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Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 28 July 2014. The Shire President declared the meeting open at 7.00pm and welcomed Councillors, staff and members of the gallery.

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

In Attendance:

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

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

Apologies: Nil

Observers: Nil

Members of the Public – 48

Members of the Press – 1

Leave of Absence: Nil

2. Response to previous public questions taken on notice:

Ms Colleen Rankin, 33 South Crescent, Byford, WA, 6122

Question 1

Why did you embark on the amalgamation legal challenge and how much is the Shire of Serpentine Jarrahdale putting up?

Response:

The Shire President advised up to \$100, 000 had been set aside for the Local Government Reform legal action.

Question 2

What about the other aggrieved Council, how many of them are helping fund the legal challenge?

Response:

The Shire President advised that twelve Councils and one private citizen are helping to fund the legal action.

Ms Merri Harris, 24 Maxwell Street, Serpentine, WA, 6125

Given the unfortunate and misleading information which has been perpetrated by the State Government about Local Government sustainability and the ability to provide appropriate local infrastructure can you please explain:

Question 1

What has been budgeted for infrastructure spending this financial year?

Response:

The Shire President advised that \$8.8 million has been budgeted for this financial year.

Question 2

Does the Shire of Serpentine Jarrahdale 7% rate rise include levies and what are they?

Response:

The Shire President advised that the rate rise does not include levies enforced by the State Government which are waste levy and emergency services levy.

Ms Jackie Dines, 34 Jarrahglen Rise, Jarrahdale, WA, 6124

Question 1

The minister for Local Government has stated that the cost of reducing 30 Councils down to 15 will be somewhere between \$60 million and \$100 million. Has the State Government done any work to arrive at a more exact figure?

Response:

The Shire President advised that to date there has been no business plan or cost benefit analysis undertaken by the State Government to support the Minister's statement that Local Government Reform will be in order of \$60 million to \$100 million. Councils for Democracy believe that the total cost for the metropolitan Local Government Reform will be somewhere between \$150 million and \$200 million.

Question 2

Given the comments by Jeff Munn (Armadale Councillor – 1 May 2014 on the Council Matters Website) that it will cost their Council approximately \$10 million to perform a boundary adjustment and that the ratio of commercial to residential will worsen to a point of putting a huge burden on their rates. Does Council know if there has been any modelling done as to the impact of this on the Shire of Serpentine Jarrahdale ratepayers?

Response:

The Shire President advised that no modelling has been undertaken by the Shire as the proposal presented by the Shire of Serpentine Jarrahdale was to remain as the Shire currently is.

Mr Alan Clarkson, 32 Alice Road, Cardup, WA, 6122

Question 1

What is the Shire's debt level and is it rising or falling?

Response:

Current debt outstanding as at today is \$2.797 million. Shire's debt has reduced from \$5.787 million at 1 July 2013.

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

Question 1

What would have been the cost to each ratepayer this year in the rates to provide the two tip passes they were previously given and what will it now cost a ratepayer to purchase a tip pass when and if they need one?

Response:

It would cost an additional \$58 per service to include two tip passes into the rubbish charge. According to the fees and charges of City of Armadale for waste not exceeding 1.3m³ for:

- i) green waste is \$26*
- ii) rubbish is \$39*

Question 2

Does Council know how many of the free tip passes were on average used each year?

Response:

4,840 passes were used in 2013/2014.

Ms Sherrin Roberts, 4/14 Gordin Way, Byford, WA, 6122

Question 1

Why is the Shire no longer issuing tip passes?

Response:

Council decided that they were not willing to pass on the cost of an additional \$58 per service if they were to include tip passes in the rubbish charges for 2014/2015, and were able to keep the rubbish charges at the same rate as the previous financial year with a nil increase, if they moved to a user pay system.

Question 2

On what basis did Shire pay for tip passes and what was the issue or the use of the passes?

Response:

The Shire was charged \$27 for rubbish and \$20 for green waste from City of Armadale tip. The Shire was charged for all tip passes handed to them on a monthly basis by the City of Armadale. The tip passes only covered a trailer of not exceeding 1.3m³ green waste or rubbish waste.

Question 3

What did the tip passes cost last year?

Response:

The tip passes cost the Shire \$27 for rubbish and \$20 for green waste depending on the use of the tip pass.

Question 4

Were alternatives considered? (e.g. only one pass per household)

Response:

One pass was considered, however Council voted on a user pay system, whilst still providing two green waste collections and one hard waste collection throughout the year.

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

Question 1

Does Hope Valley Nursery in Holmes Road Oakford have Council approval for any of their business? Detail what is non-approved by Council. Detail what is approved and date it was approved by Council and who gave the approval.

Response:

Records dating back to 1999 show Council approved various developments in 2002, 2003, 2004 and a tunnel house in 2014.

Question 2

Who owns the Serpentine Tearooms and who leases it?

Response:

Water Corporation is the owner. Water Corporation should be contacted directly for any enquiries regarding current lease.

Question 3

Does James Johnson have delegated authority with regards to any operations within the Shire of Serpentine Jarrahdale, if yes which ones, the date this was granted and by who?

Response:

The Acting Manager Emergency Services has delegated authority under ENG03 – Variation to Firebreak Order, the Acting Manager Emergency Services received this delegated authority upon appointment in accordance with the Delegated Authority Register.

Question 4

What dates were the acting CEO and the current CEO appointed to the Shire of Serpentine Jarrahdale, were they the same person, if so who was that?

Response:

Mr Gorbunow was appointed to the position of Acting Chief Executive Officer by the Council on 17 August 2012. Mr Gorbunow was appointed to the position of Chief Executive Office by Council on 6 March 2013 for a period of 3 years.

Question 5

Has the ratepayer of this Shire paid for water charges related to Byford District Country Club in the amount of \$1,523.51 between February and March 2014? If yes why and who authorised this?

Response:

No. The account you are referring to is the water account for the Byford Hall.

Question 6

Is the ratepayer of this Shire paying for electricity in connection with the Stephen White complex in Byford? Is yes why and who authorised this?

Response:

Shire records have no registering of Stephen White Complex in Byford.

Question 7

Why hasn't the Shire of Serpentine Jarrahdale done anything about the Booker Chicken Farm in King Road Oakford contaminating the Jandakot water mound when washing out contaminated canisters?

Response:

Shire Officers along with Department of Environment Regulation Pollution Response Officers have responded and investigated this matter. Potential contamination of chickens was referred to the Department of Health Food Unit.

Question 8

What address in the Shire of Serpentine Jarrahdale does water run up hill?

Response:

Further information is required to answer this question.

Question 9

Does the Australia Native Nurseries owned and operated by Nancy Scade have permission for the increased development on her property? If so what date was this granted and who authorised it?

Response:

Records dating back to 1999 show the nursery has approval for various sheds, a dwelling, a patio and an area for the nursery.

Question 10

Does the Shire of Serpentine Jarrahdale Council know where the fertiliser runoff from the Australian Native Nurseries flows into?

Response:

The Shire has not specifically investigated Australian Native Nurseries with regard to the management of their fertiliser runoff.

Question 11

Who within the Shire of Serpentine Jarrahdale Council authorised the payment of \$11,000 for a feasibility study with regard to the Byford District Country Club which is a private group?

Response:

The payment was a contribution towards an economic Feasibility Study to demonstrate the economic benefits for the Byford community that will result as a consequence of the relocation of the Byford and District Country Club.

The Feasibility Study was in support of a significant grant application to the State Government for the construction of the new community facility.

The payment was authorised by the Director Corporate and Community and funded from budgeted funds set aside for this purpose.

Question 12

What date and who from the Shire of Serpentine Jarrahdale Council gave approval for an abattoir to be operating in Abernethy Road, Oakford along with stockpiling of large quantities of mouldy bread?

Response:

The Shire has not granted approval for the uses as indicated in Abernethy Road, Oakford.

Question 13

What date and who gave approval for a trucking depot to operate in Abernethy Road, Oakford?

Response:

There are three trucking/construction business's operating in the vicinity of Abernethy Road, Oakford. Records and previous enquiries detail that the three trucking/construction businesses were in operation prior to 1986 at which time the area was under the jurisdiction of the Town of Armadale. Therefore the three

trucking/construction businesses are considered to be an existing “non-conforming” land use activities which run with the land until there is a change of land ownership.

Question 14

What date and who gave approval for aviation fuel and a helicopter to be operated from 127 King Road, Oakford?

Response:

In respect to the “non commercial” airfield operating in the vicinity of King Road, Oakford.

Records and previous enquiries detail that the airfield has been in operation prior to 1986 at which time the area was under the jurisdiction of the Town of Armadale. Therefore the airfield is considered to be an existing “non conforming” land use activities which run with the land until there is a change of land ownership.

Question 15

What date and who gave approval for all the buildings on 127 King Road, Oakford?

Response:

There are three sheds located within the property. The subject sheds were approved prior to 1990, and were approved prior to the Shire of Serpentine Jarrahdale adopting the Town Planning Scheme, and were approved under the appropriate Building requirements in force at the time of construction.

Question 16

What date and who gave approval for the further development of Suprafresh in Orton Road, Oakford? Why are they permitted to have rotting vegetables on their premises?

Response:

The original Suprafresh development was approved in 2011 and an additional shade house was approved in 2012. The company is required to do waste management in the prescribed manner.

Question 17

Is it legal for confidential information between the Shire and a ratepayer to be divulged to another ratepayer without the knowledge or permission of the ratepayer involved?

Response:

We have no evidence to support this allegation.

Question 18

Who in the Shire of Serpentine Jarrahdale has the authority to instigate legal proceedings on behalf of the Shire of Serpentine Jarrahdale?

Response:

Chief Executive Officer.

Question 19

What date did the Shire of Serpentine Jarrahdale Council give permission for B-Doubles to use all internal road of the Shire and who gave that permission?

Response:

This matter has been referred to Main Roads to provide a response.

Question 20

What are the duties of a fire control officer within the Shire and who is the Chief Fire Control Officer within the Shire?

Response:

The duties of a Fire Control Officer are in accordance with section 39 of the Bush Fire Act. The Chief Bush Fire Control Officer within the Shire of Serpentine Jarrahdale is Mr Paul Maddern.

3. Public question time:

Public Question and Statement time commenced at 7.01pm

Mr Stephen Sturgeon, 67 Lydon Road, Wellard, WA, 6170

Question 1

If Council upholds its previous decision tonight and the matter goes to the full hearing before the State Administration Tribunal, will Council support the City of Kwinana and myself when we seek to intervene in the case before State Administration Tribunal?

Response:

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

Question 2

Why is the report you are basing your decision on tonight Confidential, when it is Council who have commissioned the report, not the State Administration Tribunal?

Response:

Director Planning advised that as the matter is before the State Administration Tribunal it is deemed to be confidential.

Question 3

Can we have copies of this report?

Response:

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

Ms Sue Lancley, 8 Harris Place, Jarrahdale, WA, 6124

Question 1

How many messages do I need to leave for Richard Gorbunow before he will return my call? I have called five times and left messages with your Personal Assistant.

Response:

Chief Executive Officer advised that he had received the message of the phone call but had unfortunately been tied up and unable to respond.

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

Question 1

Have demolition notices been issued to the owners of the residential homes on the Cardup Business Park?

Response:

No

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

Question1

Is it legal and moral to use bully tactics to intimidate those at Yangedi Airfield and is it legal to attempt to break the agreement signed with them for a peppercorn lease of

\$1.00 per hangar when they do all the work and is it legal to attempt to remove them so someone else can have that Crown land for their wants at a peppercorn lease of \$1.00 and who made this ludicrous insult?

Question 2

My questions of the Ordinary Council Meeting 14 July 2014 were not answered correctly, so that there is no misunderstanding of the answers of those questions, in particular 127 King Road Oakford, the Non Commercial Airfield, Australian Native Nurseries, Brooker Chicken Farm, Trucking Business on Abernethy Road near King Road, do you wish to check your answers and provide me with the correct ones?

Question 3

Why are the volunteers fire brigades being pursued for equipment, some of which the funds were raised by the individuals and not paid for by Council. Is it appropriate, moral or legal to take this equipment from them and what are you going to do with this equipment, sell it and is there a need to gather as much money to provide for a particular pet project of some Councillors, as a ratepayer I am entitled to know?

Response:

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

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

The CEO stated at the Council Meeting 26 May 2014 that the Council was taking legal action against Wormal Civil and Nash Brothers.

Question 1

Is legal action still proceeding?

Question 2

At what stage are the legal proceedings against Wormal and Nash?

Response:

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

Ms Dianne Kellett, 360 Boomerang Road, Oldbury, WA, 6121

Questions regarding conditions of approval for Rocla's application for sand mining at Lot 6 Banksia Road and Lots 300 and 301 Boomerang Road, Oldbury.

Question 1

Have the Council placed a condition on Rocla that they must water the limestone on Boomerang Road during the dry months of the year? If not, Council has a duty of care for the health and safety of the residents whose properties would be covered in limestone dust with so many trucks having access to the road.

Response:

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

The officer's recommendation in Condition 13 is commendable, however, the officer has totally ignored the condition and state of Boomerang Road where huge amounts of limestone dust is generated from.

Mr Rodney Ellis, 246 Duckpond Road, Wellard, 6170

Residents need to be protected from dust that will come from the sand extraction. The dry screening of sand should not be done on site.

Question 1

How is the Council going to police and maintain the specific route that trucks should stay on?

Response:

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

Ms Christine Megan Hendrickson, 366 Mortimer Road, Wellard, 6170

Question 1

How many times must we attend Council meetings when previously a decision had been made?

Question 2

How will you monitor the designed truck route, will you place chicanes to restrict them and protect those walking with children or prams?

Response:

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

4. Public statement time:

Mr Stephen Sturgeon, 67 Lydon Road, Wellard, WA, 6170

I, like many of my neighbours in Oldbury and Wellard are bitterly disappointed that Council is once again visiting the same issues relating to sand mining at Boomerang Road. These issues were first voted on at the Ordinary Council Meeting 24 March and again at the Ordinary Council Meeting 9 June. At the meeting Council listened to the concerns of local residents and the City of Kwinana and then after due consideration voted unanimously to maintain their position related to conditions 4, 6, 13 and 17.

I realise that there is pressure to reach a negotiated outcome in the State Administrative Tribunal. However having been a third party along with the City of Kwinana in the State Administrative Tribunal case, I believe it is time to draw a line in the sand and refuse to give any more ground on this matter. Having been able to state the residents position before the sitting judge, I have reason to believe the court would reach a fair decision if you and Rocla could not. I find it extremely unlikely the State Administrative Tribunal would disregard any of the conditions already agreed by the two parties. This means that you have nothing to gain by reversing your previous stand on these matters and everything to lose.

Please stand firm and think of the local residents who will be so adversely affected by this sand mine.

Ms Sue Lanceley, 8 Harris Place, Jarrahdale, WA, 6124

I am speaking this evening concerning an infringement I received concerning my dog. For the past twelve weeks my large dog has been confined to inside my home 24/7 to allow Council access to my property. On the day of the alleged incident my daughter was home, un-be-known to her the contractors had removed the temp fence separating my neighbours and my dog. The permanent fence had been erected with a one meter high gap underneath the fence.

My neighbour called my daughter asking if she had seen or heard anything as she was unsure if Lady has bitten Monty or if he had been caught on some tin. She then rang a few hours later stating the vet has said it looked like a dog bite.

This has happened because the Council Contractor removed the temporary fence prior to the permanent being completed as of tonight it has still not been completed. As has other work not been completed. My last visit to Council I was told these works had nothing to do with my property or it would not affect me. As you now know most of the project was done on my property and has affected me greatly, no auto gate since early May, compromising my security, my property has been destroyed, my concrete driveway broken, admittedly these are being fixed by Council. I find Council completely responsible for this incident.

Ms Jill Sheridan, 284 Mortimer Road, Wellard, WA, 6170

I am very disappointed that we are here again regarding the same issues. We realise we are getting a sand mine but remember this, we are a Rural/Special Rural community. Being rural and with strong easterly winds, noise travels and dust will be a problem, especially if they are going to dry screen. (*Audio recording played*) This is only one truck backing, can you imagine more trucks and excavators, 7 days a week from 7am until 5pm. This noise will become very distressing to resident.

We do not live in an industrial area, but in a lovely clean bushland with beautiful flora and fauna. We will have to put up with truck and tractor noises, diesel fumes and sand blowing over our houses.

I strongly ask the Council and Councillors do not give into Rocla's demands and stay firm on your decisions of no Saturday mining and no dry screening.

Please think carefully about the impact this mine will be on our community and residents.

Mr Paul Neilson, City of Kwinana

I refer to item OCM015/07/14 of the agenda relating to the reconsideration of conditional approval for the extractive industry application and this is because of the offsite impacts which the extractive industry operation is likely to have on residents in the adjoining Wellard Special Rural area within the City. Of all residents, the impacts of the truck movements, on safety and road deterioration, noise and dust will be felt most readily by these residents.

The City of Kwinana Council has written to the Shire of Serpentine Jarrahdale on numerous occasions opposing the extractive industry and the City has attended the Shire's Council Meetings in March and June this year, firstly opposing the approval, but at the very least requesting that the Shire apply conditional approval which takes account of the interest of the Special Rural community.

As a reminder, the City's concerns are intensified by the decision of the Ministers for Mines in November 2012 to approve a mining licence for a sand mine immediately adjoining this site on the City reserves off Banksia Road. This was despite long standing opposition from the City. So the presence of these two sites operating simultaneously over the next 20 years compounds all of the City's concerns and reinforces its objections to this approval.

For this reason, the City respectfully requests that Council does not amend the approved conditions but should it decide to do so, strongly request that it take account of the following concerns.

Condition 4 to allow operating hours to extend to Saturday. As discussed in June, allowing trucks to use these roads on the weekend seems too onerous a burden on the local community which is already so strongly opposed.

Secondly, to lift the restriction for screening of sand under Condition 6 is of concern given concerns about noise from the screening process. If the Shire was of the mind to approve screening, then it is asked that if the proponent prepare a Noise Management plan to address the screening, movement of moving machinery (inclusive of reversing alarms) and offsite impacts of truck movements to the Shire's satisfaction.

Thirdly, we can only assume that for Condition 17, the reference to Haulage Vehicles includes semi-trailers as well as B-Double trucks. If not, then we ask the Shire to clarify this point in the Conditional Approval so as not to allow semi-trailers trucks (which may be as long as 19 meters) to transport sand, without having to follow these specific routes.

Finally, as we mentioned in June, we ask that the Shire place high importance to its compliance role relating to the operation of the mine. In particular to work with the City of Kwinana in situations where haulage vehicles are not following set routes of the approval or otherwise contravening the approval.

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

Are Councillors and Council employees aware that people like me don't ask stupid questions, they are calculated to flush out the deceptive, dishonest and the greedy. I am absolutely thrilled that my efforts have not been in vain and not too far away we, the ratepayers, will have the Council we deserve and expect. For all those ratepayers out there silently trying to deal with legal action instigated against them by the Council, you are not on your own and yes we know how lies have been told under the protection of particular people included with this Council.

I am tired of rate increase just to provide extras for Councillors and Council employees. I get my bin collected weekly for my rates and nothing else, not even a tip pass. Where is the money saved from no tip passes being issued going to be used.

If I have upset any people in this Shire it is because you deserve it because of your behaviour and I will not apologise for alerting ratepayers to this deceitful behaviour. Usually there is one demi-god in a group, this Shire can boast many, for the moment.

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

In regards to the proposed changes the Council is considering in regard to the Extractive Industry on Boomerang and Banksia Road, I have come here tonight to ask the Council member to give due consideration to the residents and the untenable situation you will force upon us if you allow this business to operate on weekends. Notwithstanding the pain it will already be living there during the week.

I live three properties away from the site where this business is to operate. Already I have to shut myself in the house on weekends when there is a race meeting on that site to avoid the irritating noise of machines racing about all day because the noise carries. Either I shut myself in or wear the expense of having to go out for that day so I can get some peace to de-stress from a hectic week at work. The laughable thing is I have to go out to be able to do the work I would normally do in the peaceful surrounds of my home, if I could ever get the peace I sought and was promised by the slogan of the area, a peaceful aesthetic surrounding. That has become a comedy moment I our area.

Already impacting on the peace and tranquillity of our so-called rural existence is a manure factory, a paintball park, which has destroyed any hope I ever had of enjoying

my weekend at home with my horses. We have an illegal trucking depot which has trucks barrelling past at all times of the day and night, and now the constant unending noise of a multitude of heavy machines polluting the air with noise and dust, six days out of seven, gives no reprieve for the resident ratepayers in the area.

If Saturday operating hours are allowed to go ahead we will have one day a week to enjoy our Rural lifestyle, but only if the Paintball Park is not operating. I ask Council to consider what the residents of Boomerang Road are going to experience when this business commences operations. This will include no sleep-ins on weekends, or on weekdays for those who have already retired to enjoy rural pursuit. There will be no pleasant Saturday barbecues on the back patio with friends. Being at home will consist of keeping the windows closed at all times to shut out the dust and noise, there goes our fresh air environment. There will be headache pills at the top of every shopping list, not good for anyone's health in the long term.

Very soon we will be forced to drive ten kilometres out of the way to access the Freeway or the local store to avoid meeting trucks head-on on Coyle Road, plus all the near misses that will occur at the intersection of Coyle Road and Kind Road, because, and lets fact it, we all know it, trucks don't stop at intersections and will meet up with cars doing the legal 100 kilometres per hour on King Road.

It is obvious that Oldbury is the slum area of the Shire of Serpentine Jarrahdale because not once has this Council considered the residents and allowed them to enjoy the peaceful ambience of the Rural lifestyle we invested our life savings in, this Council has allowed non-Rural pursuits to infiltrate our area one after the other, so much so that rural is a dirty word on Boomerang Road and this Extractive Industry is making it a well-known four letter word. I am begging now that we can at least have a Saturday without unpleasant noise and irritation so we don't have to go out everyday of the week to get away from the noise. And no amount of screening is going to stop the noise pollution that will bombard us every day. You know it and we know it, so let's be honest.

The Councillors of this Shire are elected to represent the resident ratepayers of this Shire yet so far we have been ignored. Our rates go up every year and our living conditions go down. Our road is degraded to the point our cars are being damaged but still we have to pay. At present if our rates were scaled according to the living conditions we are suffering, we wouldn't be paying a thing. You would be paying us.

In closing, I ask this Council to get a backbone and stand up to the State Administrative Tribunal for a change. The precedence has been set in that the Manure Factory can only operate on weekdays and so should Rocla. It is enough that their operations and that of the Paintball Park have devalued our properties so greatly we cannot afford to sell up and get out, let us please have the weekends to enjoy what little peace we have left as we head into retirement and wish to sit on the patio and enjoy our farm in the pleasant surroundings Serpentine Jarrahdale professes to be, but isn't.

I beg you, let the little man be given a fair go. Don't give in to the big business that will rape our area and take their profits elsewhere. We have a right to live in our homes in peace as the Shire slogan promises.

Ms Sonya Longville, 386 Mortimer Road, Wellard, WA, 6170

As someone who moved to the area only two years ago, I am greatly disappointed that we will now be living with a sand mine in our neighbourhood. My husband and I both grew up in rural areas so decided to buy acreage in Wellard to enjoy the country lifestyle, particularly the peace and quiet. We enjoy sitting outside on Saturday mornings eating breakfast. If Saturday operations are allowed, this simple pleasure will no longer be enjoyable with the noise and dust.

I enjoy riding my horse out around the block on weekend or riding my bike. Saturday operations with the increased haulage traffic will make this unsafe and not enjoyable. On-site screening is a big concern for us. The health risks of silica dust inhalation are documented. Is it not bad enough that we are being subjected to a sand mining operation, do we have to also put up with Saturday operations and on-site screening noise and dust?

In conclusion, please carefully consider the negative impact Saturday operations will have on local residents as well as on-site screening.

We chose to live in Wellard for the lifestyle. Please don't take that from us.

Ms Megan Hendrickson, 266 Mortimer Road, Wellard, WA, 6170

Whilst the sand mining properties are in your Shire, they are on the outer edge of your Shire, however they are our front and back yards. I worry about the impact on our health especially the children of the new families moving into the area for a better life. I do not wish that a serious injury or death will change decisions. Sand screening and dust will impact our water supplies as none of the rural resident have mains water but heavily rely on rainwater tanks.

Ms Kylie Francis, 27 Barker Road, Wellard, WA, 6170

I have lived in Wellard for two years. We moved to better our lifestyle. I have three small children, 3-11 years, and are one of many young families to move to the area. We love to walk around and are worried about truck movements in the area, especially on weekend. We shouldn't have to drive to a safer area to go for a walk. I push my youngest in a pram on the roads, the speed limit is 70 kilometres per hour. Presently they are quiet roads. If your children, grandchildren or yourselves lived in the area, what conditions would you seek?

We drink from a water tank, our only source of water, which will become dusty and contaminated if sand screening on site is allowed.

Mr Greg Boothey, 349 Boomerang Road, Oldbury, WA, 6121

Rocla have approached all landowners in the area, promising to be a good Corporate Citizens. I understand the need for infill which doesn't need to be screened. The reality is that silica is present which does need to be screened, this is deceptive behaviour. Also, truck movements, b-doubles are permit vehicles. How can Council control a semi-trailer? The Council cannot possibly control the trucks on the road. I want to reinforce what others have said on this item.

Mr Barry and Mrs Linda O'Neil, 127 Kind Road, Oakford, WA, 6121

Statement read out by Presiding Member in response to statement three and questions 1-20 from Ordinary Council Meeting Monday 14 July 2014.

The person that bagged the Kind Road, Orton Road and Abernethy Road, Oakford residents, Shire Councillors, staff and other ratepayers within the Shire of Serpentine Jarrahdale at the last Ordinary Council Meeting on July 14 is nothing more than a fictitious gossip monger who habitually causes difficulty or problems especially by inciting others to defy those in authority.

Perhaps it would be beneficial for this person to seek the truth about what a lot of residents in the Oakford area have done in the past thirty years for the Shire and communities well-being. This person does not belong to any lawful community association, indicating the views put forward are from oneself.

All the misleading questions this person tables at the Shire of Serpentine Jarrahdale Council Meeting are nothing more than to divert Councillors and staff from carrying out their responsibilities.

It should be considered if this person does not refrain themselves, perhaps the Council could implement a ban on this person attending Council meetings.

Mr L Levko, 946 Abernethy Road, Oakford, WA, 6121

I believe that there is a person who does not reside in our local community who is wasting ratepayer's money, Shire resources and time, on subjects that they obviously have no idea about or have been using misleading information to base their statements and questions. Our local community has been through a lot of suffering over past few years, especially in the Orton Road, King Road and Abernethy Road areas. I believe people who consistently abuse question and statement time should be banned from Shire meetings to save Shire resources and ratepayers money for real issues. Time wasters should not be tolerated.

Public Question and Statement time concluded at 7.36pm

5. Petitions and deputations:

Nil

6. President's report:

Minister Has It Wrong

Suggestions from Minister Tony Simpson in the media recently that the Shire of Serpentine Jarrahdale's expenditure is \$15 million dollars, and our rates are \$16 million, giving us a surplus of \$1 million is an absolutely ludicrous statement, with no factual base to it at all according to Shire President Councillor Keith Ellis.

"The Shire of Serpentine Jarrahdale's expenditure, or the cost to "turn the lights on" as he puts it is \$23 million excluding depreciation, and our rates, which are rated according to the State Government's rating setting statement is just under \$16 million dollars."

"We run on a balanced budget, our rates only make up 63% of our income; we receive money through fees for service, grant funding and interest. At the end of the financial year, Council are expected to have a nil surplus, and this is evident in the 2014/2015 annual budget. I'm not sure where he is getting his figures from, but they are incorrect."

"The Shire of Serpentine Jarrahdale are investing over \$13 million back into capital infrastructure this year. Last year 21% of our rates went to loan repayments, this year that figure has plummeted to 4%. These sorts of figures suggest a Council who are achieving great things," Councillor Ellis said.

In July 2009, the Shire of Serpentine Jarrahdale was declared a Category One Council by the Department of Local Government. Category One Councils display organisational and financial capacity to meet current and future community needs. Other strengths the Department recognised in the Shire was a best practice approach to strategic and financial planning and effective management of natural resources.

Councillor Ellis also queried other statements made by the Minister at a recent business event in Armadale, regarding Serpentine Jarrahdale's ability to be a decent Council, if it had better leadership.

“Our Council has over 120 years of business experience under their belts. We are lucky to have some of the best leaders in the Peel Region on our Council.”

“It was our understanding that the Shire of Serpentine Jarrahdale was being erased from the map due to a larger scale move from the State to reform Local Government. The Minister’s comments definitely highlight his unhealthy focus on Serpentine Jarrahdale. We have been made to believe all along that our boundary change was part of a process, we never realised it was a campaign of a disgruntled ex Councillor.”

“The Minister would have to be the only parliament official that I am aware of who is denigrating his local community. It is time he remembered that he is also our local member. If he has concerns about our decision making, he should contact us and get some of his facts right,” Councillor Ellis said.

Minister Simpson has also attacked a recent decision from Council following the rejection of two retrospective development applications, where the applicants had operated businesses illegally within Cardup.

“We cannot allow illegal operations to carry on in our Shire, to the detriment to residents who live near this commercial area,”

“Without a Structure Plan; our staff has no way of adequately assessing any development application in the area. I’m sure the City of Armadale would have made a similar decision. It is not lack of leadership, it is ensuring our decision making is best practice and provides good governance,” Councillor Ellis said.

Councillor Ellis voiced his disappointment with the Minister’s public comments about the Shire.

“As Shire President of this wonderful community, it is disappointing to read the relentless tirade of negativity about the Shire of Serpentine Jarrahdale coming from our own local member and Minister. I’m not sure I have seen comments from Minister Simpson regarding any other local government involved with the Reform. It is definitely concerning,” Councillor Ellis said.

Director Corporate and Community left the meeting at 7.42pm

Director Corporate and Community returned to the meeting at 7.44pm

7. Declaration of Councillors and officers interest:

Nil

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

8.1 Ordinary Council Meeting – 14 July 2014

Moved Cr Urban, seconded Cr Kirkpatrick

That the minutes of the Ordinary Council Meeting held on 14 July 2014 be confirmed (E14/3317).

CARRIED 9/0

8.2 Special Council Meeting – 15 July 2014 6.00pm

Moved Cr Hawkins, seconded Cr Piipponen

That the minutes of the Special Council Meeting held on 15 July 2014 6.00pm be confirmed (E14/3323).

CARRIED 9/0

8.3 Special Council Meeting – 15 July 2014 7.30pm

Moved Cr Hawkins, seconded Cr Rossiter

That the minutes of the Special Council Meeting held on 15 July 2014 7.30pm be confirmed (E14/3318).

CARRIED 9/0

9. Motions of which notice has been given:

OCM011/07/14	Master Lending Agreement – Western Australian Treasury Corporation (SJ514-04)
Author:	Casey Mihovilovich – Manager Finance and Customer Service
Senior Officer/s:	Alan Hart – Director Corporate and Community
Date of Report:	25 June 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction

Council is requested to consolidate all their individual loan agreements into one Master Lending Agreement with the Western Australian Treasury Corporation.

Background:

There are separate loan agreements for each of the loans taken out with the Western Australian Treasury Corporation. This Master Lending Agreement will replace the terms and conditions of the existing facility agreements, and will apply to existing loans, and any loans provided by the Western Australian Treasury Corporation after the date of this agreement. Western Australian Treasury Corporation has requested all Local Governments to enter into the Local Government Master Lending Agreement

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this issue.

Community / Stakeholder Consultation:

There is no community/stakeholder consultation required.

Comment:

The Local Government Master Lending Agreement has been developed to incorporate the recently introduced Commonwealth Government's Personal Property Security Act 2009 (PPSA) and to improve the efficiency of the lending processes to local governments. The Local Government Master Lending Agreement has been reviewed by the State Solicitor's Office and the Department of Local Government. The Local Government Master Lending Agreement incorporates all future and existing loans together under the one agreement therefore removing the need for individual loan agreements to be executed under seal each time loan funds are advanced by Western Australian Treasury Corporation.

Attachments:

- [OCM011.1/07/14](#) - Master Lending Agreement between Western Australian Treasury Corporation and Shire of Serpentine Jarrahdale (IN14/12149)

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.

Statutory Environment:

There are no statutory implications relating to this issue.

Financial Implications:

There are no financial implications relating to this issue.

Voting Requirements: Simple Majority

OCM011/07/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Urban, Seconded Cr Wilson

That Council:

- 1. Enter into a Master Lending Agreement with Western Australian Treasury Corporation as per the attachment OCM011.1/07/14 (IN14/12149).**
- 2. Approve the affixation of the Common Seal to the Master Loan Agreement in the presence of the President and the Chief Executive Officer, each of whom shall sign the document to attest the affixation of the Common Seal thereto; and**
- 3. Approve the Chief Executive Officer to sign scheduled documents under the Master Lending Agreement and or give instructions thereunder on behalf of the Shire of Serpentine Jarrahdale.**

CARRIED 9/0

OCM012/07/14 Retrospective Development Application for an Outbuilding – Lot 496 (#62) Craddon Road, Oakford (P01854/03)	
Author:	Rob Casella – Statutory Planner
Senior Officer/s:	Brad Gleeson – Director Planning
Date of Report:	13 June 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Algeri Planning and Appeals (Joe Algeri)
 Owner: Glenn Taylor
 Date of Receipt: 29 May 2014
 Lot Area: 3.23ha
 Town Planning Scheme No 2 Zoning: Special Rural
 Metropolitan Region Scheme Zoning: Rural

Introduction

To consider a retrospective application for an outbuilding on Lot 496 (#62) Craddon Road, Oakford (subject property, the site) as the combined total floor area for outbuildings on the property exceeds the permitted allowable area for the Special Rural (SR) Zone.

Background:

The subject property currently has an existing outbuilding with a total floor area of 162m² located off centre to the south, setback 16m from the side (west) boundary. The property is heavily vegetated and considered to be suitably screened from adjoining properties and local road network. All the structures located on the property area located towards the south (front) and west (side) boundaries.

The owner of the site, submitted a development application for an outbuilding that exceeded the policy provision for total floor area by 62m² (362m²), to support a warehousing business operating from the property without approval. The application was assessed in accordance with the Shire of Serpentine Jarrahdale's Town Planning Scheme No.2 (TPS 2) with the use class 'Warehouse', an 'X' use in the SR zone.

A complaint was lodged identifying construction had commenced prior to a planning approval being granted, resulting in a section 218 Direction (commencing development without approval) and a section 214 Notice (cease all development and work) ensuing that only the formwork for the pad was implemented.

Given the likely outcome of the proposed application being refused, the proponent withdrew the application for refinement and resubmission, which is now the subject of this report.

Relevant Previous Decisions of Council:

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

Details:

The proposed retrospective gable roofed outbuilding features the following:

Features	Proposal			
	Length	Width	Area	Height
Measures:	20m	10m	200m ²	Wall: 5m Apex: 5.88m

Setback	Shed: south	1m
	Side boundary: west	16m
	Side boundary: east/west/south/north	135m (approx)
	Rear boundary: north	80m (approx)
Materials	Colorbond Steel	
Colours	Green Gumtree	

The retrospective outbuilding is proposed to be located central on the property along the western boundary.

The applicant provided justification for the additional size of the outbuilding to accommodate his personal motorbike collection of 40 motorcycles. The reason the applicant is moving the motorbike collection is to free up space in an industrial building he owns which will result in no business activities being undertaken from the subject site, which have been the subject of previous compliance action as noted in the background section of this report.

Community / Stakeholder Consultation:

Surrounding adjoining property owners were notified in writing in accordance with Clause 6.3 of the Scheme. Five submissions were received objecting to the proposed development; however one submissioner later withdrew their objection. Concerns raised by submissioners can be summarised as follows:-

- Concern the shed will be used for business activities;
- Shed will affect the sale of land;
- Size of shed too large; and
- Pad for the shed is existing.

Shire comment on the objections is provided in the Comments section of this report.

Comment:

Planning Assessment

TPS 2 – Part V – Development Requirements

The subject property is zoned Special Rural under the Scheme. The objectives of the Special Rural zone, as stated in the Scheme, are as follows:

5.9 Special Rural Zone

“The purpose and intent of the Special Rural Zone is to depict places within the rural area wherein closer subdivision will be permitted to provide for such uses as hobby farm, horse training and breeding, rural residential retreats and intensive horticulture, and also to make provisions for retention of rural landscape and amenity in a manner consistent with the orderly and proper planning of the selected areas.”

The Applicant has advised that the proposed outbuilding will be used for domestic storage purposes only. It is recommended that a condition of planning approval be added in this regard to ensure ongoing compliance.

Local Planning Policy No.36 (LLP36) – Non Urban Outbuildings (draft)

An assessment has been undertaken in accordance with the Shire’s LLP36, adopted by the Council for the purpose of guiding development relating to outbuildings in non-urban zones.

The objectives of LPP36 are to:

- *Ensure that the siting, design and scale of outbuildings are site responsive and respect the character of an area;*

- *Ensure outbuildings contribute towards the efficient use of water resources within the Shire; and*
- *Facilitate development that supports the intended function of an outbuilding.*

The proposed outbuilding is considered to satisfy the objectives of LPP36 and has been measured against the policy provisions to provide a suitable assessment of the proposal within the broader context of the site.

The existing outbuilding on the property occupies a floor area of 162m². The following table is an extract of LPP36 relevant to this application:

Zoning/Area	Floor Area		Setback (Minimum Distance)		Maximum Height* (Measured from Natural Ground Level)	
	Acceptable Development	Performance Based	Side	Rear	Wall	Roof Ridge**
Rural Living B/Special Rural Zone (2ha-4ha)	≤ 200m ²	≤ 300m ²	10m	20m	4.5m	5m
<i>Existing</i>	162m ²	Combined = 362m ²	16m	80m	5m	5.88m
Proposal	200m ²					

Table 2: Floor Area/Setback/Height – Outbuilding Assessment and Approval Requirements

In determining an application proposing a variation to any of the performance based criteria in Table 1 of LPP36, consideration is to be given to Tables 2 and 3 of LPP36.

Table 2 of LPP36: Land Use, Design & Siting Requirements

Requirements	Acceptable Development	Performance Based	Officer Comment
Overall Siting	<ul style="list-style-type: none"> • Located wholly within any nominated building envelope (where applicable). • Sited behind the front setback of the primary dwelling. • In close proximity to existing residential dwellings/structures. • Clustered with existing outbuildings (if more than 1 exist on a lot). • Located in accordance with the setback requirements of Table 1 of this Policy. 	<ul style="list-style-type: none"> • Setbacks that are no less than 50% of the minimum setback as defined in Table 1 of this Policy or four (4) metres, whichever is the greater. 	<ul style="list-style-type: none"> • <i>Complies;</i> • <i>Complies: Falls within Acceptable Development provisions for siting behind the primary dwelling.</i> • <i>Complies: Is clustered with existing structures and in close proximity to the existing dwelling and ancillary dwelling.</i>

Vegetation	<ul style="list-style-type: none"> No clearing of natural vegetation has been proposed. 	<ul style="list-style-type: none"> Applicant has demonstrated that outbuilding is sited to minimise vegetation clearing. 	<ul style="list-style-type: none"> <i>Complies: Applicant has demonstrated that the area chosen is to ensure minimal clearing of vegetation.</i>
Landscaping/ screening	<ul style="list-style-type: none"> Landscaping and screening is encouraged where appropriate except in locations of extreme fire risk (refer to <i>LPP No.43 Hazards and Natural Disasters</i>) unless contrary to an approved Bush Fire Management Plan. 	<ul style="list-style-type: none"> Landscaping and screen planting is to be used to ameliorate the visual impact of outbuildings if visible from a road, adjoining property, public realm or scarp location (refer to <i>LPP No.8 Landscape Protection</i> or <i>LPP No.67 Landscape and Vegetation</i>). 	<ul style="list-style-type: none"> <i>The outbuilding complies with the Acceptable Development provision as it is considered to be sufficiently screened from adjoining properties as well as from Nicholson Road by both existing structures and native vegetation.</i>

Table 3 of LPP36: Colours & Materials – Outbuilding Assessment and Approval Requirements

Requirements	Preferred	Performance Based	Officer Requirements
Materials	<ul style="list-style-type: none"> Colourbond Straw bale Timber Rammed Earth 	<ul style="list-style-type: none"> Zincalume 	<ul style="list-style-type: none"> Structure is proposed to be constructed in the preferred material of Colourbond steel.
Colours	<ul style="list-style-type: none"> Earthy Tones 	<ul style="list-style-type: none"> A colour which is of a similar tone to the tone of the main dwelling and other outbuildings on the site. 	<ul style="list-style-type: none"> <i>Ironstone</i>, the proposed colour of choice, is compliant with the performance based criteria and matches the existing outbuildings and ancillary dwelling in colour.

Response to Submissioners

Concern the shed will be used for business activities

The applicant has advised that the proposed outbuilding will be used for domestic storage purposes, not for commercial activities. The Shire acknowledges the site has been used in the past for unapproved commercial activity, however, no commercial activity is planned to be undertaken within the proposed building. A condition of planning approval is recommended in order to ensure ongoing compliance in this regard.

Shed will affect the sale of land:

Unfortunately the effect of a development on the ability to sell land or its effect on land values is not a planning consideration. The Shire is satisfied that the proposed outbuilding is consistent with LPP36 and is unlikely to detrimentally affect the amenity of adjoining land owners and occupiers.

Size of shed too large

The proposed outbuilding proposes a 62m² variation to LPP36 performance based criteria regarding the maximum total area of outbuildings across a site. The Shires assessment of the proposal and consultation with adjoining and nearby land owners indicates that the size of the shed is a common concern. However; on balance with the objectives of LPP36 and the proposed site of the outbuilding, the additional 62m² is not considered to have a significant impact on the amenity of the area.

Pad for the shed is existing

The Shire acknowledges that the pad for the proposed outbuilding is existing on-site. The Applicant has been required to pay a penalty administrative fee to consider the proposed outbuilding as its construction had commenced without prior planning or building approval from the Shire.

Options and Implications

It is considered there are two options:

1. That Council grants planning approval for the outbuilding subject to conditions; or
2. That Council refuses the application for the outbuilding for non-compliance with the Shire's planning framework.

Option 1 is recommended.

Conclusion

The property is considered to be in an orderly condition and appropriately managed. The siting of the additional outbuilding is clustered with the existing built structures on the property and located in a position that is considered to pose minimal visual impact on the adjoining neighbours and amenity and character of the locality of the SR zone. The purpose of the outbuilding, as identified by the applicant, is solely for 'personal storage'.

Attachments:

- [OCM012.1/07/14](#) – Development Application (IN14/10294 – Pages 4 onwards)
- [OCM012.2/07/14](#) - Locality Plan (E14/3198)
- [OCM012.3/07/14](#) - Proposed Outbuilding Site (E14/3199)
- [OCM012.4/07/14](#) - Cleared Vegetation (E14/3200)
- [OCM012.5/07/14](#) - Outbuilding Pad (E14/3201)

Alignment with our Strategic Community Plan:

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Maintain the area's distinct rural character, create village environments and provide facilities that serve the community's needs and encourage social interaction

Statutory Environment:

- Planning and Development Act 2005
- TPS 2
- LLP 36

Financial Implications:

If the application is refused it is likely to be subject to a State Administrative Tribunal Appeal and is likely to have legal representation costs.

Voting Requirements: Simple Majority

Officer Recommendation:

That Council grant planning approval for a retrospective outbuilding on Lot 496 (#62) Craddon Road, Oakford subject to the following conditions:

- 1. The outbuilding must only be used for Domestic Storage, in accordance with the applicants email correspondence received on the 5 June 2014.**
- 2. All existing native trees on the subject lot and adjacent road verge shall be retained and shall be protected from damage prior to and during construction unless subject to an exemption provided within Town Planning Scheme No. 2 or the specific written approval of the Shire has been obtained for tree removal.**
- 3. All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is prohibited.**

Advice Notes:

- 1. A planning consent is not an approval to commence any works. A building permit must be obtained for all works. Your application for a building permit must satisfy the conditions specified in this decision notice.**
- 2. An application for a Certificate of Unauthorised Works may be required to be obtained from the Shire. Please contact Council's Building Services Department for further information.**
- 3. Native vegetation is valued and protected in the Serpentine Jarrahdale Shire. You are advised that the Shire's Town Planning Scheme requires separate approval for the clearing of native vegetation in many instances if approval for this is not given above.**
- 4. Written approval of the Shire is required to be obtained prior to alternative colours and materials than those identified on the Schedule of Materials and Finishes.**

OCM012/07/14 COUNCIL DECISION / New Motion

Moved Cr Moore, seconded Cr Piipponen

That Council grant planning approval for a retrospective outbuilding on Lot 496 (#62) Craddon Road, Oakford subject to the following conditions:

- 1. The maximum size of the outbuilding shall be 138m² with a maximum wall height of 4.5 metres and maximum ridge height of 5 metres to the satisfaction of the Director Planning.**
- 2. The outbuilding must only be used for Domestic Storage, in accordance with the applicants email correspondence received on the 5 June 2014.**
- 3. All existing native trees on the subject lot and adjacent road verge shall be retained and shall be protected from damage prior to and during construction unless subject to an exemption provided within Town Planning Scheme No. 2 or the specific written approval of the Shire has been obtained for tree removal.**
- 4. All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is prohibited.**

Advice Notes:

- 1. A planning consent is not an approval to commence any works. A building permit must be obtained for all works. Your application for a building permit must satisfy the conditions specified in this decision notice.**
- 2. An application for a Certificate of Unauthorised Works may be required to be obtained from the Shire. Please contact Council's Building Services Department for further information.**
- 3. Native vegetation is valued and protected in the Serpentine Jarrahdale Shire. You are advised that the Shire's Town Planning Scheme requires separate approval for the clearing of native vegetation in many instances if approval for this is not given above.**
- 4. Written approval of the Shire is required to be obtained prior to alternative colours and materials than those identified on the Schedule of Materials and Finishes.**

Lost 4/5

Council note: Council determined that the retrospective application be reduced in size and height to ensure compliance with the adopted Local Planning Policy. The new motion was voted against due to the retrospective nature of the item.

OCM013/07/14 Councillor Annual Attendance Fees and Allowances (SJ1276)	
Author:	Casey Mihovilovich, Manager Finance and Customer Services
Senior Officer/s:	Alan Hart, Director Corporate and Community
Date of Report:	11 July 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction

Council is requested to resolve to pay the maximum Councillor annual attendance fees and president and deputy president allowance for the 2014/2015 financial year. At the time of agenda preparations for the Statutory Budget, the Salaries and Allowances Tribunal had not made the determination for increases to Local Government Elected Council members entitlements and therefore the amounts included in the 2014/2015 budget agenda item were the same entitlements for the 2013/2014 financial year.

Background:

In accordance with *Local Government (Administration) Regulations 1996* and the Determination of Local Government Elected Members by the Salaries and Allowances Tribunal in June 2014, Council can resolve by absolute majority to pay the maximum annual attendance fees in lieu of council meetings for Councillors and the President, as well as the annual allowance of the president and the deputy president. The entitlements have increased by 3% from the 2013/2014 financial year.

Relevant Previous Decisions of Council:

SCM006/06/14 Part 3 of the resolution includes that Council;
Sitting Fees, President and Deputy President Allowance

In accordance with the provisions of Section 5.98 of the *Local Government Act 1995* and Section 7B of the *Salaries and Allowances Act 1995*, Council make payments for:

- Councillor Sitting Fees - \$15,500 per year for annual meeting attendance fees (excluding the President).
- President Sitting Fees - \$24,000 per year for annual meeting attendance fee.
- Presidents Allowance 0.002 of the local government's operating revenue for 2013/14 financial year, up to \$35,000, which is the maximum annual local government allowance as per Band 3 as prescribed by Section 7B of the *Salaries and Allowances Act 1975*.
- Deputy Presidents Allowance – 25% of the President allowance.
- Information and Communication Technology (ICT) Allowance - \$3,500 per year per Councillor.

Community / Stakeholder Consultation:

There was no community/stakeholder consultation required.

Comment:

The Western Australia Salaries and Allowances Tribunal issued a determination of Councillor remuneration and other allowances on the 18 June 2014, which included a 3% increase for the maximum annual attendance fees for the following;

	2013/2014	2014/2015 Proposed
Elected Members (excluding President) annual attendance fees in lieu of council meeting, committee meeting and prescribed meeting attendance fees	15,500	15,965

President annual attendance fees in lieu of council meeting, committee meeting and prescribed meeting attendance fees	24,000	24,720
Annual allowance for president	35,000	36,050
Annual allowance for deputy president	8,750	9,012.50

Attachments:

There are no attachments.

Alignment with our Strategic Community Plan:

This proposal aligns with the specific objectives outlined in the Strategic Community Plan, ie:

Objective 1.4	Listening and Learning
Key Action 1.4.2	Use appropriate tools and methods to maximise opportunities for the community to access and participate in decisions made by council.

Statutory Environment:

Part 2: Meeting Attendance Fees and Part 3: Annual Allowance for a Mayor, President, Chairman, Deputy Mayor, Deputy President and Deputy Chairman of the Western Australia *Salaries and Allowances Act 1975* – Determination of the Salaries and Allowances Tribunal on Local Government Elected Council Members states that a Local Government may decide to pay, pursuant to the *Local Government Act 1995*, to all Elected Council members, the maximum annual attendance fees.

Financial Implications:

There are no financial implications as Shire offices factored in a 3% increase in the budget for Councillor entitlements.

Voting Requirements: Absolute Majority

OCM013/07/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Urban , seconded Cr Hawkins

That Council:

In accordance with the provisions of Section 5.98 of the *Local Government Act 1995* and Section 7B of the *Salaries and Allowances Act 1995*, Council make payments for:

- a) Councillor Sitting Fees - \$15,965 per year for annual meeting attendance fees (excluding the President).
- b) President Sitting Fees - \$24,720 per year for annual meeting attendance fee.
- c) Presidents Allowance – 0.002 of the local government’s operating revenue for 2013/2014 financial year, up to \$36,050, which is the maximum annual local government allowance as per Band 3 as prescribed by Section 7B of the *Salaries and Allowances Act 1975*.
- d) Deputy Presidents Allowance - 25% of the Presidents allowance.
- e) Information and Communication Technology (ICT) Allowance - \$3,500 per year per Councillor.

CARRIED 7/2

COUNCIL DECISION:**Moved Cr Urban, seconded Cr Erren**

That the meeting be closed to members of the Public at 7.48pm to allow Council to discuss Confidential Items OCM014/07/14 and OCM015/07/14 as per section 5.23 (2) of the Local Government Act 1995.

CARRIED 9/0

Members of the public were asked to leave the meeting whilst Confidential Items OCM014/07/14 and OCM015/07/14 were discussed. The doors were closed at 7.50pm.

OCM014/07/14	Confidential Item Section 31 - Reconsideration of conditions of approval – Proposed extension to IGA Supermarket – Lot 1, Lot 2 and Lot 50 South Western Highway, Byford (P00621/06)
Author:	Helen Maruta – Senior Planner
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	1 July 2011
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

Voting Requirements: Simple Majority**OCM014/07/14 COUNCIL DECISION / Officer Recommendation:****Moved Cr Urban, seconded Cr Wilson****That Council:**

1. Note that the State Administrative Tribunal has invited the Serpentine Jarrahdale Shire under Section 31 of the *State Administrative Tribunal Act 2004* to reconsider its previous decision, being the planning approval under Town Planning Scheme No. 2, in respect of the proposed supermarket extension on Lot 1, Lot 2 and 50 South Western Highway, Byford.
2. Advise the State Administrative Tribunal that for the purposes of mediation Council agrees to amend the planning approval granted by Council on 24 February 2014 by modifying condition 1, and deleting condition 5.

Condition 1:

Prior to completion of the development the Lots 2 and 50 South Western Highway, Byford being amalgamated to create one single lot.

Condition 5:

Any land required for road widening purposes shall be ceded to the Shire / Main Roads for road dedication purposes to be included into the Abernethy Road reserve.

CARRIED 9/0

OCM015/07/14	Confidential Item Section 31 – Reconsideration of conditions of approval – Extractive Industry – Lot 6 Banksia Road, Lot 300 and Lot 301 Boomerang Road Oldbury (P01302/06)
Author:	Louise Hughes – Manager Statutory Planning
Senior Officer/s:	Deon van der Linde – Acting Director Planning
Date of Report:	6 July 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Voting Requirements: Simple Majority.

Officer Recommendation:

That Council:

1. Approves the application to amend the planning approval granted by Council on 24 March 2014 by modifying the wording of conditions 4, 6, 8, 13 and 17 to read as follows:

Condition 4:

Operating hours are restricted to Monday to Saturday 7am to 5pm only. Operations on Sundays and Public Holidays are not permitted.

Condition 6:

The applicant shall not undertake any washing of excavated material on the development site.

Condition 13:

All driveways shall be constructed using road base quality material and bitumen sealed to limit dust generation and to ensure that no visible dust or material from the site extends beyond the site boundary. Such sealing shall extend a minimum of 40 metres from any public road into the subject site.

Condition 17:

Haulage vehicles going to and from the subject site and delivery sites are to use Boomerang Road, Banksia Road, Lydon Road and Coyle Road only.

Approved routes:

- Boomerang Road between the work site and Banksia Road;
- Banksia Road between Boomerang Road and Lydon Road;
- Lydon Road between Banksia Road and Coyle Road;
- Coyle Road between Lydon Road and King Road; and
- King Road between Coyle Road and Thomas Road.

No deviation from this approved route is permitted without the prior written approval of the Director Engineering.

OCM015/07/14 COUNCIL DECISION / New Motion:

Moved Cr Moore, seconded Cr Piipponen

That Council:

1. Approves the application to amend the planning approval granted by Council on 24 March 2014 by modifying the wording of conditions 8 and 17 to read as follows:

Condition 8:

The landowner is to submit to the Shire, by 28 October 2014, a plan for a Community Consultation Framework. The plan shall feature but not be limited to, formation of a committee comprising the relevant landowner, community representatives from the Shire of Serpentine Jarrahdale and City of Kwinana and government agency representatives, terms of reference for the committee and the frequency of committee meetings. Once approved the plan is to be implemented in its entirety.

Condition 17:

Haulage vehicles going to and from the subject site and delivery sites are to use Boomerang Road, Banksia Road, Lydon Road and Coyle Road only.

Approved routes:

- Boomerang Road between the work site and Banksia Road;
- Banksia Road between Boomerang Road and Lydon Road;
- Lydon Road between Banksia Road and Coyle Road;
- Coyle Road between Lydon Road and King Road; and
- King Road between Coyle Road and Thomas Road.

No deviation from this approved route is permitted without the prior written approval of the Director Engineering.

2. Reaffirm its previous decision on 9 June 2014 that it does not support modifications to conditions 4, 6 and 13 for the reasons previously provided.

CARRIED 9/0

Council note:

Council determined that conditions 4, 6 and 13 remain in order to minimise impacts on the amenity of the area.

COUNCIL DECISION:

Moved Cr Urban, seconded Cr Hawkins

That the meeting be reopened to the public at 7.59pm

CARRIED 9/0

Members of the public returned to the Chamber and the Presiding Member advised that the Officers Recommendation was carried for item OCM014/07/14 with a vote of 9/0, and for item OCM015/07/14 with a vote of 9/0 .

10. Information reports:

OCM016/07/14	Chief Executive Officer Information Report (SJ1508)
Author:	Kirsty Peddie – Executive Assistant
Senior Officer:	Richard Gorbunow – Chief Executive Officer
Date of Report:	2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

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

Attachments:

- [OCM016.1/07/14](#) – Western Australian Local Government Peel Zone Minutes – 26 June 2014 (E14/3114)
- [OCM016.2/07/14](#) – Western Australian Local Government State Council Minutes – 2 July 2014 (E14/3177)
- [OCM016.3/07/14](#) - Common Seal Register Report – June 2014 (E02/5614)

Voting Requirements: Simple Majority

OCM016/07/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Wilson, seconded Cr Hawkins

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

CARRIED 9/0

OCM017/07/14	Corporate and Community Information Report (SJ514-04)
Author:	Gillian Carr – Personal Assistant to Director Corporate and Community
Senior Officer:	Alan Hart - Director Corporate and Community
Date of Report:	30 June 2014
Disclosure of Officers Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction:

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

Attachments:

- [OCM017.1/07/14](#) - Delegated Authority Financial Services for 21 May 2014 to 30 June 2014 (E14/3050)

Voting Requirements

Simple Majority

OCM017/07/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Wilson

That Council accepts the Corporate and Community Services Information Reports from 21 May 2014 to 30 June 2014.

CARRIED 9/0

OCM018/07/14 Confirmation of Payment of Creditors (SJ514-04)	
Author:	Vicki Woods - Finance Officer
Senior Officer:	Alan Hart - Director Corporate and Community
Date of Report:	30 June 2014
Disclosure of Officers Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction

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

Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue.

Community / Stakeholder Consultation

No community consultation was required.

Comment

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

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

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

It is recommended that Council receives the payments authorised under delegated authority and detailed in the list of invoices for period of 21 May 2014 to 30 June 2014, as per the attachment.

Attachments:

- [OCM018.1/07/14](#) - Creditors List of Account 21 May 2014 to 30 June 2014 (E14/3049)

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.

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

Statutory Environment

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

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

Financial Implications

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

Voting Requirements Simple Majority

OCM018/07/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Erren

That Council:

- 1. Receives the payments authorised under delegated authority and detailed in the list of invoices for period of 21 May 2014 to 30 June 2014, as per attachment OCM018.1/07/14 – Creditor List of Accounts 21 May 2014 to 30 June 2014 including Creditors that have been paid and in accordance with the *Local Government (Financial Management) Regulations 1996*.**

CARRIED 9/0

OCM019/07/14	Planning Information Report (SJ514-03)
Author:	Mary-Ann Toner - Personal Assistant to the Director Planning
Senior Officer:	Brad Gleeson - Director Planning
Date of Report:	24 June 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

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

Attachments

- [OCM019.1/07/14](#) Planning, Building, Health, Rangers and Development Compliance – Delegated Authority Information Report (E14/3059)
- [OCM019.2/07/14](#) Scheme Amendment, Local Planning Policies and Local Structure Plans (E12/3985)

Voting Requirements Simple Majority

OCM019/07/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Urban

That Council accept the Planning Information Report for June 2014.

CARRIED 9/0

OCM020/07/14 Engineering Services Information Report (SJ514)	
Author:	Jill Jennings – Personal Assistant to Director Engineering
Senior Officer:	Gordon Allan – Director Engineering
Date of Report:	25 June 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

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

Attachments:

- [OCM020.1/07/14](#) – Landcare SJ Inc. Project Report – Management Committee Meeting, 16 May 2014 (E14/2578)
- [OCM020.2/07/14](#) – Landcare SJ Inc. - Record of Management Committee Meeting, 16 May 2014 (E14/2577)
- [OCM020.3/07/14](#) – Landcare SJ Inc. - Board Meeting Minutes, 26 March 2014 (E14/2574)
- [OCM020.4/07/14](#) – Landcare SJ Inc. - Board Meeting Agenda, 28 May 2014 (E14/2575)
- [OCM020.5/07/14](#) – Rivers Regional Council - OCM Minutes, 19 June 2014 (IN14/12502)
- [OCM020.6/07/14](#) – Peel Trails Group Incorporated – Minutes, 8 April 2014 (IN14/12557)
- [OCM020.7/07/14](#) – Reserves Working Group – Minutes, 20 March 2014 (OC14/10783)
- [OCM020.8/07/14](#) – Reserves Working Group – Minutes, 15 May 2014 (OC14/10786)
- [OCM020.9/07/14](#) – Reserves Advisory Group – Minutes, 5 March 2014 (OC14/10774)
- [OCM020.10/07/14](#) – Reserves Advisory Group – Minutes, 16 April 2014 (OC14/10778)
- [OCM020.11/07/14](#) – Serpentine Jarrahdale Trails Inc. – Minutes, 26 Feb 2014 (IN14/12560)
- [OCM020.12/07/14](#) – Serpentine Jarrahdale Trails Inc. – Minutes, 9 April 2014 (IN14/12564)

Voting Requirements: Simple Majority

OCM020/07/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Hawkins, seconded Cr Moore

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

CARRIED 9/0

11. Urgent business:

Nil

12. Councillor questions of which notice has been given:

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

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

It is noted that Restricted Access Vehicles (RAVs) in the form of long vehicle type road trains are approved to operate on some roads in the Shire of Serpentine Jarrahdale; furthermore RAVs in the form of B doubles and over length Rigid Trucks towing long dog trailers are also approved to operate on a larger number of roads within the Shire of Serpentine Jarrahdale.

A condition imposed for the use of these RAVs by the Shire of Serpentine Jarrahdale was that the Shire approval letter must be carried with the vehicle at all times when operating on identified roads within the Shire of Serpentine Jarrahdale.

It is prudent that with the proposed construction of the Tonkin Highway extension that Council prepare by assessing roads and routes that RAV access is required to meet the needs of our rate payers businesses and to meet community expectations.

To commence this work it is recommended that an audit of current RAV operations is carried out. My aim is to seek Council endorsement to review the operation of restricted access vehicles within the Shire of Serpentine Jarrahdale to ensure that the Shires road infrastructure is protected, road safety is maintained and community expectations are complied with, and the Shire of Serpentine Jarrahdale is prepared and ready for the Tonkin Highway extension.

I therefore move that:

To ensure that our local businesses have access to these high productivity vehicles on suitable roads, and to ensure road safety is enhanced, it will be necessary to carry out an audit of roads approved for RAV operations within the Shire of Serpentine Jarrahdale, this will enable road maintenance requirements to be assessed and if road safety and community expectations are being addressed.

The scope of this audit is to;

1. Identify if transport operators are complying with the conditions imposed by the Shire of Serpentine Jarrahdale, how many letters of approval have been issued, to which operators and for what duration? And for what roads?
2. Are the roads and road sections currently approved as per the Shire of Serpentine Jarrahdale's Council agreement?
3. A list of roads that are currently approved by the Shire of Serpentine Jarrahdale for RAV operations be supplied to all Councillors to enable them to confirm that they are still appropriate.
4. Council assess the requirements of its residents and local businesses to develop a policy for RAV access to assist our ratepayer's commercial businesses and ensure that the rate payers' expectations are complied with, road safety is enhanced, and the Shire of Serpentine Jarrahdale is prepared for the Tonkin Highway proposed extension.

OCM12.1 COUNCIL DECISION:

Moved Cr Urban, seconded Cr Kirkpatrick

That Council carry out a desktop report of roads already approved for Restricted Access Vehicles operations within the Shire of Serpentine Jarrahdale to be reported back to Council within four weeks.

CARRIED 9/0

13. Closure:

There being no further business the Presiding Member declared the meeting closed at 8.16pm.

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

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Presiding Member

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Date