



SPECIAL COUNCIL MEETING MINUTES

**Tuesday, 15 July 2014
6.00pm**

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NOTE: a) Declaration of Councillors and Officers Interest is made at the time the item is discussed.

Minutes of the Special Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Tuesday 15 July 2014. The Shire President declared the meeting open at 6.00pm and welcomed Councillors, staff and members of the gallery.

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

In Attendance:

Councillors: K Ellis Presiding Member
S Piipponen
J Erren
S Hawkins
B Moore (from 6.03pm)
B Urban
J Kirkpatrick
J Rossiter
G Wilson

Officers: Mr R Gorbunow Chief Executive Officer
Mr D van der Linde Acting Director Planning
Mr G Allan Director Engineering
Ms K Peddie Executive Assistant to the CEO

Apologies: Mr A Hart Director Corporate and Community
Mr B Gleeson Director Planning

Observers: Nil

Members of the Public – 42
Members of the Press – 1

Leave of Absence: Nil

2. Public question time:

Public Question and Statement time commenced at 6.00pm

Nil

3. Public statement time:

Mr Ronald Iannello, 612 Jarrahdale Road, Jarrahdale, WA, 6124

All Councillors have been sent a copy of my resolution in relation to Lot 199 Jarrahdale Road, Jarrahdale in which I stated my concerns that the Rural Strategy did not accurately reflect the current zoning of my land. Since dispatching my resolution by email further discussions between my planner and the Shire's planners has resulted in an appropriate outcome. Essentially what has been agreed to is there should be an annotation on the strategy that expressly says "subject to Amendment 179".

In explaining the above it needs to be stated expressly that Amendment 179, as initiated and supported by the Council, is not and never has been in conflict with the strategy. I ask Councillors to support the amended resolution

Mr and Mrs Robin and Surya Nussey, 81 Lingdon Lane, Serpentine, WA, 6125

We strongly support the officer recommendation to reinstate the Rowe Road Precinct as part of the proposed expanded farmlet policy area west of Serpentine.

The view of land holders in the area are clearly expressed in the submission to the Rural Strategy Review. We ask Council to take particular notice of our views, based on first hand experiences, in my case 40 years, of living and farming in the Shire of Serpentine Jarrahdale.

Mr Ashwin Subramaniam, on behalf of Cardno Pty Ltd

Good evening, my name is Ashwin Subramanian from Cardno and we represent the proprietor of Lot 5074 Cunningham Drive, Oakford being Maradu Pty Ltd. Lot 5074 has been contained within the Rural Living B policy area of the draft rural strategy. A submission was lodged during the advertising period as it is considered that the site should be contained within Rural Living A to achieve its best possible use. There is minimal land remaining within the Oakford locality for further subdivision. Land surrounding the subject site and immediately south has been contained within the Rural Living A policy area for further subdivision. This designation of Lot 5074 under Rural Living A would reflect future lot sizes of surrounding land and ensure that additional lots can be provided to accommodate housing requirements. It is considered that the Shire has not adequately addressed our submission.

We support the deputation to be presented by Mr Wayne Marron, our clients neighbour. If Council do not consider Mr Marrons recommendation we would like the item to be deferred to enable our client the time to respond to the Shire's comments and present a formal deputation.

Mr Tayne Evershed, on behalf of Planning Solutions

Public statement on behalf of Mr Nino Gangemi, the owner of Lots 51, 53, 54, 56, 272, 273 and 274, on the corner of Mundijong Road and Kargotich Road, Oldbury.

On behalf of our client we have made submissions to the Shire in support of our clients land being identified for the following future uses Rural Living, Rural Enterprise, and Light Industry.

In relation to our clients land east of Gangemi Road we agree with the officer's assessment which confirms a sound planning outcome for land within the West Mundijong Industrial Area buffer is to allow compatible land uses, rather than sterilizing existing Rural Land.

The land uses of Rural Enterprise and Light Industry within the West Mundijong Industrial Area buffer are sensible and entirely consistent with the principles of orderly and proper planning.

We request the Council keep an open mind with respect to our Light Industrial proposal on the corner of Mundijong and Kargotich Road for the following reasons:

- In the context of the overall Rural Enterprise Policy Area the Light Industrial proposal represents a small but logical extension to the West Mundijong Industrial Area.
- The additional Light Industrial land will increase local opportunities for employment and enterprise which is critical to the sustainability of Mundijong.
- Most importantly it will allow for the future use of the land for Light Industry to be properly considered by the Department of Planning.

We simply ask the Council identify the land as Light Industrial, so that future investigations can occur. The Council's support is required to create this opportunity which will deliver an orderly and proper planning outcome.

We ask Council to support this very minor modification for the land between the drain and Kargotich Road by amending point 2 with the addition of “, and Lots 51 and 56 Kargotich Road, Oldbury which shall be modified to be identified as “Light Industry Subject to Future Investigation” to allow the portion of the area to be considered for light industrial into the future.

Mr John Pearce, Lot 494 Rapids Road, Serpentine, WA, 6125

Refer to Henry Dykstra's email to all Councillors dated Friday 11 July 2014. Plus documents including population growth of Serpentine, the support of business investments such as new doctors and chemist. The landowners unanimous decisions, ad-hoc previous approvals, Councillors vested interest and interest in Council facilities.

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

While I must congratulate all involved for all of the work that has obviously gone into the preparation of this Rural Strategy I do have some reservations.

As I understand it the State Government, the Department of Planning and the Western Australia Planning Commission have been somewhat embarrassed by very public disclosures, such as Toxic Mess headlines, of their failures to attend to the environmental requirements under the Environmental Protection and Biodiversity Conservation Act especially in regards to the Peel region. They are currently engaged in a mighty effort to rectify that situation and as rapidly as they can by all appearances.

Maintaining credibility with the Western Australian Planning Commission and providing them with time to finalise their stance on the way forward to meet their obligation would be seen as cooperative rather than provocative. I believe that cooperation with the Western Australian Planning Commission at this particular time in history with regard to mooted amalgamation, will be taken in a very positive light. At times like this Western Australian Planning Commission, I believe, can be potentially quite persuasive with other state agencies in our goal of being a Shire that deserves to stand alone and, in general, has a good reputation on environmental standards.

In the light of the letter from the Western Australian Planning Commission on 10 June 2014 it would appear that the Western Australian Planning Commission has no intention of approving a strategy that has inclination toward increasing the area available to rural living modifications. While I would be the last person to rollover to a demand or decision of the Western Australian Planning Commission it seems that in this case it would be prudent to wait for the outcome of the Strategic Assessment process.

Therefore, it is my opinion that a deferral on the decision on the Rural Strategy, at this time, is the most prudent option.

Ms Jan Star, 230 Jarrahdale Road, Jarrahdale, WA, 6124

Producing a Rural Strategy is not an easy process, I would counsel keeping to first principles. I won't repeat the view of the Strategic Assessment of the Perth and Peel Regions process and the conclusions given by Merri Harris, I support them.

As the Peel-Harvey Catchment Council Chair I am involved in Strategic Assessment of the Perth and Peel Regions and in the Peel Harvey Estuary Management Committee

which reports to Cabinet. I note that Serpentine Jarrahdale is not as involved as either Armadale or Murray. While the Peel-Harvey Estuary Management Committee deliberations are Cabinet confidential I can report that the Government is serious about achieving a change in how the Peel-Harvey problems are addressed by land use planning changes. The letter attached to the Agenda from Eric Lumsden, is a glimpse of this.

Details of the Strategy that appear in conflict are:

1. The failure to acknowledge State Planning Policy 2.1, this was raised in submissions both by Department of Water and myself and is still not addressed.
2. Removal of the Conservation Policy Area.
3. The confusion over 2ha versus 4ha lots. The advice from Department of Agriculture and Food Western Australia has been misconstrued and it did not say that 2ha leads to less land degradation than 4ha. Given the Western Australia Planning Commission view expressed in the attachment it would seem quite fruitless to persist with the area south of Mundijong as residential/stables at 2ha minimum when 4ha was originally proposed and would have a better chance of being supported. The area between Mundijong Road and Randall Road would be a better comparison than Darling Downs as the conditions and contributions for the latter would never be achieved in the current Planning system.

So I would also urge deferment to sort out these issues and to await the results of the Strategic Assessment of the Perth and Peel Regions process.

I, personally, and the Peel-Harvey Catchment Council are willing to assist further.

Mr Michael Dagastino, 434 Kargotich Road, Oakford, WA, 6121

I own land in the submission relating to changing the zoning from Rural to a mix of Rural Living A and Rural Living B. Our land is part of the northern most undeveloped area in the Shire. We are the closest land to the City that undeveloped in the Shire. As seen by the map, the land to the north of us has been developed into five acres and the land to the east has been zoned for development. The Oakford Village concept is progressing along and Byford Township is continually expanding. We are the gap.

In the earlier draft of the Rural Strategy Review our land was proposed to be rezoned. In August 2012 the Council with many of these same Councillors approved the Rural Strategy Review with our land included as Rural. I put to the Councillors that nothing has changed. The only reason this land was taken out was the Western Australian Planning Commission advised the land was affected by Palus Plain, but look at this map, the majority of the Shire and many other areas are being approved tonight.

Preference to maintain a rural wedge. I strongly submit and I am sure the Councillors would agree, a rural subdivision with a mixture of lots is consistent with a rural wedge. I would say to the Councillors what has changes since you approved this in August 2012. Nothing. The officers themselves and many of you Councillors have said the proposal has merit, is Western Australia Planning Commission reluctance a reason to not put it forward, especially when their concerns can be countered.

Our proposal was in the interests of the community. Our proposal offered Darling Downs 2015 but better as I advised Keith, Brad and Deon when Keith organised the meeting out facilities included an indoor area, XC course and trial. All great community additions. As an experience equestrian I can tell you we need it.

Many of you have said to me we support progress and are progressive. Well here is a classic case, including this area is a natural progression of what is north of Thomas

Road and it will provide a sensible rural buffer between the fast approaching Byford and the likely Oakford Village. Please don't be just regulators, be facilitators of growth and development that is in the interest of the community and makes sense. I table my resolution and request to vote on the matter.

Mr Steve Kargotich, 743 Abernethy Road, Oakford, WA, 6121

Presented a verbal statement on behalf of Kargotich Industries.

Public Question and Statement time concluded at 6.21pm

4. Petitions and Deputations:

Chief Executive Office left meeting at 6.23pm

Chief Executive Office returned to meeting at 6.24pm

- 4.1 Mr Wayne Marron presented a deputation regarding items SCM001/07/14 Rural Strategy Review 2013.
- 4.2 Mr Jason Carr from Harley Dykstra Planning and Survey Solutions presented a deputation regarding items SCM001/07/14 Rural Strategy Review 2013.
- 4.3 Mr Doug Smith from Rowe Group to present a deputation on behalf of various landowners in Hopelands Road regarding items SCM001/07/14 Rural Strategy Review 2013.

5. Declaration of Councillors and Officers Interest:

Nil

6. Receipts of Minutes or Reports and Consideration for Recommendations:

Nil

7. Motions of which Notice has been given:

SCM001/07/14	Rural Strategy Review 2013 – Consideration of Submissions and Recommended Modifications (SJ1082)
Author:	Peter Varelis – Senior Strategic Planner
Senior Officer/s:	Brad Gleeson – Director Planning
Date of Report:	June 2014
Disclosure of Officers Interest:	In accordance with Section 5.70 of the Local Government Act an officer involved with the preparation of this report declares an interest as he owns property within the Shire.

Proponent: Shire of Serpentine Jarrahdale
 Owner: Various
 Town Planning Scheme No 2 Zoning: Various
 Metropolitan Region Scheme Zoning: Various

Introduction:

The purpose of this report is for Council to note the submissions received on the Rural Strategy Review 2013 (the Strategy) and consider proposed modifications in light of the submissions received. Furthermore, Council is requested to forward the Strategy to the Department of Planning (DoP) / Western Australian Planning Commission (WAPC) for consideration and ratification.

Background:

Council's Rural Strategy has been in place since 1994 with modifications and reviews being undertaken on various occasions. Council, at the Ordinary Meeting held 19 December 2011 resolved to endorse a project plan and associated consultant's brief for the preparation of a new Strategy. At the Ordinary Meeting held 27 August 2012 Council considered and resolved to adopt the Strategy with modifications for the purposes of advertising and requesting confirmation to advertise from the DoP/WAPC. On 27 February 2013 an assessment of the Council endorsed Strategy was received from the DoP which recommended a series of significant modifications (see Attachment 4). Officers then attended to the modifications requested by the DoP and Council at its Ordinary Meeting held 9 September 2013 adopted the Strategy for the purposes of advertising.

Since Council's resolution on 9 September 2013 the following has occurred:

1. The Strategy was advertised between 1 November 2013 – 31 January 2014.
2. 92 submissions were received during the advertising period.
3. The Shire's officers have summarised and responded to all submissions received.
4. Officers have considered, prepared and tabled a series of proposed modifications in light of the submissions received.

Relevant Previous Decisions of Council:

OCM033/09/13 – Council adopted the Strategy for the purposes of advertising.

Community / Stakeholder Consultation:

The Strategy was advertised between 1 November 2013 – 31 January 2014 and a total of 92 submissions were received during this period. A summary of all submissions received and responses to submissions is provided with Attachment 1. Furthermore, a copy of all the original submissions is provided with Attachment 3.

Comment:**Rural Strategy Review 2013**

The Strategy brings together the key elements of the 1994 Strategy as well as providing further modifications based on a review undertaken during 2011-2013.

The Strategy identifies a range of policy areas and policy overlays. This approach has worked well in the past and has resulted in the Shire having a clear direction in which to plan for the Shire's rural areas, as well as a document to provide guidance in considering applications for Town Planning Scheme zoning amendments, development and subdivision. A similar approach to policy areas has been integrated into this review document, at the advice of the DoP, with the aim of updating the objectives and guidelines according to any changes in policy since the last review.

The Strategy will be referred to by Council and the WAPC / DoP, particularly in relation to informing the determination of development applications, provision of advice on subdivision applications, and the initiation of Town Planning Scheme zoning amendments in the Shire's rural areas.

In the context of the information received as part of the advertising process a series of modifications have been proposed, the significant modifications are outlined in Attachment 2 and more minor changes including grammatical and small textual modifications are outlined in the response to submissions outlined in Attachment 1.

Federal and State Government Strategic Environmental Assessment (SAPPR)

The Federal Government and State Government have formally agreed to undertake a comprehensive strategic assessment of the Perth and Peel Regions of Western Australia. The strategic assessment will be undertaken in accordance with section 146 of the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*.

The strategic assessment will focus on the Perth and Peel regions of Western Australia's Swan Coastal Plain. With the population of the Perth and Peel regions predicted to double in the next 20 - 30 years, the strategic assessment will focus on the impacts of future urban/industrial development activities, infrastructure corridors, transportation and basic raw material extraction.

The main areas impacted by the assessment in the strategy are the areas identified for 'Subject to Future Investigation'. These areas will be further investigated by the WAPC at the release of the Strategic Environmental Assessment in 2014 and further considered in the Shire's forward plans.

In terms of rural subdivisions the Chairman of the Western Australian Planning Commission on 10 June 2014 issued the following statement in a letter to the Shire:

"As a result, to ensure that major environmental issues associated with proposed rural residential development are adequately considered, the Western Australian Planning Commission (WAPC), on 25 March 2014, resolved to:

Uphold the policy position outlined within State Planning Policy 2.5 (SPP 2.5) that opportunities for rural living within the metropolitan region may remain static or even decrease, and that rural living proposals will be considered by exception subject to the requirements of the policy being met. Notwithstanding the exceptions provided within SPP 2.5, the WAPC will not support local planning strategies/rural strategies and planning scheme amendments involving proposals for additional rural residential development until

such time as the SAPPR and sub-regional structure plans have been finalised to provide the strategic framework to consider the proposals within.

Further to this, the WAPC acknowledges that there may be a need to review some areas of proposed rural residential development, identified within endorsed local planning strategies/rural strategies as a result of the SAPPR. My office will contact those local governments where reconsideration of rural residential development will need to occur.

The draft sub regional structure plans are anticipated for release to the public for comment in November 2014. In the interim period, there shall be a presumption against any further rural residential development in the Perth Metropolitan and Peel regions.”

A copy of the full letter is with the attachments.

There is therefore a possibility that the WAPC may require that significant changes regarding rural subdivisions be made to the Rural Strategy Review 2013 as contemplated in this item. The Shire’s officers do not have any further information in this regard and it is also quite possible that the changes proposed may be acceptable.

Options

Option 1: Adopt the Strategy for final approval.

Option 2: Adopt the Strategy for final approval with modifications.

Option 3: Decide not to adopt the Strategy and advise the WAPC.

Option 1 is recommended.

Conclusion

In the context of the robust process the Strategy has been through to date it is considered appropriate for Council to finalise the Strategy to provide a clear strategic direction to land use planning in the Shire’s rural areas.

Attachments:

- [SCM001.1/07/14](#) - Schedule of Submissions, Responses and Modifications (E14/2625).
- [SCM001.2/07/14](#) - Schedule of Modifications (E14/2188).
- [SCM001.3/07/14](#) - Rural Strategy Review Report and Map as advertised (E14/2627)
- [SCM001.4/07/14](#) - Letter from the WAPC regarding Rural Strategies (IN14/11349).

Alignment with our Strategic Community Plan:

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.
Key Action 3.1.2	Provide appropriate amenities and accommodation for the Shire’s growing population of youth and seniors.
Key Action 6.1.1	Provide a range of facilities and services that accommodate different lifestyles and cultures.
Key Action 6.1.2	Use community facilities to provide social interactions for all age groups through appropriate activities and events.

Statutory Environment:

- Planning and Development Act 2005
- Town Planning Regulations 1967 (as amended)
- Town Planning Scheme No. 2

Financial Implications:

The Strategy and associated costs have been budgeted for through the Shire's annual budgeting process.

Voting Requirements: Simple Majority

Officer Recommendation:**That Council:**

1. Note the submissions received as outlined in Attachments 1 and 3.
2. Pursuant to Regulation 12B(3)(b) of the Town Planning Regulations 1967 (as amended) adopt the modifications to the Rural Strategy Review 2013 as outlined in Attachment 1 and Attachment 2 with the exception of the recommendation relating to the Rowe Road Precinct which shall be modified to be identified as "Subject to Future Investigation" between Walker Road, Rapids Road, Gull Road and Karnup Road to allow for the expansion of development to the west of the townsite in the future.
3. Subject to 2 above, authorise the Director Planning to modify the Rural Strategy Review 2013 Report and Map in accordance with the modifications outlined in Attachment 1 and Attachment 2.
4. Subject to 3 above, pursuant to Regulation 12B(3)(c) of the *Town Planning Regulations 1967 (as amended)* submit a copy of the Rural Strategy Review 2013 to the Department of Planning / Western Australian Planning Commission.
5. Note that if the Department of Planning / Western Australian Planning Commission endorse the Rural Strategy Review 2013, pursuant to Regulation 12B(4) of the *Town Planning Regulations 1967 (as amended)* a notice of the Rural Strategy Review 2013 and the endorsement of the Department of Planning / Western Australian Planning Commission will be published in a newspaper circulating the area.

SCM001/07/14 COUNCIL DECISION / Amended Recommendation:

Moved Cr Piipponen, seconded Cr Hawkins

That Council:

1. Note the submissions received as outlined in Attachments 1 and 3.
2. Pursuant to Regulation 12B(3)(b) of the Town Planning Regulations 1967 (as amended) adopt the modifications to the Rural Strategy Review 2013 as outlined in Attachment 1 and Attachment 2 with the exception of the recommendation relating to the Rowe Road Precinct which shall be modified to be identified as "Subject to Future Investigation" between Walker Road, Rapids Road, Gull Road and Karnup Road to allow for the expansion of development to the west of the

townsite in the future and that Lot 199, Jarrahdale Road, Jarrahdale be subject to Amendment 179.

- 3. Subject to 2 above, authorise the Director Planning to modify the Rural Strategy Review 2013 Report and Map in accordance with the modifications outlined in Attachment 1 and Attachment 2.**
- 4. Subject to 3 above, pursuant to Regulation 12B(3)(c) of the *Town Planning Regulations 1967 (as amended)* submit a copy of the Rural Strategy Review 2013 to the Department of Planning / Western Australian Planning Commission.**
- 5. Note that if the Department of Planning / Western Australian Planning Commission endorse the Rural Strategy Review 2013, pursuant to Regulation 12B(4) of the *Town Planning Regulations 1967 (as amended)* a notice of the Rural Strategy Review 2013 and the endorsement of the Department of Planning / Western Australian Planning Commission will be published in a newspaper circulating the area.**

CARRIED 9/0

Council Note:

Recommendation 2 was modified to ensure consistency with previous Council decisions regarding Amendment 179.

8. Urgent business:

Nil

9. Closure:

There being no further business the Presiding Member declared the meeting closed at 7.01pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 28 July 2014.

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Presiding Member

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Date