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**Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday, 28 October 2013. The Shire President declared the meeting open at 7.00pm and welcomed Councillors, staff and members of the gallery, with a special welcome to the Serpentine Jarrahdale Bush Fire Cadets.**

## 1. Attendances and Apologies (including Leave of Absence):

### In Attendance:

**COUNCILLORS:** K Ellis ..... Presiding Member  
J Erren  
S Hawkins  
J Kirkpatrick  
B Moore  
S Piipponen  
J Rossiter  
B Urban  
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 Linda Jones ..... Personal Assistant to Chief Executive Officer  
Mrs D Baldwin ..... Executive Support Officer

**APOLOGIES:** Nil

**OBSERVERS:** Nil

Members of the Public - 42

Members of the Press - 1

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

### Ms Merri Harris, 24 Maxwell Street, Serpentine

In regard to OCM 052.1/10/13 the proposed subdivision of Lot 98 Gull Road, Serpentine. To the uneducated observer this may look like an uncomplicated attempt at the subdivision of a lot adjacent to some other similarly sized lots. Unfortunately, this could not be further from the truth. Having been a participant in the last “re-arrangement” decision by this same group of Councillors, a subdivision by another name, I object strongly to yet another attempt at a subdivision, without adequate justification or consideration of the long term consequences of such actions. My disappointment in the Western Australian Planning Commission is palpable and the approval of the last application demonstrates, yet once again, the state agency contempt for Local Government planning and its policies. My disappointment in this group of Councillors last decision, on this same property, is indescribable.

Q1. What is the requirement for the justification of such applications, especially when considered in the light of the weight of documentation that clearly does not support such actions? What capacity does a council officer have to require such information?

*Response:*

The Western Australian Planning Commission (WAPC), when considering applications for subdivision, will assess the owner's reasons for the application against all relevant WAPC Policies and Guidelines.

Q2. When is the Shire's intention to notify the general public, and potentially new Councillors of the date and time of the required Special Council meeting to swear in those new Councillors?

*Response:*

The Chief Executive Officer responded that a Special Council Meeting will be held on Monday, 21 October 2013 at 6.00pm and will be advertised in accordance with the Local Government Act.

Q3 At what point is the Council, in its applications of the compliance requirements for the Cardup Landfill closure plan, given that it is due to close in 2015? Will the Shire keep the community in the loop as to those requirements and the stage at which they will be completed? How is the landfill company intending to fulfil its requirement that the site will not be visible from the South Western Highway?

*Response:*

Council has an ongoing audit program that prioritises significant developments such as the Cardup Landfill site. The issue of the visibility of this landfill will be addressed during the audit program.

Shire officers and community representatives attend the Cardup Landfill Stakeholder Group. This stakeholder committee was established to provide a communication loop to the community throughout the operation of the site and will continue to play an important role into the operation, closure and post closure phases of the land fill. The Shire is not aware of the operator's exact dates for the closure of the tip.

Q4. Can the Shire please inform us as to how and when Hanson quarry earth bunds will be screened from sight from the South Western Highway near Cardup? How is Hanson Quarry to screen the earth bund/wall that is now visible above the tree line when driving north on South Western Highway near Whitby Falls turn off?

*Response:*

The Shire's audit program is currently focusing on extractive industries. The issue of the visibility of the earth bunds and screening of these areas, will be examined as part of this audit and the onus placed on the operator to address these matters.

Q5. When will the Shire enforce the compliance requirements with the Cardup Landfill to stop the almost constant stench that is now obvious at the Highway and often on Soldiers Road, especially at night?

*Response:*

Odour complaints are a key component of the auditing and reporting process for this operation. Previous contact with the landfill site operators regarding odour complaints, has examined the landfill cover and backfilling operation. Improvements have been made by the operator to minimise after hours odour. While the landfill is operating, working faces are exposed and there will be periods when traffic on South West Highway / Soldiers Road may smell the rubbish particularly when there is little or no wind to disperse the odours.

A formal response has been forwarded to Ms Harris.

**COUNCIL DECISION:**

**Moved Cr Kirkpatrick, seconded Cr Moore  
That the order of business be moved to allow Item 5 – Petitions and Deputations,  
to be dealt with at this point in the meeting.**

**CARRIED 9/0**

## 5. Petitions and deputations:

Petitions and deputations commenced at 7.02pm.

- 5.1 Shire of Serpentine Jarrahdale Volunteer Bush Fire Cadets attended in recognition of their success at the Australian Fire Cadet Championships in Sydney from 30 September – 3 October 2013. The cadets collected an astounding eight gold medals from eight events.

The Shire President presented cadets and their team coaches and managers with certificates on behalf of both the National Fire Cadet Championships of Australia and the Shire of Serpentine Jarrahdale. In turn the cadets presented the Shire President with their trophies and requested these be put on public display in the Reception area at the Shire's Administration Centre.

The Manager Emergency Services, Mr Dave Gossage advised that the cadets also competed in the Metropolitan Bush fire Championships of Western Australia against other cadets and adults in on Sunday, 27 October 2013 and once again achieved overall first place.

- 5.2 Mr Henry Dykstra from Dykstra Planning made a verbal presentation to Council in support of Item OCM063/10/13 - Proposed Single Dwelling, Outbuilding and Retrospective Application for Light Industry – Machinery Assembly and Distribution Plant – Lot 800 (No 228) King Road, Oldbury.

Mr Dykstra provided Councillors with a copy of a suggested alternate motion for consideration when dealing with Item OCM063/10/13, as follows:

*“That Council grant planning consent for a temporary approval (5 years maximum) for the proposed Light Industry/Machinery Assembly and Distribution Plant at Lot 800 (No 228) King Road, Oldbury, subject to standard conditions of planning approval as determined appropriate by Council's Director Planning.”*

Reasons for the suggested alternate motion would include:

- a) Council has already formally agreed to allow the land use to remain for a temporary period of 5 years;
- b) Council has discretion under the Town Planning Scheme within the current 'Rural' zoning to grant a temporary approval for such a land use;
- c) The issue of a planning approval provides Council with greater opportunity to ensure appropriate management and controls are in place in relation to the land use; and
- d) The issue of a 5-year planning approval provides all parties with certainty for the future and also provides certainty for the eventual decommissioning and relocation of the land use to another site.

Petitions and deputations concluded at 7.14pm.

Note: Council received a non-conforming petition dated 21 October 2013 concerning the dangerous roads on the Byford Scarp Estate. The petition contains 32 signatures and was presented during Item 3 – Public Question Time by Ms Lynn Cassell, President of the Byford Scarp Residents Association Inc.

### 3. Public question time:

Public Question / Statement Time commenced at 7.15pm.

Lee Bond, PO Box 44, Armadale

Q1. On 23 February 2009 during question time Sandra Hawkins stated, *“It is correct to assume that each Councillor is elected to serve on Council by the electorate”*. Can you state that your election was all your own idea and effort?

Q2. You also stated at the same meeting, *“It is correct that those Councillors duly elected are on Council to represent the views of the electorate”*. Are you going to represent mine and the views of other members of the electorate even though we are not happy about the way you have been elected to Council?

Q3. At the same meeting you accused some Councillors of ignoring the unanimous views of the electorate and overriding those views to satisfy themselves. Who will you blame now that you are a Councillor?

*Response:*

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

Margaret Cala, 49 Phillips Road, Karrakup

Firstly I would like to offer my congratulations to the newly elected Councillors.

In last week’s SJ Examiner I read a report on the results of Serpentine Jarrahdale Council elections in which the new Deputy Shire President, Cr Sam Piipponen was quoted as saying that he had nominated for his position to take more of a leadership role in amalgamations. He went on to say that he was not pro-amalgamation; but the damage in his statement was done before he got that far.

Would Cr Piipponen confirm that the quote is correct? Could he also explain whether he discussed his statement with other members of Council prior to making it to the media; and further how he believes this proposed role will benefit the Shire and its community? He is also quoted as saying that, *“if the community tells him they don’t want to amalgamate”* he would not go against that. Is he unaware of the petition presented to Council with over 3100 signatures against amalgamation with the City of Armadale and the community submission against amalgamation which was presented to Council and sent to the Local Government Advisory Board from residents of this Shire? As I recall he was present on both occasions. Could he explain what it would take for him to believe he had been ‘told’ what the community wants?

Other Councils which offered fall-back positions and alternatives in their submissions to the Local Government Advisory Board have found that these have been taken up by the Government despite their primary aim being not to amalgamate. Given previous Council resolutions regarding anti-amalgamation and, bearing in mind that they are representing the same community, will this Council endorse the anti-amalgamation stand taken by the previous Council?

*Response:*

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

Michelle Rich, 155 Firms Road, Serpentine

At the Special Council Meeting held on 21 October 2013 the words “*faithfully, honestly and with integrity*” were sworn by each Councillor that took the Declaration of Elected Member of Council. The word “*transparency*” was also used by the newly elected President Cr Keith Ellis. With this in mind I have the following questions which I expect to be taken on notice:

- Q1. On the night of 19 October 2013, after the finalisation of the vote count for the Local Government Election, were all incoming Councillors given information relating to the *Local Government Act* by Chief Executive Officer (CEO) Richard Gorbunow?
- Q2. Did the CEO ask all Councillors to read through this information and if they had any questions that they could contact him at any time?
- Q3. Did any newly elected Councillors contact the CEO between the finalisation of the vote count and 9.00am on Monday, 21 October 2013?
- Q4. Was a handshake deal made on Saturday night 19 October 2013 with Cr Sam Piipponen regarding the Deputy Shire President’s position in return for his supporting vote for the position of President to be given to newly elected Cr Keith Ellis?
- Q5. Was there a meeting held in Byford on Sunday 20 October 2013 with newly elected Councillors from the North and North West Wards and past Councillors from the North Ward in attendance?
- Q6. Was Cr John Kirkpatrick contacted and asked to attend this meeting after discussions were held by the newly elected and past Councillors?
- Q7. Were the Southern Ward Councillors invited to this meeting?
- Q8. If not, why not?
- Q9. At this meeting was Cr John Kirkpatrick asked to give his supporting vote for the position of President to newly elected Cr Keith Ellis in return for the newly elected North Ward Councillors to support Cr John Kirkpatrick for the Deputy Shire President’s position?
- Q10. Did Cr John Kirkpatrick agree to this request?
- Q11. Did Cr John Kirkpatrick, having concerns about the back-handed deals that had been done, contact the CEO on Monday morning 21 October 2013 and ask for clarification regarding the *Local Government Act* following the meeting that he was invited to attend on the Sunday?
- Q12. Did Cr John Kirkpatrick contact newly elected Cr Keith Ellis after receiving the clarification that he requested through the CEO Richard Gorbunow and state that he would decide who he would vote for as President at the Special Council Meeting after hearing each nominee speak to the Council in support of their nomination for the role?

*Response:*

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

Jackie Dines, 34 Jarrahlén Rise, Jarrahdale

I would like to welcome all new Councillors and hope the new Council will push aside the terrible feelings in the Shire.

I would also like to reiterate Margaret Cala's earlier comments and questions relating to amalgamation.

Simone Rich, 155 Firns Road, Serpentine

- Q1. Does Cr John Erren require a detailed map of the Shire Ward boundaries?
- Q2. Why was David Atwell attacked throughout the election campaign on social media for not living in the North Ward?
- Q3. Why was Cr John Rossiter not attacked in the same way given that he lives in the North West Ward?
- Q4. Was Cr John Rossiter's election campaign supported by select members of the Byford Progress Association so as to buy his vote on Council?
- Q5. If Cr John Rossiter is perceived to be of such weak character that those who supported his election knew that he would vote as he is told, should he not stand down as a Councillor?
- Q6. Given the theory that the attacks on David Atwell were based on, can the ratepayers of the Shire expect that Councillors will only represent a small part of the Shire and not the Shire as a whole as they are elected to do?
- Q7. Which current Councillors own or have immediate family members that own businesses that operate within the boundaries of the Shire of Serpentine Jarrahdale?
- Q8. What are these businesses?
- Q9. Given the underhanded secret deals just to elect the President and Deputy President, can the ratepayers expect that this is how the newly elected Councillors will conduct themselves when dealing with developers etc over the next two years?

*Response:*

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

Lynn Cassell, 36 Clondyke Drive, Byford (as representative for the President of the Byford Scarp Residents Association Inc)

Do hereby present the attached petition concerning the dangerous roads on the Byford Scarp Estate.

The condition of two roads in particular is deplorable, with bodged up repairs being made constantly. We appreciate the fact that something has been done but it is an unsatisfactory solution to the problem.

The roads being Benalla Crescent and Quiberon Link, the residents on those roads are not the only ones that could be affected but the drivers and pedestrians that travel those roads, with large chunks of tarmac dislodged from the edges of the holes flying through the air.

The roads have not been laid according to Australian Standards, the contractor laying half the thickness that should be there. It is not the entire estate but a section of both roads and with only one entry onto the estate it will get worse.

We the residents are bringing this problem to your notice in the hope that the Shire will be able to assist us with a favourable outcome.

*Response:*

Council received the non-conforming petition and this has been referred to the Director Engineering for action.

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

Athol Wigg, 36 Old Brickworks Road, Byford

Mr President, I wish to preface this statement with my congratulations to those new Members of Council. You are taking on a significant workload and responsibility as you represent the best interests of the residents of Serpentine Jarrahdale.

The Executive Summary of the 2006 International Climate Change Conference will give you factors to be considered as you address development in the Shire.

Note: A copy of the Executive Summary of the 2<sup>nd</sup> Australian/New Zealand Conference on Climate Change and Business held in Adelaide in February 2006 has been provided to all Councillors.

Jan Star AM, 230 Jarrahdale Road, Jarrahdale

My congratulations to the newly elected Councillors. As a past Councillor and President with considerable experience in local government at all levels, I do urge Councillors to acknowledge the bruising of egos that can occur after elections, allow time for recovery and then for them to focus their efforts on the good of the Shire and its ratepayers.

In this difficult time of opposing State Government proposals for amalgamation it is extremely important to present a united front. Not only to present the best defence but also to keep the community support which the Council has garnered.

This is a very special Shire and the State Government, whose determination on amalgamations appears to be wavering, needs to have that demonstrated at every opportunity.

Colleen Rankin, President Byford Progress, 33 South Crescent, Byford

I would like to thank Council for its ongoing commitment to the Locality Funding Program. To date Byford Progress Association members have raised \$123,000 in cash for the Byford street art / seating projects and have administered the projects ourselves. The Returned Serviceman sculpture at the hall is ready to start installation. It is pleasing to see tonight's recommended resolution to approve Council funding for our next project which is a southern entry statement. The longer serving Councillors are well aware of our efforts but I would like to mention some of the work we do so that the newly elected Councillors can see we are an organisation well worth supporting.



We pick up the rubbish on all road verges within about 6kms of Byford at least once a year. We do the full length of Soldiers Road (8kms) and also Paterson Street, which we did this year the week before the Mundijong Fair. Last year we did Nettleton Road all the way to Jarrahdale because of the litter after the Log Chop and are about to do that road again. We have picked up 823 bags so far this financial year and the Council's contribution of \$3.00 per bag is very much appreciated. Early this month we received an award from Keep Australia Beautiful WA and our group features on the cover of their Annual General Report.

We pick up rubbish and spray the weeds from the Thomas Road traffic lights along the front of the entry statement sculptures. We spray the weeds in the Rainforest Reserve and pick up the rubbish there three times per year.

The Association has a strong partnership with the SJ Landcare Centre and the Byford Envirolink. The Landcare Centre provided Marris which have been planted to supplement Council's native planting on South Western Highway near Thomas Road. The plants have now been mulched and hand weeding and spraying has been carried out the whole length of that planted area. The verges planted by Council on both sides of Thomas Road near the South Western Highway have been hand weeded close around each plant and other weeds sprayed several times. Last Saturday we worked with Landcare Centre staff and other volunteers to plant hundreds of plants on a Serpentine Reserve. Our contribution over the last 20 years amounts to hundreds of thousands of dollars in cash and kind.

My husband Frank and I have produced a **Byford Volunteer Fire Brigade Book** that gives a snapshot of the Brigade from 1962 to the present day and would like to present a copy to Council to make sure their history is preserved.

*Response:*

The Shire President acknowledged the contribution of the Byford Progress Association and thanked Mrs Rankin for donating a copy of the Byford Volunteer Fire Brigade Book for Council for posterity.

Lee Bond, PO Box 44, Armadale

On 23 February 2009 Sandra Hawkins made a statement about Lot 116 Coulterhand Circle, Byford, how a particular Councillor should respect the wishes of residents living in specific roads in the area, how a building at this address severely compromised the quality of life for the residents and the devaluation of their properties and that demolition was the only option. Reading Sandra Hawkins statement was one of demand or else. Are we going to see this attitude from you as a Councillor and those who support you when members of the electorate disagree with you and your supporters.

You and the other residents had and still have much more to worry about than a derelict building. In your questions at this meeting you used the word "assume". A Councillor at the time of those houses being built told me the same thing when I questioned houses being built in that area. I was to assume everything had been cleaned up by the developer.

Jackie Dines, 34 Jarrahglen Rise, Jarrahdale

Can I remind Council that when it comes to media statements they are only supposed to reflect on Council resolutions.

It seems that the statements made in the Examiner on 24 October 2013 are inappropriate public comments made by Cr Piiipponen as they are not in line with the already declared Council resolution OCM038/09/13.

I would like Council to consider that after Cr Piipponen's public comments in the Examiner, where he demonstrated that he has little or no regard for the community objections and Council's resolutions or rules, that he never be selected to represent the Shire of Serpentine Jarrahdale at any Local Government Advisory Board meeting or hearing and that Council do not allow him to be involved with any negotiations whatsoever to do with amalgamation.

It is my assertion on behalf of that community petition mentioned in my question that, given the previous weight of evidence of how the community and Council has acted so far, that the community would believe Cr Piipponen does not have the required ability to argue the anti-amalgamation case on behalf of the Shire of Serpentine Jarrahdale.

It is commonly known in the community that Cr Piipponen has larger political aspirations and due to his alignment with certain political parties, ultimately his interests will likely be along party lines.

This cannot help Council to get the desired outcome for the Shire of Serpentine Jarrahdale community and I would suggest that this could therefore result in a '**No Confidence**' vote against Cr Piipponen.

Michelle Rich, 155 Firns Road, Serpentine

The Councillors and Shire officers that have worked with me over a number of years and know me well will most likely be shocked by my statement tonight. They will also acknowledge that this statement is not made lightly.

I would like to publicly thank and acknowledge the hard work and dedication of Deon van der Linde, Manager Strategic Planning for his help in putting together information that was requested at extremely short notice for a meeting with various State Government departments regarding the vesting of land for the Serpentine Jarrahdale Sporting Precinct. Given the complexity of the information requested and the short timeframe, Deon has shown his commitment to this project and the fantastic working relationship that exists between the Shire officers and community groups, contrary to popular belief.

Deon worked in his own time to provide the information so that our group's position was as strong as possible for this meeting. Knowing also that he was thrown in at the deep end on this project, Deon has shown himself to be a quiet achiever and a huge asset to the Shire of Serpentine Jarrahdale.

I would also like to publicly thank and acknowledge the hard work and dedication of Sarah Farrance, Community Engagement Officer for her work in helping promote and move forward the Serpentine Community Association.

Over the last four months Sarah has worked at times in very trying conditions and circumstances and has always kept her eye on the goal to be achieved. Herself learning a new position, she has shown a great ability to navigate through very turbulent negotiations with dignity.

Sarah has at all times been honest and upfront and a pleasure to work with.

Both Deon and Sarah are a credit to their departments.

Lastly I would like to thank Richard Gorbunow for the hard work and effort that he has put into the Shire since being appointed Acting Chief Executive Officer and then Chief Executive Officer. The changes over the last 14 months may not be apparent to the general public that do not deal with departments within the Shire on a regular basis but they have been noticed by those of us who are working closely with the Shire on varying and different projects. Well done and congratulations for the progress that you have

made in a very short period of time and please receive this recognition, it has been truly earned.

Martin Reddan and Laurie Doncon, Lot 206 (No 21) Aquanita Rise, Darling Downs

With reference to Item OCM065/10/13 – Retrospective Application – Shed – Lot 205 (No 17) Aquanita Rise, Darling Downs

We purchased our established house because it had a rural setting; the rear revegetation zone; the rear view down over agricultural land; and protection in place for local native vegetation so there were habitats for native animals.

Some of the information supplied to us to make a decision on this application appears to be incorrect or misleading. One example is the north and south elevation plans of the shed appear to be labelled incorrectly. Also the position of types of trees on the block appears to be incorrect. The only significant Marri is at the south-east front corner of the block.

The issue of the rear setback for the development was raised and resolved by the Shire in April 2009. In all the information listed on this new development, there is acknowledgement that this application goes against that past resolution.

While we acknowledge the existence of a significant Marri tree at the south-east front corner of the block, by bringing the shed's location into the existing parameters does not impede on this, the only significant Marri. Most of the other older trees on the block are non-natives such as Box, Blue Gum and Pine trees. Even this non-native vegetation on the block would not be affected by the location of the shed as per existing parameters.

In the two and a half years we have owned our house we have seen numerous flocks of Black Cockatoos feeding in the significant Marri. They also feed on the many Hakeas that have been planted in the area. At no time have we seen Black Cockatoos in the Box or Blue Gum trees in the area. If the shed is located within the existing parameters, the rear rural view we currently enjoy would not be affected and the Black Cockatoos would still have the Marri tree for feeding.

While many of the trees in the revegetation zones at the rear of each block within the development are non-native, many are also well established trees that would have been growing long before the area was subdivided and developed into small lots.

The estate was planned around a series of parameters and residents to date have complied with those parameters. To be fair and equal to all, we believe that new owners should have to comply with the same parameters.

Public Question / Statement Time concluded at 7.43pm.

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

My first duty as Shire President was to attend the opening of Coral Waters on Saturday, 26 October 2013. With these types of openings and functions I will be inviting the Councillors of the relevant ward to attend so that ratepayers can meet their local Councillor.

In regard to Coral Waters it is an outstanding development. What impressed me is that residents will be able to walk or ride their bikes to go shopping and I also believe they have an amazing market day once per month.

It is my intention to attend as many functions as possible to get to know as many business people and ratepayers as possible. My focus is to create jobs for all, including our young people. I will be available with time permitting to meet with ratepayers.

I live in Darling Downs on a 5-acre horse property and I ran for Council on the premise “to protect what we value most”.

I am totally opposed to any amalgamation of the Shire of Serpentine Jarrahdale.

## 7. Declaration of Councillors and officers interest:

Cr Kirkpatrick has declared an interest by close association in Item OCM066 – Locality Funding Program 2013 – 2014 in that he has an interest in common with the Jarrahdale Community Association, Byford Glades Residents Association, Byford Progress Association and the BMX Club.

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

### 8.1 Ordinary Council Meeting – 14 October 2013

#### COUNCIL DECISION:

Moved Cr Moore, seconded Cr Piipponen

That the minutes of the Ordinary Council Meeting held on 14 October 2013 be confirmed (E13/4214).

**CARRIED 9/0**

### 8.2 Special Council Meeting – 21 October 2013

#### COUNCIL DECISION:

Moved Cr Urban, seconded Cr Moore

#### Correction:

Cr Kirkpatrick requested that his question at the Special Council Meeting held on 21 October 2013 be recorded, as follows:

“After the ballot for the position of Shire President and Deputy President for a period of two years could the elected members remove them from office during this period?”

**CARRIED 9/0**

#### COUNCIL DECISION:

Moved Cr Wilson, seconded Cr Kirkpatrick

That the minutes of the Special Council Meeting held on 21 October 2013, with the above correction, be confirmed (E13/4327).

**CARRIED 9/0**

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

<b>OCM059/10/13      Community Perceptions Survey 2013 (SJ431)</b>	
Author:	Tammy Wayne-Elliot, Manager Communications and Executive Services
Senior Officer:	Richard Gorbunow, Chief Executive Officer
Date of Report:	11 October 2013
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

### Introduction:

The purpose of this report is to present the findings of the biannual Community Perceptions Survey provided by Catalyse Research and Strategy, who were commissioned by the Shire of Serpentine Jarrahdale in August this year to gauge community perception of the Shire as a governing body, and the locality.

### Background:

The Shire of Serpentine Jarrahdale has commissioned Catalyse to gauge community perceptions biannually since 2005. In August this year, Catalyse were commissioned to undertake the survey of 400 randomly selected respondents with questions remaining identical to the survey conducted in 2010 to ensure comparisons could be drawn. However additional questions were included towards the end of the survey to query community thoughts on Local Government Reform and the State Government's proposal to amalgamate the City of Armadale with the Shire of Serpentine Jarrahdale.

### Community / Stakeholder Consultation:

Consultation occurred between the Shire of Serpentine Jarrahdale and Catalyse to decide on the survey questions, including the inclusion of the additional questions relating to Local Government Reform, and to monitor community perceptions regarding this matter. The respondents for the community perceptions survey are randomly selected, with the survey undertaken via telephone by the Edith Cowan University Survey Research Centre.

### Comment:

The Shire of Serpentine Jarrahdale has been conducting community perception surveys biannually over a number of years to monitor performance and identify areas for improvement.

In August this year, the Shire commissioned Catalyse to undertake a community perceptions survey, involving 400 randomly selected community members, and asked questions to gauge performance over a number of areas of operations, from Customer Service to Planning and Building Services, Emergency Services, Rangers Services, Communications and Tourism.

The survey revealed the Shire of Serpentine Jarrahdale is an industry leader in bushfire prevention and control. Performance has also improved significantly, by 10% or more, across a range of areas:

- Council's leadership within the community.
- Understanding of the community's needs.
- Efficiency and effectiveness of customer service.
- How the community is being developed.
- Parks, reserves, sporting grounds and ovals.
- Festivals, events and cultural activities.
- Control of graffiti, vandalism and antisocial behaviour.
- How urban sprawl is being managed.
- How local history and heritage is being preserved and promoted.
- Conservation and environmental management.
- Enforcement of local laws relating to food, health, noise and pollution.

Priority areas of concern to the community have been identified as:

- Road maintenance – improve roads across the Shire, particularly Thomas and Kargotich Roads, and roads in Byford and Mundijong.
- Streetscapes – beautify the area, prune trees and control weeds.
- Access to public transport – increase the number of buses and routes and extend the train line to Byford.
- Parks, reserves, sporting grounds and ovals – provide more parks for children and families and improve sporting facilities for youth.
- How Town Centres are being developed – attract more shops and services to meet the demands of a growing population, particularly within the Byford Town Centre.

### Conclusion

The community perceptions survey gauged the performance of the Shire of Serpentine Jarrahdale across a number of areas of operation, as well as resident views on the locality.

### **Attachments:**

- [OCM059.1/10/13](#) – Community Perceptions Survey – September 2013 (IN13/18390)

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

Objective 1.1	Strong Leadership
Key Action 1.1.2	Facilitate cooperation between the Shire and its stakeholders while also considering community values.

### **Statutory Environment:**

*Local Government Act (1995)*

### **Financial Implications:**

The cost of undertaking the Community Perceptions Survey was allocated in the 2013/2014 budget.

**Voting Requirements:** Simple Majority

**OCM059/10/13 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Piipponen, seconded Cr Moore**

**That Council receive the Community Perceptions Survey as per attachment OCM059.1/10/13.**

**CARRIED 9/0**

<b>OCM060/10/13 Corporate Business Plan - Quarter 1 Reporting (SJ940)</b>	
Author:	Karen Cornish – Governance Officer
Senior Officer:	Richard Gorbunow – Chief Executive Officer
Date of Report:	18 September 2013
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

**Introduction:**

This report is provided to Council for information purposes detailing the progress made during the first quarter (July – September 2013) of the Corporate Business Plan, which outlines the objectives and actions of the Shire's Strategic Community Plan.

**Background:**

The *Local Government Act* requires all local governments to plan for the future of their district. The *Local Government (Administration) Regulations 1996* also stipulate that a local government is to ensure a Corporate Business Plan is made for its district each financial year and covers at least four financial years. Local governments are also required to review their Corporate Business Plan every year.

In order for the Shire to review its Corporate Business Plan annually, it is prudent that quarterly updates are provided to Council.

**Community / Stakeholder Consultation:**

No community consultation is required.

**Attachment:**

- [OCM060.1/10/13](#) – 2013/2014 first quarter reporting on Corporate Business Plan. (E13/4212)

**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:**

*Local Government Act 1995* (as amended)  
*Local Government (Administration) Regulations 1996*

**Financial Implications:**

There are no direct financial implications as a result of this report.



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The Corporate Business Plan will guide the allocation of resources in the annual budget and ensure Council's Strategic Community Plan can be implemented and budgeted for over future years.

**Voting Requirements:** Simple Majority

**OCM060/10/13 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Urban, seconded Cr Kirkpatrick**

**That Council accept the first quarterly report (July – September 2013) on the Corporate Business Plan as per attachment OCM060.1/10/13.**

**CARRIED 9/0**

<b>OCM061/10/13</b>	<b>Western Australian Local Government Association – Vacancies on Boards and Committees (SJ1348)</b>
Author:	Linda Jones – Executive Assistant to Chief Executive Officer
Senior Officer:	Richard Gorbunow – Chief Executive Officer
Date of Report:	4 October 2013
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

**Introduction:**

Council is requested to consider nomination of Elected Members for vacancies on Western Australian Local Government Association (WALGA) Boards and Committees.

**Background:**

Council is in receipt of advice from WALGA that nominations are now being sought for the following vacancies:

- WA State Graffiti Taskforce - 1 Metropolitan Representative and 1 Non-Metropolitan Representative
- Healthway Board - Deputy Member
- Local Health Authorities Analytical Committee - Metropolitan Member (re-advertised)
- Swan River Trust - Metropolitan Member

**Community / Stakeholder Consultation:**

Not applicable

**Comment:**

Nominees for all of the above vacancies are required to submit a completed nomination form, statement addressing the selection criteria and short curriculum vitae (2 pages maximum) before the close of nominations, which is 5.00pm Thursday 14 November 2013.

Nomination forms and information including frequency of meetings, venue, duration, sitting fee and travel allowance, are available from the Executive Assistant to the Chief Executive Officer.

**Alignment with our Strategic Community Plan:**

Objective 1.1	Strong Leadership
Key Action 1.1.3	Foster partnerships to deliver key projects and initiatives in conjunction with key stakeholders

**Statutory Environment:**

*Local Government Act 1995*

**Financial Implications:**

Not applicable

**Voting Requirements:** Simple Majority

**Officer Recommendation:**

That Council consider nomination of Elected Members for vacancies on the following Western Australian Local Government Association Boards and Committees:

1. WA State Graffiti Taskforce
2. Healthway Board
3. Local Health Authorities Analytical Committee
4. Swan River Trust

**OCM061/10/13 COUNCIL DECISION:**

**Moved Cr Piipponen, seconded Cr Moore**

**That Council nominate Elected Members for vacancies on Western Australian Local Government Association Boards and Committees, as follows:**

- 1. Cr Piipponen be nominated as a Metropolitan representative on the WA State Graffiti Taskforce.**
- 2. Cr Hawkins be nominated as a Deputy Member on the Healthway Board.**
- 3. Cr Kirkpatrick be nominated as a Metropolitan Member on the Local Health Authorities Analytical Committee**
- 4. Cr Ellis be nominated as a Metropolitan Member on the Swan River Trust.**

**CARRIED 9/0**

<b>OCM062/10/13</b>	<b>Initiation of Scheme Amendment 186 – Rezoning of Lot 791 Walker Road, Serpentine from ‘Rural’ to ‘Rural Living A’ (SJ1529)</b>
Author:	Tom Hockley – Senior Planner
Senior Officer:	Brad Gleeson – Director Planning
Date of Report:	16 September 2013
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Gray and Lewis Landuse Planners  
 Owner: Gary Everson Squire and Jacqueline Ruth Squire  
 Date of Receipt: 8 July 2013  
 Lot Area: 18.507 hectares  
 Town Planning Scheme No 2 Zoning: Rural  
 Metropolitan Region Scheme Zoning: Rural

### Introduction

To consider a proposed scheme amendment which has been submitted for initiation to rezone Lot 791 Walker Road, Serpentine from ‘Rural’ to ‘Rural Living A’ under Town Planning Scheme No 2 (TPS 2). The rezoning has been submitted in accordance with the recommendations of the Shire’s Rural Strategy and will enable future subdivision of the site into lots of between 4,000m<sup>2</sup> and 1.0 hectare. A subdivision guide plan has been submitted as part of the scheme amendment, however this is indicative only and will require separate assessment and approval.

### Background:

The neighbouring land to the east, north and south of the subject site has been previously rezoned from ‘Rural’ to ‘Rural Living A’, this is the first scheme amendment application for this site.

### Relevant Previous Decisions of Council:

There is no previous Council decision relating to this application.

### Community / Stakeholder Consultation:

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

Local Planning Policy (LPP) No.27 – Stakeholder Engagement in Land Use Planning provides further guidance for the advertising of TPS 2 amendments. Requirements will include, but will not be limited to:

- Signage being placed on-site.
- A newspaper advertisement.
- Public display at the Shire’s administration centre.
- Letters being sent to all landowners within a 300 metre distance from the site.
- Letters being sent to community groups.
- Publishing of relevant information on the Shire’s internet webpage.

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

### **Comment:**

#### Proposal

The proposal to amend the Shire's TPS 2 has been submitted as follows:

1. Rezoning Lot 791 Walker Road, Serpentine from 'Rural' to 'Rural Living A' and amending the Scheme Map accordingly;
2. Amending the Scheme Text – 'Appendix 4A – Rural Living A Zone' to include special provisions relating to Lot 791 Walker Road, Serpentine.

The 'Rural Living A' zone permits the subdivision of land into lots of between 4000m<sup>2</sup> and 1.0 hectare in area. The indicative subdivision guide plan (SGP) depicts the creation of forty (40) 'Rural Living A' lots of approximately 4000m<sup>2</sup>. The indicative SGP is intended to demonstrate how the land may be developed in the future and provide a planning context for the proposed amendment. A formal determination of the SGP will be required either when the amendment is presented to Council for final approval and forwarded to the WAPC for consideration or at the time of subdivision.

In addition to the 'Rural Living A' zoning provisions outlined in clause 5.12 of TPS 2, specific zoning provisions and land use permissibility will be included within Appendix 4A of TPS 2 as part of the rezoning proposal.

#### Statutory Framework

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

In undertaking its initial assessment, the Shire has determined that the proposed scheme amendment has been submitted with sufficient information. This report has therefore been prepared to Council in support of the proposed scheme amendment.

#### Metropolitan Region Scheme and TPS 2

Lot 791 Walker Road, Serpentine is currently zoned 'Rural' under the Metropolitan Region Scheme (MRS) and 'Rural' under the provisions of TPS 2. The Shire's TPS 2 includes a range of general provisions guiding the development of 'Rural Living A' zoned land. The key provisions are as follows:

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

- Stormwater drainage is required to be designed to the satisfaction and specification of the Shire; and
- All land designated as public open space or public accessway on the SGP shall be given up to the Crown, free of cost.

#### Rural Strategy (1994)

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

With regard to subdivision, the Rural Strategy also supports a variety of lot sizes between 4000m<sup>2</sup> and 1.0 hectare, suggesting that on sites which provide for a physical transition between urban and rural areas, subdivision should be designed with consideration to the surrounding lot sizes. In this regard, while the indicative SGP which has been submitted complies with the minimum lot size of the Rural Living A area, it does not have consideration to the larger rural allotments to the south and west. Further investigation will be required with regard to the appropriateness of lot sizes in the context of surrounding land.

#### LPP No. 23 – Serpentine Planning Framework

Although the proposed amendment is in line with the requirements of the Shire's Rural Strategy, consideration needs to be given to the relationship between the proposed scheme amendment and Council's adopted LPP No. 23 *Serpentine Planning Framework*. LPP 23 requires that a District Structure Plan be prepared for Serpentine before any subdivision within Serpentine can occur. Further, the subject property is located within the area that is 'subject to future structure planning' under the Rural Strategy. However, given that the subject lot is already located within the 'Rural Living A' policy area in the Rural Strategy as adopted by Council, it is considered that the proposed amendment can proceed without a District Structure Plan in place for Serpentine.

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

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

#### Comment

##### Site Characteristics

Lot 791 Walker Road, Serpentine has an area of 18.507 hectares and is located approximately 2km south-west of the centre of the Serpentine town site. It has a frontage of 311.6m to Walker Road and a depth of 593.6m. Walker Road extends between Karnup Road to the north and Wattle Road to the south. While the Windmill Avenue road reserve intersects with the southern boundary of the site, the constructed portion of Windmill Avenue terminates approximately 240m to the south.

The site has been significantly cleared of vegetation due to past hobby farming activities. The majority of the remnant vegetation exists in the south-western portion of the site and is characterised by Jarrah, Marri and Sheoak. The site contains two dwellings, one in the north-western corner and one positioned centrally within the site and set back from Walker Road.

The land to the east comprises the Serpentine Green Estate which contains a range of lot sizes between 4000m<sup>2</sup> to 1.0 hectare lots. The land to the north is currently undeveloped,

while the land to the south has been divided into approximately 2 hectare lots. It is noted that the land to the east, north and south of the site is zoned 'Rural Living A' under TPS 2. Land to the west is zoned 'Rural' under TPS 2.

### Lot Layout

There is no provision in TPS 2 specifying minimum requirements for lot widths in the 'Rural Living A' zone. All lots as shown in the indicative SGP have regular shapes and lots widths of a minimum of 39m. The extent of building envelopes shown on the SGP is generally consistent with the requirements in TPS 2 requiring 20m setbacks from the primary road and 10m setbacks from all other boundaries. There are also two lots which include a battle-axe access leg arrangement due to the street network arrangement. This is considered to be an acceptable access arrangement in this rural context.

Whilst it is acknowledged that the Rural Living A zone allows for the creation of lots between 4000m<sup>2</sup> and 1.0 hectare, subdivision to the minimum lots size may not be the most appropriate design outcome. Both TPS 2 and the Rural Strategy make reference to a variety of lot sizes within the Rural Living A area. Further, there is reference in the Rural Strategy to not limiting subdivision to one size and promoting a range of lot sizes based on land capability. The Serpentine locality is currently well serviced by Rural Living A lots of around 4000m<sup>2</sup>. A variety of lot sizes may function to maintain the balance of lot sizes within the locality. On this basis it has been recommended that the SGP is indicative only and will require separate assessment and approval. This has been reflected in the scheme amendment documentation.

### Drainage

Drainage has been designed as a system of roadside swales throughout the subdivision which will be directed to the drainage reserve located on the northern boundary of the subject land. The SGP indicates that the preliminary subdivision guide plan for Lot 788 to the north has a corresponding drainage reserve to the north of the subject land. Further investigation will be required to determine whether the proposed drainage system will be functionally effective and capable of accommodating a 1 in 100 year storm event.

### Effluent Disposal

The proponent has provided a land capability geotechnical assessment stating that the site is suitable for on-site effluent disposal. SPP 2.1 states that the onus of proof rests with the subdivider to justify that on-site effluent disposal and/or any associated site modifications would be acceptable to remove any adverse effects on public health, water resources or the environment while not detrimentally impacting on the character of the area. The applicant in this case has proposed alternative waste water systems including aerobic treatment units or alternative leach drain systems. The applicant has also recommended nutrient absorbing waste water systems. The land capability assessment outlines that the water table measurements have found that the soil will support the nutrient/alternative waste water systems as proposed. In either case the Shire is required to individually assess and approve waste water disposal on each lot as per the *Health Act 1911*.

### Public Open Space

An area of public open space (POS) is proposed on the northern boundary to function as a drainage reserve. There is no WAPC requirement for POS and as such the critical purpose of the POS is as a drainage function. This area of POS is proposed to be 3030m<sup>2</sup> and will collect stormwater from the roadside drainage swale system throughout the subdivision. The recommended scheme provisions include a requirement for a Landscape and Vegetation Management Plan to be prepared to the satisfaction of Council in accordance with the SGP. This is intended to guide revegetation and landscaping within the drainage reserve and within the road reserves.

### Road Layout

The interim access to the site will be primarily via Walker Road to the west of the site. The internal road layout consists of a central east-west road providing access through the centre of the site and to the south via a cul-de-sac leg. To the east, a north-south road is proposed which will provide for future connection to the south via Windmill Avenue.

The northern portion of Windmill Avenue is unconstructed. Amendment No. 49 to the Shire's TPS 2, gazetted on 24 November 1995, included a SGP depicting a 24 metre wide road reserve extending to the north of the current cul-de-sac at the northern end of Windmill Avenue. The northern portion of Windmill Avenue will ultimately provide for a connection from Wattle Road to the south to the subject site to the north.

### Fire and Emergency Management

It is noted that the proposal refers to two separate points of vehicular access which connect to a public road network. However it has been established that Windmill Avenue to the south does not yet connect to the subject land. This means that in its current form, the SGP does not comply with the WAPC's Guideline Planning for Bushfire Protection Edition 2 (May 2010) document as the central road would be deemed a cul-de-sac of approximately 491 metres in length. This exceeds the maximum 200 metres as stipulated in Planning for Bushfire Protection. It will be a requirement of the subdivider that arrangements will be made for a future road connection to the south via Windmill Avenue.

The requirement for the preparation of a Fire Management Plan to address fire and emergency management issues has been included within the recommended scheme provisions applicable to this rezoning.

### Options and Implications

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

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

Option 1 is recommended.

### Conclusion

The rezoning of Lot 791 Walker Road, Serpentine from 'Rural' to 'Rural Living A' is in keeping with the intention and direction of the Rural Strategy. It is considered that the indicative SGP may require further consideration to determine whether it would ultimately be in keeping with the surrounding land use. Council will be given the opportunity to formally consider the endorsement of the SGP once further discussions between the Shire and the applicant have taken place.

Future development of the subject site will be required to conform to the requirements of TPS 2 and the Rural Strategy, as well as the requirements of regulatory agencies such as the Department of Health and the WAPC. Rezoning of the subject site will enable future subdivision to occur in a manner that will satisfy the requirements of these agencies. It is recommended that the Council initiate an amendment to TPS 2 to change the zoning of Lot 791 Walker Road, Serpentine from 'Rural' to 'Rural Living A'.



**Attachments:**

- [OCM062.1/10/13](#) – Location Plan and Aerial Photograph (E13/3931)
- [OCM062.2/10/13](#) – Proposed Scheme Amendment Plan (E13/3930)
- [OCM062.3/10/13](#) – Indicative Subdivision Guide Plan (E13/3929)
- [OCM062.4/10/13](#) – Scheme Amendment Application Documents (IN13/16467)

**Alignment with our Strategic Community Plan:**

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

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

**Statutory Environment:**

- *Planning and Development Act 2005*
- *Town Planning Regulations 1967*
- TPS 2
- Rural Strategy (1994)
- LPP No.23 – Serpentine Town site Planning Framework (LPP 23)
- State Planning Policy (SPP) 2.1 - Peel-Harvey Coastal Plain Catchment

**Financial Implications:**

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

**Voting Requirements:** Simple Majority

**OCM062/10/13 COUNCIL DECISION / Officer Recommendation:**

Moved Cr Urban, seconded Cr Wilson  
That Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005* amends the Shire of Serpentine Jarrahdale Town Planning Scheme No 2 by:
  - a) Rezoning Lot 791 Walker Road, Serpentine from “Rural” to “Rural Living A” as depicted on the Scheme Amendment map;
  - b) Amending the Scheme Map by delineating Lot 791 Walker Road, Serpentine within the Rural Living A Zone and identifying it as RLA 28; and
  - c) Inserting in Appendix 4A Rural Living Zone the following:

<p><b>28.</b></p>	<p><b>Lot 791 Walker Road, Serpentine</b></p>	<p><b>1. Within the Rural Living A zone the following land uses are permitted, or are permitted at the discretion of the Council:</b></p> <p><b>Use Classes permitted (P):</b>  <b>Single House</b>  <b>Public Recreation</b>  <b>Public Utility</b></p> <p><b>Discretionary Uses (AA):</b>  <b>Ancillary Accommodation</b>  <b>Home Business</b>  <b>Home Occupation</b></p> <p><b>All other uses are prohibited.</b></p> <p><b>In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management shall only permit such uses when it is satisfied following consultation with government agencies that the land use does not involve excessive nutrient application or clearing of land.</b></p> <p><b>2. 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 has a phosphorous retention capacity appropriate for the site which conforms to relevant Department of Environment Regulation and Department of Water provisions.</b></p> <p><b>3. No indigenous vegetation or trees shall be destroyed or cleared except, but subject to the subdivider or landowner obtaining the prior written consent of the Council, where such vegetation is identified as structurally unsound by an accredited arboriculturalist or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems and/or driveways, or to accommodate an approved use.</b></p> <p><b>4. Prior to the clearance of the subdivision, the subdivider shall prepare and implement a Fire Management Plan that identifies the need for and the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary to the specification and satisfaction of the local authority and the Department of Fire and Emergency Services.</b></p> <p><b>5. The keeping of horses, sheep, goats, cattle or other grazing animals shall not be permitted.</b></p>
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		<p>6. At the time of submitting a building application for each lot, a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shows site contours, existing trees and stands of vegetation, a building envelope, those trees and vegetation to be removed and retained and proposals for tree planting and maintenance.</p> <p>7. Notwithstanding the controls specified by provision 1, development and use of the land is subject to the provisions of the Water Corporation By-Laws applying to underground water supply and pollution control.</p> <p>8. All buildings and effluent disposal systems to be located within the building envelopes defined on the approved Building Envelope Plan unless otherwise approved in writing by the Council.</p> <p>9. The subdivider shall prepare and implement a Landscape and Vegetation Management Plan to the satisfaction of Council, in accordance with the Subdivision Guide Plan.</p>
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2. The Amendment documentation be prepared in accordance with the standard format prescribed by the *Town Planning Regulations 1967*.
3. The Amendment is, in the opinion of the Council, consistent with Regulation 25(2) of the *Town Planning Regulations 1967*, and shall now be referred to the Environmental Protection Authority as required by Section 81 of the Act.
4. Subject to the advice of the Environmental Protection Authority under Section 48A of the *Environmental Protection Act*, that the amendment is not subject to formal environmental assessment, advertise the amendment in accordance with the requirements of the *Town Planning Regulations 1967* (as amended) for a period of not less than 42 days.

**CARRIED 9/0**

<b>OCM063/10/13</b>	<b>Proposed Single Dwelling, Outbuilding and Retrospective Application for Light Industry - Machinery Assembly and Distribution Plant – Lot 800 (228) King Road, Oldbury (P02118/05)</b>
Author:	Tom Hockley – Senior Planner
Senior Officer:	Brad Gleeson – Director Planning
Date of Report:	16 September 2013
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Dykstra Planning  
 Owner: Elaine Deborah Greaves  
 Date of Receipt: 20 August 2013  
 Lot Area: 11.09ha  
 Town Planning Scheme No 2 Zoning: Rural Groundwater Protection, Rural  
 Metropolitan Region Scheme Zoning: Rural – Water Protection, Rural

### Introduction

To consider a new development application for a dwelling and an outbuilding which falls within the performance based floor area of Local Planning Policy 36 *Non-Urban Outbuildings* (LPP36) and also a new development application for five years, for retrospective approval for Light Industry (machinery assembly plant and distribution plant). This new application which is a revision of a previous application refused by Council at its Ordinary Council Meeting of 27 May 2013.

The application has been made in connection with an existing business known as 888 Crushing & Screening Pty Ltd. The application is retrospective in terms of the use of the site which is understood to have been operating since 2010. The primary issues to be addressed are:

- The regularisation of the existing use;
- The proposed new buildings, landscaping and stormwater retention;
- Whether a time limited approval of 5 years is appropriate;
- The provisions of the Shire's draft LPP 36; and
- The zoning under the Shire's Town Planning Scheme No. 2 (TPS 2).

The northern portion of the lot is zoned 'Rural Groundwater Protection', while the southern portion is zoned 'Rural'. The application relates to the southern portion only.

The application was advertised in accordance with the relevant provisions of TPS 2 and Local Planning Policy 27 - Stakeholder Engagement (LPP 27). A number of submissions have been received and these are discussed in further detail in the body of the report. It is recommended that the application be refused.

### Background:

It is understood that the current tenants, 888 Crushing and Screening Pty Ltd, first occupied the site in 2010. In January 2011, a Shire officer observed a number of green agricultural machines and plant stored on the hardstand area on the south end of the property. No further action was taken at that time. Since then, the extent of storage at the site has increased, with the inclusion of a white dome tarp shelter and additional machinery.

In August 2012, the Shire proceeded to issue a Section 218 Direction for unauthorised land use related to storage of industrial equipment. Notwithstanding the site's history, officers have found no record of any neighbour complaints relating to the use of the site.

An application was made on 21 January 2013 seeking Council's approval for an oversized outbuilding which exceeded the maximum allowable floor area under Local Planning Policy 36 Non-Urban Outbuildings (LPP 36) together with a retrospective application for a machinery assembly and distribution plant. At its Ordinary Council Meeting of 27 May 2013, Council resolved to refuse the proposal on the basis that the proposed land use was inconsistent with the objectives of the Rural zone and the Shire's Rural Strategy and because the proposed outbuilding fell within the 'unacceptable development' criteria of LPP 36. As part of this resolution, Council decided to provide the applicant with a period of five years to cease operations in order to allow sufficient time to relocate the business to an appropriately zoned site.

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

- OCM196/05/13 – Refusal of application

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

The application has been advertised in accordance with the requirements of Clause 6.2.1 of TPS 2 and LPP 27 - Stakeholder Engagement. At the end of the advertising period a total of five submissions had been received. The key issues which were identified are as follows:

- The proposed use in relation to the Rural zoning of the land;
- The proposal represents an industrial development;
- Potential impacts on ground water;
- The visual impact of the proposal; and
- Amenity impacts.

#### **Comment:**

##### Proposal

The application currently being considered outlines the proposed land use and development in the context of the 'Rural' zone under TPS 2. The applicant has submitted that the proposed use is consistent with this zone given that it serves to provide for rural based industries.

The services undertaken on site include the distribution of crushing and screening machinery, which are generally used in the mining and extractive industries, the provision of parts for the machinery they distribute and the assembly of such machinery. The operation generates 3 to 4 vehicular trips to and from the site per day and the assembling of approximately 1 to 2 machines per month.

The subject site contains the infrastructure utilised by 888 Crushing and Screening Pty Ltd, as well as a residential dwelling to the north and a pasture and grazing area within the southern portion of the lot. The applicant advises that the machinery is currently assembled and stored on the existing hardstand areas surrounding the shed and office buildings, the business operations do not include the on-site servicing of machinery. The business has chosen this site for its operations as it is nearby many of their current and prospective clients, with most of their existing client base situated within a 10km radius of the subject land.

The groundwater protection zone affects the northern half of the site only. The existing infrastructure, including storage shed, external storage and hardstand areas and demountable office, are located adjacent to the southern boundary of the groundwater protection zone. It is proposed that the shed and hardstand areas will be moved further south, thereby increasing the separation distance to the sensitive groundwater protection area to the north.

The applicant is seeking retrospective planning approval for a machinery assembly plant, as well as approval for the construction of an outbuilding, single dwelling, hardstand area and landscaping. The applicant is proposing a time limited approval of 5 years to enable Council to reconsider the land use at a time when future planning for the locality has progressed. As the current activities and structures on site do not have planning approval; the planning development application is, in part, seeking to 'regularise' the existing use and seeking approval for the new development.

### Subdivision

On 29 March 2012 the Western Australian Planning Commission (WAPC) issued approval to subdivide the subject site into three lots. The subdivision separates the northern portion of the site within the groundwater protection zone from the remaining southern portion of the lot. The southern portion of the lot is divided into two lots, the northern of the two lots being the site in which 888 Crushing and Screening Pty Ltd currently operate from. The applicant has advised that 888 Crushing and Screening Pty Ltd intend to purchase the lot on which the existing operations are located.

Council must have regard to the intensive nature of the proposed land use. Currently, the operations are buffered to the south by a large paddock. With the newly created lot to the south, there may be higher risk of land use conflict and amenity issues, especially once a dwelling is built on the new lot.

### Current Zoning of Land

The proposed development is located on land zoned 'Rural' under the Shire's TPS 2. The proposed use would most appropriately fit within the 'Light Industry' use class under TPS 2. Appendix 1 of TPS 2 provides the interpretations for terms used throughout the Scheme. The 'Light Industry' use class is classified as an 'SA' use and is defined as follows:

#### **Industry Light** - means an industry:

- (i) *in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products; and*
- (ii) *the establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, gas, electricity, sewerage facilities, or any like services.*

The proposed operations are considered capable of fitting within the use given that the predominant impact arising from the site is the visual appearance of the machinery and plant from King Road and neighbouring properties. Current noise impacts associated with machinery assembly and vehicle movements are considered to be acceptable in the context of the 'Rural' zone.

Clause 5.10.1 of the TPS 2 outlines the objectives for the Rural Zone, as follows:

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

The objective of the Rural zone is to provide for a wide variety of land uses. The industrial nature of the operations in this instance, as defined by the amount and size of machinery assembled and stored on site, would have the potential to visually dominate the locality. While site layout and landscaping treatments could assist in reducing the amenity impacts on surrounding landowners, the operation in its current form is considered to be inconsistent with the purpose and intent of the Rural zone.

### Rural Strategy

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

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

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

While the locality is currently occupied by variety of land uses, the area is dominated by agricultural uses and production which function to retain the rural character of the area. Land uses and associated structures are generally low in scale and has limited visual impacts from main transport routes and property boundaries.

Light Industrial land uses fall within the ‘undesirable’ uses in the Rural Policy Area and therefore must be assessed in light of the surrounding land uses and potential amenity impacts. The subject land is bordered to the west by rural lifestyle properties, with the closest dwelling located approximately 100m to the north-west of the site operations. It is also anticipated that the existing dwelling on the subject site will be retained for residential purposes once the site is subdivided. Therefore, the proximity of the light industrial operations to existing and future residences should be a key consideration in the determination of this application.

### Site Plans

The applicant is proposing the removal of all existing buildings and structures and the construction of a 600m<sup>2</sup> outbuilding with a 200m<sup>2</sup> lean-to. The building will accommodate machinery and equipment. The building will have a wall height of 5.0m and a roof ridge height of 6.0m. The building will be set back 49.0m from the western boundary and 94.53m from King Road at the eastern boundary. The building will be constructed of colorbond walls and zincalume roof with a grey and green colour scheme.

There is an element of screening from existing vegetation along the east of the property boundary adjacent to King Road. This vegetation will be retained and enhanced as part of the development. The proposed building will be constructed of colours to minimise the visual impact from the east and west. It is noted that the proposed shed will be closer to the western boundary and adjoining properties and is considered to be significant in terms of mass and bulk due to its overall size.

Adjacent to the north of the building is a hardstand area of approximately 6,247m<sup>2</sup>. It is proposed that this area will be constructed of road base and will house the machinery during and following assembly.

### Draft LPP 36 – Non-Urban Outbuildings

LPP 36 provides a framework for acceptable development, performance based and unacceptable criteria which can be applied to any assessment of an outbuilding. The following assessment of the proposed development has been made against LPP 36.

- **Overall Siting** – Table 1 requires a minimum rear setback of 20m for outbuildings in the Rural zone. The proposal meets the acceptable development criteria for setbacks as it is sited 49.0m from the rear (west) boundary.
- **Vegetation** – No clearing of natural vegetation has been proposed.
- **Landscaping/Screening** – Landscaping at the north, east and west interfaces has been proposed. This landscaping may be insufficient to appropriately screen the development from the western boundary, as well as from King Road. Details of the proposed landscaping would be required to be submitted in the form of a Landscaping Plan to enable an appropriate level of assessment of screening function.
- **Materials** – It is proposed that the walls will be constructed in colorbond and the roof will be constructed in zincalume. The collarbone material is consistent with the preferred materials. Zincalume falls under the performance based criteria and therefore may result in visual impacts to surrounding properties.
- **Colours** – It is proposed that a green and grey colour scheme will be implemented. It is considered that this colour scheme would be generally consistent with the acceptable development to ensure that the building will be visually recessive and blend into the landscape.

The proposed building complies with the building height requirements and performance based floor area requirements as outlined in the Shire's draft LPP 36. LPP 36 enables consideration of proposals which fall within the performance based criteria where the applicant can demonstrate that the development will not result in adverse impacts on neighbouring properties.

## TPS 2

Clause 6.4.2 of TPS 2 must also be considered when determining applications for development. These matters include:

<b>Scheme Provisions:</b>	<b>Response:</b>
<i>(a) the purpose for which the subject land is reserved, zoned or approved for use under the Scheme;</i>	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 proposed Light Industry use is not considered to be consistent with the purpose of the Rural zone.
<i>(b) the purpose for which land in the locality is reserved, zoned or approved for use under the Scheme;</i>	The subject site is located in an area predominately zoned Rural under TPS 2. The development is not considered to be consistent with the zoning of the locality.
<i>(c) the size, shape and characteristics of the land, and whether it is subject to inundation by floodwaters;</i>	Due to the narrow shape of the subject site, the location of the proposed building has the potential to adversely impact the amenity of surrounding properties. All stormwater runoff could be addressed by a planning condition.
<i>(d) the provisions of the Scheme and any Council policy affecting the land;</i>	Assessment of the proposal against the provisions of draft LPP36 has been provided.
<i>(e) any comments received from any authority consulted by the Council;</i>	The submission received from the Department of Water provided information relating to the design of on-site effluent disposal systems and the separation between ground water levels. There was however no indication of objection.
<i>(f) any submissions received in response to giving public notice of the application;</i>	Five submissions were received from the community during the community consultation



	<p>period. The concerns outlined in these submissions related to the industrial nature of the proposed use of land.</p> <p>The Shire notes the concerns of the submitters as it is considered that the nature of the proposed use combined with the scale of the proposed shed would be consistent with an industrial scale operation.</p>
<i>(g) the orderly and proper planning of the locality; and</i>	<p>The proposed building will provide for an upgraded facility which would support the continued operation of the site for its current purpose. In considering this proposal, any upgrades may result in increase impacts to neighbours and the locality in general. It is considered that the continued operation of the businesses would be inconsistent with the preferred character of the area.</p>
<i>(h) the preservation of the amenity of the locality.</i>	<p>The proposal would be result in an adverse impact on the amenity of the locality.</p>

Overall it is considered that the proposal would be detrimental to the preferred character and land use outcomes for the locality.

#### Consideration of Submissions

As response to the key issues identified as a result of the public consultation process are considered in the following section.

#### *The proposed use in relation to the Rural zoning of the land*

Consideration of the statutory and strategic planning framework applicable to this proposal has been provided within this report. While a 'Light Industrial' land use can be considered by Council as a discretionary use within the Rural zone, the proposed activities do not accord with the purpose and intent of the Rural zone. In addition, a 'Light Industrial' use falls within the 'undesirable' uses in the Rural Policy Area indicating that a land use of the intensity and scale of the current proposal would be more suited to a light industrial or commercial locality.

#### *The proposal represents an industrial development*

The Shire has determined that the proposal would fit within the 'Light Industrial' use class as defined within TPS 2. It is considered that the amenity impacts associated with the proposed use have the potential to disrupt the character of the rural character of the locality.

#### *Potential impacts on ground water*

While contamination of ground water as a result of the activities occurring on-site is a valid concern, the Shire has investigated the operations and has concluded that the activities are acceptable with regard to environmental impacts.

#### *The visual impact of the proposal*

The visual impacts associated with the proposal have been a key consideration with regard to the application due to the intensive nature of the operations. Established landscaping exists at the site's interface with King Road and additional landscaping around the development area has been proposed as indicated on the site plan. However, new landscaping for screening will take time to establish to provide for a suitable screening function. The visual presence of the land use and associated machinery from King Road is intensified by its proximity to this road which functions as a main arterial connecting Mundijong Road to the south and Thomas Road to the north. From a visual perspective, the operations do not maintain the preferred rural character of the locality. The site is also highly visible from surrounding properties, being set back approximately 49.0m from the western boundary.

Amenity impacts

Other amenity impacts associated with the proposal including noise, dust, odour and vibrations would be managed in part by the proposed outbuilding and hardstand. It is noted that the proposed activities undertaken on-site involve the distribution and assembly of crushing and screening machinery and the provision of parts. It is therefore proposed that the assembly of machinery as well as loading and unloading of machinery will occur on the hardstand which would limit dust generation, while the storage of parts will take place within the outbuilding. Noise associated with vehicle movements and machinery assembly would be limited to normal business hours and it is understood that no heavy equipment is used in the assembly of machinery. The operations are not known to emit odours of any sort.

Existing Land Use Activity

The existing land use provides a service to local industry and provides employment within the Shire, both of which are considered to be significant in terms of the local economy. It is noted that in the Council resolution of 27 May 2013, a five year period was offered for the applicant to cease operations to find an alternative site within the Shire. It is therefore considered that Council may uphold its previous resolution to not pursue further compliance action and allow the ongoing operation of the business for a five year period to facilitate relocation of the business to a future planned industrial area in the Shire.

Options and Implications

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

1. Approve the application, subject to conditions.
2. Refuse to grant development approval.

Option 2 is recommended at this time.

Conclusion

The proposal involves the formalisation of the existing machinery assembly and distribution plant and site improvements in order to enable the ongoing operations to occur. The proposed use has been assessed in accordance with the provisions of the Rural zone in TPS 2 and the Shire's Rural Strategy and found to be inconsistent with the objectives and intent of these provisions.

**Attachments:**

- [OCM063.1/10/13](#) – Location Plan and Aerial Photograph (E13/3908)
- [OCM063.2/10/13](#) – Application Documents (IN13/14658)
- [OCM063.3/10/13](#) – Site Plan (E13/3914)
- [OCM063.4/10/13](#) – Outbuilding Development Plan (IN13/18389)
- [OCM063.5/10/13](#) – Dwelling Development Plan (E13/3912)
- [OCM063.6/10/13](#) – Schedule of Submissions (E13/3907)

**Alignment with our Strategic Community Plan:**

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

Objective 4.1	Sustainable Industries
Key Action 4.1.1	Target and engage sustainable, environmentally and socially responsible industries and businesses

**Statutory Environment:**

- TPS 2
- Rural Strategy
- LPP 36 – Non-Urban Outbuildings

**Financial Implications:**

In the event that Council resolve to refuse the development application the applicant may have the right to seek a review before the State Administrative Tribunal.

**Voting Requirements:** Simple Majority

**Officer Recommendation:**

That Council refuse the application for the proposed single dwelling, outbuilding and retrospective application for Light Industry - Machinery Assembly and Distribution Plant at Lot 800 (228) King Road, Oldbury for the following reasons:

1. The proposed land use is inconsistent with the objectives of the Rural Zone of the Shire's Town Planning Scheme No 2.
2. The proposed Light Industrial land use falls within the 'undesirable' uses in the Rural Policy Area within the Shire's Rural Strategy.
3. The existing land use and proposed development has the potential to establish an undesirable precedent and would be inconsistent with the principles of orderly and proper planning.

**OCM063/10/13 COUNCIL DECISION:**

**Moved Cr Wilson, seconded Cr Kirkpatrick**

**That Council grant planning consent for a temporary approval (five years maximum) for the proposed Light Industry/Machinery Assembly and Distribution Plant at Lot 800 (No 228) King Road, Oldbury, subject to:**

1. **Standard conditions of planning approval as determined appropriate by Council's Director Planning.**
2. **All proposed outbuildings shall comply with the provisions of Council's Local Planning Policy 36 in relation to the maximum wall height, maximum ridge height and maximum area of the outbuilding.**

**CARRIED 9/0**

**Council Note: Council changed the Officer Recommendation in Item OCM063/10/13 for the following reasons:**

- a) **Council has already formally agreed to allow the use of the land to remain for a period of five years.**
- b) **Council has the discretion under the Town Planning Scheme within the current Rural zoning to grant a temporary approval for such land use.**
- c) **The issue of a planning approval provides Council with greater opportunity to ensure appropriate management and controls are in place in relation to the land use.**
- d) **the issue of a 5 year planning approval provides all parties with certainty for the future, and provides certainty for the eventual decommissioning and relocation of the land use to another site.**

<b>OCM064/10/13</b>	<b>Proposed Redevelopment of Oakford Traders Liquor Store, Convenience Store and Service Station – Lot 196 Thomas Road, Oakford (P04121/01)</b>
Author:	Helen Maruta – Senior Planner
Senior Officer:	Brad Gleeson – Director Planning
Date of Report:	1 October 2013
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

### Responsible Authority Report

<b>Property Location:</b>	Lot 196 Thomas Road, Oakford
<b>Application Details:</b>	Proposed Redevelopment of Oakford Traders Liquor Store, Convenience Store and Service Station.
<b>DAP Name:</b>	Metro East JDAP
<b>Applicant:</b>	Landvision Pty Ltd
<b>Owner:</b>	Steven Kargotich
<b>LG Reference:</b>	P04121/01
<b>Responsible Authority:</b>	Shire of Serpentine Jarrahdale
<b>Authorising Officer:</b>	Louise Hughes – Manager Statutory Planning
<b>Department of Planning File No:</b>	DAP:DP/13/00615
<b>Report Date:</b>	26 September 2013
<b>Application Receipt Date:</b>	16 July 2013
<b>Application Process Days:</b>	70 days
<b>Attachment(s):</b>	Location Plan Aerial Photograph Development Plans and Elevations (drawing nos. P.03, P.10, P.02, P.11, P.13, P20, Referral Area Boundary Map Schedule of Public and Government Agency Submissions LPP 51 Drainage Report and Drainage Concept Plan (P.12) Tank Excavation Report and Photographs Traffic Report, Addendum Report and Concept Plan (drawing No.SK010)

### Recommendation:

That the Metro East Joint Development Assessment Panel (JDAP) resolves to:

1. Accept that the DAP Application reference DP/1300615 detailed on the DAP Form 1 dated 16 July 2013 is appropriate for consideration in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. Approve the DAP Application reference DP/13/00615 as detailed on the DAP Form 1 dated 16 July 2013 and accompanying plans P.02, P.03, P10, P11, P12, P13, P20, SK010, in accordance with the provisions of Clause 6.4.3 of the Shire of Serpentine Jarrahdale Town Planning Scheme No.2, subject to the following conditions:

## **Movement Network**

1. The developer shall be responsible for all costs involved in the land acquisition, design and construction of the full movement intersection and the westernmost left out access. This includes signing, road markings, relocation of services and street lighting.
2. Any land required for road widening purposes shall be ceded to Main Roads for road dedication purposes to be included into the Thomas Road reserve.
3. No earthworks shall encroach into the Thomas Road reserve.
4. No stormwater drainage shall be discharged into the Thomas Road reserve.
5. The applicant shall make good any damage done to the existing verge and its vegetation within the Thomas Road reserve.
6. The vehicle parking area, access way(s), right of way and crossover shall be designed, constructed, sealed, kerbed, drained, line marked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering prior to the occupation of the development for the use hereby permitted.
7. A minimum of 51 car parking bays are required to be provided on site.
8. A minimum of 3 car parking bays to be provided and marked for the exclusive use of vehicles displaying ACROD issued disabled parking permits. Such bay shall be located conveniently to the principal building entrance and with a minimum width of 3.2 metres.
9. A Traffic Management Plan being submitted and approved by the Director Engineering prior to the commencement of site works and thereafter implemented.
10. Any required "No parking signage" and vehicular guide signs to the parking facility to be installed at the applicant's cost to the specification and satisfaction of the Director Engineering and maintained at all times.
11. Shared paths, bicycle parking facilities and end of trip facilities being provided in accordance with Local Planning Policy No.58 Bicycle Facilities in Urban Developments to the satisfaction of the Director Engineering.

## **Site Works**

12. The owner is to provide a geotechnical report certifying that the land is physically capable of development prior to the commencement of site works and that any filling or backfilling has been adequately compacted.
13. Works (including earthworks) are not to commence until Council has approved detailed engineering plans and specifications of the works, including earthworks, retaining walls, roads and paths, drainage, clearing, landscaping/rehabilitation and soil stabilisation measures, that apply both during and after construction.
14. Prior to commencement of any site works, a Dust Management Plan is to be developed in accordance with the Department of Environment and Conservation "Guidelines for the prevention of dust and smoke pollution from land development sites in Western Australia" and submitted to the Shire for approval. Shire approval of the Dust Management Plan must be obtained prior to the commencement of works and thereafter implemented at all times.

## **Drainage**

15. An Urban Water Management Plan being prepared and approved prior to the commencement of site works to the satisfaction of the Director Engineering. Once approved, the Urban Water Management Plan is to be implemented in its entirety.
16. A petrol and oil trap being installed in the car park drainage system to the specification and satisfaction of Council's Director Engineering.

## **Amenity**

17. Operating hours are limited to 5am to 9pm seven days a week unless otherwise approved by Council.

18. An operational management plan shall be prepared, approved by Director Planning and thereafter implemented at all times.
19. Only the colours and materials identified on the Schedule of Materials and Finishes, attached to and forming part of this approval, are to be used unless the prior written approval of the Shire is obtained for an alternative.

### **Car wash bay**

20. Waste water discharge from the car wash bay must meet the stipulated following waste water quality criteria from the 'Indicative Wastewater Discharge Criteria', table 1, Mechanical Equipment washdown – WQPN68, Department of Water to the satisfaction of Director Planning.
21. The car wash waste water system mechanical operating performance should be tested quarterly, with all inspection results, start-up analytical data recorded in a log book, and data kept for 2 years.

### **Loading Bay**

22. All loading and unloading to take place within the boundaries of the premises.
23. At least one loading bay having minimum dimensions of 3.5 metres and 7.0 metres for the loading and unloading of commercial vehicles shall be provided separate from parking areas and access ways.

### **External Lighting**

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

### **Bin Storage and Pick-Up**

25. The applicant is to submit a Waste Storage and Removal Plan to the satisfaction of the Director Planning prior to the commencement of site works. Once approved, the Waste Storage and Removal Plan shall be implemented in its entirety.

### **Signage**

26. Prior to the commencement of site works, a Signage Strategy detailing location, size and height of signage for the whole development, including wall signs, window signs, under verandah signs and fascia signs, is to be submitted for the approval of the Director Planning. All signage shall be the subject of separate application for development approval unless otherwise exempt under the Scheme.
27. No signs are to be displayed in the road reserve adjacent to the site at any time.

### **Landscaping**

28. A Landscape and Vegetation Management Plan for the development, including all car parking areas, access roads, road verges and areas of open space, shall be submitted and approved by the Director Engineering prior to the commencement of site works. The approved plan shall thereafter be implemented in its entirety.

### **Public Art**

29. A monetary contribution being paid to Council for the establishment of public art in accordance with Council's Local Planning Policy No.59 - Public Art Policy for Major Developments to the satisfaction of the Director Planning.

### Advice notes

1. A planning consent is not an approval to commence any works. A building permit must be obtained for all works. The application for a building permit must satisfy the conditions specified in this decision notice.
2. An Application for the Treatment of Sewage and Disposal of Effluent and Liquid Waste is required to be submitted to and approved by the Shire. On-site effluent disposal system must comply with the provisions of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.
3. All food premises shall comply with the Food Act 2008, Food Regulations 2009 and Australia New Zealand Food Standards Code.
4. The food business is not to commence the sale of food without the prior approval of the Local Government. The applicant is required to submit an Application for Registration of a Food Business together with floor, elevation plans and specifications prior to commencing operation.
5. The Landscape and Vegetation Management Plan shall:
  - a) Be drawn to a scale of 1:200 and show the following:
    - i. The location, name and mature heights of proposed trees and shrubs at a rate of one tree per six parking bays;
    - ii. Areas of drainage swales for at source storm water percolation; and
    - iii. Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles.
  - b) Incorporate measures creating sustainable landscapes extensively using local plants for nutrients reduction, water conservation and creation of a “sense of place”. This includes dry planting of local plants on verges.
  - c) Include the provision of semi mature trees to ensure that shade in the car park and landscaping amenity is provided in a reasonable period of time.
6. Prior to the approval of the Urban Water Management Plan, the proposed development layout and configuration may need to be modified and where appropriate may require an application for amended development approval to be obtained.
7. The design of the car parking bays is to comply with the relevant Australian Standards and Regulations.
8. The applicant shall be aware that the full movement access will revert to a left in -left out access only when Thomas Road is duplicated. The project for the upgrading of Thomas Road is not in Main Roads 4-year forward estimated construction program and all projects not listed are deemed to be long term. Please be aware that timing information is subject to change and that Main Roads assumes no liability whatsoever for the information provided.
9. The applicant must obtain approval from Main Roads before all works are undertaken within the Thomas Road reserve. The applicant seeking access to the Main Roads network will be required to submit an Application as outlined in the "Application Kit and Guidelines" for State roads. Application Kits can be found at the following locations: <https://www.mainroads.wa.gov.au/OurRoads/Pages/WorksOnMainRoads.aspx>
10. Main Roads approval for the construction drawings is required before any work is undertaken within the Thomas Road reserve. A detailed traffic management safety plan while working within the road reserve is to be submitted as part of this approval.
11. Any services, infrastructure or roadside furniture that requires relocation as a result of the applicant's works will be at the cost of the applicant.
12. With regards to condition 1, developer costs include Main Roads costs involved in the checking of the design and constructions drawings and any site inspections.
13. With regards to condition 20, where required by the Shire of Serpentine Jarrahdale, the site operator should take representative samples at least 6 monthly and have analysed by a NATA approved laboratory. The analysis shall be compared to the discharge water quality guidelines stated in (Indicative Wastewater Discharge Criteria, table 1, Mechanical equipment washdown – WQPN68 Department of Water).

## Background:

Insert Property Address:	Lot 196 Thomas Road, Oakford
Insert Zoning	MRS: Rural
	TPS: Rural
Insert Use Class:	Service Station Convenience Store Liquor Store - use not listed
Insert Strategy Policy:	Local Planning Policy No 51 – Oakford Rural Living Area Planning Framework – Business Area Precinct 1
Insert Development Scheme:	Town Planning Scheme No. 2
Insert Lot Size:	62 hectares
Insert Existing Land Use:	Convenience Store and Liquor Store
Value of Development:	\$3.0 Million

## Site History

The subject site known as the Oakford Traders was established in approximately 1970 comprising a service station, general store and liquor store. The service station component of the business was discontinued and decommissioned in 2007. The site was subsequently cleaned and remediated. The general store and the liquor store continue to operate on the subject land.

The subject site as identified in the Oakford locality is contained within portion of land that has been foreshadowed under the current Shire of Serpentine Jarrahdale (April 1994) Rural Strategy as being capable of development into an Oakford Rural Village. In addition the site is also identified by the Jandakot Structure Plan under the Rural Economic Living Area (RELA).

## Site context

The subject property is located on the east of Nicholson Road at its intersection with Thomas Road. As such the development proposal abuts Thomas Road to the north and Nicholson Road to the west. Thomas Road is classified as a Primary Distributor by Main Roads and Nicholson Road is classified as a 'District Distributor A' road. The District Birrega Drain runs along the Eastern Boundary of the subject property.

In addition to a residential property to the south west of the property, the land contains an existing business enterprise, (Oakford Traders) which currently comprises a convenience store and liquor store. The property is surrounded largely by rural paddocks. A plan showing the location of the property is contained as Attachment 1.

## Previous decisions

The site has been identified as potentially suitable for future development in the form of Oakford Rural Economic Living Area, the detail of which has been subject to a number of Council resolutions as follows:

- Council in May 2008 resolved to provide in-principle support for the rural village concept as identified in the April 1994 Shire of Serpentine Jarrahdale Rural strategy;
- Council in July 2011 considered the finalisation of Local Planning Policy (LPP) 51 – Oakford Rural Economic Living Area Planning Framework, with a view to setting out the processes which needs to be followed in assessment and determination of development of applications, scheme amendments, structure plans, detailed area plans and subdivision applications in the policy area;



- In March 2012 Council supported an application for a Metropolitan Region Scheme (MRS) amendment to this land for urban purposes.

The application being considered relates to part of the commercial/business component of the RELA as identified in LPP51 as Precinct 1.

The applicant considers the proposed development to be the inception stage in the development of a wider Oakford Urban Area.

### **Details: outline of development application**

Approval is being sought for the relocation and redevelopment of the Oakford Traders (including redevelopment of a service station) approximately 100 metres to the eastern portion of the current location. The applicant, motivated to align the existing operations into line with contemporary standards, proposes an aesthetic architectural design that will provide various practical uses and services as well as enhancing the general presentation of the area. The proposal represents the first stage of development within the precinct 1 – Business Area of the LPP51. It is envisaged that the proposal will provide an appropriate entry statement to the future Oakford Urban Village and will continue to provide improved local services to the existing community in accordance with the provisions of the Shire's Activity Centre Strategy.

Details of the proposal are as follows:

- Relocation of the convenience shopping store that includes café/restaurant facilities and redevelopment of a service station with a floor area of 340m<sup>2</sup>;
- Relocation of the current liquor store with a floor area of 292m<sup>2</sup>;
- Car wash and rest area;
- Service station with fuel for cars and separate fuel and parking for trucks;
- Security Fencing (2.1 metres) being proposed at the rear; and
- Playground and recreation area/alfresco.

A total of 71 car parking bays and 16 truck parking spaces are proposed to service the development, including 3 disabled bays.

The applicant summarises the development proposal as follows:

- *The new Oakford Traders is an imaginative modern development concept for a small business precinct based in a rural landscape. The design aims to integrate convenience, vehicle servicing as well as recreational and respite activities at the junction of significant transport links in the Oakford area.*
- *The new Oakford Traders includes two commercial premises: one premise for the convenience store and fuel station; and one premise for the liquor store. The convenience/fuel station is 340m<sup>2</sup> of floor area for convenience shopping and cafe/restaurant facilities, while the liquor store provides for 290m<sup>2</sup> of floor area.*
- *The proposed convenience facilities are to form part of a service station operation including a cafe/car wash and rest area which will be specifically designed for truck servicing.*

### **Legislation and policy:**

#### Legislation

- MRS
- Planning and Development Act 2005
- Serpentine Jarrahdale Shire Town Planning Scheme No. 2 (TPS 2)
- Jandakot Structure Plan
- Shire of Serpentine Jarrahdale Rural Strategy

## State Government Policies

### State Planning Policy 4.2 Activity Centres for Perth and Peel

Activity Centres for Perth and Peel is a regional planning framework which seeks to reduce the overall need to travel through supporting the use of public transport and promoting more energy efficient urban form. In SPP 4.2, Oakford is designated as a Neighbourhood centre. This status has been addressed in the Shire's Activity Centres Strategy and LPP No 70 - Activity Centres. The subject development is considered to be consistent with the policy as Neighbourhood centres are important local community focal points that help provide daily to weekly household shopping and community needs. Neighbourhood and local centres play an important role in providing walkable access to services and facilities for communities. It is considered that the development proposal offers an initial stage of an activity centre in Oakford that will provide services and goods to the wider Oakford Urban Village community and the existing community.

### State Planning Policy 2.1 Peel-Harvey Coastal Plain Catchment

The subject site is located within the Peel-Harvey catchment area and as such the provisions of SPP 2.1 apply. 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. The applicant has provided information that the nature of the site works will involve raising the development site by one meter above the ground level including minor excavations associated with the proposal. As such it is anticipated that such works are not likely to adversely impact on the environment and that suitable controls in relation to water management will be addressed and implemented and controlled conditions of planning approval.

## Local Policies

- LPP 51 – Oakford Rural Economic Living Area Planning Framework
- LPP 5 - Advertising Signs
- LPP 24 (revised draft) - Designing Out Crime
- LPP 59 - Public Art Policy for Major Developments
- LPP 62 (draft) - Urban Water Management
- LPP 63 (draft) - Integrated Land Use and Transport Planning
- LPP 67 (draft) - Landscape and Vegetation
- LPP 70 – Activity Centres

An assessment of the proposal against each of these LPPs is detailed below. Whilst a number of policies are still in draft form, they have been advertised for public comment but have not yet been finally adopted as required by clause 9.3(b) of TPS 2. However, they are considered to be seriously entertained planning documents that can be used in the assessment of the current application.

### LPP 51 Oakford Rural Economic Living Area Planning Framework

The policy provides a planning framework to support implementation of the Rural Economic Living Area (RELA) identified by the Jandakot Structure Plan and the Oakford Rural Village identified within the Shire of Serpentine Jarrahdale April 1994 Rural Strategy. LPP 51 was prepared to provide clear guidance on the statutory process which is required to be undertaken by proponents and Council in the design, assessment, consideration and determination of development applications.

The policy identifies a number of precincts which are in the ownership of a number of land owners and provides them with a framework to follow should they consider their land is

suitable for future development. In this regard the subject site is identified within Precinct 1 – Business Area as defined by Map 1 (Policy area and Precincts) contained within LPP 51. The proposed development comprises development of part of the area identified as precinct 1 and it is anticipated that further commercial development will be proposed in the future.

### **Precinct 1 - Business Area**

The business area as defined in LPP51 is as follows:

*A business area is proposed facing Thomas Road between Nicholson Road and the eastern entry road. This will replace the current roadhouse and former service station site, and will provide an opportunity for a first stage development with associated workforce to service passing traffic for the increasing vehicular traffic between South Western Highway, Kwinana Freeway and the major industrial areas of Kwinana and Henderson.*

#### Vision and Objectives of the business area

5.1.2. *Planning for precinct one shall be consistent with the vision of providing local services for the Oakford Rural Village.*

5.1.3. *Planning objectives for precinct one include:*

*(a) To provide locally based opportunities for rural industries.*

In accordance with the policy it is a requirement that the precinct vision and objectives need to be given due regard by Council when considering planning proposals. As such, it is considered that the current development proposal is in accordance with the provisions of the policy in terms of the definition, vision and objectives identified for the Precinct 1 – Business Area listed above.

In relation to the provision of opportunities for rural based industries it should be noted that the application relates to a portion of Precinct 1 only and further development is anticipated in the future.

Schedule 1 of LPP51 provides a table that outlines information that is required to be provided and matters that are required to be addressed for all the planning stages of the Oakford Rural Economic Living Area. In regards to that the table below provides a summary of the information that was provided by the applicant.

<b>Information Required for development Applications</b>	<b>Assessment/Comment</b>
<b>Site and context analysis</b>	
Context analysis	Adequate information provided within the report
Site analysis	Adequate information provided within the report
Specific Topographic Features	Adequate information provided within the report
View corridors	The proposed development has views from the wider landscape and to surrounding land.
<b>Environmental analysis and management</b>	
Impacting land uses/activities and buffer requirements <sup>1</sup>	Not Applicable
Landscaping and Vegetation Retention Management	A Landscape and Vegetation condition of approval has been proposed to be implemented at development stage
Acid Sulphate soils assessment	Undertaken as part of MRS amendment

	studies.
Acid Sulphate soil Management Plan	Undertaken as part of MRS amendment studies.
<b>Planning context</b>	
Region scheme	Referred to Department of Planning – general support subject to comments.
Regional planning	The development site has been deliberately located well clear of a potential extension of Nicholson Road
Town planning schemes	The proposal can be considered under the provisions of TPS 2
Other local structure plans and planning decisions	Adequate information provided within the report
<b>Engineering and Servicing</b>	
Geotechnical investigations	Condition of approval.
Earthworks strategy	Adequate information provided within the report
<b>Community Design</b>	
Design response to site and context analysis	Adequate information provided within the report
Crime prevention	Adequate information provided within the report
Energy efficiency	To be assessed at construction stage
Emergency management and risk assessment	Not included with the application to be considered at construction stage
<b>Lot Layout</b>	
Proposed land use description	Adequate information provided within the report
Retention of existing vegetation	The site is sparsely vegetated; the applicant proposes to vegetate landscape area as indicated on the drawings and as a condition of approval.
Minimise effects on local and/or nearby amenity;	The nearest residential property is approximately 150m to the north. The proposal is not considered to have the potential to significantly negative impact on the amenity of residential properties and will provide improved local services.
Climate-responsive design – lot orientation	This primarily relates to lot orientation for residential component. Buildings are designed to provide shade and covered walkways.
<b>Building Design</b>	
Building Heights	Adequate information provided within the construction drawings
Setbacks	Site plan provide with sufficient details
Landscaping master plan	A master plan not included with the application, although the application provides concept details. A management plan is recommended as a condition of approval.
<b>Traffic Management</b>	
Intersection treatments	Traffic report contains adequate information and the applicant will continue liaising with Main Roads
Transport noise assessment	Not provide with the application.
Vehicular Access and Parking Strategy	Traffic report contains adequate

	information with regards to vehicular access. Adequate parking has been provided in accordance with TPS 2 requirements.
Local pedestrian, cycle and disabled movement networks.	It has been considered that the proposed development is not anticipated to generate bike traffic given its relatively isolated location on a major freight road. Bike racking facilities have been provided on the site plan. Adequate universal parking being provided.
<b>Stormwater Management</b>	
Urban Water Management Plan	A Drainage Concept Plan and report were submitted and a condition of approval will be imposed with that regards.

It is considered that the proposal complies and meets the relevant criterion of Schedule 1 of LPP 51 and would not compromise orderly and proper planning for the Oakford area. The applicant has provided sufficient information required for an informed decision to be made on the development application. Whilst the development is being proposed in the context of the broader LPP 51 provisions, the current application relates to the relocation of existing facilities and upgrading them to contemporary standards including redevelopment of the service station.

#### LPP 05 - Advertising Signs

LPP 05 sets out the requirements for signage throughout the Shire. The general aim of the policy is to facilitate high quality signage in appropriate locations, which is compatible with the building it is attached to and the location within which it is located. The plans as submitted have identified nominal signage for the development predominantly on the canopies of buildings. A signage strategy will be required to be prepared and approved prior to development of the site.

#### LPP 24 (Revised Draft) - Designing Out Crime

Draft LPP 24 encourages commercial development to incorporate principles of Crime Prevention through Environmental Design (CPTED). LPP 24 sets out five key principles that are to be addressed as part of any major development application. The application is considered to be consistent with the objectives of the policy. The issue of public surveillance is discussed further in the report.

#### LPP 59 - Public Art Policy for Major Developments

LPP 59 sets out the requirements for physical and financial contributions for public art as part of applications within the Shire with a development value greater than \$1 million. The requirement is considered to be appropriate as a condition of approval.

#### LPP 70 – Activity Centres Strategy

The development application broadly reflects the key policy objectives. The relevant objectives of the proposal this Policy are:

- To implement the objectives of State Planning Policy 4.2, Activity centres for Perth and Peel
- To facilitate the orderly development of District and Neighbourhood level activity centres in the shire
- To promote and provide access to public transport, walking and cycling facilities.

The proposed redevelopment and relocation of the Oakford Traders site is consistent with the Shire's Activity Centres Strategy and LPP No. 70 - Activity Centres with regards to the above objectives. The Shire's Activity Centres Strategy identifies Oakford as a Neighbourhood Activity Centre which will provide local shops, services and conveniences to the area. It is indicated that Oakford's population is expected to increase up to 4000 people by 2031 and as such, has the capacity to support local / neighbourhood shops. Neighbourhood Activity Centres are designated to accommodate retail floor space of up to 2000 square metres. The proposed development equates to a total of approx. 630 square metres of floor space and thus is well within the recommended allocation and still allows for additional future development within the site.

#### LPP 67 (Draft) - Landscape and Vegetation

The key objective of LPP 67, relevant to this application, is as follows:

*“Contribute towards achievement of vegetation and landscape outcomes that meet the expectations of stakeholders and contribute towards the achievement of biodiversity and water use targets and the creation of vibrant places for our communities”.*

In accordance with draft LPP 67, a Landscape and Vegetation Management Report and accompanying Landscape Drawings are required to be submitted. With respect to landscaping, the applicant has advised the following:

*“This matter is proposed to be dealt with as a condition of development approval to require a Landscape and Vegetation Management Plan to be prepared prior to the commencement of works”.*

The applicant acknowledges and agrees to the requirement for site specific landscaping. The Landscape and Vegetation Management Plan will need to address the treatment of the areas visible from the public realm, address water sensitive urban design and satisfy amenity both visually and in terms of the provision of shade and light throughout the seasons.

#### LPP 62 (draft) - Urban Water Management

LPP 62 aims to maximise water efficiency by encouraging best practice urban water management methods. It also encourages the incorporation of water efficient fixtures and fittings as well as the minimisation of water used for irrigation of landscaped areas.

The Birrega drain runs along the eastern boundary of the subject land. Any proposed landscaping within this area is proposed to be addressed by a Landscape and Vegetation Management Plan, included as a condition of approval. An Urban Water Management Plan (UWMP) will need to be prepared for the site, also as a condition of development approval. It is anticipated that the site is capable of development and that urban water management can be satisfactorily addressed. The applicant has liaised with relevant statutory agencies prior to lodging the development application and the application has also been referred to both statutory agencies and technical officers of the Shire. No significant concerns have been raised and the provision of water to the site and issues of drainage are considered to be capable of being addressed to enable the site to be developed and upgraded facilities provided.

Consultation:

#### Public Consultation

In accordance with LPP 27 Stakeholder Engagement in Land Use Planning, the application was referred for a period of 21 days to all landowners within the of Local Planning Policy No. 51 (LPP51) policy area and north of Thomas Road boundary.

As a result of the advertising two submissions were received, generally in support of the development proposal subject to matters identified being addressed. The main concern raised a result of the consultation was mainly on potential amenity impacts associated with a 24 hour truck stop and service station. The issue will be discussed later in the report.

#### Consultation with other Agencies or Consultants

The proposal was referred to a total of 23 government agencies for a period of 30 days. As a result of the advertising, a total of 14 submissions were received. Whilst most of the agencies indicated that they have no objection to the proposal, a number provided conditions to be considered and included should the development be approved. Water Corporation raised matters to do with drainage and provision of essential services to the site (reticulated water and waste infrastructure) that needed to be addressed by the applicant in conjunction with the relevant statutory agency prior to the commencement of the project.

Significant concerns were raised by Main Roads WA (MRWA) on the initial design concept layout, regarding configuration of vehicular access points and vehicular movement within the site that were considered to potentially and significantly compromise the integrity and safety of the regional freight route network (Thomas Road and Nicholson Road).

In regards to that and in view of traffic issues being considered key and fundamental to the proposal the applicant was afforded the opportunity to consult with Main Roads on a number of issues that had been identified on the initial concept plan. As a result of the consultation between Main Roads and the applicant's traffic consultants, a modified concept layout plan was submitted by the applicant.

Officers deemed the changes to be fundamental and resolved to readvertise the revised concept layout plan for a period of 14 days only, having regard to statutory timeframes as set out by the Joint Development Assessment Panel (JDAP).

The main concerns that were raised as a result of the two public and government agencies consultation periods are as follows:

- Traffic and Access;
- Hours of operation and public surveillance;
- Noise from trucks;
- Air pollution and litter;
- Reticulated water;
- Drainage and Wastewater; and
- Remediation of Site.

#### Traffic Access and safety

Given the subject site is located on a major intersection, traffic is a major issue for consideration. Thomas Road is classified as a Primary Distributor by Main Roads and Nicholson Road is classified as a 'District Distributor A' road. Both of these classes of roads are designed to carry larger volumes of traffic. It is also anticipated that in the future Nicholson Road will be extended further south as a Regional Road.

Concerns were raised during the advertising period relating to the potential safety and access issues resulting from the potential increased traffic on Thomas Road and the capability of the existing network infrastructure to accommodate increased traffic volumes without suitable road widening and or reconfiguration of turning lanes (especially for trucks).

In response to the concern, the applicant's consultants worked with Main Roads exploring a number of scenarios and options to develop a concept plan that was responsive to the current and future network movements. Subsequently a modified concept plan that sought to address major vehicle exit and entry points to Thomas Road was submitted.

The applicant provided the following information with regards to the aspects that sought to be addressed by the modified concept plan:

- *The existing exits to Thomas Road are to be closed with a new exit proposed approximately 30 metres further east to allow room along Thomas Road for right turning vehicles to Nicholson Road, to manoeuvre.*
- *A full movement entry/exit is located further east necessitating a relocation of the development footprint 30-35 metres eastwards.*
- *A separation of car and truck refuelling areas and in particular the provision of greater queuing areas to avoid any congestion at the Thomas Road entry. This has resulted in the car and truck fuelling area being located perpendicular to Thomas Road rather than angled as previously proposed.*

The applicant has also provided a Transport Assessment report that identifies that the proposed development is anticipated to generate approximately an increase of 89 and 112 vehicle trips per hour during the AM and PM peak respectively. Based on the traffic modelling and analysis undertaken, the assessment considered that the proposal will have minimal impact on the surrounding road network as a high proportion of the traffic accessing the ultimate development will be passing trade and will already be on the network.

In response to the timing and upgrading of Thomas Road with regards to the potential traffic generated by the proposal and the anticipated integrity of the Thomas Road and Nicholson Road intersection, the applicant also noted the following information as provided in the Traffic report:

- Current (2010) traffic volumes on Thomas road are 11060 vehicles per day (vpd);
- Thomas Road will ultimately be a dual carriageway;
- MRWA has no plans to upgrade Thomas Road at this stage;
- The installation of a signalled controlled 4 way intersection at Thomas Road/Nicholson Road is supported in principal by MRWA subject to justification by analysis and with safety issues being addressed and B - Doubles being accommodated in the design process.
- Regional and surrounding development will influence the upgrade of this intersection and the broader road network.

The proposed revised layout and access provisions have been assessed and are considered to satisfy the original concerns raised.

#### Hours of Operation and Public Surveillance

During the consultation period concern was raised with regards to the potential amenity impacts that are generally associated particularly with a 24 hour service station and truck stop. Related to that, were concerns raised regarding limited or lack of passive surveillance specifically to the rear of the proposed development.

The applicant has provided the following information as measures that have been considered and are to be implemented to improve passive surveillance of the proposed development:



- *The proposed site as well as the existing site is in an area where public surveillance is limited to passing traffic along Thomas Road.*
- *It is acknowledged that the rear portion of the development site is not under public surveillance. However, the hours of operation of the service station will limit the hours of non-surveillance.*
- *The areas of activity at the front of, and between the buildings are all well integrated and are clearly visible from Thomas Road. Public car park bays are all visible from the buildings and from Thomas Road.*
- *Entries are clearly visible. There are no blind corners, alley ways etc proposed. All communal areas are located in areas that will be under public surveillance. Public toilets are to be located within the building.*
- *The applicants propose to construct a security fence around the rear portion of the development site as indicated on the modified plan.*
- *Gates will be installed at the rear of the buildings to secure the area during non-working hours. Floodlights will be located as indicated on the modified plan as well as CCTV cameras.*

The proposal is therefore expected to provide a greater level of passive surveillance over the surrounding public domain during the periods where there would be little other surveillance as described above.

In terms of operating hours, it is not anticipated that the development will operate 24 hours a day. The applicant has provided gates and security fencing to the southern truck parking and fuelling area as an additional security measure for the hours during which the business is not open.

It is open to Council to establish hours of operation for the proposed development given they have not been specified in the application. It is also open to Council to establish a requirement for an operational management plan to be prepared and implemented addressing matters including but not limited to antisocial behaviour, litter management and complaints handling.

#### Noise from Trucks

During the consultation period noise concerns with regards to increased traffic particularly movement of trucks on Thomas Road originated from a residential property north of the subject site. Thomas Road connects Tonkin Highway to the east and Kwinana Freeway to the west and is designed to carry large amount of traffic which are expected to generate some level of noise. The development will be required to comply with Environmental Protection (Noise) regulations 1997.

#### Air pollution and litter

Concerns were raised regarding the potential generation of litter and air pollution from the proposed development. It is expected that the current operation have operational procedures relating to litter control and disposal. The development is expected to be provided with a suitable enclosure for the storage and cleaning of rubbish receptacles and all odour emissions emanating from the operations are expected to be in compliance with the Shire of Serpentine-Jarrahdale Health Local Laws 1999 and the state legislation. As such it is expected that litter and potential air pollution will be adequately managed and this can be further addressed through a requirement for an operational management.

#### Reticulated water

The subject site is currently not supplied with reticulated water. The current site has a water meter via a 'Service by Agreement' and Water Corporation have highlighted that a main extension will be required for a reticulated service to be provided.

It is expected that applicant will have to adequately demonstrate compliance with provision of reticulated water supplies prior to the commencement of development. At this stage the applicant anticipates making interim arrangements by way of extending the existing Service Agreement, whilst resolving the longer term provision of services.

### Drainage

The subject site is bound by the Birrega Drain along the eastern boundary and as such falls within the Birrega drainage area in the Mundijong Drainage District, a rural drainage system. Given the large amount of hardstand proposed on site including roofs structures, generation of a considerable amount of runoff is expected to be generated. As such treatment of stormwater and measures to address drainage and potential contaminated run off from site were considered major issues of concern.

In this regard the applicant has provided a preliminary Oakford Traders Drainage Concept Plan and Report. The report provides that the drainage concept plan for the site assumes stormwater will be managed in accordance with Better Urban Water Management. The following management objectives are expected to be adopted;

- Treat 1 year ARI 1 hour event for water quality; and
- Manage 100 year ARI events for flood protection.

The drainage concept plan layout was developed in accordance with the following aspects:

- The aspirations of the Serpentine Jarrahdale Shire for predominately open drainage;
- Retention of the first 16 mm close to source as possible; and
- Department of Water's Water Quality Protection Note 49, Service Stations.

Based on the analysis undertaken in the report that compares pre-development and post development peak flow rates (m<sup>3</sup>/s) discharging from the site into the Birrega Drain, it is considered that the site will not be at risk of inundation from flooding of the Birrega Drain. The report provides that post development catchment flow rate will be maintained through the use of a detention swale located on the southern and eastern boundary. The proponent is required to comply with the requirements of the Serpentine Drainage and Water Management Plan.

### Waste Water

The subject site is remote from waste water infrastructure. A large area of approximately 1570m<sup>2</sup> of impervious area within the site will generate potentially contaminated runoff particularly from fuel and carwash areas. The applicant will be required to demonstrate onsite treatment of waste water systems as detailed in the Department of Water's Water Quality Protection Note 49, Service Stations.

### Remediation of Site

The service station that existed was closed and decommissioned in 2007. During the advertising period clarity was sought regarding confirmation by the Department of Environment and Regulation (DER) that the former fuel bowsers had been removed and the subsequent remediation of the site. As contained within the list of submissions forming part of this report DER confirmed that the site is not listed as a contaminated site.

With regard to the concern the applicant provided the following information:

- The former fuel bowsers and associated underground petroleum storage tanks were located to the west of the current site.
- The fuel component of the site was decommissioned (including removal of the underground petroleum storage tanks) in January 2007.

- Following decommission a Tank Excavation Assessment was conducted by Parsons Brinkerhoff in February 2007. The accompanying Tank Excavation Assessment was included as an attachment.
- The Tank Excavation Assessment details the clean-up operation and concludes that no source of contamination occurred at the site.
- The site is not registered as a contaminated site by the Department of Environmental Regulation.

The assessment details the clean-up operation and concludes that no source of contamination occurred at the site. The site is not registered by the Department of Environmental Regulation (DER).

### Statutory Framework

With respect to the statutory framework relevant to this application, there are a number of key documents that need to be addressed. These are:

- TPS 2
- Directions 2031
- Jandakot Structure Plan
- Rural Strategy
- LPP 51 - Oakford Rural Economic Living Area Planning Framework
- Shire's Activity Centres Strategy.

### TPS 2

The subject site is zoned 'Rural' under Council's TPS 2. In accordance with Table 1 of TPS 2, the proposal is deemed to fall under a number of use classes that includes 'service station', and 'convenience store'. A service station and convenience store are 'SA' uses in the Rural Zone, meaning that the Council may, at its discretion permit the use after notice of the application has been given in accordance with Clause 6.3 of TPS 2.

The definitions within TPS 2 are as follows:

*'Service Station – means land and buildings used for the supply of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs and minor mechanical repairs and may include a cafeteria, restaurant or shop incidental to the primary use; but does not include transport depot, panel beating, spray painting, major repairs or wrecking.*

The 'service station centre' incorporates the proposed cafe/restaurant facilities.

*Convenience Store - means land and buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 300 square metres gross leasable area.*

The liquor store component, which forms part of the development application has been put forward by the applicant as a use not listed under Table 1 of TPS 2 and as such will be assessed as a 'use not listed'. With respect to uses not listed under TPS 2, clause 3.2.5 of TPS 2 states the following provision:

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

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

A town planning scheme makes provision for the categorisation of land uses. In assessing a proposal, consideration must be given as to whether a proposed development/use reasonably fits within an existing definition, whilst having regard to the fact that not all uses are listed, nor do all uses reasonably fit within an existing definition. In order to explore this matter further, it is useful to consider the provision of other local government schemes which may contain a different range of land use categories.

A number of local governments across Western Australia have sought to establish a specific use class for liquor stores in their scheme, in the context of the specific planning considerations relevant to this land use and the separate legislative framework under the Liquor Licensing Act. The City of Mandurah for example, has identified that liquor store is different to a shop, and have categorised it accordingly with the following definition established:

### **Mandurah TPS 3:**

**liquor store:** means any land or buildings the subject of a Store Licence granted under the provisions of the *Liquor Licensing Act 1988* (as amended).

It is open to the Shire to consider whether a proposed liquor store should be considered to be ‘use not listed’ and follow the steps set out in the Scheme accordingly. The application has been referred for public consultation and no objections received in relation to this use. In terms of consistency with the rural zone, it is considered that the use is capable of approval by virtue of its association with the development of the site providing a range of services within the rural area, whilst having regard to the wider community and the requirements of other state and local planning documents which identify the site as a neighbourhood centre.

Based on the information provided by the applicant, Officers have given due regard to the existing licensed ‘liquor store’ that has been in operation from as far back as 1970. The applicant is seeking planning consent to relocate the existing store along with the redevelopment of the Oakford Traders. Officers have considered the liquor store use not to be incongruent to the primary vision of LPP70 and LPP51 Business Precinct 1 of providing local services for the Oakford Village along with the redevelopment of the service station including the convenience store.

### Car Parking

The parking requirements under TPS 2 for the proposed development are detailed in the table below:

Land Use	Minimum No Parking Space	Service Proposed	Bays	Car (provided)	Bays
Service Station	1.5 spaces for service bay plus 1 space per employee	6 bays for cars 3 bays for trucks	private	71 for cars 16 for trucks	

Based on the information provided, adequate car parking provisions for the proposed development has been provided by the applicant.

### Shire Rural Strategy

The Shire’s Rural Strategy adopted in April 1994 provides a framework for the development and subdivision of rural land in the shire. The subject site falls within land in the locality of

Oakford that has been identified by the current Rural Strategy as being capable of development (as a long term goal to meet longer term needs for population increase) into a possible Oakford Village (among other identified new villages sites in the shire), subject to further studies required to plan the development of the village.

The applicant and the owner have been in consultation with the Shire for a number of years on the potential development of the Oakford village as identified on the 1994 Rural Strategy. In support of the potential development of the Oakford Village, Council, in May 2008 provided an in-principle support for the rural village concept. In addition to this support Council adopted LPP51 which provides a framework that supports and provides guidance to the implementation of the Oakford rural village concept.

It is envisaged that the proposed relocation of the existing centre including redevelopment of a service station will provide improved modern facilities and services to the existing community and develops to a service centre to the Oakford village in accordance with the LPP51. The applicant provided information that the proposed development is the first stage of the wider development of precinct 1.

### Jandakot Structure Plan

The Jandakot Structure Plan provides a broad planning framework at the regional level, identifying potential development areas, road networks, major community facilities conservation and Bush Forever areas. Oakford rural village was proposed in the draft Jandakot Structure Plan based upon the 1994 Rural Strategy. The subject site is identified in the Jandakot Structure Plan in the area that was recommended for the establishment of a rural village in the Oakford locality. It is considered that the proposal in accordance with the planning framework of the structure plan.

### Directions 2031

Directions 2031 is a high level spatial framework and strategic plan by the WAPC that establishes a vision for future growth of the metropolitan Perth and Peel region. It provides discussion on the metropolitan structure, the local population housing and job targets, managing growth and developing the activity centre concept.

Consideration therefore needs to be given to the current proposal in the context of ensuring it can contribute to the above requirements in a coherent way, by making best use of land and services. They can be seen as extensions of existing operations at a centre that is well serviced in terms of transport connections. The proposed site is considered to be well sited for the purposes of the long term provision of land suitable for development, due to its proximity to major transport routes. The applicant provided the following information in that regard:

- *We understand that a review of Directions 2013 will recognise the servicing of the rural areas of metropolitan region. In particular we see Oakford Traders as servicing traffic between the South and South West corridors of the Perth Metropolitan region particularly industrial traffic.*

### Officer Comment

In determining the development proposal Council is to have due regard to the following factors:

- Council should have due regard to the identification of the subject land within the Shire's Rural Strategy and Jandakot Structure Plan within Oakford Village;
- In May 2008 Council resolved to provide in-principle support for the rural village concept.

- In July 2011 considered the finalisation of LPP 51 – Oakford Rural Economic Living Area Planning Framework,
- Council resolved to support initiation of the MRS for the Oakford Village at its meeting of 10 March 2012;
- The applicant has received in principle support from MRWA for the proposed relocation and development of the Oakford Traders and will continue to work with MRWA with respect to traffic management issues in the event of a development application, was to be approved;
- Council having regards to the commitment the applicant has demonstrated by extensively addressing the traffic management issues that are considered key to this proposal; and
- Council should have due regard to the fact the current application is for relocation of existing operations including redevelopment of the service station.

**Attachments:**

- [OCM064.1/10/13](#) – Location Plan (E13/4237)
- [OCM064.2/10/13](#) - Aerial Photograph (E13/4235)
- [OCM064.3/10/13](#) – Development Plans and Elevations (E13/4238)
- [OCM064.4/10/13](#) – Referral Area Boundary Map (E13/4004)
- [OCM064.5/10/13](#) – Schedule of Public and Government Agency Submissions (E13/3270 and IN13/17796)
- [OCM064.6/10/13](#) – LPP 51 – Schedule 1 (E13/4242)
- [OCM064.7/10/13](#) – Drainage Report and Drainage Concept Plan (E13/4239)
- [OCM064.8/10/13](#) – Tank Excavation Report and Photographs (E13/4240)
- [OCM064.9/10/13](#) – Traffic Report, Addendum Report and Concept Plan (E13/4241)

Options/Alternatives

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

- Option 1: Recommend to the JDAP that the application be approved, subject to conditions; or
- Option 2: Recommend to the JDAP that the application be refused, providing reasons.

Option 1 is recommended.

**Conclusion:**

The proposal represents an updated modern contemporary built form that is anticipated to facilitate the first stage of a wider Oakford Urban Area and providing an entry statement to the Oakford Village. It is considered that the redevelopment of the site will provide for a better aesthetic outcome at a strategic 'landmark' location within the Shire. The proposal will increase the range of locally available goods and services and increasing the amount of employment opportunities in the immediate locality and the Shire.

The application generally conforms to the requirements of the TPS 2, the Shire's Rural Strategy and relevant LPP's and is considered not be in conflict with the MRS amendment currently with WAPC. The proposed development conforms to the Shire's Activity Centres Strategy providing the first phase of a Neighbourhood Centre.

Notwithstanding that there are other considerations such as the availability of services to the site, which has been identified as issues which will need further investigation and clarification with respect to this application, on balance it is considered that the application can be conditionally approved.

**Voting Requirements:** Simple Majority

**Officer Recommendation:**

That Council:

- A. Note that the application for the proposed Redevelopment of Oakford Traders Liquor Store, Convenience Store and Service Station – Lot 196 Thomas Road, Oakford will be determined by the Metropolitan East Joint Development Assessment Panel.
- B. Recommend to the Metropolitan East Joint Development Assessment Panel that the proposed Redevelopment of Oakford Traders Liquor Store, Convenience Store and Service Station – Lot 196 Thomas Road, Oakford be approved subject to the following conditions:

Planning

Movement Network

1. The developer shall be responsible for all costs involved in the land acquisition, design and construction of the full movement intersection and the westernmost left out access. This includes signing, road markings, relocation of services and street lighting.
2. Any land required for road widening purposes shall be ceded to Main Roads for road dedication purposes to be included into the Thomas Road reserve.
3. No earthworks shall encroach into the Thomas Road reserve.
4. No stormwater drainage shall be discharged into the Thomas Road reserve.
5. The applicant shall make good any damage done to the existing verge and its vegetation within the Thomas Road reserve.
6. The vehicle parking area, access way(s), right of way and crossover shall be designed, constructed, sealed, kerbed, drained, line marked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering prior to the occupation of the development for the use hereby permitted.
7. A minimum of 51 car parking bays are required to be provided on site.
8. A minimum of 3 car parking bays to be provided and marked for the exclusive use of vehicles displaying ACROD issued disabled parking permits. Such bay shall be located conveniently to the principal building entrance and with a minimum width of 3.2 metres.
9. A Traffic Management Plan being submitted and approved by the Director Engineering prior to the commencement of site works and thereafter implemented.
10. Any required "No parking signage" and vehicular guide signs to the parking facility to be installed at the applicant's cost to the specification and satisfaction of the Director Engineering and maintained at all times.
11. Shared paths, bicycle parking facilities and end of trip facilities being provided in accordance with Local Planning Policy No.58 Bicycle Facilities in Urban Developments to the satisfaction of the Director Engineering.

Site Works

12. The owner is to provide a geotechnical report certifying that the land is physically capable of development prior to the commencement of site works and that any filling or backfilling has been adequately compacted.
13. Works (including earthworks) are not to commence until Council has approved detailed engineering plans and specifications of the works, including earthworks, retaining walls, roads and paths, drainage, clearing, landscaping/rehabilitation and soil stabilisation measures, that apply both during and after construction.

14. Prior to commencement of any site works, a Dust Management Plan is to be developed in accordance with the Department of Environment and Conservation “Guidelines for the prevention of dust and smoke pollution from land development sites in Western Australia” and submitted to the Shire for approval. Shire approval of the Dust Management Plan must be obtained prior to the commencement of works and thereafter implemented at all times.

#### Drainage

15. An Urban Water Management Plan being prepared and approved prior to the commencement of site works to the satisfaction of the Director Engineering. Once approved, the Urban Water Management Plan is to be implemented in its entirety.
16. A petrol and oil trap being installed in the car park drainage system to the specification and satisfaction of Council's Director Engineering.

#### Amenity

17. Operating hours are limited to 5am to 9pm seven days a week unless otherwise approved by Council.
18. An operational management plan shall be prepared, approved by Director Planning and thereafter implemented at all times.
19. Only the colours and materials identified on the Schedule of Materials and Finishes, attached to and forming part of this approval, are to be used unless the prior written approval of the Shire is obtained for an alternative.

#### Car wash bay

20. Waste water discharge from the car wash bay must meet the stipulated following waste water quality criteria from the ‘Indicative Wastewater Discharge Criteria’, table 1, Mechanical Equipment washdown – WQPN68, Department of Water to the satisfaction of Director Planning.
21. The car wash waste water system mechanical operating performance should be tested quarterly, with all inspection results, start-up analytical data recorded in a log book, and data kept for 2 years.

#### Loading Bay

22. All loading and unloading to take place within the boundaries of the premises.
23. At least one loading bay having minimum dimensions of 3.5 metres and 7.0 metres for the loading and unloading of commercial vehicles shall be provided separate from parking areas and access ways.

#### External Lighting

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

#### Bin Storage and Pick-Up

25. The applicant is to submit a Waste Storage and Removal Plan to the satisfaction of the Director Planning prior to the commencement of site works. Once approved, the Waste Storage and Removal Plan shall be implemented in its entirety.



## Signage

26. Prior to the commencement of site works, a Signage Strategy detailing location, size and height of signage for the whole development, including wall signs, window signs, under verandah signs and fascia signs, is to be submitted for the approval of the Director Planning. All signage shall be the subject of separate application for development approval unless otherwise exempt under the Scheme.
27. No signs are to be displayed in the road reserve adjacent to the site at any time.

## Landscaping

28. A Landscape and Vegetation Management Plan for the development, including all car parking areas, access roads, road verges and areas of open space, shall be submitted and approved by the Director Engineering prior to the commencement of site works. The approved plan shall thereafter be implemented in its entirety.

## Public Art

29. A monetary contribution being paid to Council for the establishment of public art in accordance with Council's Local Planning Policy No.59 - Public Art Policy for Major Developments to the satisfaction of the Director Planning.

## Advice notes

1. A planning consent is not an approval to commence any works. A building permit must be obtained for all works. The application for a building permit must satisfy the conditions specified in this decision notice.
2. An Application for the Treatment of Sewage and Disposal of Effluent and Liquid Waste is required to be submitted to and approved by the Shire. On-site effluent disposal system must comply with the provisions of the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.
3. All food premises shall comply with the Food Act 2008, Food Regulations 2009 and Australia New Zealand Food Standards Code.
4. The food business is not to commence the sale of food without the prior approval of the Local Government. The applicant is required to submit an Application for Registration of a Food Business together with floor, elevation plans and specifications prior to commencing operation.
5. The Landscape and Vegetation Management Plan shall:
  - a) Be drawn to a scale of 1:200 and show the following:
    - i. The location, name and mature heights of proposed trees and shrubs at a rate of one tree per six parking bays;
    - ii. Areas of drainage swales for at source storm water percolation; and
    - iii. Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles.
  - b) Incorporate measures creating sustainable landscapes extensively using local plants for nutrients reduction, water conservation and creation of a "sense of place". This includes dry planting of local plants on verges.
  - c) Include the provision of semi mature trees to ensure that shade in the car park and landscaping amenity is provided in a reasonable period of time.
6. Prior to the approval of the Urban Water Management Plan, the proposed development layout and configuration may need to be modified and where appropriate may require an application for amended development approval to be obtained.
7. The design of the car parking bays is to comply with the relevant Australian Standards and Regulations.

8. The applicant shall be aware that the full movement access will revert to a left in -left out access only when Thomas Road is duplicated. The project for the upgrading of Thomas Road is not in Main Roads 4-year forward estimated construction program and all projects not listed are deemed to be long term. Please be aware that timing information is subject to change and that Main Roads assumes no liability whatsoever for the information provided.
9. The applicant must obtain approval from Main Roads before all works are undertaken within the Thomas Road reserve. The applicant seeking access to the Main Roads network will be required to submit an Application as outlined in the "Application Kit and Guidelines" for State roads. Application Kits can be found at the following location: <https://www.mainroads.wa.gov.au/OurRoads/Pages/WorksOnMainRoads.aspx>
10. Main Roads approval for the construction drawings is required before any work is undertaken within the Thomas Road reserve. A detailed traffic management safety plan while working within the road reserve is to be submitted as part of this approval.
11. Any services, infrastructure or roadside furniture that requires relocation as a result of the applicant's works will be at the cost of the applicant.
12. With regards to condition 1, developer costs include Main Roads costs involved in the checking of the design and constructions drawings and any site inspections.
13. With regards to condition 20, where required by the Shire of Serpentine Jarrahdale, the site operator should take representative samples at least 6 monthly and have analysed by a NATA approved laboratory. The analysis shall be compared to the discharge water quality guidelines stated in (Indicative Wastewater Discharge Criteria, table 1, Mechanical equipment washdown – WQPN68 Department of Water).

**OCM064/10/13 COUNCIL DECISION:**

**Moved Cr Kirkpatrick (proforma), seconded Cr Piipponen  
That Council:**

- A. Note that the application for the proposed Redevelopment of Oakford Traders Liquor Store, Convenience Store and Service Station – Lot 196 Thomas Road, Oakford will be determined by the Metropolitan East Joint Development Assessment Panel.**
- B. Recommend to the Metropolitan East Joint Development Assessment Panel that the proposed Redevelopment of Oakford Traders Liquor Store, Convenience Store and Service Station – Lot 196 Thomas Road, Oakford be refused for the following reasons:**
  - 1. That Council is extremely concerned about traffic congestion and safety at the intersection of Thomas Road and Nicholson Road. The upgrading of this intersection is identified by Main Roads Western Australia as a long term project. It is requested a traffic and safety analysis be urgently completed for this intersection by Main Roads Western Australia and funding brought forward, to complete the upgrading of this intersection with traffic lights so the works are completed within the Main Roads Western Australia current four year forward estimated construction program.**
  - 2. Approval of the development will increase traffic movements and safety risks near the intersection of Nicholson Road and Thomas Road.**
  - 3. Approval of the development will impact upon Nicholson Road which is under the care, control and management of the Shire of Serpentine Jarrahdale.**

**CARRIED 9/0**

**Council Note: Council changed the Officer Recommendation in Item OCM064/10/13 for the reasons outlined in points 1, 2 and 3 above.**

<b>OCM065/10/13</b>	<b>Retrospective Application – Shed – Lot 205 (No 17) Aquanita Rise, Darling Downs (P06904/03)</b>
Author:	Gillian Leopold – Planning Assistant
Senior Officer/s:	Brad Gleeson – Director Planning
Date of Report:	26 September 2013
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Neil Harris / Stephanie Holmes  
 Owner: As Above  
 Date of Receipt: 26 July 2013  
 Lot Area: 4033m<sup>2</sup>  
 Town Planning Scheme No 2 Zoning: Rural Living A  
 Metropolitan Region Scheme Zoning: Rural

### Introduction

To consider a retrospective application for a shed at Lot 205 Aquanita Rise, Darling Downs. The application proposes to site the shed within the 24 metre building exclusion zone to the rear (northern boundary) of the property. A building permit had been issued previously by the Shire. A site inspection has been undertaken by relevant officers and with the exception of the proposed setback the shed is consistent with the provisions of Local Planning Policy 36 (LPP 36) – Non Urban Outbuildings.

During the consultation period concerns were raised in relation to the consistency of this proposal with previous decisions of Council. It is therefore considered that this application should also be determined by Council.

### Background:

There are currently no structures on the lot and the lots to the east, west and south have all been developed with residential properties and the associated outbuildings. The subject site is relatively level with rural land to the north.

A building license has been approved for the proposed shed. The Shire received a complaint that a sand pad had been constructed on the property within the rear (northern) exclusion zone. The complaint was investigated which resulted in the submission of a planning application for the construction of a shed. The application was advertised resulting in a number of submissions being received.

At subdivision stage, building exclusion zones were established for the development. The purpose of the exclusion zones was to protect significant vegetation and to provide a revegetated strip to compensate for the loss of vegetation elsewhere which was cleared as part of the subdivision process.

The subject lot has a revegetated strip to the northern boundary which is part of the building exclusion zone on this lot. There is also a significant Marri tree which also has a building exclusion zone to protect it. The loss of the trees in the revegetated strip when the sand pad was put in, is considered to be something which can be mitigated with tree planting elsewhere on the lot. The Marri tree is considered to be sufficiently significant to warrant protection and retention and should not be impacted by any development.

**Relevant Previous Decisions of Council:**

- SD092/04/09 – Approved subject to conditions

**Community / Stakeholder Consultation:**

The application was referred to abutting landowners with one written submission received.

Comment	Officer Response
Vehicle access to northern elevation (rear of property)	The land cannot be accessed from the rear.
Application not within building envelope	No envelopes exist on these lots.
Setback is 7.5 metres from their boundary in lieu of 10 metres	Setback as per LPP36 is 7.5 metres – therefore complies with the requirements of the policy
Building protection zone of 20 metres around primary buildings	The shed is not a primary building. There is currently no dwelling on the lot.
Previous application for reduced setback at Lot 207 Aquanita Rise was refused	Applicant applied for and was granted a 19 metre setback by Council.
Visual impact on their property	The lots have a requirement for open style fencing and it is considered that this will always give rise to the ability to see the adjoining property. The submitter's property is elevated above the subject site thereby minimizing the impact of any structure. The applicant is also agreeable to undertaking additional planting in this location to further reduce any impact the proposed shed may have.
Wider advertising area	One of the questions raised was whether there should have been wider consultation. However the consultation has been undertaken in accordance with the provisions of the Shire's Town Planning Scheme and LPP27 Stakeholder Engagement and is considered to be satisfactory.
Removal of vegetation	The submitter raised concerns regarding the vegetation which had been removed in preparation for the construction of the proposed shed. A site visit has been undertaken and it is considered that the vegetation which has been removed can be replaced and the applicant is agreeable to this.

**Comment:**Proposal

The proposed shed is 112m<sup>2</sup> in size with setbacks of 7.5 metres from the eastern (side) boundary and 15 metres from the northern (rear) boundary. After the issuing of his Building Permit the applicant has cleared some smaller trees from the revegetation area and has constructed the sand pad. The building exclusion zone is 24 metres deep from the rear boundary.

A site visit on 22 August 2013 by relevant Council Officers identified that should the applicant site the shed at 24 metres in lieu of the 15 metres proposed, the sand pad will in fact impact on one of the 13 Marri trees which were identified across the subject land as significant in the feeding cycle of the Red-Tail, Black and Baudin Cockatoos. Lots which contain these trees have had a notification placed on their title advising that they cannot be removed.

The proposed shed is to be sited within the area identified at the time of subdivision for revegetation to the northern part of the lot. A property situated in Aquanita Rise has previously had approval to construct sheds with a setback of 19 metres from the rear boundary which is a variation to the revegetation area. The application being considered is proposing a setback of 15 metres from the rear boundary, which is also a variation to the revegetation area and is also inconsistent with the setbacks previously approved by Council.

The proposed shed is consistent with the requirements of LPP36 Non-Urban Outbuildings and the applicant has agreed to undertake additional planting to mitigate the loss of some vegetation in the revegetation strip and this can be imposed as a condition of approval.

The previous decision of Council to approve sheds with a 19 metre setback is a matter which has been raised through the consultation process as submitters have commented that it would not be equitable to allow the proposed shed to have a lesser setback than previously imposed. However, it should be noted that each application should be assessed on its merits. Having assessed the current application it is considered that the proposal is consistent with current policy, will not have a significant detrimental impact on the amenity of the area and that additional tree planting can be undertaken. Constructing the shed in the proposed location will also ensure that the protected Marri tree on the eastern boundary is not removed which is a significant consideration.

Considering the application on its merits, assessing it against current policies and provisions it is considered that the proposal is acceptable and that the additional planting and protection of the significant Marri tree are relevant considerations. It should also be noted that the revegetated strips on many of the properties have been degraded through use of the land for domestic purposes, some have been replaced with non-native vegetation and therefore the proposed development is not inconsistent with the ultimate outcome on these lots.

Conclusion

Whilst the shed is proposed within a building exclusion area, it is considered that the removal of the revegetation by the applicant is less significant than the removal of the Marri tree should the shed be moved forward. The size and purpose of the shed is consistent with Council's Local Planning Policies.

The application is therefore recommended for approval subject to conditions.

**Attachments:**

- [OCM065.1/10/13](#) – Aerial photo (E13/3976)
- [OCM065.2/10/13](#) – Development Application (E13/3977)
- [OCM065.3/10/13](#) – Building Exclusion Area (E13/3978)
- [OCM065.4/10/13](#) – Previous Council Decision (E13/3979)

**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:**

- TPS No 2
- LPP 36 – Non Urban Outbuildings

**Financial Implications:**

There are no financial implications associated with this application.

**Voting Requirements:** Simple Majority

**OCM065/10/13 COUNCIL DECISION / Officer Recommendation:**

Moved Cr Urban, seconded Cr Wilson

That Council grant retrospective approval for the construction of a shed at Lot 205 Aquanita Rise, Darling Downs, subject to the following conditions:

1. The shed is not to be used for any commercial or industrial purpose (including home occupation), the parking of a commercial vehicle or the stabling of horses or other livestock unless the written approval of the Shire has first been obtained.
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 either through this planning approval or separately.
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.
4. Within one year of the date of this approval, the site shall be revegetated with a minimum of 20 trees in accordance with the landscape and planting plan attached to and forming part of this approval to the satisfaction of Director Engineering.

**Advice Note:**

1. If the development, the subject of this approval is not substantially commenced within two years of the date of this approval, the approval will be deemed to have expired. Where an approval has expired, development must not be commenced or continued unless a fresh approval has been obtained from the Shire.

**CARRIED 6/3**

<b>OCM066/10/13      Locality Funding Program 2013 – 2014 (SJ1460)</b>	
Author:	Julie Sansom – Community Engagement Officer
Senior Officer:	Alan Hart – Director Corporate and Community
Date of Report:	26 September 2013
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Note: Cr Kirkpatrick has declared an interest by close association in Item OCM066 – Locality Funding Program 2013 – 2014 in that he has an interest in common with the Jarrahdale Community Association, Byford Glades Residents Association, Byford Progress Association and the BMX Club. Cr Kirkpatrick remained in the meeting and took part in voting on this item.

### Introduction

To endorse the recommendations of the Locality Funding Program Working Group (LFPWG) in relation to the 2013/14 Budget allocation for the Locality Funding Program (LFP).

### Background:

The Locality Funding Program (LFP) benefits the six localities of Oakford, Byford, Mundijong, Jarrahdale, Serpentine and Keysbrook with funding for townscape projects. Currently, Policy G914, allocates funds to the respective localities based on the locality's classification and size.

Nine funding applications requesting a total of \$172,539 were received for the 2013/2014 LFP and assessed by the LFP Working Group (LFPWG) in line with the assessment criteria outlined in Policy G914 and Work Procedure PCWP5. This system allows for consistent assessment of applications for funding townscape projects, based on an agreed set of criteria linked to Council's Strategic Plan. It is recommended that Council endorses the recommendations of the LFPWG in relation to the 2013/14 Budget allocation for the LFP.

### Relevant Previous Decisions of Council:

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

### Community / Stakeholder Consultation:

Information about the LFP is distributed through many outlets, including the Shire's website, Scarp Voice and other media, and the application forms are now distributed to specific community groups. These include, but are not exclusive to, progress and community associations, church groups, service groups, environment groups and heritage or historical committees. These community groups represent the interest of their membership community and were deemed to have a greater capacity than smaller groups, such as book clubs and exercise groups, to project manage the type of beautification projects that is the intent of the LFP.

Last year, local volunteer bushfire brigades were included where either no other community association exists, or where capacity is limited for groups in some localities. Community groups who did not receive a postal application initially were forwarded an application on request. It was a compulsory requirement that all community groups consult with a Community Engagement Officer prior to submitting their written application. This has ensured groups were not disadvantaged by submitting an application for which a grant could not be considered.

**Comment:**

The LFP is now in its fourth year and benefits the six localities of Oakford, Byford, Mundijong, Jarrahdale, Serpentine and Keysbrook with funding for townscape projects.

Nine funding applications requesting a total of \$172,539 were received for the 2013/2014 LFP and assessed by the LFPWG in line with Policy G914. This compares to six funding applications, requesting a total of \$108,196 received for the 2012/2013 LFP. It is recommended that all nine funding applications be endorsed by Council.

The LFPWG recommendations are in accordance with the guidelines in Work Procedure PCWP5 – Locality Funding for Place Making in Serpentine Jarrahdale Shire (Guidelines and Criteria).

The benefit to the community is that the \$163,849 funding will enable approximately \$358,911 worth of projects to be accomplished across the local community. Many of the projects utilise local resources, businesses and/or attract visitors to the Shire who then spend money locally.

The Council contribution will enable projects to be accomplished across the community far in excess of the requested amount, as most community groups have embraced the concept of using the contribution for seed funding or leveraging and contributing in-kind or their own funds. This year, three of the nine applications are from groups who have not applied for funding through this program before. One group, the Byford Glades Residents Association is newly formed, while the Serpentine Community Forum is a reformation of a group after a long hiatus. The other group is the Byford BMX Club that is currently rebuilding and is supported by BMX Sports WA. Mundijong Community Association's proposal is a continuation of the Paterson Street Beautification Project.

The project proposal for Byford Progress Association continues on from the foundation of an Art Plan previously funded by the LFP and is also an ongoing townscape and public art project. Both the Keysbrook and Oakford Volunteer Bushfire Brigades have submitted applications to continue with projects started with LFP funding from 2012/13. Both Serpentine Historical Society Inc and Jarrahdale Community Association have requested funding for a new project. Through the assessment process, the reticulation component of the Mundijong project was not supported, instead winter planting of mature trees will be encouraged. An additional \$5,000 was added to the Keysbrook request to ensure sufficient leverage funds for attracting external funding.

The LFP works through a capacity building model that encourages partnerships and use of local and regional resources, including volunteer labour. The LFP is only available to local groups and all proposed projects will mostly use local resources both human and material and may include renewable or recycled resources to achieve project outcomes. Each project aims to minimise resource use.

The proposed projects seek to provide more opportunities for recreation in and beautification of the Shire. This program aims to build the capacity of the community to apply for funding from other sources and use this grant as seed funding or leveraging to attract further funds to beautify the six localities. Contributions of cash or in-kind are also encouraged to increase the chances of drawing more funds to this community. Each of the applicants has aimed to achieve these conditions.

**Conclusion**

It is recommended that Council endorses the recommendations of the LFPWG in relation to the 2013/14 budget allocation for the LFP.



**Attachments:**

- [OCM066.1/10/13](#) - Policy G914 (E13/3646)
- [OCM066.2/10/13](#) - Working Group Table of Projects Recommended (E13/3647)

**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:**

- Council Policy G914

**Financial Implications:**

An amount of \$120,000 is allocated in each year's budget. There are sufficient funds in the relevant reserve accounts to enable the recommendations of the working group.

The table below indicates current balances of each locality, as well as the projected balance at June 2013 should the officer recommendations be endorsed by Council.

2013/2014 Financial Year						
Locality	Opening Balance at 1 July 2013 \$	13/14 Allocated Amount \$	2013/14 Recommendations \$	Projects approved in 2012/13 but not commenced* \$	Balance at 30 June 2014	Cap
Byford	40,363	30,000	(60,455)		9,908	90,000
Mundijong	14,082	30,000	(20,273)	(14,074)	9,735	90,000
Serpentine	37,303	20,000	(38,247)		19,056	60,000
Keysbrook	30,000	10,000	(35,000)		5,000	30,000
Oakford	27,271	10,000	(4,859)		32,412	30,000
Jarrahdale	2,316	20,000	(5,015)		17,301	60,000
Serpentine Jarrahdale	23,677				23,677	
Totals	175,012	120,000	(163,849)	14,074	117,089	360,000

**Voting Requirements: Absolute Majority****OCM066/10/13 COUNCIL DECISION / Officer Recommendation:****Moved Cr Piipponen, seconded Cr Moore**

**That Council adopt the recommendations of the Locality Funding Program Working Group in relation to the 2013/2014 Budget allocation for the Locality funding Program as per attached table OCM066.2/10/13.**

**CARRIED 9/0**

## 10. Information reports:

<b>OCM067/10/13      Monthly Financial Report – September 2013 (SJ801)</b>	
Author:	Megan Hodgson – Financial Accountant
Senior Officer:	Alan Hart – Director Corporate and Community
Date of Report:	24 September 2013
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

### Introduction

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

### Background:

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

### Relevant Previous Decisions of Council:

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

### Community / Stakeholder Consultation:

No community consultation was undertaken / required.

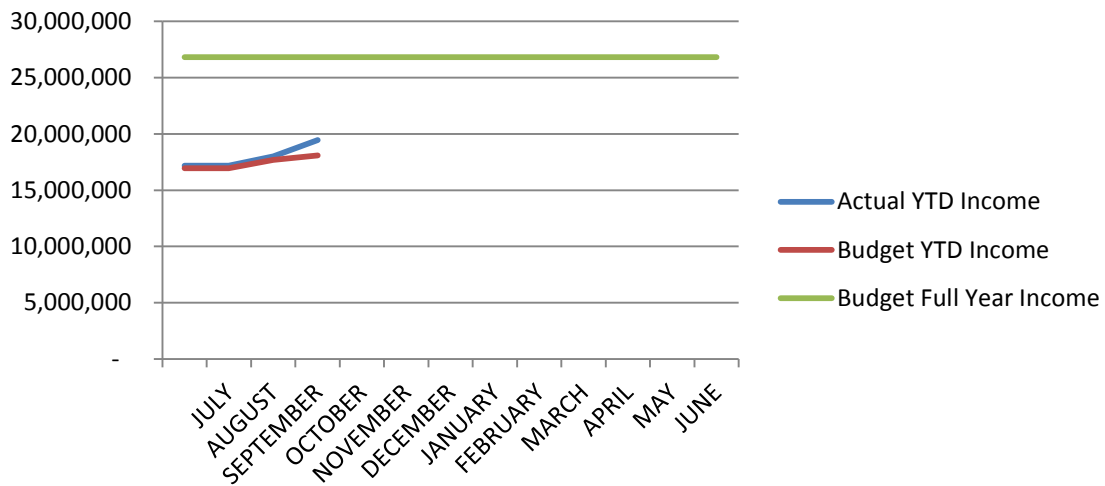
### Comment:

The period of review is September 2013. The municipal surplus for this period is \$15,927,843 compared to a budget position of \$12,857,435. This is considered a satisfactory result for the Shire for this time of the year.

Income for the September 2013 period, year-to-date is \$19,458,829. The budget estimated \$18,094,601 would be received for the same period. The variance to budget is \$1,364,228.

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

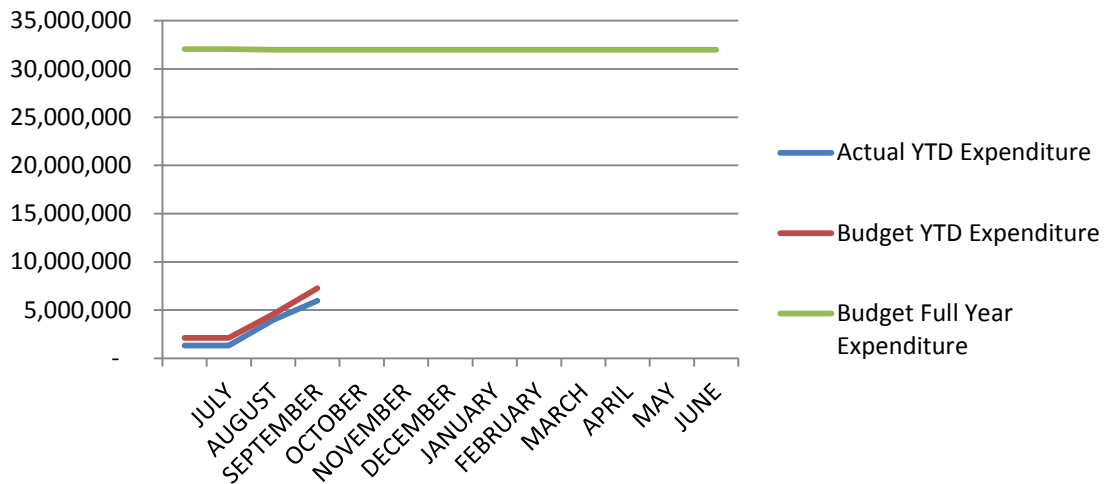
**Total Income**



Expenditure for the September 2013 period, year-to-date is \$5,986,460. The budget estimated \$7,261,377 would be spent for the same period. The variance to budget is \$1,274,917. Details of all significant variances are provided in the notes to the Statement of Financial Activity by Directorate.

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

**Total Expenditure**



**Attachment:**

- [OCM067.1/10/13](#) September Monthly Financial Report (E13/3872)

**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

**OCM067/10/13 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Urban seconded Cr Wilson**

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

**CARRIED 9/0**

<b>OCM068/10/13 Chief Executive Officer Information Report (SJ1506)</b>	
Author:	Linda Jones - Executive Assistant to the Chief Executive Officer
Senior Officer:	Richard Gorbunow - Chief Executive Officer
Date of Report:	14 October 2013
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

**Introduction:**

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

**Attachments:**

- [OCM068.1/10/13](#) Councillor Information Day, October 2013 (E13/3402)
- [OCM068.2/10/13](#) Common Seal Register Report, October 2013 (E02/5614)
- [OCM068.3/10/13](#) Minutes of WALGA State Council Meeting, 4 September 2013 (IN13/17647)
- [OCM068.4/10/13](#) Minutes of Peel Regional Leaders Forum Chief Executive Officer Group Meeting, 6 September 2013 (IN13/16192)
- [OCM068.5/10/13](#) Minutes of Special WALGA State Council Meeting, 25 September 2013 (IN13/17159)
- [OCM068.6/10/13](#) Agenda for Outer Metro Growth Council Meeting, 17 October 2013 (IN13/18276)

**Voting Requirements:** Simple Majority

**OCM068/10/13 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Wilson, seconded Cr Piipponen  
That Council accept the Chief Executive Officer Information Report for October 2013.  
CARRIED 9/0**

<b>OCM069/10/13 Corporate and Community Information Report (SJ514)</b>	
Author:	Gillian Carr – Personal Assistant to Director Corporate and Community
Senior Officer:	Alan Hart - Director Corporate and Community
Date of Report:	27 September 2013
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

**Introduction:**

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

**Attachment:**

- [OCM069.1/10/13](#) – Delegated Authority Financial Services (E13/3964)

**Voting Requirements**      Simple Majority

**OCM069/10/13 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Wilson, seconded Cr Piipponen  
That Council accept the Corporate and Community Services Information Report for September 2013.**

**CARRIED 9/0**

<b>OCM070/10/13 Planning Information Report (SJ537)</b>	
Author:	Jodie Evans - Personal Assistant to the Director Planning
Senior Officer:	Brad Gleeson - Director Planning
Date of Report:	23 August 2013
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

### Introduction

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

### Attachments

- [OCM070.1/10/13](#) – Planning, Building, Health, Rangers and Development Compliance - Delegated Authority Information Report (E13/3902)
- [OCM070.2/10/13](#) – Scheme Amendment, Local Planning Policies and Local Structure Plans (E12/3985)

**Voting Requirements**      Simple Majority

### OCM070/10/13      COUNCIL DECISION / Officer Recommendation:

**Moved Cr Urban, seconded Cr Wilson  
That Council accept the Planning Information Report for October 2013.**

**CARRIED 9/0**

<b>OCM071/10/13      Engineering Services Information Report (SJ514)</b>	
Author:	Jill Jennings – Personal Assistant to Director Engineering
Senior Officer:	Gordon Allan – Director Engineering
Date of Report:	25 September 2013
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

**Executive Summary:**

The purpose of this report and associated attachments is to provide information to Councillors relating to various committees and working groups. The following details are provided to Councillors for information only.

**Attachments:**

- [OCM071.1/10/13](#) – Minutes of Reserves Advisory Group Meeting, 17 July 2013 (E13/3936)
- [OCM071.2/10/13](#) – Minutes of Reserves Working Group Meeting, 25 July 2013 (E13/3934)
- [OCM071.3/10/13](#) – Minutes of Landcare SJ Inc Board Meeting, 21 August 2013 (IN13/17243)
- [OCM071.4/10/13](#) – Minutes of Landcare SJ Inc Board Meeting, 12 September 2013 (IN13/17243)
- [OCM071.5/10/13](#) – Minutes of Serpentine Jarrahdale Trails Inc Meeting, 27 August 2013 (OC13/14266)
- [OCM071.6/10/13](#) – Minutes of Rivers Regional Special Council Meeting, 5 September 2013 (IN13/15906)
- [OCM071.7/10/13](#) – Agenda for Landcare SJ Inc AGM, 2 October 2013 (IN13/17244)
- [OCM071.8/10/13](#) – Agenda for Landcare SJ Inc Board Meeting, 2 October 2013 (IN13/17243)
- [OCM071.9/10/13](#) – Minutes of Local Emergency Management Committee Meeting, 27 August 2013 (E13/3522)

**Voting Requirements:**      Simple Majority

**OCM071/10/13      COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Wilson, seconded Cr Piipponen  
That Council accept the Engineering Services Information Report for October 2013.  
CARRIED 9/0**



## 11. Urgent business:

### 11.1 Local Government Reform

#### **COUNCIL DECISION:**

Moved Cr Piipponen, seconded Cr Wilson  
That Council receive a new motion relating to Local Government Reform as urgent business.

**CARRIED 7/2**

#### **OCM072/10/13 COUNCIL DECISION:**

Moved Cr Piipponen, seconded Cr Wilson  
That Council reiterate its previous decision OCM038/09/13 of 23 September 2013, as follows:

That Council:

1. Advise the Local Government Advisory Board that the Shire of Serpentine Jarrahdale does not support the Minister for Local Government's amalgamation proposal for the Councils of the City of Armadale and the Shire of Serpentine Jarrahdale and forward a copy of this report to the Local Government Advisory Board and the Minister for Local Government.
2. Endorse the following reasons for not supporting amalgamation:
  - a) The Shire is of the view that both authorities will grow to an optimum size of population without a merger;
  - b) The Shire achieved a Category 1 classification in the assessment that the Department of Local Government undertook for overall sustainability of Local Governments within Western Australia;
  - c) The Shire was identified as a leader in Strategic Planning by the Department of Local Government and the Minister for Local Government acknowledged this during the assessment process;
  - d) The Shire was one of the few Local Governments in Western Australia that approved all of the strategic documents the State Government required to be approved by 30 June 2013 and submitted to the Department of Local Government which make up the 'Integrated Planning Framework';
  - e) There is no demonstrated financial benefit to the ratepayers of both Councils through decreased rates, increased service level by a larger combined entity or an increase in value per ratepayer in the net assets;
  - f) The Serpentine Jarrahdale and Armadale districts are both identified as growth regions experiencing hyper growth;
  - g) The Shire is the fastest growing Local Authority in Australia in the 2012 year;
  - h) Elected member representation will decrease from 1 in 2,000 to 1 in 8,000 in 2016 which will be at a level that will be impossible for the local community to have a say in the running of their Local Authority;
  - i) The potential cost of amalgamation will be imposed on the ratepayers by the State Government as there is no commitment for funding resulting in approximately 8.27 – 11.58% increase in rates;

- j) The proposed new local authority area would equate to approximately one-third of the entire Perth Metropolitan area and this is out of proportion with the other Local Authorities proposed by the State Government's preferred model;
  - k) The Shire of Serpentine Jarrahdale should not be amalgamated with the City of Armadale as it is absolutely unacceptable to the residents of Serpentine Jarrahdale Shire; and
  - l) The Minister defers amalgamation with the Shire of Serpentine Jarrahdale and the City of Armadale until such time as reform in the Peel Region is investigated.
3. Advise the Minister for Local Government that this Council has paid serious respect to the proposed Metropolitan Local Government Review and made these resolutions based on community feedback, considerable research and dedicated thought. The Council finds that the data and evidence contained within the report does not indicate a need for amalgamation with the City of Armadale.
  4. Council continue to publicly oppose the Government's foreshadowed removal of the 'Dadour provisions' from Schedule 2.1 of the *Local Government Act (1995)*. The removal of this clause silences the communities' say in how they want their Local Government to develop over time by not allowing the community to have the opportunity to hold a referendum on whether the Shire is to be amalgamated or not.
  5. The Chief Executive Officer continue preliminary discussions with the Chief Executive Officer of the City of Armadale on the State Government's position on Local Government Reform.

CARRIED 9/0

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

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

Cr J Kirkpatrick had given notice of his intention to raise the following question, in accordance with Shire of Serpentine Jarrahdale Standing Orders Local Law 2002, section 3.11 - Questions by Members of which due notice has been given:

Can the Minister or the Department of Local Government remove either the President or the Deputy President from their position if it can be demonstrated that there may have been corruption or collusion in their obtaining these positions?

*Response:*

The Minister has the power to suspend a council if he thinks that there is a suspected failure of the council to ensure that the local government performs its functions properly which make it inappropriate for the council to act or to continue to act as the governing body of the local government [s 8.15C(1)].

If the Minister appoints an inquiry panel to conduct an enquiry about a local government, the Minister may suspend the council [s 8.19(1)].

There is no power available to the Minister to suspend or remove individual members.

If an elected member has acted corruptly, this, together with supporting evidence should be reported to the Crime and Corruption Commission and the Department of Local Government who may investigate the matter further.

**13. Closure:**

There being no further business the Presiding Member declared the meeting closed at 9.19pm.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on 11 November 2013.

.....  
Presiding Member

.....  
Date