2017/18 financial year budget, for the purpose of funding a gravel source identification and source viability assessment project.

Finally, Council should note that the gravel road re-sheeting programme has been ‘parked’ pending the identification of a suitable gravel source. As this programme is reserve funded, the budget allocations will remain in reserve until gravel becomes available.

Voting Requirements: Simple majority

AEM003/01/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Gossage, seconded Cr Rich

That Council notes motion AEM003/01/17 and requests a business case be brought to Council to undertake a site selection study which will include the Scrivener Road site and other sites within the Shire to determine what site will yield the most favourable benefit to the Shire of Serpentine Jarrahdale in the short to medium term.

CARRIED UNANIMOUSLY

AEM004/01/17	Motion AEM004/01/17 from the 23 January 2017 Elector's General Meeting (SJ2170)
Author:	Karen Cornish – Governance Advisor
Senior Officer/s:	Peter Kocian – Acting Director Corporate & Community
Date of Report:	8 March 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

AEM004/01/17

Moved: Ms Diane Toohey, seconded: Mr Grant Richardson

That Council reconsider the requirement to submit public questions for Ordinary Council Meetings in writing by a prescribed time and that no other questions be allowed.

CARRIED by Simple Majority 45/7

Background

The Elector's General Meeting was held on the 23 January 2017. There were a number of decisions made at that meeting. Council is required to consider decisions made at an Elector's General Meeting in accordance with *section 5.33 of the Local Government Act*.

At the Ordinary Council Meeting held 27 February 2017 Council resolved to consider all decisions from the 23 January 2017 Elector's General Meeting at the 27 March Ordinary Council Meeting. This gave sufficient time for officers to provide information and advice to Council and prepare a report.

Officer Comment:

Regulation 6 of the *Local Government Administration Regulations 1996* requires a minimum time of 15 minutes be allocated for the asking of and responding to questions raised by members of the public at ordinary Council meetings.

Council policies are reviewed every two years. Consideration should be given to reviewing this policy.

Voting Requirements: Simple majority

AEM004/01/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Hawkins

That Council considers motion AEM004/01/17 and requests a review be undertaken on Council policies, delegations and Standing Orders in the 2017/18 financial year.

CARRIED UNANIMOUSLY

AEM005/01/17	Motion AEM005/01/17 from the 23 January 2017 Elector's General Meeting (SJ2170)
Author:	Karen Cornish – Governance Advisor
Senior Officer/s:	Peter Kocian – Acting Director Corporate & Community
Date of Report:	8 March 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

AEM005/01/17**Moved: Ms Diane Toohey, seconded: Ms Mary Plant****That this Annual Meeting of Electors declare a vote of no confidence with the current Shire President and the Acting Chief Executive Officer.****CARRIED by simple majority****Background**

The Elector's General Meeting was held on the 23 January 2017. There were a number of decisions made at that meeting. Council is required to consider decisions made at an Elector's General Meeting in accordance with *section 5.33 of the Local Government Act*.

At the Ordinary Council Meeting held 27 February 2017 Council resolved to consider all decisions from the 23 January 2017 Elector's General Meeting at the 27 March Ordinary Council Meeting. This gave sufficient time for officers to provide information and advice to Council and prepare a report.

Officer Comment:

In relation to motion AEM005/01/17, the disqualification provisions relating to holding office on the Council and when and how presidents are elected by Council, are set down in the *Local Government Act 1995*;

Section 2.20 – Members of parliament disqualified;
 Section 2.21 – Disqualification because of insolvency;
 Section 2.22 – Disqualification because of convictions;
 Section 2.23 – Disqualification because of membership of another Council;
 Section 2.24 – Disqualification because of misapplication of funds or property;
 Section 2.25 – Disqualification for failure to attend meetings; and
 Schedule 2.3 – When and how mayors, presidents, deputy mayors and deputy presidents are elected by the Council;

Based on this, the motion is duly noted, however there is no effect in law for Council to proceed with motion AEM005/01/17.

Voting Requirements: Simple majority**AEM005/01/17 COUNCIL DECISION / Officer Recommendation:****Moved Cr Hawkins, seconded Cr Ellis****That Council notes motion AEM005/01/17.****CARRIED 5/2**

Cr Ellis left the meeting at 9.36pm and did not return.

AEM006/01/17	Motion AEM006/01/17 from the 23 January 2017 Elector's General Meeting (SJ2170)
Author:	Karen Cornish – Governance Advisor
Senior Officer/s:	Peter Kocian – Acting Director Corporate & Community
Date of Report:	8 March 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

AEM006/01/17

Moved Mr Brian Williamson, seconded Mr John Kirkpatrick

That a policy be formulated that prohibits Councillors, Staff, Contractors, Consultants, Suppliers and their immediate families of the Shire of Serpentine Jarrahdale from entering any competition or award of any kind that is in anyway connected to the Shire whether it be by sponsorship or affiliation. This does not apply to staff incentive programmes that are not open to the public.

LOST by simple majority 7/10

Background

The Elector's General Meeting was held on the 23 January 2017. There were a number of decisions made at that meeting. Council are required to consider decisions made at an Elector's General Meeting in accordance with *section 5.33 of the Local Government Act*.

At the Ordinary Council Meeting held 27 February 2017 Council resolved to consider all decisions from the 23 January 2017 Elector's General Meeting at the 27 March Ordinary Council Meeting. This gave sufficient time for officers to provide information and advice to Council and prepare a report.

Officer Comment:

Whilst it is recognised this motion was lost at the Elector's General Meeting, in interpreting the intent of the motion generically, these matters may be considered within a review of the Shire's Code of Conduct for staff and elected members. Therefore consideration should be given to undertaking a review of the Shire's Code of Conduct within the next 12 months.

Staff members or Councillors are not eligible to participate in the Shire's rate incentive programmes. However, it is recognised that clearer policy provisions may need to be considered. This can be undertaken as part of a policy review.

Voting Requirements: Simple majority

AEM006/01/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Gossage, seconded Cr See

That Council notes motion AEM006/01/17 and gives consideration to a policy being developed when undertaking a full review of Council policies and Code of Conduct in the 2017/18 review of documents.

CARRIED UNANIMOUSLY

AEM007/01/17	Motion AEM007/01/17 from the 23 January 2017 Elector's General Meeting (SJ2170)
Author:	Karen Cornish – Governance Advisor
Senior Officer/s:	Peter Kocian – Acting Director Corporate & Community
Date of Report:	8 March 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

AEM007/01/17

Moved Mr Brian Williamson, seconded Ms Lee Bond

A paragraph be inserted into all delegated authorities that states:

Should a resident or ratepayer feel aggrieved by a decision made under Delegated Authority that they have the right at no cost to insist that their grievance be referred to full Council for a determination.

CARRIED by simple majority

Background

The Elector's General Meeting was held on the 23 January 2017. There were a number of decisions made at that meeting. Council are required to consider decisions made at an Elector's General Meeting in accordance with *section 5.33 of the Local Government Act*.

At the Ordinary Council Meeting held 27 February 2017 Council resolved to consider all decisions from the 23 January 2017 Elector's General Meeting at the 27 March Ordinary Council Meeting. This gave sufficient time for officers to provide information and advice to Council and prepare a report.

Officer Comment

There are a significant number of delegations that span across the following functions; executive services, corporate, engineering and planning. The application of delegated authority is intended to improve the efficiency, effectiveness and timeliness of decision making. The use of delegated authority does release Council from dealing with 'minor' matters to better be able to focus on high level strategic matters. The Council and the CEO will only delegate matters where the relevant employees have the appropriate skills and expertise to implement the delegation or sub-delegation. At the same time the exercise of all delegated and sub delegated authority is subject to complying with relevant Policies of the Shire.

A decision made by an Officer under delegated authority is the same as if the decision was made by Council. There is therefore significant risk if decisions were to be referred to Council for reconsideration if decisions have been acted upon (communicated between relevant parties) as the Shire could potentially be exposed to financial risk, reputational risk and compliance risk to name a few.

The formal right of appeal is also available to applicants with respect to certain matters. The State Administrative Tribunal is the primary place for the review of decisions made by local government. This may relate to decisions made under *the Building Act 2011*, town planning decisions or certain decisions made under the *Local Government Act 1995*. The State Administrative Tribunal does have the power to set aside the decision made by the local government, be it through delegation or by Council, and to make the decision itself as if it was the responsible authority.

Staff who exercise a decision under delegated authority are also legally required to record whenever the delegated authority is utilised. The record is to contain information on:

- How the person exercised the power or discharged the duty
- When the person exercised the power or discharged the duty
- The persons or classes of persons directly affected by the exercise of the power or the discharge of the duty

The record of delegations is presented to Council each month. Council therefore has visibility of decisions made under delegation and how many 'refusals' for example have been made. Council, in its review of delegations, can therefore determine if there are any matters that they believe should be determined by Council rather than under delegation.

As such, the proposed motion is not supported. Council reviews delegations on an annual basis and if there are decisions made under delegated authority that are giving rise to a high number of grievances/complaints, Council can elect to revoke the specific delegation.

Voting Requirements: Simple majority

AEM007/01/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Gossage, seconded Cr Rich

That Council notes motion AEM007/01/17 and resolves not to take any further action as:

- 1. Delegations to the Chief Executive Officer (and sub delegations from the Chief Executive Officer to staff) are reviewed annually by Council which provides an opportunity for Council to amend or withdraw any delegations if it so decides;**
- 2. The right of appeal already exists to the State Administrative Tribunal for decisions made with respect to matters under specific legislation such as the *Building Act 2011*, *Local Government Act 1995* and *Planning and Development Act 2005*.**

CARRIED UNANIMOUSLY

AEM008/01/17	Motion AEM008/01/17 from the 23 January 2017 Elector’s General Meeting (SJ2170)
Author:	Karen Cornish – Governance Advisor
Senior Officer/s:	Peter Kocian – Acting Director Corporate & Community
Date of Report:	8 March 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

AEM008/01/17

Moved Mr Brian Williamson, seconded Ms Lee Bond

That a policy called “Family on Council” be instated that states: “*Should there be a direct family member or member of the direct household of another sitting member or elected at the same time be elected to Council, then all related Councillors are precluded from acting as Shire President or Deputy Shire President while an of their family is a current sitting member.*”

CARRIED by simple majority

Background

The Elector’s General Meeting was held on the 23 January 2017. There were a number of decisions made at that meeting. Council are required to consider decisions made at an Elector’s General Meeting in accordance with *section 5.33 of the Local Government Act*.

At the Ordinary Council Meeting held 27 February 2017 Council resolved to consider all decisions from the 23 January 2017 Elector’s General Meeting at the 27 March Ordinary Council Meeting. This gave sufficient time for officers to provide information and advice to Council and prepare a report.

Officer Comment

- The Local Government Act 1995 establishes under s.2.11, that the office of Mayor or President is filled either by; an **election** by electors of the district OR **elected** by the Council from amongst the Councillors.
- S.2.15 states, that the office of Deputy Mayor or Deputy President is filled by an **election** by the Council as per Schedule 2.3.
- Schedule 2.3 sets out the procedures for nomination for these offices and for conducting the **elections**.

The Local Government Act sets out in law that the election of a Shire President / Deputy Shire President is an **electoral process**. It is **not a Council decision making process**, which can be guided by a policy adopted by Council.

There is no legal capacity for a Local Government to adopt a policy which undermines the operation of the electoral procedures prescribed in the *Local Government Act 1995*. Therefore, the proposal to make a policy which attempts to modify the prescribed procedures of the Local Government Act would be ultra vires.

Voting Requirements: Simple majority

AEM008/01/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Piipponen, seconded Cr Rich

That Council notes the motion but resolves not to consider it further as policies cannot be determined by Council that are contrary to legislative provisions.

CARRIED UNANIMOUSLY

AEM009/01/17	Motion AEM009/01/17 from the 23 January 2017 Elector's General Meeting (SJ2170)
Author:	Karen Cornish – Governance Advisor
Senior Officer/s:	Peter Kocian – Acting Director Corporate & Community
Date of Report:	8 March 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

AEM009/01/17**Moved Mr Brian Williamson, seconded Ms Lee Bond**

That a full forensic audit be budgeted for and carried out every four years by a fully qualified and authorised forensic auditor and the results published on the Shire website.

CARRIED by simple majority

Background

The Elector's General Meeting was held on the 23 January 2017. There were a number of decisions made at that meeting. Council are required to consider decisions made at an Elector's General Meeting in accordance with *section 5.33 of the Local Government Act*.

At the Ordinary Council Meeting held 27 February 2017 Council resolved to consider all decisions from the 23 January 2017 Elector's General Meeting at the 27 March Ordinary Council Meeting. This gave sufficient time for officers to provide information and advice to Council and prepare a report.

Officer Comment

The CEO proposes to undertake a health assessment on Corporate Governance and financial management systems within the Shire. This will involve an independent review of such things as Council policies and delegations, finances and associated procedures and seeks Councils support to undertake this function.

While the Electors Meeting resolved to Council to consider a full forensic audit every four years, it should be noted that a full forensic audit would be an extremely expensive exercise without a targeted approach to an area of the business.

The Local Government (Financial Management) regulations 5(2)(c) require the CEO to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (not less than once in every four financial years) and report to the local government the results of those reviews.

It is the practice of the current incumbent that this be undertaken by an independent external firm. The CEO is advised that this has not been undertaken in recent years and the four year review period would expire in June 2017 and is in need of being undertaken to meet compliance with the Financial Management Regulations.

Voting Requirements: Simple majority

AEM009/01/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Rich

That Council notes motion AEM009/01/17 and authorises the Chief Executive Officer to undertake a health assessment of general compliance provisions of the organisation and appropriateness and effectiveness of the financial management systems and procedures of the local government.

CARRIED UNANIMOUSLY

AEM010/01/17	Motion AEM010/01/17 from the 23 January 2017 Elector's General Meeting (SJ2170)
Author:	Karen Cornish – Governance Advisor
Senior Officer/s:	Peter Kocian – Acting Director Corporate & Community
Date of Report:	8 March 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

AEM010/01/17**Moved Mr Brian Williamson, seconded Ms Lee Bond**

That video and audio recordings of each Council and Extraordinary Council Meeting as well as electors and Extraordinary Electors meetings be made available to the public by the end of the day after said meetings at no cost on the Shire's website.

CARRIED by simple majority 10/7

Background

The Elector's General Meeting was held on the 23 January 2017. There were a number of decisions made at that meeting. Council are required to consider decisions made at an Elector's General Meeting in accordance with *section 5.33 of the Local Government Act*.

At the Ordinary Council Meeting held 27 February 2017 Council resolved to consider all decisions from the 23 January 2017 Elector's General Meeting at the 27 March Ordinary Council Meeting. This gave sufficient time for officers to provide information and advice to Council and prepare a report.

Officer Comment

Some further research would be required to ascertain if the current audio/video equipment is suitable and capable for the purpose of recording Council's public meetings. Further research would also be required to determine what legislative requirements there are to consider (State Records Act, Privacy Act, Freedom of Information Act etc).

Voting Requirements: Simple majority

AEM010/01/17 COUNCIL DECISION / Officer Recommendation:**Moved Cr Gossage, seconded Cr Hawkins**

That Council notes motion AEM010/01/17 and request the CEO to provide a discussion paper on the advantages and disadvantages, including the associated costs of recording public meetings.

CARRIED UNANIMOUSLY

7.6 Confidential Reports:

Nil

7.7 Late Item:

OCM034/03/17	Community Sport and Recreation Facility Fund – Small Grants Round 1
Author:	Marlene Renton – Senior Recreation Officer
Senior Officer/s:	Peter Kocian – Acting Director Corporate and Community
Date of Report:	21 March 2017
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government

Introduction

Council is requested to endorse the Serpentine Foothills Polocrosse Club (SFPC) application to the Department of Sport and Recreation Community Sports and Recreation Facility Fund (CSRFF) Small Grants Round 1 and rank the project 1 from 1.

Background:

The Department of Sport and Recreation (DSR) CSRFF Small Grants Scheme has two rounds per year. The purpose of the program is to provide financial assistance to community groups and local government authorities to develop basic infrastructure for sport and recreation. The aim is to increase participation in sport and recreation, with an emphasis on physical activity, through rational development of sustainable, good quality, well-designed and well-utilised facilities. All applications must be submitted to the Local Government for endorsement and priority ranking.

Round 1 closes 28 March 2017. The Shire has received one (1) application from the Serpentine Foothills Polocrosse Club which involves the installation of additional horse yards and watering points on the polocrosse field at John Lyster Polocrosse Ground in Serpentine.

Relevant Previous Decisions of Council:

OCM020/02/17

Council supported the Serpentine Foothills Polocrosse Club application to the CSRFF, acknowledged that the club is fully funding the project, and authorised the CEO to prepare a letter of support.

Community / Stakeholder Consultation:

External Consultation

The Shires Community Engagement Team discussed the project with:

- SFPC in March 2016 and January 2017.
- DSR Peel Office in January 2017.

Internal Consultation

The Project has undergone internal technical assessment which includes input from the following Teams; Property and Leasing, Community Engagement, Reserves, Fire, Governance, Building, Planning, and Manager Corporate Services.

Comment:

Project

The Project is the installation of additional horse yards and watering points on John Lyster Reserve at the Serpentine Sports Ground. The total cost of the project is \$66,446 (inc GST) of which the Club is providing \$44,296 which includes cash and in-kind being donated

materials and services. They will be seeking \$22,150 from DSR CSRFF Small Grants Round to purchase the prefabricated steel yards.

Conclusion

The Serpentine Foothills Polocrosse Club has been operating at the Serpentine Sports Ground for 32 years. The clubs membership has experienced consistent growth and currently has 100 members making it one of the two largest polocrosse clubs in WA. The additional horse yards and watering points are required to meet rider demand. The committee is very dedicated and is being proactive in seeking external funding for a much needed project.

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 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:

Nil

Financial Implications:

There are no capital or maintenance implications for the Shire.

Voting Requirements: Simple Majority

OCM034/03/17 COUNCIL DECISION / Officer Recommendation:

Moved Cr Gossage, seconded Cr See

That, with respect to Round 1 of the Community Sport and Recreation Facility Fund (Small Grants Program), Council:

- 1. Supports the Serpentine Foothills Polocrosse Club application for the installation of pre-fabricated horse yards and additional water points to John Lyster Polocrosse Ground, Serpentine, and**
- 2. Ranks the project 1 from 1.**

CARRIED UNANIMOUSLY

8. Motions of which notice has been given:

Nil

9. Urgent Business:

Nil

10. Councillor questions of which notice has been given:

Nil

11. Closure:

There being no further business the Presiding Member declared the meeting closed at 9.41pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 24 April 2017

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Presiding Member

.....
Date