

## TABLE OF CONTENTS

1.	Attendances and apologies (including leave of absence): .....	3
2.	Response to previous public questions taken on notice:.....	3
3.	Public question time:.....	5
4.	Public statement time:.....	8
5.	Petitions and deputations: .....	11
6.	President’s report: .....	11
7.	Declaration of Councillors and officers interest:.....	11
8.	Receipt of minutes or reports and consideration for recommendations: .....	12
9.	Motions of which notice has been given:.....	13
	OCM094/12/14 Outbuilding Lot 50 (#267) Leipold Road, Oldbury (P06175/05).....	13
	OCM095/12/14 Byford Traditional Infrastructure Development Contribution Report No. 2 (SJ569) .....	17
	OCM096/12/14 Proposed Amendment to Approval Catholic College Stage One (Car Park) – Lot 281 Abernethy Road, Byford (P09128/01).....	22
	OCM097/12/14 Proposed Sawmill and Storage – Lot 9 (#550) Gossage Road, Oldbury (P04060/01).....	25
	OCM098/12/14 Retrospective Transport Depot – Lot 104 (#3) Larsen Road, Byford and Lot 10 (#777) South Western Highway, Byford (P04675/02).....	33
	OCM099/12/14 Proposed Mixed Use Development – #20 (L2) Abernethy Road, Byford (P01330/03).....	38
	OCM100/12/14 Shire of Serpentine Jarrahdale Public Health Plan (SJ674).....	48
	OCM101/12/14 Request for Extension to Planning Approval for Additions & Alterations to Existing Shop (IGA Supermarket) – (Lots 9 & 10) #20 Paterson Street and Lot 204 Whitby Street, Mundijong (P00576/07) .....	50
	OCM102/12/14 Restricted Access Vehicle Operations within the Shire of Serpentine Jarrahdale (SJ1218-02).....	53
	OCM103/12/14 Flora Surveys and Environmental Reports for Bush Forever Areas by Environmental and Sustainability Services (SJ222-03).....	55
	OCM104/12/14 Upgrading of Lyster Road, Jarrahdale (SJ208).....	57
	OCM105/12/14 Request for Tender RFT03/14 Forward Works for Proposed Community Centre, Lot 2857 South Western Highway, Byford (SJ1715).....	60
	OCM106/12/14 Reskinning of Two Forrest Highway Billboards Capturing Mandurah and Peel Tourism Organisation Peel Region Marketing Campaign (SJ935) .....	62
	OCM107/12/14 Register of Delegations, Sub-Delegations, Appointments and Authorisations (SJ538) .....	65
	OCM108/12/14 Appointment of Acting Chief Executive Officer (SJ374) .....	67
	OCM109/12/14 CONFIDENTIAL ITEM – Section 31 Reconsideration of Retrospective Rural Industry/Transport Depot – #17 (Lot 41) South Western Highway, Cardup (P01285/01) .....	69
10.	Information reports:.....	71

---

<b>OCM110/12/14 Noise Issues - Steelkit Homes Lot 3621 Richardson Street, Serpentine (SJ1264-05)</b> .....	71
<b>11. Urgent business:</b> .....	75
<b>OCM0111/12/14 Wards and Representation</b> .....	75
<b>12. Councillor questions of which notice has been given:</b> .....	81
<b>13. Closure:</b> .....	81

Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 8 December 2014. The Shire President declared the meeting open at 7.01pm and welcomed Councillors, staff and members of the gallery and wished all a merry Christmas.

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

### In Attendance:

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

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

**Apologies:** Nil  
**Observers:** S Tweedie  
K Cornish

Members of the Public – 22  
Members of the Press – 0

**Leave of Absence:** Nil

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

### Mr Grant Richardson, 230 Soldiers Road, Cardup, WA, 6122

Question 1

What is the status of the Cardup Local Structure Plan?

*Response:*

*Director Planning advised that the consultants representing the Cardup business park are currently updating the Local Structure Plan (LSP) documents. The LSP will be advertised soon for public comment.*

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

Question 1

Has Council been monitoring the illegal business activities setting up on Boomerang Road on the site of the old chicken farm? This was requested when building rubble started being trucked in, the owner said it was rubbish from the property. If it is being monitored as requested, why hasn't it been stopped, because no application notifications have yet been advised to us as more industries set up in our rural area.

*Response:*

*Shire Officers have recently conducted an inspection of the property and there was no evidence of building rubble on the property or rubble being trucked to the property. The*

*landowner was in the process of cleaning out the old chicken sheds and no business activities were observed on the property.*

Question 2

Why is it that the ranger has the right size weapon to shoot dogs mauling sheep, but don't have the right size weapon to destroy the sheep mauled by dogs, thereby putting them swiftly out of their misery and saving their caring owners long term incident stress over dealing with mutilated dying family pets. Can the Shire not afford two weapons that will suit any circumstance?

*Response:*

*Under the Dog Act 1976, any land owner (or someone delegated by the land owner) has the right to safely shoot a dog that is on their property if it is attacking their stock. On occasions, Rangers have assisted landowners when requested. There is nowhere in the Dog Act (or any other legislation) that requires the Shire to destroy any stock that have been injured during a dog attack. It is up to the landowner or stock owner to organise the destruction/euthanasia of any injured stock.*

Question 3

Is there a by-law, law or ruling that prevents the activity on one property affecting the ability to enjoy the activities of owners on surrounding properties?

*Response:*

*Council's Town Planning Scheme controls the use of land and addresses matters such local amenity. There is also State Government legislation relating to environmental harm and noise that are administered by the Department of Environmental Regulation in partnership with Local Government.*

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

Question 1

Did the Shire of Serpentine Jarrahdale give permission for sulphate acid soils containing chemicals which blamed bio-organics for the contamination on the Orton Road site, Oakford, to be removed from that site to a site near Marri Grove Primary School on Larsen Road, if the Shire didn't, who did?

*Response:*

*The Shire is not aware of this matter. More detailed information would need to be provided to the Department of Environmental Regulation (DER) before that matter could be investigated. The DER is the State Government agency that would investigate matters relating to contaminated soils.*

Question 2

What procedures are in place for the protection of the residents and what approvals have been given by Serpentine Jarrahdale Council for the removal of copious amounts of asbestos on the Scarp and when did Council become informed about the asbestos removal?

*Response:*

*The Health Asbestos Regulations 1992 and Department of Health provide strong guidance for the handling, storage and disposal of asbestos. When the Shire is considering applications or service requests that involve asbestos, the provisions of the Regulations and relevant guidelines are always applied. If asbestos is found on private land, the landowner is responsible for its safe removal and proper disposal as per the Regulations. The Shire has been dealing with a service request about asbestos on the Byford on the Scarp estate in the last few months and addressing the issues with the developer.*

## Question 3

Has any lease been signed regarding the rifle range and Byford District Country Club, if yes, who signed it and the date?

## Response

*Yes. It was signed by the CEO and President of the Shire of Serpentine Jarrahdale and the President and Secretary of the Byford and Districts Country Club. The lease is currently being registered with Landgate and it will be dated the date that it is registered by Landgate.*

**3. Public question time:**

**Public Question and Statement time commenced at 7.01pm**

**Mr Harry MacLean, 234 Soldiers Road, Cardup, WA, 6122**

## Question 1

Why is Scarp Water being pumped from Soldiers Road to the Scarp which is a contaminated site?

## Question 2

Why is the contaminated water being allowed to discharge from the site under the highway?

*Response:*

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

**Mr Grant Richardson, 230 Soldiers Road, Cardup, WA, 6122**

## Question 1

Why has Wormall been fined on only three occasions for \$500 rather than an initial fine and an additional fine for each day during which the offence continues?

*Response:*

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

## Question 2

Do any of the Councillor's believe that the State Administrative Tribunal will rubber stamp Wormall's application and why?

*Response:*

*Councillor Kirkpatrick advised that the Council have no control over the State Administrative Tribunal and cannot pre-empt what they may do.*

## Question 3

So far no one has addressed the main concern of the Cardup residents, which is the continued quantity and quality of the water from our bores. If this water becomes contaminated as a result of development of the Cardup Business Park, who then is responsible to provide us with an alternate water supply?

*Response:*

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

**Ms Helen Iles, 265 Boomerang Road, Oldbury, WA, 6121**

In response to my previous questions at the last meeting in regards to monitoring the business activities at the old chicken farm on Boomerang Road, the CEO's response was exactly the same as the investigators first response.

## Question 1

My question was, was it being monitored, as there is ten times more rubble and asbestos contaminated materials on the property than there was then?

## Question 2

Does the investigator actually visit the site or conduct the interview with the owner by phone?

## Question 3

At what point is the Council going to ask the owner to show them where this quantity of debris has been cleared up from? Because none of it came from this property and there will be no evidence it came from this property. This debris is an occupational health and safety hazard.

*Response:*

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

**Ms Jackie Dines, 34 Jarrahglen Road, Jarrahdale, WA, 6124**

## Question 1

Is Council aware of this statement from the LGAB Report?

From page 564 of the LGAB Metropolitan Local Government Districts Inquiry Report, Shire of Murray. The Shire supported in principle the suggestion within the Minister 11/2013 and City of Armadale proposal 5 for an extension to the Shire of Murray boundary to Mundijong Road (only if the Shire of Serpentine Jarrahdale is abolished). The Shire of Murray submits that Serpentine Jarrahdale road network is failing with a \$9 million infrastructure backlog. The Shire would seek and immediate cash injection of annual funding for 10 years to bring the inherited roads up to standard. The Shire also cites substantial rate variation between the districts, warning that unless there was a phased increase, the proposal would result in a 48 per cent increase for rates in the area added to the Shire. The Shire estimated transitional costs at just over \$7 million, and indicated an expectation that costs would be met by the State Government.

## Question 2

If so, what is the Shire of Serpentine Jarrahdale's position on these statements?

## Question 3

The Shire of Murray has a statement on its website saying that they have a business plan. Is the Shire of Serpentine Jarrahdale aware of this? If so what comments can Council make?

*Response:*

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

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

## Question 1

Given recent press reports stating that the Shire of Serpentine Jarrahdale would not take part in any further legal challenge to forced Council amalgamations, and that they are now participating in the Local Implementation Committee with City of Armadale and Shire of Murray, could Council confirm that this means there would be no further support

for community action against forced amalgamations and lack of democratic process. If this is the case, could Council also explain how they reconcile this stance with community opinion?

*Response:*

*The Presiding Member advised that while there was discussion of an appeal, at a possible cost of \$140,000 and with no new evidence, the Council could not justify committing these further funds. The Presiding Member also acknowledged the community and the intention of Council to support the staff and community centres during the Local Government Reform process.*

**Mrs Lee Bond, PO Box 44, Armadale, WA, 6112**

Question 1

Why is the matter OCM105/12/14 referred to as a proposed community centre at Lot 2857 South Western Highway, Byford, when clearly it is referring to the Byford and District Country Club and why is this Council involved in this private matter?

*Response:*

*Councillor Erren advised that this was not a private matter, that the proposed centre would be owned and handled by the Shire.*

Question 2

Recently this year I asked if any Councillors had votes on any matter which they were not permitted to vote on and the answer was no.. I also asked if any member of Council of Council staff had anything they needed to declare and again the answer was no. The Byford and District Country Club relocation project thanked the following people for their dedication, expertise and time because without their crucial support the Byford and District Country Club Project would not have got as far as it has, Tony Simpson, John Kirkpatrick, Coleen Rankin, Mark Lyon, The Byford and District Country Club Committee, The Relocation Committee consisting for the now late Norm Carroll, Norm Fowler, Steve DuKamp, Fiona Jones, Lois Fenton, Barry Harvey, Rob Gibb, Stephen White, The Shire of Serpentine Jarrahdale Directors and staff and the Shire of Serpentine Jarrahdale Councillors. Will all the Shire Councillors vote on tonight's matter regarding the Byford and District Country Club and will Shire directors and staff declare their involvement in the Byford and District Country Club matter?

*Response:*

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

**Mr Brian Williamson, 95 Pony Place, Oakford, WA, 6121**

Question 1

Is it true that in an effort to ensure accuracy and transparency of the Council's finances and to ensure any and all those acting in a manner not in line with the requirements of the State Governments Regulations regarding the use of public money are outed and prosecuted, that a forensic accountant will be appointed to fully investigate the use of all public money? As there have been many accusations of wrong doings by members of management and Council or is the Council hoping to cover it up in time for the dissolving of the Shire of Serpentine Jarrahdale?

*Response:*

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



#### 4. Public statement time:

##### **Mr Harry MacLean, 234 Soldiers Road, Cardup, WA, 6122**

Owners before Wormalls (Hogg) had horses only on the property. Owners before Hogg had a goat farm and this was closed down by the Health Department as the milk was not suitable for humans. The land was contaminated and not suitable for grazing stock for human consumption. This site has never been a transport depot.

##### **Mr Angus Witherby, Wakefield Planning, on behalf of Mr Steven Lenz**

I would like to start by saying that Mr Lenz strongly supports the Town Centre Structure Plan and also recognises a supermarket anchored development is necessary to kick start the town centre development. He does, however, have some key concerns with the revised application as presented. Lack of integration with the future railway station, in particular the loading dock facing the proposed station.

The overall urban design being industrial not rural and not reflecting the character, ambiance or aspirations of Byford. The workability of the proposed Town Plaza, including high solar exposure (based on experiences with his own site), lack of connectivity to the future Town Centre Development, lack of consistency with the Town Centre Structure plan including, in particular, the following elements, lack of mixed use development including residential within either the proposed development or the concept plan, lack of provision for future multi-story development/ redevelopment, inability to provide additional development within the proposed car parking provision, lack of a road link adjoining the railway line, lack of ability to achieve a retail high street with the partially internalised arcade that is proposed, lack of resolution of future key elements of the centre in the concept plan provided and lack of sleeving of the retail box. In summary, he submits that as exhibited the development does not constitute orderly and proper planning and requests that Councillors give consideration to an independent presentation to the JDAP regarding these concerns.

##### **Mr Grant Richardson, 230 Soldiers Road, Cardup, WA, 6122**

In relation to the Retrospective Transport Depot, the following points are sited in the agenda, under noise assessment that the Shire is not prepared to support a Planning Application which is not compliant with Noise Regulation. Within the Conclusion that noise and the associated amenity of an area are key planning concerns which cannot be overlooked and within the officers recommendation that the development will have an undesirable negative impact on the residential amenity of the area by way of noise impacts and visual impacts. These points are also relevant to Wormalls application.

Further to this within the reconsideration of Retrospective Rural Industry/Transport Depot, within the officers recommendation that Council refuse the application seeking Retrospective Planning Approval for a Rural Industry/Transport Depot at No.17 (Lot 41) South Western Highway, Cardup for the following reason, no structure plan has been approved on this land in accordance with clause 5.18.7.1 of Town Planning Scheme No 2. The application will have an adverse impact on the preparation of a structure plan, orderly and proper planning and the health, safety or convenience of future occupants of the adjacent and in the area intended for the structure plan as, no structure plan has been approved, in the absence of an approved structure plan the application cannot be adequately assessed and in the absence of an approved structure plan the future impact on the residents and infrastructure cannot be adequately determined.

The reason cited by the Shire officers should be sufficient grounds alone for refusing this approval. In relation to noise, the Shire has said it is not prepared to support a Planning Application which is not complaint with noise regulations. The western end of the proposed workshop will be less than the Environmental Protection Authority buffer distance of 200 meters for a transport depot. The shed also has a metal fabrication bay on the western end and the Environmental Protection Authority buffer distance for metal



fabrication is 500 to 1000 meters, which makes lot 41 Cardup siding Road far too narrow to accommodate this workshop.

In relation to amenity, the proposed workshop will be approximately 100 meters from Soldiers Road, which is a flora route. Nothing will screen a five storey workshop, which covers nearly half an acre, from the view of tourists admiring the rural charm of the Shire of Serpentine Jarrahdale or from the view of the Cardup residents. The health and safety of the Cardup residents, without an LSP there is nothing in place to control ground contamination which could affect our water supply. In fact without an LSP, nothing is in place to control anything.

If this application is approved, it will set a precedent for all future developments to carry on without regards to LSP, Local Planning Policies and Planning Schemes. They will simply start without approval and then, after being given notice of non-compliance, submit a retrospective proposal and demand that it be approved because Wormall's application was approved under similar circumstances. Based on the Shire's Schemes and Policies, I believe the Councillors are obliged to reject this proposal.

**Ms Helen Iles, 265 Boomerang Road, Oldbury, WA, 6121**

In regards to the illegal businesses operating on Boomerang Road, specifically the Trucking Depot and the Demolition Storage Facility, and the Mulching and Tree Lopping Service, I referred to at the last meeting, I am seriously disappointed that the response to my questions did not in the slightest deal with my questions. I refer in particular to my question as to whether the Demolition Storage Facility business was being monitored. I received a response that states Shire Offices have recently conducted an inspection of the property and there was no evidence of building rubble on the property or rubble being trucked to the property. The landowner was in the process of cleaning out the old chicken shed and no business activities were observed on the property.

This was the response I received when we first alerted council to the truck loads of rubble being brought to the property by the semi-load, on one of the trucks sign was written Asbestos Removal. The investigator apparently attended and did not see any rubble, because they went to the corner property where the Tree Lopping firm has set up business and they could only see clean fill. The clean fill by the way was right behind a tall brick rubble pile, as shown in our photos last meeting and the clean fill was actually chunks of limestone rubble, so I doubt the officers even entered the property to check. Since then large mounds of mulch is being stored amongst the tall grasses around the shed. Do they have firefighting facilities on hand if these mulch pile start to smoulder during the heat of summer?

On our second complaint as more building demolition rubble was trucked in by the semi-load, the investigator was told by the owner of the offending property this rubble was from a clean-up of the property since it was purchased, including four or five car bodies. I then overheard a conversation coming from the property, including four or five car bodies. I then overheard a conversation coming from the property that some of the dumped materials were asbestos contaminated, these timbers lie directly opposite my home. This stack of timbers has also tripled in size since the first stack was dumped.

Having had use of the property on and off over several years I can categorically state there were no car bodies on the property. There were only a few metal frames and some old wire, which we piled up with our machinery. There were no mountains of brick rubble, or brick buildings, apart from two residence which are still occupied by tenants, so where is all this brick rubble coming from? The chicken shed are iron and metal construction, so where is all this timber that is supposed to be from the property coming from? There is enough there that would indicate at least one or two of the sheds have been demolished, but they haven't.

The further disappointment from the initial response I received was that we told the Council we have seen the semi's trucking in the rubble and timber our neighbour has also reported the illegal operations and has stated they have seen the trucks arriving full and leaving empty, so why are we in effect being called liars and the owner of the illegal activities is believed. Given there is now even more rubble and timber on the property than the last lot of photographs we supplied, hence my request to have this property monitored, we get a standard reply that the owner is cleaning up the place. I seriously doubt anyone has actually attended the property and only taken the owners word for it over the phone. Thank you Council representatives for calling us liars. Thank you for listening to our serious concerns, not.

If this is indeed a property clean up, yet none of these products were on the property prior to this owner purchasing it, surely the piles of rubble and timber would be decreasing as the trucks come and go, wouldn't they? Have a look at the photos, compare them to the previous photos we provided with our complaint. If this amount of brick and timber has been from a property clean-up, it must be a full demolition. I thought they had to put in an application for demolishing the chicken sheds. And no, this rubble has not been inside the sheds. All the sheds were empty except for the ones used by the Manure Factory. And the floor is concrete not brick, I know because I have the use of them.

So getting back to monitoring and investigation, the investigator has said there is no evidence of any building rubble. I severely doubt they have even visited the property, maybe not attended the correct property, though I cannot imagine how many properties are directly opposite mine to get the wrong one, or is something underhanded going down here. The investigator has stated there is no evidence of rubble being trucked to the property. You can see the tyre marks on the road going in through the gate and I am sure a blind man and his dog would be able to follow the truck marks to the rubble piles and timber stockpiles. Council has been informed by two residents, acting separately, of our concerns and have stated we have witnessed the trucks coming and going usually on weekends, some during the week. Maybe put a camera up and you will see for yourself. Maybe get a Ranger to watch on the weekend when most of the activity takes place. Just our photos alone prove the debris is increasing at a rapid rate of knots.

A simple question of the owner would be to show me where you have gathered all this rubble and timber from on the property. That would be the first question of any investigator with only basic investigative skills. Where were the cars stashed? I could provide evidence from my association with the property that would disprove any statement the new owner would make.

Do we have another environmental disaster waiting to strike the residents of Boomerang Road, being contamination of the wetland at the bottom of that property. I have even wondered if the rubble being trucked in will be used to fill in the wetland, given we were told by persons viewing the property they were going to park their heavy haulage truck there, or is the rubble going to be crushed down as a hardstand for that purpose. Notwithstanding the occupational health and safety issues we already have breathing in all the gravel dust from trucks and support vehicles passing by and drinking gravel dust in our water, we also have asbestos contaminated products close to our living space. We have the irritating noise from the Paintball Park that caused us much distress and damage to the livestock, and much expense keeping them safely off our property, we also suffer the eyesore of both these businesses encroaching on our rural environment, devaluing our properties and destroying our lifestyles. The second environmental hazard is the amount of rubber and plastics contained in the long grass on the paintball playing fields that will fill our homes with toxic smoke if a fire strikes our area.

So I ask Council, will they please assign a proper investigator to look into the untruths about the so-called property clean up, or do we have to hire our own Private Investigator

to provide the evidence your investigator has so blatantly missed, the costs of which we will pursue compensation for when our statements are proven correct. We have been totally disregarded in our plea to have these illegal business shut down and moved to the appropriate zoning. Why does the Shire of Serpentine Jarrahdale even bother with zonings when you do not police what is going on where. And further to my questions and statements last meeting, when is the application for the trucking depot going to be heard, I have not received a response to that. And is the manure factory going to be made to meet the conditions contained in their approval to operate, that is sealing the road to its gateway, funding of which was supposed to have been provided within a six week period of the approval. That was many years ago and we are still suffering the dust and polluted water which will only worsen over summer.

Please note too that with so many more trucks coming and going the condition of the road has severely deteriorated and now needs grading, at least every three weeks. When the corrugation start appearing our house starts shaking again and cracking appears or spreads through the walls. Given time, we will be homeless as we simply cannot keep up the constant expense of repairs caused by businesses that should not be here in the first place.

As Councillors you have taken on a responsibility to keep the environment and the community safe, please consider what is going on and what it is like for the residents to live on this section of Boomerang Road. I know it was the worst mistake of my life thinking I could love a health rural lifestyle in a Rural Zone, especially under a Council which doesn't seem to care the slightest what the ratepayer are dealing with.

**Public Question and Statement time concluded at 7.49pm**

## **5. Petitions and deputations:**

Nil

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

There will be a Design Workshop for the Serpentine Skate Park held on Tuesday 16 December 2014 at the Clem Kentish hall from 5pm to 6.30pm. This is a great opportunity to get involved in the community.

## **7. Declaration of Councillors and officers interest:**

Cr Hawkins declared a financial interest in item OCM105/12/14 as she has a close association with a person who may have a financial interest and will leave the meeting while this item is discussed.

Cr Erren declared a financial interest in item OCM105/12/14 as he has a close association with a person who may have a financial interest and will leave the meeting while this item is discussed.

Cr Rossiter declared a financial interest in item OCM105/12/14 as he has a close association with a person who may have a financial interest and will leave the meeting while this item is discussed

Director Corporate and Community left chambers at 7.50pm

Director Corporate and Community returned to chambers at 7.51pm

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

### **8.1 Ordinary Council Meeting – 24 November 2014**

#### **COUNCIL DECISION**

**Moved Cr Hawkins, seconded Cr Wilson**

**That the minutes of the Ordinary Council Meeting held on 24 November 2014 be confirmed (E14/5548).**

**CARRIED 9/0**

### **8.2 Audit Committee Meeting – 2 December 2014**

#### **COUNCIL DECISION**

**Moved Cr Piipponen, seconded Cr Erren**

**That the minutes of the Audit Committee Meeting held on 2 December 2014 be confirmed (E14/5755).**

**CARRIED 9/0**

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

<b>OCM094/12/14</b>	<b>Outbuilding Lot 50 (#267) Leipold Road, Oldbury (P06175/05)</b>
Author:	Rob Casella – Statutory Planner
Senior Officer/s:	Brad Gleeson – Director Planning
Date of Report:	11 November 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Just Rural  
 Owner: Mr & Mrs Ransom  
 Date of Receipt: 14 October 2014  
 Lot Area: 36.42ha  
 Town Planning Scheme No 2 Zoning: Rural  
 Metropolitan Region Scheme Zoning: Rural

### Introduction

To consider an application for an outbuilding on Lot 50 (#267) Leipold Road, Oldbury (subject lot) for the purpose of storing hay.

### Background:



Aerial Photograph

The subject property is zoned 'Rural' under the Shire's Town Planning Scheme (TPS 2) with a lot area of 36.4ha. The property is currently utilised for rearing of beef cattle and a pony stud.

The owners of the subject lot also own the property to the south (Lot 52 Gangemi Road, Oldbury), which they utilise to support the operations conducted on the subject lot through the making of hay. The property currently has approval for a 210m<sup>2</sup> stable with a lean-to and permitted to keep 15 ponies and 2 horses, an outbuilding with a floor area of 300m<sup>2</sup> (total of 510m<sup>2</sup>), a swimming pool and dwelling.

### Relevant Previous Decisions of Council:

There is no previous Council decision relating to this application.



**Community / Stakeholder Consultation:**

Neighbour consultation is considered unnecessary as the owner of the subject lot also owns the affected adjoining property.

**Comment:**Proposal:

The proposed hay shed features the following:

- Measures 20m x 12m (240m<sup>2</sup>) with a wall height of 4.5m and apex height of 5.5m
- Two side of the structure is proposed to be unenclosed (north and west elevations).
- Setback:
  - South (Rear) Boundary - 4m
  - East (Side) Boundary - 291m
  - West (Side) Boundary - 580m (approximately)
- Colours and materials are proposed to be Steel frame cladding in a Heritage Red

The applicant has provided the additional details in support of the development application:

*“Due to personal injury last year caused by using tarpaulins to cover and preserve hay rolls, the need to get access in all-weather wind and rain has forced us to apply to build a solid structure, two sided hay shed. Untying the ropes and trying to hold down the tarpaulins in the wind has become too dangerous. Mr and Mrs Ransom do not live on the property and it is the role of Mrs Ransom and daughters to get access to the hay feed. With a solid structure, tarpaulins would not be required with the danger of ropes flying around in the wind and climbing in and out of the tractor in the rain, slipping on the tractor steps with muddy boots would be eliminated. We are applying on a personal safety issue, it has become too dangerous to continue with tarpaulins.”*

Planning Assessment:

Local Planning Policy 36 – Non Urban Outbuildings

Local Planning Policy 36 (LPP36) is a seriously entertained document. The following provisions of LPP36 are considered relevant in determining the suitability of the proposed structure:

Zoning/Area	Floor Area			Setback (Minimum Distance)		Maximum Height* (Measured from Natural Ground Level)	
	Acceptable Development	Performance Based	PROPOSED	Side (m)	Rear (m)	Wall (m)	Roof Ridge** (m)
Rural Zone (≥ 40ha)	≤ 500m <sup>2</sup>	≤ 800m <sup>2</sup>	240m <sup>2</sup> (750m <sup>2</sup> combined)	10	20	5	6
Rural Zone (4ha – 40ha)	≤ 300m <sup>2</sup>	≤ 600m <sup>2</sup>		10	20	5	6

Under Table 2: *Land Use, Design & Siting requirements* of LPP 36 the provisions contained within, requires outbuildings to be clusters with existing outbuildings and/or located in accordance with the setback requirements contained in the table above (which requires 20m from the southern boundary). Outbuildings proposed to be isolated / dispersed on a non-urban lot, can lead to development which is visually conspicuous and intrusive into the landscape. LPP36 considers outbuildings to be sited in a position which is visually obtrusive to sight lines from adjoining properties or from the streetscape, to be unacceptable development.



The subject property is zoned Rural with a lot area of approximately 36.4ha, therefore falling within the provisions of 'Rural Zone (4ha – 40ha)' permitting a maximum combined floor area of 600m<sup>2</sup>; the total combined floor area of existing outbuildings and the proposed development exceeds the policy provisions by 150m<sup>2</sup>. Given the building is not grouped with the other buildings on site and exceeds the total floor area provisions of LPP36, consideration must be given to the potential impact of the development on the amenity of the locality.

The proponents are the owners of the lot to the south, also a 36ha rural lot of land, which has no infrastructure built on the property except for a small dwelling that is utilised on an occasional basis.

The proposed outbuilding is to be sited 213m south of the existing stable building with a 4m setback from the southern boundary, 291m setback from the eastern boundary and approximately 510m from the western boundary. The site visit undertaken identified that the building will be screened from Kargotich Road the north/south drainage reserve; Leipold Road due to the existing buildings on site, but it may be possible to see the building from Gangemi Road to the west. The setback distance and existing vegetation is considered to significantly reduce any visual impact of the shed.

The proposed colour (Heritage Red) is consistent with the other structures on the lot. However given the proposed outbuilding is isolated from the main group of buildings, consideration has been given to the appropriateness of this colour in terms of potential visual impact. It is possible it will be visible from Gangemi Road to the west, however this elevation is not enclosed and therefore any potential impact from the external colour will not be seen as the interior colour is a neutral primer. It is therefore considered that the colour will not have a significant detrimental impact on the amenity of Gangemi Road and is acceptable.

### Options and Implications

It is considered there are two options as follows:

- Option 1: Council grants planning approval subject to conditions; or
- Option 2: Council refuses the application for non – compliance with the Shire's Draft Local Planning Policy No. 36 – Non Urban Outbuilding

Option 1 is recommended.

### Conclusion

The size and location of the building have been assessed in the context of the application site, surrounding area and objectives of both the scheme and relevant planning policies. Although the siting and cumulative floor area are not consistent with the performance based requirements of LPP36, it is considered that the overall objectives have been met and that the development will not give rise to any significant detrimental amenity impacts. The application is therefore recommended for approval.

### **Attachments:**

- [OCM094.1/12/14](#) – Development Application (IN14/22176)

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

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

**Statutory Environment:**

- Planning and Development Act 2005;
- TPS 2
- LPP 36

**Financial Implications:**

There is no financial implications relevant to this item.

**Voting Requirements:** Simple Majority

**OCM094/12/14 COUNCIL DECISION / Officer Recommendation:****Moved Cr Urban, seconded Cr Piipponen**

That Council grant planning approval for an outbuilding in accordance with the attached plans for Lot 50 (#267) Leipold Road, Oldbury subject to the following conditions:

1. All storm water must be disposed on-site.
2. The shed is to be used for the storage of hay, feed for livestock and associated agricultural vehicles only.

**Advice Notes**

1. A planning consent is not an approval to commence any works. A building permit must be obtained for all works.
2. 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.
3. 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.

**CARRIED 9/0**

<b>OCM095/12/14</b>	<b>Byford Traditional Infrastructure Development Contribution Report No. 2 (SJ569)</b>
Author:	Brad Gleeson – Director Planning
Senior Officer/s:	Richard Gorbunow – Chief Executive Officer
Date of Report:	10 November 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i> .

### Introduction

To adopt the Byford Traditional Infrastructure Development Contribution Plan Report No. 2 for the purpose of stakeholder comment.

### Background:

Initiation of an amendment to include the Byford Traditional Infrastructure Development Contribution Plan (DCP) within Town Planning Scheme No. 2 (TPS 2) occurred in 2005. This initiation allowed the Western Australian Planning Commission (WAPC) to place on subdivision approvals the obligation to pay a DCP contribution. This obligation was secured through an Interim Development Deed that required the subdivider to provide security in the form of cash, bank guarantee or security over land.

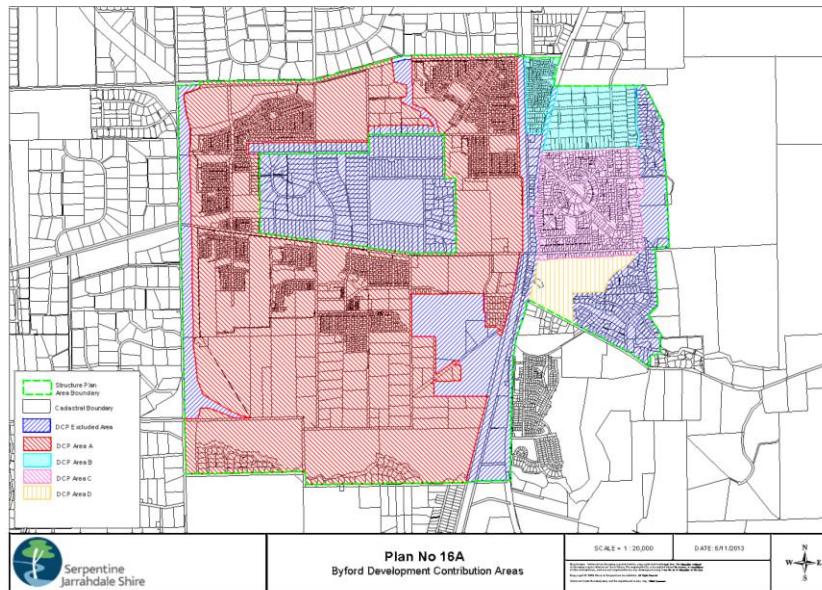
The DCP required to facilitate development in Byford, was gazetted on 21 January 2014. The gazettal of Amendment 168 that inserted the Byford DCP into TPS 2 as Appendix 16A caused the DCP to become operable. It also established the area known as DCA1 over which the DCP would operate.

Following the gazettal of the DCP, the Council was required to adopt a DCP Report (and cost apportionment schedule) within 90 days. In anticipation of the gazettal of the DCP, Council adopted the DCP Report No1 on 9 December 2013 following advertising in August 2013. DCP Report No1 enabled the contribution liability for each development to be calculated as at 21 January 2014. The DCP Report and the associated cost apportionment schedule sets out in detail the calculation base of the cost contribution for each owner in accordance with the methodology shown in the DCP. The DCP Report needs to be a dynamic document to maintain the currency of the cost apportionment and contribution liability. The DCP Report does not form part of TPS 2, but once adopted by Council, is required to be reviewed at least annually.

### Relevant Previous Decisions of Council:

- OCM094/12/13 – Final Approval – Byford Traditional Infrastructure DCP Report No1

**Comment:**



Town Planning Scheme 2 Plan 16A

DCP Report No.2 is necessary to bring to account the development of 2,777 lots created prior to the Byford DCP becoming operable upon the gazettal on 21 January 2014. A further 459 lots were created in the subsequent period to 30 June 2014 bringing the total lots whose contribution liability is extinguished to 3236 lots.

There were 97 Interim Development Deeds in place when Amendment 168 was gazetted. Local Planning Policy No. 75 (LPP 75) provided the framework for the acquittal of the Deeds. As at gazettal when the Byford Traditional Infrastructure DCP came into operation, 2,777 lots with a DCP contribution value of \$34.4 mil, DCP land transferred value of \$19.6 mil and DCP works valued at \$10.46 mil were acquitted. Subsequent subdivision clearances up to 30 June bring these figures to, respectively: 3236 lots, \$39.7 mil, \$22.45 mil and \$10.46 mil. The acquittal of this significant past activity required the DCP Report No. 1 to be reviewed as a priority. It is important that the contribution cost per lot closely reflects the revenues and costs estimated to complete development of the remaining 8,741 lots in DCA1.

It should be noted the application of LPP 75 to the acquittal of the Interim Deeds provided a seamless transition from historical costs and values to current costs and values.

At each DCP Report review, all factors contributing to the calculation of the per lot contribution amount must be reviewed.

The significant factors reviewed are:

- a) Remaining estimated lot yield;
- b) Land yet to be acquired;
- c) Works outstanding;
- d) Future administration costs;
- e) Net surplus/deficit of the DCP account;
- f) Works priorities;
- g) District Open Space for Byford South/The Glades.

In the case of the current review, the following outcomes are relevant:

1. Remaining Lot Yield

DCA1 Precinct	Lots Created (as at 30 June 2014)	Future Lots	Estimated Lot/Dwelling Yield

A	3,091	7,103	10,194
B	101	692	793
C	44	586	630
D	-	360	360
<b>Total</b>	<b>3,236</b>	<b>8,741</b>	<b>11,977</b>

The future lots are expected to provide the contributions necessary to clear all the Byford DCP costs over the life of the DCP. As at 30 June 2014, 27.5% of the estimated lot yield has been developed.

## 2. Land Yet to be Acquired

DCP Land	To Be Acquired	Acquired	Total
Roads	7.2113 ha	3.9355 ha	11.1468 ha
POS / Drainage	76.8437 ha	38.5298 ha	115.3735 ha
DOS	3.4936 ha	6.5597 ha	10.0533 ha
<b>Total</b>	<b>87.5486 ha</b>	<b>49.0250 ha</b>	<b>136.5736 ha</b>

Up to 30 June 2014, 35.9% of all DCP land has been acquired including the Kalimna oval and Byford Central district open space. This indicates land has been acquired at a rate greater than lot development.

## 3. Works Outstanding

Item	Completed	Future	Total Cost
Thomas Road		6,043,490	6,043,490
Abernethy Road	1,416,385	14,078,956	15,495,341
Orton Road		12,435,160	12,435,160
Kardan Boulevard	4,019,004	523,470	4,542,474
San Simeon Boulevard	1,383,015	14,763,557	16,146,572
Doley Road	2,870,303	4,588,140	7,458,440
Warrington Road	716,367	3,558,580	4,274,950
<b>Total Roads</b>	<b>10,405,074</b>	<b>55,991,353</b>	<b>66,396,427</b>
DOS	1,473,931	910,734	2,384,665
<b>Total Works</b>	<b>11,879,005</b>	<b>56,902,087</b>	<b>68,781,092</b>

Note: Accounts for projected future Main Roads WA two-thirds contribution for grant funding (Thomas Road)

Around 18% of all DCP works have been completed. Unlike land acquisition, the rate of works being undertaken falls below the rate of lot development that stands at 27.5%.

## 4. Future Administration Costs

It will require a full year operation of the DCP before an accurate annual estimate can be derived. In the meantime, a figure of \$178,566 p.a. will be utilised to provide a whole of life DCP administration cost. This cost break-up, shown in full in the DCP Report appendices, represents 1.25 full time staff equivalents plus allowance for some specialist consultant activity. Total cost over the life of the DCP is estimated at \$3.571 million.

## 5. Net Surplus/Deficit Contributions

The following table sets out the elements that determine the net contributions for each review period. In this case the period is from commencement of the DCP to 30 June 2014.

Lots Cleared	3,236
Gross Contributions Due	\$40,546,907
Costs Incurred:	

Land settled	\$22,446,500
Works settled	\$10,462,619
Administration Costs incurred	\$1,647,403
<b>Total Costs</b>	<b>\$34,556,522</b>
<b>Net Contributions</b>	<b>\$5,990,385</b>

The net contributions (surplus) will be subtracted from the estimated DCP future costs to arrive at the cost to be covered by DCP contributions from the 8,741 lots yet to be developed.

#### 6. Works Priorities

From when the DCP Report No1 was compiled, the Shire has reviewed priorities and the focus is on the full construction of Abernethy Road.

#### 7. DOS for Byford South/The Glades

The Shire is aware of the limited active open space in Byford. Without changing the gross amount of POS and DOS in Byford, 7,547m<sup>2</sup> at Byford South/The Glades has been added to the DOS adjacent to the future primary school. This brings size of the DOS up to 3.526ha and will allow for construction of an additional small rectangular sporting field. It is anticipated a Joint Use Agreement with the Department of Education will be drawn up along the lines of the Kalimna agreement.

#### Impact of Review on the Contribution Cost Per Lot

Accounting for the lots developed, works completed and land acquired leads to a revised contribution cost per lot.

Precinct	A	B	C	D
Contribution Cost per lot Report No1	\$13,480	\$9,319	\$3,973	\$9,319
Contribution Cost per lot Report No2	\$11,500	\$8,008	\$3,297	\$8,008
Percentage reduction	14.3%	14.1%	17.0%	14.1%

The fall in contribution costs per lot is likely to have been influenced by the earlier land acquisition when land was generally at a lower cost. A number of developers have timed the transfer of land to offset contributions arising from lot clearances. Once this Report is adopted following public notification, the above contribution costs will hold until the next Review in around twelve months.

It should be noted the outcome of the review was always uncertain in terms of whether it would result in an increase in contributions per lot. In this review, a number of factors have contributed to a lowering in the contribution per lot. Some may consequently argue they have overpaid contributions. Conversely, if contributions had risen they would have received a windfall gain thus negating this argument.

#### Consultation

There is no statutory obligation for the Shire to seek comment on the review of a DCP Report. However, given the supportive role played by the Byford Industry Reference Group (BIRG) in the framing of the Byford Traditional Infrastructure DCP, it is proposed to provide a 30 day comment period for the BIRG. BIRG comprises the major landowners and representatives from the Department of Planning.



**Attachments:**

- [OCM095.1/12/14](#) – Draft Byford Traditional Infrastructure DCP Report No. 2 (E14/5538)

**Alignment with our Strategic Community Plan:**

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

**Statutory Environment:**

- *Planning and Development Act 2005*
- LPP 75 – Interim Development Deeds

**Financial Implications:**

The operation of the DCP presents a major administrative responsibility for the Shire. While the DCP is self-funded, the Shire has an implicit obligation to efficiently and effectively manage the revenues and works.

**Voting Requirements:** Absolute Majority

**Officer Recommendation:****That Council:**

1. Endorse the Draft Development Contribution Plan Report No 2 as per attachment OCM095.1/12/14.
2. Initiates a 30 day comment period, for the Byford Industry Reference Group and the community.
3. Amend the 2014/15 Annual budget by \$4,815,590 for Abernethy Road. Construction to be funded from the Development Contribution Plan funds held by the Shire.

**OCM095/12/14 COUNCIL DECISION / Amended Recommendation:**

Moved Cr Wilson, seconded Cr Moore

**That Council:**

1. Endorse the Draft Development Contribution Plan Report No 2 as per attachment OCM095.1/12/14.
2. Initiates a 30 day comment period, commencing mid-January 2015 for the Byford Industry Reference Group and the community.
3. Amend the 2014/15 Annual budget by \$4,815,590 for Abernethy Road. Construction to be funded from the Development Contribution Plan funds held by the Shire.

**CARRIED ABSOLUTE MAJORITY 9/0**

**Council Note:** Condition 2 was altered to include a commencement timeframe for the 30 day comment period to ensure this did not occur during the Christmas/New Year shut down period.

Director Corporate and Community left chambers at 7.57pm  
Director Corporate and Community returned to chambers at 7.58pm

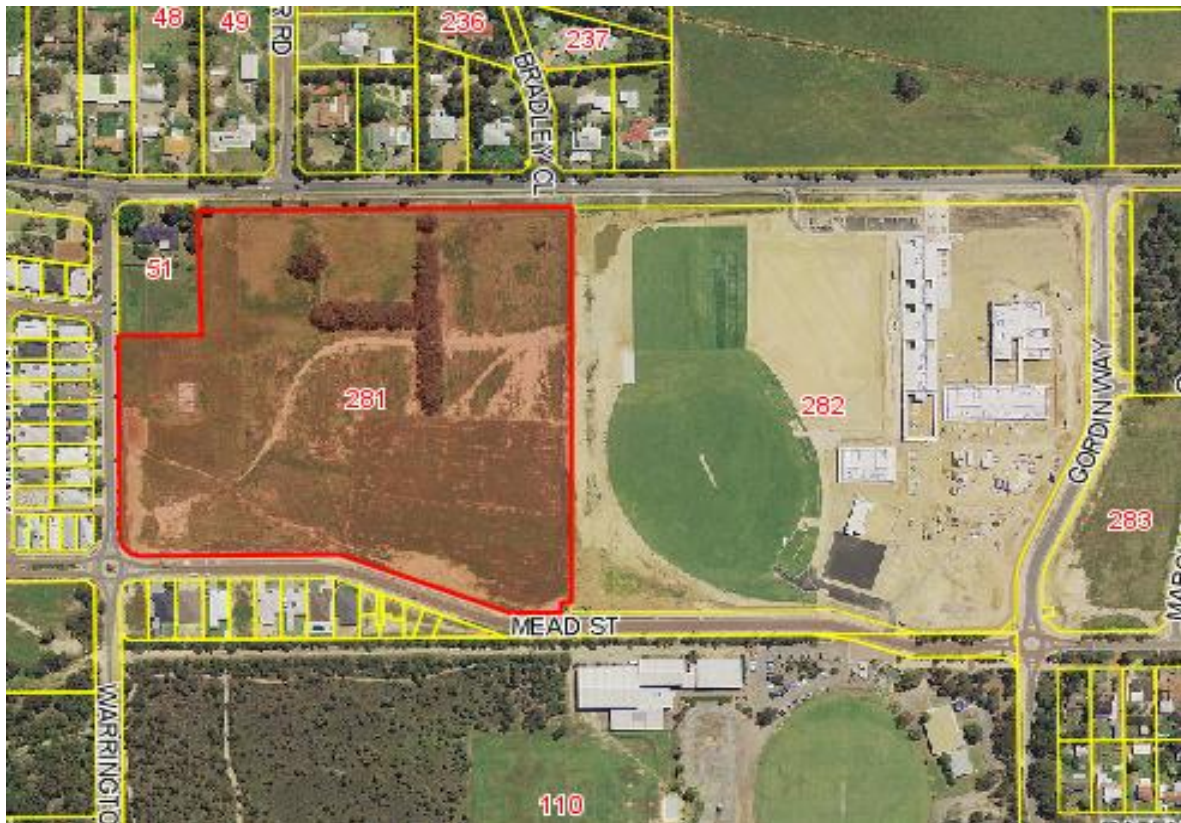
<b>OCM096/12/14 Proposed Amendment to Approval Catholic College Stage One (Car Park) – Lot 281 Abernethy Road, Byford (P09128/01)</b>	
Author:	Helen Maruta – Senior Planner
Senior Officer/s:	Brad Gleeson – Director Planning
Date of Report:	18 November 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Paterson Group Architects (PGA)  
 Owner: The Roman Catholic Archbishop of Perth  
 Date of Receipt: 27 October 2014  
 Lot Area: 9.89 ha  
 Town Planning Scheme No 2 Zoning: Urban Development  
 Metropolitan Region Scheme Zoning: Urban Deferred, Urban

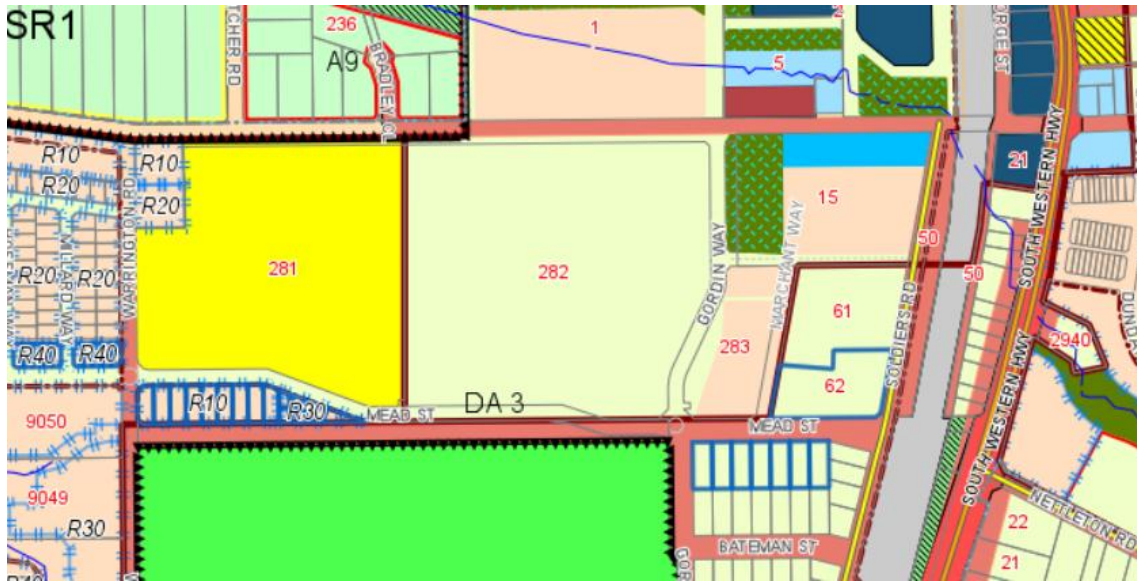
**Introduction:**

To provide a recommendation of approval to the Metropolitan East Joint Development Panel (JDAP). An application has been lodged to reduce the number of car parking bays from 72 bays to 45 bays on the existing approval of the Byford Catholic College on Lot 281 Abernethy Road, Byford.

**Background:**



Aerial Photograph



Locality Plan

Refer attached Responsible Authority Report

**Relevant Previous Decisions of Council:**

OCM030/08/14 – Council at its Ordinary meeting of 25 August 2014 approved the development application of stage one of the Byford Catholic College

**Community / Stakeholder Consultation:**

Refer attached Responsible Authority Report

**Comment:**

A detailed assessment and analysis of this application is contained within the Responsible Authority Report. The number of car parking bays provided is consistent with the provisions of Council’s Town Planning Scheme No 2.

**Attachments:**

- [OCM096.1/12/14](#) – Responsible Authority Report (E14/5365)
- [OCM096.2/12/14](#) – Overall Master Site Plan (E14/3668)
- [OCM096.3/12/14](#) – Revised Site Plan (IN14/22469)
- [OCM096.4/12/14](#) – Current JDAP Approval (E14/5363)

**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:**

- Town Planning Scheme No.2
- Planning and Development Act 2005
- Planning and Development (Development Assessment Panels) Regulations 2011

**Financial Implications:**

There are no direct financial cost implications for Council

**Voting Requirements:** Simple Majority

**Officer Recommendation:**

**That Council:**

- A. Note that the application for the proposed amendment for stage one car park of Byford Catholic College – Lot 281 Abernethy Road, Byford will be determined by the Metropolitan East Joint Development Assessment Panel.
- B. Adopt the Responsible Authority Report for the proposed amendment for stage one car park for the Byford Catholic College – Lot 281 Abernethy Road, Byford, which recommends that the Metropolitan East Joint Development Panel approve the application subject to the following conditions:
- 1 The provision of the car parking bays to be consistent with that shown on the revised site plan attached to and forming part of this approval.
  - 2 All other condition and requirements detailed on the previous approval dated 8 September 2014 shall remain the same unless altered by this application.

**OCM096/12/14 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Hawkins, seconded Cr Moore**

**That Council:**

- A. Note that the application for the proposed amendment for stage one car park of Byford Catholic College – Lot 281 Abernethy Road, Byford will be determined by the Metropolitan East Joint Development Assessment Panel.
- B. Adopt the Responsible Authority Report for the proposed amendment for stage one car park for the Byford Catholic College – Lot 281 Abernethy Road, Byford, which recommends that the Metropolitan East Joint Development Panel approve the application subject to the following conditions:
- 1 The provision of the car parking bays to be consistent with that shown on the revised site plan attached to and forming part of this approval.
  - 2 All other condition and requirements detailed on the previous approval dated 8 September 2014 shall remain the same unless altered by this application.
- C. A meeting be arranged with the Department of Education, Catholic Education Office and the Shire to discuss the need for a co-ordinated approach to the provision of sufficient bus parking areas for the two High Schools in Byford.

**CARRIED 9/0**

**Council Note:** Condition C was added to the officers recommendation as Council is seeking a meeting with the Department of Education and the Catholic Education Office to discuss the need for a co-ordinated approach to the provision of sufficient bus parking areas for the two High Schools in Byford. The aim is to ensure that adequate planning occurs and a solution put in place relating to buses around the two high school sites



<b>OCM097/12/14</b>	<b>Proposed Sawmill and Storage – Lot 9 (#550) Gossage Road, Oldbury (P04060/01)</b>
Author:	Helen Maruta – Senior Planner
Senior Officer/s:	Brad Gleeson – Director Planning
Date of Report:	18 November 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Jarrahdale Australia Pty Ltd  
 Owner: Roy McKernan  
 Date of Receipt: 22 September 2014  
 Lot Area: 19.74ha  
 Town Planning Scheme No 2 Zoning: Rural  
 Metropolitan Region Scheme Zoning: Rural

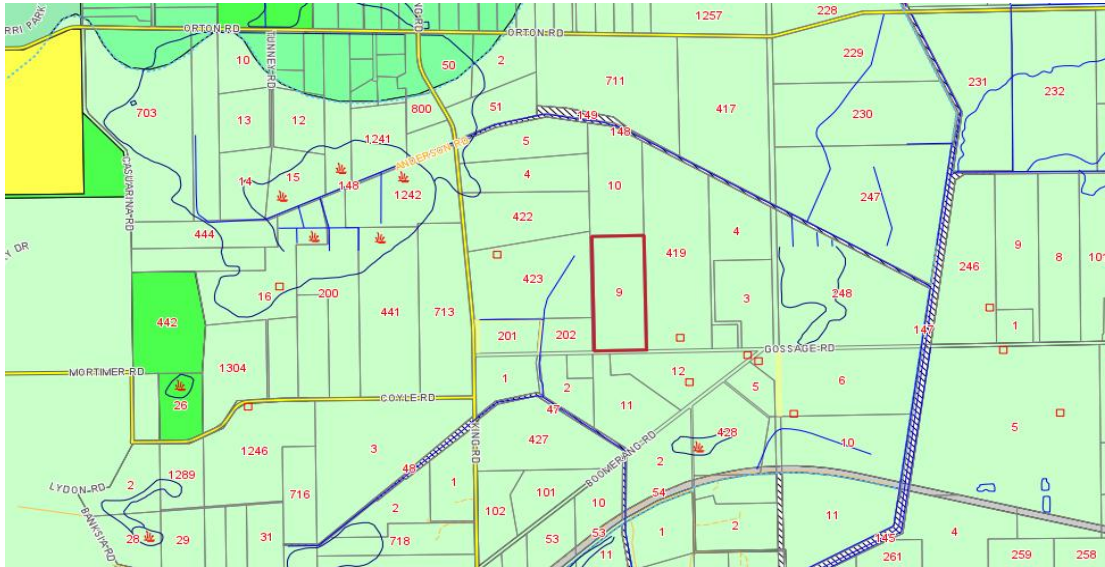
### Purpose of Report

The purpose of this report is to provide a recommendation to the Metropolitan East Joint Development Panel (JDAP) on an application for establishing a sawmill and storage enterprise at Lot 9 (550) Gossage Road, Oldbury. The proponents currently run a sawmill business on 36 Bird Road, Oldbury and it is their intention to relocate operations to the subject lot. The application is recommended for approval.

### Background:



Aerial Photograph



Locality Plan

Refer attached Responsible Authority Report

**Relevant Previous Decisions of Council:**

Refer attached Responsible Authority Report

**Community / Stakeholder Consultation:**

Refer attached Responsible Authority Report

**Comment:**

A detailed assessment and analysis of this application are contained within the Responsible Authority Report.

**Attachments:**

- [OCM097.1/12/14](#) – Responsible Authority Report (E14/5515)
- [OCM097.2/12/14](#) - Overall Site Plan (E14/5533)
- [OCM097.3/12/14](#) – Floor and Elevations Plans (E14/5534)
- [OCM097.4/12/14](#) – Traffic Impact Statement (E14/5536)
- [OCM097.5/12/14](#) – Environmental Assessment(E14/5537)
- [OCM097.6/12/14](#) - Dust Management Plan (IN14/23010)
- [OCM097.7/12/14](#) – Acoustic Report (E14/5532)
- [OCM097.8/12/14](#) - Schedule of Submissions (E14/4925)

**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:**

- Town Planning Scheme No.2
- Rural Strategy 1994



**Financial Implications:**

There are no direct financial cost implications for Council

**Voting Requirements:** Simple Majority

**Officer Recommendation:****That Council:**

- A. Note that the application for the proposed Sawmill and Storage – Lot 9 (550) Gossage Road, Oldbury will be determined by the Metropolitan East Joint Development Assessment Panel.**
- B. Adopt the Responsible Authority Report, which recommends that the Metropolitan East Joint Development Panel approve the application for the proposed Saw Mill and Storage Lot 9 (550) Gossage Road, Oldbury for the following reasons:**

**Planning**

- 1. This planning approval is for a “Saw Mill” as defined in the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 and the subject land may not be used for any other use without prior approval of the Shire.**
- 2. This approval is valid for a period of five years (5) from the date of approval being granted.**
- 3. The extent of development to be consistent with that shown on the approved plans attached to and forming part of this approval.**
- 4. The proposed storage/warehouse buildings shall be used for the storage of timber products associated with the saw mill as set out in the development application subject of this approval.**

**Amenity**

- 5. A Construction and Operational Management Plan to be prepared and approved by the Shire of Serpentine Jarrahdale and thereafter implemented at all times.**
- 6. The use/development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, odour, dust, light spill or waste products and shall be managed to the satisfaction of the Shire.**
- 7. The applicant shall implement measures to minimise the risk of spills or leaks of chemicals including fuel, oil other hydrocarbons from site works, and shall be immediately remove and dispose of any liquid resulting from spills or leaks of chemicals including fuel, oil or other.**

**Landscape**

- 8. Measures to be taken to ensure the protection of any vegetation on the site that is not within the area approved for development works from any damage that could result from those works. Those measures to be described in the Landscape and Vegetation Management Plan and be submitted for approval by the Shire.**
- 9. Prior to the commencement of the development a Landscape and Vegetation Management Plan showing the areas of retained vegetation and proposed additional planting, the number of each species to be planted and success rate shall be submitted and approved by the Shire. The approved plan shall thereafter be implemented in its entirety. The Plan, it is to include lower and mid-storey plantings at locations where visual screening of buildings from vantage points outside the site is currently deficient. The species number and success rate of each species shall be in accordance with a vegetation screening plan to be approved by the Shire**

10. The implementation of the approved Landscape and Vegetation Management Plan shall be completed within 12 months of the development approval being granted. Vegetation on site is to be maintained thereafter in accordance with the approved Landscape and Vegetation Management Plan.

#### Noise

11. The development shall be in accordance with the Acoustic Assessment Report prepared by Herring Storer Acoustics dated November 2014 forming part of this approval.
12. Within 12 months of the commencement of the use of the sawmill, the applicant shall commission an acoustic engineer to undertake a noise assessment including field measurements of the operation to verify compliance with the Acoustic Assessment Report (Herring Storer Acoustics, Nov 2014) and the *Environmental Protection Noise Regulations 1997*.
13. With regards to the noise assessment required in condition 12, if field noise measurements outcome indicate that levels exceed the *Environmental Protection (Noise) Regulations 1997*, the acoustic engineer shall prepare and submit a noise management plan recommending engineering controls and/or on-site management measures to ensure compliance with the Regulations to the satisfaction of the Shire.
14. The hours of operation of the business are restricted to 7.00am to 7.00pm Monday to Saturday. Operation of business on Sunday and public Holidays is not permitted.

#### Dust

15. The development shall be in accordance with the Dust Management Plan Overview Report dated October 2014, so as to minimise dust emissions and ensure that visible dust is not emitted beyond the boundaries of the development site.

#### Drainage

16. Prior to the commencement of site works a drainage management plan shall be submitted and approved by the Shire. This plan shall be outline methods of stormwater collection which may be achieved by spoon drains and the use of stormwater retention methods such as grading hardstand area to drainage area. The approved plan shall thereafter be implemented in its entirety.

#### Network Movements

17. The applicant is to ensure that truck operators comply with the conditions of approval and ensures that their operations do not adversely impact on the community by way of truck speeds, control of litter and following designated truck routes.
18. The crossover to the property is to be constructed in accordance with Serpentine Jarrahdale standard industrial crossover specifications and be located and maintained to the satisfaction of the Shire.
19. Turning radius of crossover to be of a size suitable for large trucks. The width of the crossover shall be sufficient to accommodate two trucks (one entering and one exiting the site).
20. Where damage is caused to Gossage Road pavement and/or bitumen seal adjacent to the access as a result of heavy haulage operations from the subject site, such damage shall be rectified at the applicant's expense and to the satisfaction of the Shire.

### Main Roads

21. Prior to the commencement of site works a full route assessment is undertaken by Main Roads to ensure the suitability of the proposed route for Restricted Access Vehicles. All required modifications identified in this assessment shall be undertaken to Main Roads satisfaction. The assessment will include access to the proposed site.
22. The landowner shall be responsible for all costs involved in any land acquisition, design and construction of any intersections, and access arrangements identified in the route assessment as requiring modification. This includes signing, road markings, relocation of services, street lighting and Main Roads costs involved in the checking of the design and constructions drawings and any site inspections.

### Fire

23. A Bushfire Management Plan being prepared in accordance with the Western Australian Planning Commission's Guideline Planning for Bushfire Protection Edition 2 May 2010 edition 2, State Planning Policy Planning For Bushfire Risk Management Hazards and Disasters May 2014.

### Compliance

24. The operator shall keep a log of all complaints received, and action taken in response to complaints to the satisfaction of the Shire.

### Signage

25. Any proposed signage shall be in accordance with the Shire's Local Planning Policy No.5 Control of Advertisement. No signs are to be displayed in the road reserve adjacent to the site at any time

### 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. The installation of any apparatus for the treatment of sewage will require an Application to Construct or install an Apparatus for the Treatment of Sewerage to be submitted and approved by the Shire.
3. The proponent shall provide Local Government with a clearing permit from the Department of Environment Regulation for clearing of areas of native vegetation totalling more than 5ha.
4. All enquires relating to conditions 21 and 22 shall be directed to the Main Roads WA Heavy Vehicles Assessment Supervisor.
5. 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.

**OCM097/12/14 COUNCIL DECISION / New Motion:**

**Moved Cr Moore, seconded Cr Wilson**

**That Council:**

- A. Note that the application for the proposed Sawmill and Storage – Lot 9 (550) Gossage Road, Oldbury will be determined by the Metropolitan East Joint Development Assessment Panel.**

- B. Adopt the Responsible Authority Report, which recommends that the Metropolitan East Joint Development Panel approve the application for the proposed Saw Mill and Storage Lot 9 (550) Gossage Road, Oldbury subject to the following conditions:**

#### **Planning**

- 1. This planning approval is for a “Saw Mill” as defined in the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 and the subject land may not be used for any other use without prior approval of the Shire.**
- 2. This approval is valid for a period of five years (5) from the date of approval being granted.**
- 3. The extent of development to be consistent with that shown on the approved plans attached to and forming part of this approval.**
- 4. The proposed storage/warehouse buildings shall be used for the storage of timber products associated with the saw mill as set out in the development application subject of this approval.**

#### **Amenity**

- 5. A Construction and Operational Management Plan to be prepared and approved by the Shire of Serpentine Jarrahdale and thereafter implemented at all times.**
- 6. The use/development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, odour, dust, light spill or waste products and shall be managed to the satisfaction of the Shire.**
- 7. The applicant shall implement measures to minimise the risk of spills or leaks of chemicals including fuel, oil other hydrocarbons from site works, and shall be immediately remove and dispose of any liquid resulting from spills or leaks of chemicals including fuel, oil or other.**

#### **Landscape**

- 8. Measures to be taken to ensure the protection of any vegetation on the site that is not within the area approved for development works from any damage that could result from those works. Those measures to be described in the Landscape and Vegetation Management Plan and be submitted for approval by the Shire.**
- 9. Prior to the commencement of the development a Landscape and Vegetation Management Plan showing the areas of retained vegetation and proposed additional planting, the number of each species to be planted and success rate shall be submitted and approved by the Shire. The approved plan shall thereafter be implemented in its entirety. The Plan, it is to include lower and mid-storey plantings at locations where visual screening of buildings from vantage points outside the site is currently deficient. The species number and success rate of each species shall be in accordance with a vegetation screening plan to be approved by the Shire**
- 10. The implementation of the approved Landscape and Vegetation Management Plan shall be completed within 12 months of the development approval being granted. Vegetation on site is to be maintained thereafter in accordance with the approved Landscape and Vegetation Management Plan.**

**Noise**

11. The development shall be in accordance with the Acoustic Assessment Report prepared by Herring Storer Acoustics dated November 2014 forming part of this approval.
12. Within 12 months of the commencement of the use of the sawmill, the applicant shall commission an acoustic engineer to undertake a noise assessment including field measurements of the operation to verify compliance with the Acoustic Assessment Report (Herring Storer Acoustics, Nov 2014) and the *Environmental Protection Noise Regulations 1997*.
13. With regards to the noise assessment required in condition 12, if field noise measurements outcome indicate that levels exceed the *Environmental Protection (Noise) Regulations 1997*, the acoustic engineer shall prepare and submit a noise management plan recommending engineering controls and/or on-site management measures to ensure compliance with the Regulations to the satisfaction of the Shire.
14. The hours of operation of the business are restricted to 7.00am to 7.00pm Monday to Saturday. Operation of business on Sunday and public Holidays is not permitted.

**Dust**

15. The development shall be in accordance with the Dust Management Plan Overview Report dated October 2014, so as to minimise dust emissions and ensure that visible dust is not emitted beyond the boundaries of the development site.

**Drainage**

16. Prior to the commencement of site works a drainage management plan shall be submitted and approved by the Shire. This plan shall be outline methods of stormwater collection which may be achieved by spoon drains and the use of stormwater retention methods such as grading hardstand area to drainage area. The approved plan shall thereafter be implemented in its entirety.
17. To ensure road safety and infrastructure protection is maintained prior to the commencement of the haulage operation a full route inspection and assessment is carried out by Main Roads to ensure that the transport route complies with the Main Roads Restricted Access Vehicle Route Assessment Guidelines. The assessment will include access to the proposed site. No Restricted Access Vehicle operation will be agreed to by the Shire of Serpentine Jarrahdale until the Director of Engineering is advised by Main Roads that the proposed route complies with Main Roads Restricted Access Vehicle Route Assessment Guidelines.
18. Any road works and modification required must be implemented at the applicants costs.

**Fire**

- 19 A Bushfire Management Plan being prepared in accordance with the Western Australian Planning Commission's Guideline Planning for Bushfire Protection Edition 2 May 2010 edition 2 ,State Planning Policy Planning For Bushfire Risk Management Hazards and Disasters May 2014.

**Compliance**

20. The operator shall keep a log of all complaints received, and action taken in response to complaints to the satisfaction of the Shire.

### **Signage**

**21. Any proposed signage shall be in accordance with the Shire's Local Planning Policy No.5 Control of Advertisement. No signs are to be displayed in the road reserve adjacent to the site at any time**

#### **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. The installation of any apparatus for the treatment of sewage will require an Application to Construct or install an Apparatus for the Treatment of Sewerage to be submitted and approved by the Shire.**
- 3. The proponent shall provide Local Government with a clearing permit from the Department of Environment Regulation for clearing of areas of native vegetation totalling more than 5ha.**
- 4. All enquires relating to conditions 21 and 22 shall be directed to the Main Roads WA Heavy Vehicles Assessment Supervisor.**
- 5. 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 9/0**

**COUNCIL NOTE: Conditions 17 to 22 were removed and replaced with new conditions 17 and 18 to clearly outline the requirements of Council.**



<b>OCM098/12/14</b>	<b>Retrospective Transport Depot – Lot 104 (#3) Larsen Road, Byford and Lot 10 (#777) South Western Highway, Byford (P04675/02)</b>
Author:	Regan Travers – Senior Planner
Senior Officer/s:	Brad Gleeson – Director Planning
Date of Report:	25 November 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Lindsay Della (Lark Hill Transport)  
 Owner: Byford River Pty Ltd  
 Date of Receipt: 5 September 2013  
 Lot Area: 2.03ha (combined)  
 Town Planning Scheme No 2 Zoning: Showroom/Warehouse  
 Metropolitan Region Scheme Zoning: Urban

### Introduction

The purpose of this report is to consider a retrospective application seeking approval to operate a Transport Depot. The site has a long history of being used for various landuses, however there is no current Planning Approval valid over the site. It is recommended that the application be refused.

### Background:

As a result of complaints about the storage of sea containers and parking of trucks at the site in 2013, a site visit confirmed that the property was being used as a transport depot without planning approval. A retrospective Planning Application was submitted by the tenant of the property. This initial Application did not include sufficient information to fully consider the planning merits of the proposal. The details of the Application have been modified over the past twelve months in an effort to present a complete application to Council for consideration. A key piece of information has been the development of a Noise Assessment Report, which has undergone a number of reviews and external referrals over the preceding months.



Aerial Photo of site

**Relevant Previous Decisions of Council:**

There is no previous Council decision relating to this application.

**Community / Stakeholder Consultation:**

The Application was advertised to 12 nearby owners for a period of 21 days. Three submissions were received, all objecting to the proposal, with concerns primarily relating to the early starting hours, noise from trucks and the appropriateness of the land use in a residential area. The Application was also referred to various State Government agencies for comments on the retrospective Application, however, they did not raise any specific objections.

**Comment:**

Although not clear in the initial application, the Applicant confirmed that the Retrospective Application seeks approval for:-

- A maximum of 10 trucks to operate from the site. Three container trucks to be used primarily as grain transport and the remaining seven tipper trucks to be used to cart sand;
- Trucks to remain on-site for 5 minutes to build up air brakes (which are not used on-site);
- Operating hours of 7.00am to 7.00pm;
- Sea containers associated with grain transport, total number on-site can vary;
- Forklift used on site for an average of twice per week, approximately 20 minutes running time each use;
- The Applicant is prepared to provide screening to the site either by fencing or vegetation;
- The Applicant is prepared to restrict the stacking of sea containers to 2 high; and
- The Applicant is prepared to restrict parking location of trucks to behind the shed.

The Shire is satisfied that the proposal as noted above addresses the majority of potential planning issues associated with development of the site. It is noted that noise is the main issue with the development and while a fence or vegetation screen will have a positive visual impact, such measures are ineffective in ameliorating noise.

**Land Use**

A Transport Depot is considered an 'AA' use within the 'Showroom/Warehouse' zone, which means that the Council may, at its discretion, permit the use. The Shire believes that there is some merit to the location of the proposal, as it is close to the Byford Townsite and provides a location for local residents involved in the transport industry to work from. It is a common complaint that there are not enough truck parking areas in the Shire and it often leads to illegal commercial vehicle parking. The Application area does not currently provide an attractive streetscape to its western boundary and to a lesser extent its northern and eastern boundary.



View of existing Transport Depot from western boundary facing south





View of existing Transport Depot from western boundary facing North



View of site from South Western Highway facing south-east

### Noise Assessment

The Applicant provided a revised Environmental Noise Assessment prepared by a qualified consultant Lancall. The Noise Assessment indicates that the Transport Depot is not able to comply with the Health (Noise) Regulations 1997 based on the application details listed above. Lancall note that in order to achieve outright compliance with the Noise Regulations, engineering controls are needed in the form of barriers facing the perimeter of Alexander Road.

As the Applicant has advised that it is not practical for Lark Hill Transport to undertake engineering controls such as the erection of barriers and silencing of plant due to planning constraints and the financial undertaking involved, the Shire is not prepared to support a Planning Application which is not compliant with Noise Regulations.

### Submission Concerns

The Shire agrees that the concerns regarding operating hours and noise have the potential to negatively impact the residential amenity and lifestyle enjoyed by occupants of dwellings near the site. In the past the Transport Depot has started as early as 5.15am, however the current Application is seeking a start time of 7.00am. The Shire agrees that it has not been effectively demonstrated that noise to nearby sensitive receptors can be managed. This would perhaps be different if the Applicant was prepared to install an engineered noise wall. The Shire does not agree that the Land Use is inappropriate for the area. In terms of Town Planning Scheme No.2 it is a land use which can be considered at the discretion of the Council in its current location.

### Options and Implications

It is considered there are two options as follows:

1. That Council grants planning approval subject to conditions; or
2. That Council refuses the application and gives reasons.

Option 2 is recommended.

### Conclusion

The Applicant has been unable to demonstrate that the Retrospective Transport Depot will not have a negative impact on the amenity of nearby residential properties. Whilst the Shire believes there is some merit to the Application, noise and the associated amenity of an area are key planning concerns which cannot be overlooked.

### **Attachments:**

- [OCM098.1/12/14](#) – Development Application (IN13/15626)
- [OCM098.2/12/14](#) – Revised Noise Assessment (IN14/20897)

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

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

### **Statutory Environment:**

Planning and Development Act 2005  
Shire of Serpentine Jarrahdale Town Planning Scheme No.2

### **Financial Implications:**

If Council refuses the Application, the Applicant has the option to appeal Councils decision through the State Administrative Tribunal.

**Voting Requirements:** Simple Majority

**Cr Kirkpatrick foreshadowed he would move an alternate motion to approve the Retrospective Planning Approval for a Transport Depot, on condition that the approval be for a three year period that is only valid for the current applicant and not transferrable to any other party and that noise management plan, landscape management plan, a dust management plan, Drainage management plan, A Traffic management plan, all to be submitted within 60 days and to ensure that the cross over is upgraded, if the current motion under debate is lost.**

**OCM098/12/14 COUNCIL DECISION / Officer Recommendation:****Moved Cr Urban, seconded Cr Piipponen**

**That Council refuse the application seeking Retrospective Planning Approval for a Transport Depot at Lot 104 (#3) Larsen Road, Byford and Lot 10 (#777) South Western Highway, Byford for the following reason:-**

- 1. The development will have an undesirable negative impact on the residential amenity of the area by way of noise impacts and visual impacts.**

**LOST 4/5****OCM098/12/14 COUNCIL DECISION/Alternate Motion****Moved Cr Kirkpatrick, seconded Cr Wilson**

**That Council grant Retrospective Planning Approval for a Transport Depot at Lot 104 (#3) Larsen Road, Byford and Lot 10 (#777) South Western Highway, Byford subject to the following conditions:**

- 1. This approval is valid is for a period of 3 years only and is only valid for the current applicant and is not transferrable to any other party.**
- 2. A noise management plan being submitted within 60 days of this approval to be approved by Director Planning. All recommended noise management treatments shall be implemented to the satisfaction Director Planning immediately.**
- 3. A landscape management plan being submitted within 60 days for approval and the site being landscaped within 90 days.**
- 4. A dust management plan being submitted within 60 days for approval by Director Planning. The dust management plan shall be implemented in its entirety at all times.**
- 5. Drainage management plan being submitted within 60 days for approval by Director Engineering and implemented in its entirety at all times.**
- 6. A Traffic management plan being submitted for approval within 60 days for approval by Director engineering and implemented in its entirety at all times.**
- 7. Cross overs being upgraded to the satisfaction of the Director Engineering within 60 days.**

**CARRIED 9/0****Council Note:**



<b>OCM099/12/14</b>	<b>Proposed Mixed Use Development – #20 (L2) Abernethy Road, Byford (P01330/03)</b>
Author:	Regan Travers – Senior Planner
Senior Officer/s:	Brad Gleeson – Director Planning
Date of Report:	6 November 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Michael Keவில் (TPG Town Planning)  
 Owner: Coles Group Property Developments  
 Date of Receipt: 2 October 2014  
 Lot Area: 19.27 ha  
 Town Planning Scheme No 2 Zoning: Urban Development  
 Metropolitan Region Scheme Zoning: Urban

**Purpose of Report**

The purpose of this report is to provide recommendations to the Metropolitan East Joint Development Panel (JDAP) via a Responsible Authority Report (RAR) for a proposed Mixed Use Development at #20 (L2) Abernethy Road, Byford. It is recommended the application be approved.

**Background:**

Refer attached Responsible Authority Report

**Relevant Previous Decisions of Council:**

Refer attached Responsible Authority Report

**Community / Stakeholder Consultation:**

Refer attached Responsible Authority Report

**Comment:**

A detailed assessment and analysis of this application are contained within the Report.



Locality Plan

**Attachments:**

- [OCM099.1/12/14](#) – Responsible Authority Report (E14/5512)
- [OCM099.2/12/14](#) – Development Plans (IN14/19829)

**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:**

## Legislation

- Metropolitan Region Scheme
- Environmental Protection (Noise) Regulations 1997
- Town Planning Scheme No. 2
- Byford Structure Plan
- Byford Town Centre Local Structure Plan

**Financial Implications:**

Development within the Shire will result in direct financial cost implications for Council. The implementation of the proposed development will result in increased demand in the future for the provision of services provided by the Shire.

**Voting Requirements:** Simple Majority

**Officer Recommendation:****That Council:**

- A. Note the application for the proposed Mixed Use Development at #20 (Lot 2) Abernethy Road, Byford will be determined by the Metropolitan East Joint Development Assessment Panel.
- B. Recommend to adopt the Responsible Authority Report, which recommends that the Metropolitan East Joint Development Assessment Panel approve the application seeking Planning Approval for the proposed Mixed Use Development at #20 (Lot 2) Abernethy Road, Byford subject to the following conditions:
  1. An operational management plan being submitted and approved by the Shire prior to the commencement of site works and thereafter implemented, to the satisfaction of the Shire, to include but not limited to:
    - a) Antisocial behaviour management;
    - b) Complaints handling;
    - c) Litter management; and
    - d) Trading hours.
  2. The owner entering into a legally binding agreement with the Shire of Serpentine Jarrahdale to contribute towards the cost of providing the common service and community infrastructure of the Byford Structure Plan as established through amendment to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.
  3. The owner entering into a legally binding agreement with the Shire of Serpentine Jarrahdale to ensure that the Town Square remains publicly accessible at all times.
  4. 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 Shire.

5. **An updated Transport Assessment to be prepared and approved by the Director Engineering, upon advice from Main Roads WA, prior to the commencement of site works. The updated Transport Assessment shall be prepared in accordance with the Western Australian Planning Commission’s Transport Assessment Guidelines for Developments.**
6. **Street intersections, including the intersection of the access way with Abernethy Road, being designed and constructed insert to the satisfaction of the Shire prior to the occupation of the development.**
7. **The entry to the site, including the intersection of the access way with Abernethy Road, shall be maintained to the satisfaction of the Shire. Any damage caused to the intersection with Abernethy Road by the proponent or its contractors shall be immediately repaired to the satisfaction of the Shire.**
8. **A Traffic Management Plan being submitted and approved by the Shire prior to the commencement of site works. Once approved, the Traffic Management Plan is to be implemented in its entirety.**
9. **The vehicle parking area, access ways and crossover must:**
  - (i) **be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval;**
  - (ii) **include 291 car parking bays;**
  - (iii) **include eight car parking spaces dedicated to people with disability designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disability, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work; and**
  - (iv) **be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter to the satisfaction of the Director of Engineering.**
10. **Bicycle parking facilities and end of trip facilities must be provided in accordance with Local Planning Policy No.58 Bicycle Facilities in Urban Developments, to the satisfaction of the Shire.**
11. **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.**
12. **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.**
13. **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.**
14. **An Urban Water Management Plan being prepared in accordance with the Western Australian Planning Commission’s Better Urban Water Management (2008)**

document and Council's draft Local Planning Policy No.62 – Urban Water Management and approved prior to the commencement of site works to the satisfaction of the Shire. Once approved, the Urban Water Management Plan is to be implemented in its entirety.

15. A petrol and oil trap being installed in the car park drainage system prior to occupation of the development, to the satisfaction of the Shire.
16. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Shire and certified by an Engineer, with all permanent and temporary stormwater drainage basins being designed to control the breeding of mosquitoes, prior to commencement of the development.
17. The boundary of the Beenyup Brook and the Oakland Tributary South within the proposed lot to be surveyed and fenced to restrict vehicle and pedestrian access prior to the commencement of any works on the subject land.
18. The external walls of the loading area must be articulated to the satisfaction of the Shire.
19. No goods or materials are to be stored either temporarily or permanently in the parking area, driveway, landscape areas, public footpath areas or road reserves.
20. All loading and unloading to take place within the boundaries of the premises.
21. A Lighting Plan is to be submitted and approved by the Shire 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.
22. The applicant is to submit a Waste Management Plan to the satisfaction of the Shire prior to the commencement of site works. Once approved, the Waste Storage and Removal Plan is to be implemented for the life of the development.
23. 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 signage, is to be submitted for the approval of the Shire. All signage is thereafter to comply with the approved Signage Strategy and is to be maintained in good condition at all times to the satisfaction of the Shire.
24. No signs are permitted to be displayed in the road reserve of Abernethy Road at any time.
25. A Landscape and Vegetation Management Plan including all car parking areas, access roads, road verges and areas of open space, must be submitted and approved by the Shire prior to the commencement of site works.
26. Landscaping and timed reticulation is to be established in accordance with the approved Landscape and Vegetation Management Plan prior to occupation of the development and thereafter maintained to the satisfaction of the Shire.
27. Measures being taken to the satisfaction of the Shire to ensure the identification and protection of any vegetation on the site, not affected by necessary development works, which is worthy of retention prior to commencement of site works.
28. Street furniture (fixed seating and bins) to be provided within the development to the satisfaction of the Shire.



- 29. An agreement to be entered into with the Shire, prior to the commencement of site works, to address the proposed cadastral boundaries of future road reserves that are to accommodate servicing requirements for the entire development and the handover of assets that are proposed in the future to revert to the Shire's control.**

**Advice notes**

- 1. This Approval is valid for a period of two years. If development is not substantially commenced within this period, a fresh Planning Approval is required to be sought and obtained, prior to commencing or continuing development.**
- 2. A planning consent is not an approval to commence any works. A building permit must be obtained for all works. Your application for a building permit must satisfy the conditions specified in this decision notice.**
- 3. 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.**
- 4. Prior to the approval of the Urban Water Management Plan, the proposed development layout and configuration may need to be modified. Key outstanding matters that are required to be addressed in the Urban Water Management Plan prior to the commencement of site works include, but are not limited to:**
  - a) The detention volume, storage and location within the development;**
  - b) The Multiple Use Corridor crossing culvert configuration and sizing; and**
  - c) Repositioning of landscaped areas to allow for stormwater treatments (ie bio-retention structures).**
- 5. The Shire encourages the following Water Sensitive Urban Design principles:**
  - a) The use of permeable surfaces within the car park;**
  - b) Installation of flash kerbs around tree wells;**
  - c) Laying hard surfaces with small falls (1-2%) towards vegetated garden beds and tree wells;**
  - d) Introduction variety of measures slowing down the storm water run-off (meandering, mimicking nature);**
  - e) Introduction of nutrient-stripping planting along the way the storm water flows to bio-retention swales/rain gardens;**
  - f) Harvesting storm water run-off from roofs and hard surfaces wherever possible;**
  - g) Extensive use of local plants, grown to provenance; and**
  - h) The use of reticulation systems suitable for native plants where applicable.**
- 6. A Demolition Permit is to be obtained from the Shire should any existing buildings be removed.**
- 7. Any food premises must comply with the Food Act 2008, Food Regulations 2009, Australian and New Zealand Food Safety Standards Code.**
- 8. Any proposal to utilise the premises as a food business requires the submission of plans to the local government for health approval prior to any alterations, fitting out or use of such shop as a food business.**



9. 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 at least two weeks prior to commencing operation.
10. This approval does not authorise or approve the use of any of the tenancies. A separate planning approval must be obtained for the occupation of any tenancy, prior to the occupation of the tenancy.

**OCM099/12/14 COUNCIL DECISION / New Motion:**

Moved Cr Wilson, seconded Cr Kirkpatrick

That Council:

- A. Note the application for the proposed Mixed Use Development at #20 (Lot 2) Abernethy Road, Byford will be determined by the Metropolitan East Joint Development Assessment Panel.
- B. Recommend to adopt the Responsible Authority Report, which recommends that the Metropolitan East Joint Development Assessment Panel approve the application seeking Planning Approval for the proposed Mixed Use Development at #20 (Lot 2) Abernethy Road, Byford subject to the following conditions:
  1. An operational management plan being submitted and approved by the Shire prior to occupation and thereafter implemented, to the satisfaction of the Shire, to include but not limited to:
    - a) Antisocial behaviour management;
    - b) Complaints handling;
    - c) Litter management; and
    - d) Trading hours.
  2. The owner entering into a legally binding agreement with the Shire of Serpentine Jarrahdale to contribute towards the cost of providing the common service and community infrastructure of the Byford Structure Plan as established through amendment to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.
  3. The owner entering into a legally binding agreement with the Shire of Serpentine Jarrahdale to ensure that the Town Square remains publicly accessible at all times.
  4. 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 Shire.
  5. An updated Transport Assessment to be prepared and approved by the Director Engineering, upon advice from Main Roads WA, prior to the commencement of construction. The updated Transport Assessment shall be prepared in accordance with the Western Australian Planning Commission's Transport Assessment Guidelines for Developments.
  6. Street intersections, including the intersection of the access way with Abernethy Road, being designed and constructed insert to the satisfaction of the Shire prior to the occupation of the development.
  7. The entry to the site, including the intersection of the access way with Abernethy Road, shall be maintained to the satisfaction of the Shire. Any damage caused to the intersection with Abernethy Road by the proponent or its contractors shall be immediately repaired to the satisfaction of the Shire.

- 8. A Traffic Management Plan being submitted and approved by the Shire prior to the commencement of site works. Once approved, the Traffic Management Plan is to be implemented in its entirety.**
- 9. The vehicle parking area, access ways and crossover must:**
  - (i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval;**
  - (ii) include 291 car parking bays;**
  - (iii) include eight car parking spaces dedicated to people with disability designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disability, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work; and**
  - (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter to the satisfaction of the Director of Engineering.**
- 10. Bicycle parking facilities and end of trip facilities must be provided in accordance with Local Planning Policy No.58 Bicycle Facilities in Urban Developments, to the satisfaction of the Shire.**
- 11. 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.**
- 12. 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.**
- 13. 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.**
- 14. An Urban Water Management Plan being prepared in accordance with the Western Australian Planning Commission’s Better Urban Water Management (2008) document and Council’s draft Local Planning Policy No.62 – Urban Water Management and approved prior to the commencement of site works to the satisfaction of the Shire. Once approved, the Urban Water Management Plan is to be implemented in its entirety.**
- 15. A petrol and oil trap being installed in the car park drainage system prior to occupation of the development, to the satisfaction of the Shire.**
- 16. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Shire and certified by an Engineer, with all permanent and temporary stormwater drainage basins being designed to control the breeding of mosquitoes, prior to commencement of the development.**

- 17. The boundary of the Beenyup Brook and the Oakland Tributary South within the proposed lot to be surveyed and fenced to restrict vehicle and pedestrian access prior to the commencement of any works on the subject land.**
- 18. The external walls of the loading area must be articulated to the satisfaction of the Shire.**
- 19. No goods or materials are to be stored either temporarily or permanently in the parking area, driveway, landscape areas, public footpath areas or road reserves.**
- 20. All loading and unloading to take place within the boundaries of the premises.**
- 21. A Lighting Plan is to be submitted and approved by the Shire prior to the commencement of construction. 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.**
- 22. The applicant is to submit a Waste Management Plan to the satisfaction of the Shire prior to the commencement of construction. Once approved, the Waste Storage and Removal Plan is to be implemented for the life of the development.**
- 23. Prior to the commencement of construction, a Signage Strategy detailing location, size and height of signage for the whole development, including wall signs, window signs, under verandah signs and fascia signage, is to be submitted for the approval of the Shire. All signage is thereafter to comply with the approved Signage Strategy and is to be maintained in good condition at all times to the satisfaction of the Shire.**
- 24. No signs are permitted to be displayed in the road reserve of Abernethy Road at any time.**
- 25. A Landscape and Vegetation Management Plan including all car parking areas, access roads, road verges and areas of open space, must be submitted and approved by the Shire prior to the commencement of construction.**
- 26. Landscaping and timed reticulation is to be established in accordance with the approved Landscape and Vegetation Management Plan prior to occupation of the development and thereafter maintained to the satisfaction of the Shire.**
- 27. Measures being taken to the satisfaction of the Shire to ensure the identification and protection of any vegetation on the site, not affected by necessary development works, which is worthy of retention prior to commencement of site works.**
- 28. Street furniture (fixed seating and bins) to be provided within the development to the satisfaction of the Shire.**
- 29. An agreement to be entered into with the Shire, prior to the commencement of site works, to address the proposed cadastral boundaries of future road reserves that are to accommodate servicing requirements for the entire development and the handover of assets that are proposed in the future to revert to the Shire's control.**

#### **Advice notes**

- 1. This Approval is valid for a period of two years. If development is not substantially commenced within this period, a fresh Planning Approval is required to be sought and obtained, prior to commencing or continuing development.**

- 2. A planning consent is not an approval to commence any works. A building permit must be obtained for all works. Your application for a building permit must satisfy the conditions specified in this decision notice.**
- 3. 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.**
- 4. Prior to the approval of the Urban Water Management Plan, the proposed development layout and configuration may need to be modified. Key outstanding matters that are required to be addressed in the Urban Water Management Plan prior to the commencement of site works include, but are not limited to:**
  - a) The detention volume, storage and location within the development;**
  - b) The Multiple Use Corridor crossing culvert configuration and sizing; and**
  - c) Repositioning of landscaped areas to allow for stormwater treatments (ie bio-retention structures).**
- 5. The Shire encourages the following Water Sensitive Urban Design principles:**
  - a) The use of permeable surfaces within the car park;**
  - b) Installation of flash kerbs around tree wells;**
  - c) Laying hard surfaces with small falls (1-2%) towards vegetated garden beds and tree wells;**
  - d) Introduction variety of measures slowing down the storm water run-off (meandering, mimicking nature);**
  - e) Introduction of nutrient-stripping planting along the way the storm water flows to bio-retention swales/rain gardens;**
  - f) Harvesting storm water run-off from roofs and hard surfaces wherever possible;**
  - g) Extensive use of local plants, grown to provenance; and**
  - h) The use of reticulation systems suitable for native plants where applicable.**
- 6. A Demolition Permit is to be obtained from the Shire should any existing buildings be removed.**
- 7. Any food premises must comply with the Food Act 2008, Food Regulations 2009, Australian and New Zealand Food Safety Standards Code.**
- 8. Any proposal to utilise the premises as a food business requires the submission of plans to the local government for health approval prior to any alterations, fitting out or use of such shop as a food business.**
- 9. 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 at least two weeks prior to commencing operation.**
- 10. This approval does not authorise or approve the use of any of the tenancies. A separate planning approval must be obtained for the occupation of any tenancy, prior to the occupation of the tenancy.**

**CARRIED 7/2**

**Council Note: Conditions 1, 5, 21, 22, 23 and 25 were modified to clarify when planning conditions were required to be met prior to commencing of construction or prior to occupancy of the buildings.**



<b>OCM100/12/14</b>	<b>Shire of Serpentine Jarrahdale Public Health Plan (SJ674)</b>
Author:	Tony Turner – Manager Health and Building
Senior Officer/s:	Brad Gleeson – Director Planning
Date of Report:	18 November 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

### Introduction

The Public Health Bill currently before Parliament requires Local Governments to prepare a Public Health Plan. This item is seeking Councils endorsement of the current Draft Public Health Plan and supports its referral for public consultation and consideration of responses before returning the final draft to Council for endorsement.

### Background:

The Shires health team has previously operated under a more operational Health Plan but under provisions of the Health Bill a Public Health Plan is a comprehensive set of proposed activities that informs the way in which public health is managed within a local government and also provides an avenue of communication to the community.

The aim of the draft Plan is to identify the health and wellbeing needs of the community and establish priorities and programs. As part of the development of the draft Plan the Health team went out into the community and personally interviewing over 400 people and created an online survey circulated to all elected members, Shire Staff with a community mailing list to gathered community opinions on their healthy lifestyle choices. The health survey results were very strong and have informed the priorities and programs in the draft Plan.

The next step in the development of the Public health Plan is to refer the draft Plan for comment to key public agencies such as the Department of Health and South Metropolitan Public Health Unit, adjoining Local Governments and key Community Groups. Responses and comments will be considered and amendments made were relevant before returning the final draft of the Public Health Plan back to Council for endorsement.

### Relevant Previous Decisions of Council:

Nil

### Community / Stakeholder Consultation:

A key step in developing the draft plan was ensuring that the community was involved. The Shire's Health Services team conducted community surveys in the 2013/2014 summer to gather residents' opinion on healthy lifestyle choices and to inform the redevelopment of the previous Health Services Team Plan. The surveys were conducted personally by Shire Health Officers at the Christmas Carnival in Mundijong and The Glades Arts & produce Market in Byford. Over 400 people completed the survey answering questions about physical activity, and access to healthy foods. Along with these community based approaches an online survey was also circulated to all elected members, Shire Staff and a community mailing list. Overall approximately 450 people completed the survey.

### Comment:

While the purpose of a Public Health Plan is protecting and promoting public health consultation and communication with the community and key stakeholders provides much of the material that supports the evidence and risk based approach and informs decisions regarding priorities and programs.

The Health Bill requires extensive consultation to support the evidence and risk based approach to the development and implementation of Public health Plans. The referral of the draft plan will consult at another level and will provide a greater level of integration at a regional and state level but before the draft plan is made public it is important that Council consider the draft and support the referral.

Most metropolitan Councils have developed Public Health Plans and many have attained endorsement for the plans. The endorsement by Council enables more extensive integrations with other public authorities and provides for many more opportunities for funding applications.

**Attachments:**

- [OCM100.1/12/14](#) – Draft Public Health Plan (E14/5535)

**Alignment with our Strategic Community Plan:**

The draft Plan is aligned with the Shires Strategic Community Plan 2013-2022 (the Shires Plan) and while it reflects on all the vision categories the draft Plan looks to promote aspects of the Built Environment that will improve Community Wellbeing.

Objective 2.1	Progressive Organisation
Key Action 1.2.4	Provide robust reporting that is relevant, transparent and easily accessible by staff and the community.

**Statutory Environment:**

The new Health Act is currently with Cabinet as a Draft Public Health Bill and once heard in Parliament and Gazetted will require Public Health Plans and it is expected annual reports to the Executive Director of Public Health will also be a requirement.

**Financial Implications:**

Within budget.

**Voting Requirements:** Simple Majority

**OCM100/12/14 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Kirkpatrick, seconded Cr Urban**

**That Council:**

1. **Adopt the draft Shire of Serpentine Jarrahdale Public Health Plan as per attachment OCM100.1/12/14.**
2. **Invite public comment on the Public Health Plan for a period of 60 days.**

**CARRIED 9/0**

<b>OCM101/12/14</b>	<b>Request for Extension to Planning Approval for Additions &amp; Alterations to Existing Shop (IGA Supermarket) – (Lots 9 &amp; 10) #20 Paterson Street and Lot 204 Whitby Street, Mundijong (P00576/07)</b>
Author:	Gillian French – Planning Officer
Senior Officer/s:	Brad Gleeson – Director Planning
Date of Report:	18 November 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent: Gray & Lewis Land Use Planners  
 Owner: M & N Gangemi  
 Date of Receipt: 06 November 2014  
 Lot Area: 5,385m<sup>2</sup>  
 Town Planning Scheme No 2 Zoning: Urban Development  
 Metropolitan Region Scheme Zoning: Urban

**Introduction:**

To consider the extension of planning approval for the additions and alterations to existing IGA Supermarket at Lots 9 & 10 Paterson Street and Lot 204 Whitby Street, Mundijong.

**Background:**



Locality Plan

In November 2011, Council resolved to approve an application for the above redevelopment of the existing IGA supermarket in Mundijong. The current approval for the development expired on 15 November 2013. It is recommended that the term of approval be extended for a period of 24 months to enable the development to substantially commence within a two year period as required by Council's Town Planning Scheme No. 2 (TPS 2).

### Relevant Previous Decisions of Council:

SD065/11/11 – Council resolved to approve the additions and alterations subject to conditions.

### Community / Stakeholder Consultation:

In accordance with *LPP No.27 – Stakeholder Engagement in Land Use Planning, Attachment A*, development applications lodged ahead of the finalisation of a Local Structure Plan (LSP) are required to be advertised by way of a letter to all landowners within the identified 'precinct' or 'sub-precinct'. As such, the original application was referred to all land owners within 'Precinct F' of the Mundijong/Whitby District Structure Plan. The application was also referred to the Mundijong Community Association and the Department of Education for comment in accordance with clause 6.3 of the TPS 2.

As a result of the advertising, thirteen submissions were received. A sign was also placed on site for the duration of the consultation period for the purpose of notifying visitors and users of the shopping centre along with a public notice which was also placed within the local paper for the purposes of increased stakeholder engagement. Further consultation has not been undertaken with respect to the extension of the planning approval as the applicant has not altered or modified the approved plans and only seeks an extension to the timeframe of the existing approval.

### Options and Implications

There are two options available to Council in considering this matter, namely:

1. That Council agrees to extend the current term of approval for a further 24 months; or
2. That Council declines to extend the current term of approval.

Option 1 is recommended.

### Conclusion

A 24 month extension to the current term of approval is recommended to ensure that the development has substantially commenced within a two year period.

### Attachments:

- [OCM101.1/12/14](#) - Floor Plan (E14/5371)
- [OCM101.2/12/14](#) – Previous Report (E14/5367)

### Alignment with our Strategic Community Plan:

Objective 2.3	Financial Diversity
Key Action 2.3.2	Encourage commercial investment in the Shire that positively impacts the natural environment.
Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.1	Provide appropriate amenities and accommodation for the Shire's growing population of youth and seniors.

### Statutory Environment:

Planning and Development Act 2005  
TPS 2

**Financial Implications:**

There are no financial implications relevant to this item.

**Voting Requirements:** Simple Majority

**OCM101/12/14 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Kirkpatrick, seconded Cr Moore**

**That Council extends the term of approval granted for the Additions and Alterations to Existing IGA Supermarket at Lots 9 & 10 Paterson Street and Lot 204 Whitby Street, Mundijong, for a further period of 2 years.**

**CARRIED 9/0**



<b>OCM102/12/14</b>	<b>Restricted Access Vehicle Operations within the Shire of Serpentine Jarrahdale (SJ1218-02)</b>
Author:	Gordon Allan – Director Engineering
Senior Officer/s:	Richard Gorbunow - Chief Executive Officer
Date of Report:	21 November 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

**Introduction:**

This report is to provide Council with information on the Shire of Serpentine Jarrahdale's Restricted Access Vehicle Operations Policy document.

**Background:**

At the Ordinary Council Meeting on 22 September 2014, Council determined that it was necessary to develop and establish a policy for Restricted Access Vehicles (RAV's) using Shire roads.

The policy will rationalise the roads currently approved for RAV operation within the Shire of Serpentine Jarrahdale to ensure they meet the needs of the community and do not cause unsustainable road wear or compromise road safety.

**Relevant Preview Decisions of Council:**

OCM057/09/14 - Restricted Access Vehicle Operations within the Shire of Serpentine Jarrahdale

**Community / Stakeholder Consultation:**

None

**Comment:**

The policy provides a framework which will assist the Director Engineering in implementing the Shire's policy in determining and monitoring the routes upon which RAV's will be permitted to travel.

The policy's main objective will be to serve as a tool for use in protecting Shire infrastructure and in protecting the Shire's local, rural and equestrian lifestyle. It will also facilitate the ability of local businesses to operate as competitively as possible.

To policy covers the following:

- Notice System
- Permit System
- Shire Letter of Agreement Conditions
- Operating Conditions
- RAV Route Identification
- Road Maintenance Issues

**Attachments:**

- [OCM102.1/12/14](#) – Restricted Access Vehicle Operations Within the Shire of Serpentine Jarrahdale Policy Document (E14/5555)
- [OCM102.2/12/14](#) – Shire of Serpentine Jarrahdale RAV Approved Roads (E14/5556)

**Alignment with our Strategic Community Plan:**

This policy is strengthening and facilitates the delivery of the following 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 3.2.2	Ensure that planning for the bridge and road network incorporates community safety and emergency management

**Statutory Environment:**

- *Local Government Act 1995*

**Financial Implications:**

There are no financial implications in relation to the adoption of the Restricted Access Vehicle Policy.

**Voting Requirements:** Simple Majority

**OCM102/12/14 COUNCIL DECISION / Officer Recommendation**

**Moved Cr Wilson, seconded Cr Rossiter**

**That Council adopts the Restricted Access Vehicle Policy as per attachment OCM102.1/12/14.**

**CARRIED 9/0**

<b>OCM103/12/14</b>	<b>Flora Surveys and Environmental Reports for Bush Forever Areas by Environmental and Sustainability Services (SJ222-03)</b>
Author:	Penny Hollick – Botanist and Natural Area Ecologist
Senior Officer/s:	Gordon Allan – Director Engineering
Date of Report:	19 November 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

**Introduction:**

The purpose of this report is to advise Council of the results of the recently completed Bush Forever flora surveys.

**Background:**

Following the Council resolution at the Ordinary Council Meeting on 26 May 2014, it was resolved that the Shire's Environmental Services team make provision for undertaking Bush Forever flora surveys and environmental reports on properties registered as having Bush Forever status, in an attempt to determine if the Bush Forever status should indeed apply.

**Comment:**

Following the aforementioned resolution, letters were sent (dated 18 June) to all affected landowners (of 171 properties with Bush Forever status). 20 responses were received, and of these:

- 10 formally requested a flora survey in writing, of whom 8 were eligible for a survey and 2 had already received boundary adjustments removing Bush Forever status from their properties;
- 2 expressed interest in a flora survey but did not formally request one;
- 4 desired further information;
- 1 expressed disapproval (attached); and
- 3 responded after the closing date.

Following the closing date for expressions of interest in Bush Forever flora surveys, a survey schedule was drawn up. As the properties concerned varied considerably in size, amount and quality of vegetation, and complexity (i.e. number of soil types and corresponding vegetation communities), the time required to thoroughly survey each property also varied considerably (from half a day on site to 2 days).

In order to perform a thorough flora survey of a property and write a corresponding environmental report, the following steps are necessary:

1. Desktop survey to collate existing information.
2. Site visit to:
  - a. Ground truth lack of vegetation; or
  - b. Carry out an ecological assessment using the Perth Biodiversity Project's NAIA (Natural Area Initial Assessment) template.
3. Flora survey, involving:
  - a. A walk-through survey (for small areas of poor quality vegetation); or
  - b. A transect-based survey (for larger areas of better quality vegetation), including:
    - i. Selection of representative locations;
    - ii. Set-up of GPS-located transects;
    - iii. Survey of each transect; and
    - iv. Identification of flora from each transect.
4. Writing of environmental report based on flora survey and NAIA template results.

All field-based components require two officers for safety reasons, and can only be carried out during the peak spring flowering period of September to November.

A desktop survey takes approximately half a day, the initial site visit takes half a day to one day (depending on size, quality and complexity), transect surveys take half a day, flora identification takes up to half a day, and report writing takes one to two days (depending on amount of information). The time allocation per property is therefore 2 to 4 days.

Time was allocated for the Botanist and Natural Area Ecologist to perform the requested 8 surveys, with assistance as required. The field-based components of the surveys were completed during September, October and November 2014. A table summarising the results of the surveys is attached.

#### Relevant Previous Decisions of Council:

- OCM186/05/14 - offered the assistance of the Shire's Environmental Team in preparation of flora surveys and environmental reports to all landowners within the Shire that have registered Bush Forever Sites within their properties.

#### Community/ Stakeholder Consultation:

All landowners within the Shire that have registered Bush Forever Sites within their properties have been offered the assistance of the Shire's Environmental and Sustainability Services team to perform flora surveys and prepare environmental reports. Ten landowners have formally requested this service, while one expressed disapproval.

The Department of Planning (Bush Forever) and the Department of Parks and Wildlife (Land Use Planning) have been advised of Council's resolution and the Shire's subsequent actions. The Department of Planning has discouraged action.

#### Conclusion:

Flora surveys and ecological assessments have been completed. Reports are being prepared and will be forwarded to the appropriate land owners when complete. The results indicate that all assessed properties have high environmental value.

#### Alignment with our Strategic Community Plan:

Objective 5.2	Excellence in Environmental Management
Key Action 5.2.1	Protect, restore and manage our landscapes and biodiversity

#### Statutory Environment:

The Shire's Local Biodiversity Strategy, Biodiversity Incentives Strategy and Biodiversity Planning Policy allow for the preparation of flora surveys, ecological assessments and environmental reports for landowners of bushland.

#### Financial Implications:

Officer time – three days per week (Botanist and Natural Area Ecologist) for a total period of up to six months, with assistance as required for field-based components and use of a vehicle.

#### Attachments:

- [OCM103.1/12/14](#) – Bush Forever Summary Table (E14/5557)
- [OCM103.2/12/14](#) – Bush Forever Surveys (E14/5582)

**Voting Requirements:** Simple Majority

**OCM103/12/14 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Piipponen, seconded Cr Moore**

**That Council receives the Flora Surveys and Environmental Reports for Bush Forever Areas by Environmental and Sustainability Services report.**

**CARRIED 6/3**

<b>OCM104/12/14</b>	<b>Upgrading of Lyster Road, Jarrahdale (SJ208)</b>
Author:	Gordon Allan – Director Engineering
Senior Officer/s:	Richard Gorbunow - Chief Executive Officer
Date of Report:	19 November 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

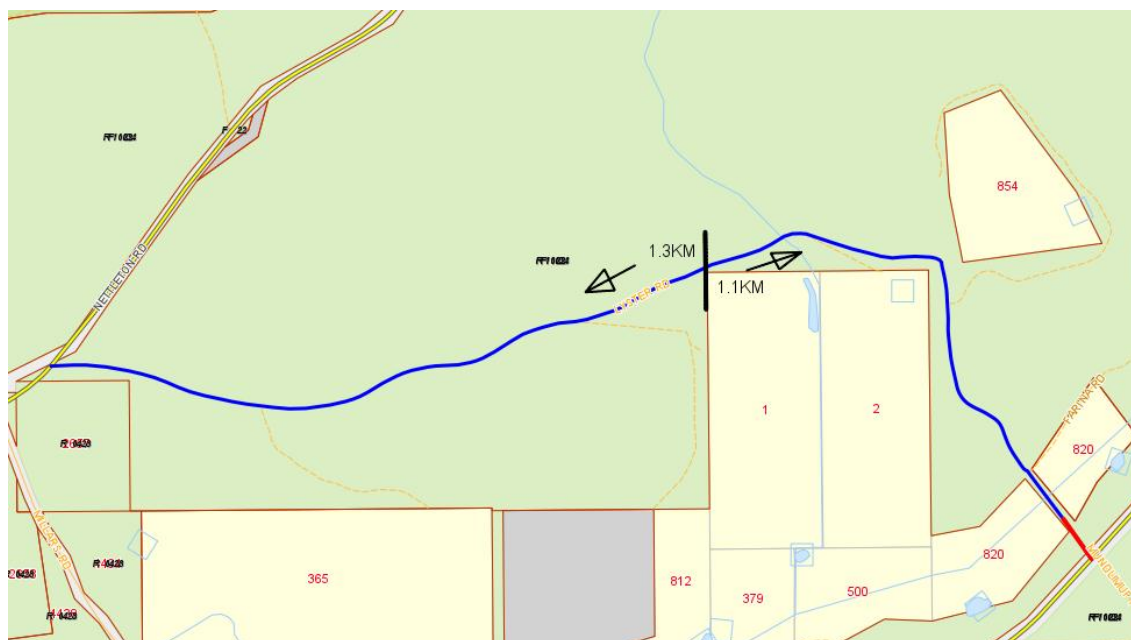
### Introduction:

The purpose of this report is to provide Council with information on the proposal to carry out upgrading (sealing) works on Lyster Road, Jarrahdale.

### Background:

Lyster Road is a gravel road which connects Nettleton Road and Jarrahdale Road (see map below). The road is only fronted by 5 properties, one of which is a wholesale florist business run by a constituent (Mr Borg). Mr Borg has for many years been campaigning for the road to be sealed.

Recent correspondence received from the Minister for Local Government (Tony Simpson) has suggested that the Shire make an application for grant funding to enable resealing work to take place.



### Relevant Previous Decisions of Council:

Nil

### Community / Stakeholder Consultation:

Meeting with Mr Borg by Shire Officers on 16 August 2013.

### Comment:

Lyster Road has been constructed through a forested area using the very basic road building techniques which consist of cutting through the forest, removing vegetation and topsoil, shaping the foundation material and then sheeting the road with gravel to form a pavement.

The upkeep for these gravel roads consists of maintenance grading which is typically completed 2 to 3 times annually and is primarily aimed to remove pot holes and



corrugations. Over time, usually 10 to 15 years depending on traffic, the thickness and quality of the gravel deteriorates necessitating gravel resheeting work to be carried out. This approach has previously been applied to Lyster Road. Additionally, the Shire have trimmed back vegetation to improve sight distances around the bends.

The distance from Nettleton Road to the wholesale florist business is 1.3km and the current gravel road width is of the order of 6 metres. The remaining section of Lyster Road from the florist business to Jarrahdale Road (approximately 1km) is 4 metres.

In order to seal Lyster Road, further gravel sheeting would need to be placed to ensure a reasonable thickness and quality of pavement was achieved. The extra imported material would then need to be mixed and laid as part of a deliberate water binding process, trimmed, dried and swept so as to be at a suitable standard to accept the sealing coat. In addition, provision of appropriate drainage on either side of the road surface would need to be made. Making provision for such drainage on Lyster Road, would involve cutting a 2m swathe through State forest on either side of the road.

The cost of even this most basic approach runs at around \$120,000 per km.

As this investment is so large and with sealed roads still requiring their own maintenance regime that includes shoulder grading, comparative cost analysis completed by various road authorities indicate that more than 100 vehicles per day are required before a sealed road can become a cost effective solution. Currently, the number of vehicles utilising Lyster Road is less than this amount.

Cost is not the only consideration, however, and it is acknowledged that the level of service of Lyster Road would be improved by having a sealed road. In a request such as this whereby an established business would like a higher level of service than is currently provided (or considered necessary based on traffic volumes) then Council may consider undertaking the works on a jointly funded basis. In developing costs for such an arrangement the initial and ongoing costs associated with providing the higher level of service would be taken into consideration.

Notwithstanding the above, the Shire currently undertakes additional maintenance grading over and above the normal 2 to 3 times a year, in an attempt to increase the level of service to residents and, in particular, the wholesale florist business.

### **Conclusion:**

This report highlights the fact that the volume of traffic using Lyster Road does not justify resealing at this stage - this is confirmed by the recently completed Asset Management Audit Report with resheeting scheduled for the year 2017.

It is clear that any upgrading of Lyster Road to incorporate a sealed surface cannot be justified. Any application for grant funding would not meet the criteria necessary to justify that such work takes place.

It is worthy of note that recent modelling based on road condition information has demonstrated that the Shire is currently under investing in the maintenance of its road network by over 2 million dollars per annum. If Council determined to proceed with sealing of Lyster Road and thus providing the described level of service improvements, any decision to proceed with such works will reduce Council's capacity to deal with the identified maintenance shortfall in other areas of the Shire's road network.

**Alignment with our Strategic Community Plan:**

Objective 2.1	Financial Sustainability
Key Action 2.1.2	Manage assets and prioritise major capital projects to ensure long-term financial sustainability
Objective 3.2	Appropriate Connecting Infrastructure
Key Action 3.2.2	Ensure that planning for the bridge and road network incorporates community safety and emergency management

**Statutory Environment:**

- *Local Government Act 1995*

**Financial Implications:**

The cost of the work to upgrade Lyster Road for the 1.3km long (6m wide) section is estimated to be of the order of \$150,000. Funding for this work would need to be considered in the preparation of the 2015/2016 budget.

**Voting Requirements:** Simple Majority

**Cr Urban foreshadowed he would move the Officers Recommendation with a modification that the report be forwarded to Minister Tony Simpson to seek grant funding for the project, if the motion under debate is lost.**

**OCM104/12/14 COUNCIL DECISION / Officer Recommendation:**

Moved Cr Wilson, seconded Cr Moore

**That Council accept that justification for sealing of Lyster Road is not warranted based on current traffic volumes.**

**CARRIED 7/2**

**Councillor Urban voted against the motion**

### Councillors Rossiter, Erren and Hawkins left the meeting at 8.38pm

<b>OCM105/12/14</b>	<b>Request for Tender RFT03/14 Forward Works for Proposed Community Centre, Lot 2857 South Western Highway, Byford (SJ1715)</b>
Author:	Martin Lugod – Manager Infrastructure and Design
Senior Officer/s:	Gordon Allan - Director Engineering
Date of Report:	18 November 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

#### Introduction:

This tender forms part of the Shire of Serpentine Jarrahdale's procurement process to engage the services of a suitably qualified and experienced Construction Contractor to undertake forward works at Lot 2857 South Western Highway, Byford.

#### Background:

Tender RFT03/14 for Forward Works for Proposed Community Centre, Lot 2857 South Western Highway, Byford was uploaded on Tenderlink and advertised in The West Australian on 12 November 2014. The tender closed at 2.00pm on 26 November 2014.

Six (6) tenders were received from six (6) companies. Tenders were assessed by a panel of three (3).

It is recommended that Council accept the quote submitted by Curnow Group Pty Ltd to undertake the forward works at Lot 2857 South Western Highway, Byford.

#### Relevant Previous Decisions of Council:

Nil

#### Community/Stakeholder Consultation:

Consultation with State Government agencies, user groups on the reserve and surrounding landowners was undertaken. Forty one submissions have been received on the proposal and have been considered in the assessment of the application.

Council has also consulted extensively with the community on the need for improved sporting and community facilities in the Byford area to cater for the rapidly growing population. The proposed relocation of the Club is consistent with the Shire's Community Facilities and Services Plan 2020.

#### Proposal

This tender forms part of the Shire of Serpentine Jarrahdale's procurement process to engage the services of a suitably qualified and experienced Construction Contractor to undertake forward works at Lot 2857 South Western Highway, Byford.

Tender RFT03/14 for Forward Works for Proposed Community Centre, Lot 2857 South Western Highway, Byford was advertised in The West Australian on 12 November 2014.

#### Submissions

The tender closed at 2.00pm on 26 November 2014.

Six (6) tenders were received from the following tenderers:

1. Jaxon Civil
2. Wormall Civil
3. Civil Works Group (WA)
4. Ultimate Drainage
5. Keysbrook Contracting
6. Curnow Group

**Compliant Tenderers:**

All the above mentioned tenderers submitted a compliant tender.

**Evaluation Criteria:**

This was nominated in the tender documents with various percentages for non-profit and price criteria.

**Evaluation Panel:**

The tender submissions were evaluated by:

1. Martin Lugod – Manager Infrastructure and Design , Chairman
2. Stephen Siaw – Technical Officer
3. Lester Mulder – Architect

**Scoring:**

All tenderers were scored using the pre-determined scoring system nominated in the contract document.

**Summation**

Curnow Group Pty Ltd has provided a conforming submission with the lowest price that has satisfactorily addressed all the criteria.

**Conclusion**

Curnow Group Pty Ltd has been assessed as being able to meet the requirements of the contract and it is recommended that they be awarded the contract.

**Attachments:**

- [OCM105.1/12/14](#) – Request for Tender (E14/5415)
- **Confidential – OCM105.2/12/14** - Tender Evaluation Score Sheets (E14/5654)
- **Confidential – OCM105.3/12/14** - Tender Comparison and Evaluation (E14/5664)

**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 interaction for all age groups through appropriate activities and events.

**Statutory Environment:**

In accordance with the *Local Government Act 1995*, Sections 3.57 (1) (2) and *Local Government (Functions and General) Regulations 1996, Part 4*.

**Financial Implications:**

The recommended price for the forward works is within budget.

**Voting Requirements:** Absolute Majority

**OCM105/12/14 COUNCIL DECISION / Officer Recommendation:**

Moved Cr Kirkpatrick, seconded Cr Wilson

**That Council award the Contract to Curnow Group Pty Ltd to undertake the forward works at Lot 2857 South Western Highway, Byford.**

**CARRIED ABSOLUTE MAJORITY 6/0**

**Councillors Rossiter and Hawkins returned to the meeting at 8.40pm**

**Councillor Erren returned to the meeting at 8.41pm**

<b>OCM106/12/14</b>	<b>Reskinning of Two Forrest Highway Billboards Capturing Mandurah and Peel Tourism Organisation Peel Region Marketing Campaign (SJ935)</b>
Author:	Tammy Wayne-Elliot – Manager Communications and Executive Services
Senior Officer/s:	Richard Gorbunow – Chief Executive Officer
Date of Report:	20 November 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

## Introduction

The purpose of this report is to seek Council's approval to reskin the two billboards located on Forrest Highway to reflect the MAPTO Peel Region marketing campaign 'Anytime Adventures'. The billboards are owned by the Shire and were previously the subject of a memorandum of understanding with the Peel Chamber of Commerce.

## Background:

In 2009/10, the Shire of Serpentine Jarrahdale invested \$10,000 to Discover Peel Project, and further agreed to an in-kind contribution to progress a regional tourism project. The project incorporated various items including the design, construction, erection and maintenance of six motivational billboards along the Forrest Highway, two allocated to the Shire of Serpentine Jarrahdale, and two each for the City of Mandurah and the Shire of Murray.

In 2012, the Shire signed a memorandum of understanding between the Shire, the Chamber of Commerce and Main Roads Western Australia, which lapsed in January 2013.

The existing billboard graphic has remained in place since its initial skinning in 2013, and Council now has an opportunity to move forward with reskinning the billboard to assist promote the Peel Region marketing campaign spear headed by MAPTO, 'Anytime Adventures'. The campaign is designed to market the Peel Region as an adventure getaway. Working with MAPTO to maintain the billboards would see a more strategic approach to our tourism objectives, as we continue to work with our Peel Region partners to attract visitors to the Region.

## Relevant Previous Decisions of Council:

**OCM118/04/12** – Council authorised the Chief Executive Officer to sign the Memorandum of Understanding between the Peel Chamber of Commerce, Main Roads WA and the Shire, and authorised the two billboards, located close to the intersection of Karnup Road and Forrest Highway to be added to Council's Asset Register.

## Community / Stakeholder Consultation:

A meeting was held between a Shire representative, the City of Mandurah, the Shire of Murray and Mr Steven Holle, Chief Executive Officer of MAPTO to discuss the campaign, and the importance of uniting in the reskinning of the Forrest Highway billboards

## Comment:

The six billboards constructed and erected on Forrest Highway were part of the Discover Peel Project, part-funded through Royalties for Regions Regional Grant Scheme.

The initial purpose of the billboards was to attract visitors to the Peel Region supporting the Discover Peel Project. During 2013, the Shire's initial billboard branding promoted the Shire as a destination, as did the Shire of Murray and the City of Mandurah. Marketing the



localities in isolation in this way fragmented and less effective, and weakens the marketing efforts for each local government authority.

Rebranding the Shire's billboards to link in with MAPTO's Peel Region marketing campaign, 'Anytime Adventures' will ensure the billboard message is effective, and has an impact. Consumers need consistent messages that deliver real and relevant benefits and reasons to visit.

Whilst the Chamber of Commerce initiated the billboards through the Discover Peel Project, MAPTO has since been established to progress tourism in the Peel Region, and linking the Forrest Highway billboards to the MAPTO marketing campaign is a more effective way to get the most out of the Shire's investment.

The existing billboards do not communicate effectively, with a lack of contrast between billboard images and backgrounds, with the headlines and website text difficult to read.

Given the billboards will be utilised to support the MAPTO marketing campaign, it is recommended that the Shire approach MAPTO to cover the cost of approximately \$6,600 to reskin the two signs through funding from the Federal Government's National Stronger Region Fund.

#### Options and Implications

There are two options available for Council:

1. Resolve to work with MAPTO, the City of Mandurah and the Shire of Murray for a more coordinated approach to branding the billboards located on Forrest Highway to link with the 'A Natural Adventure' campaign designed to increase visitor numbers in the Peel Region. MAPTO to be approached to incur the cost of rebranding the billboards.
2. Initiate a new memorandum of understanding with the Peel Chamber of Commerce and rebrand the Forrest Highway billboards to promote Serpentine Jarrahdale in isolation, with the cost incurred by the Shire.

Option 1 is recommended.

#### Conclusion

It is vital that the Forrest Highway billboards, two of which are owned and maintained by the Shire of Serpentine Jarrahdale are branded with a message which is effective and makes an impact. Branding the billboards with a message which links with MAPTO's 'Anytime Adventures' marketing campaign which is designed to increase visitor numbers to the Peel Region is a more strategic approach to the Shire's investment. Whilst the Shire has the option to work with the Chamber of Commerce and promote the locality in isolation, this would not be as effective, given it is highly likely the remaining four billboards will link with the MAPTO campaign, which will achieve coverage across metropolitan and regional Western Australia.

#### **Attachments:**

- [OCM106.1/12/14](#) - Presentation – MAPTO – A Natural Adventure marketing campaign. (IN14/23157)
- [OCM106.2/12/14](#) - Photo of the billboard facing north bound traffic. (E14/5594)
- [OCM106.3/12/14](#) - Photo of the billboard facing south bound traffic (E14/5595)

**Alignment with our Strategic Community Plan:**

Objective 4.2	Tourism
Key Action 4.2.1	Encourage the development of tourist attractions and accommodation.

Objective 4.3	Regional Collaboration
Key Action 6.2.2	Continue fostering strategic regional partnerships.

**Statutory Environment:**

Nil

**Financial Implications:**

Whilst funds are budgeted to fund reskinning of the billboard, it is envisaged as the reskinning will reflect the MAPTO marketing campaign, MAPTO will cover the cost.

**Voting Requirements:** Simple Majority.

**OCM106/12/14 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Kirkpatrick, seconded Cr Piipponen**

**That Council:**

- 1. Authorise the Chief Executive Officer to negotiate with the Mandurah and Peel Tourism Organisation to reskin the Shire's two billboards located on Forrest Highway with the messages from the Anytime Adventures campaign to be funded through the Federal Government's National Stronger Region Fund.**
- 2. Advise the Peel Chamber of Commerce of its intention to work with the Mandurah and Peel Tourism Organisation to reskin the Shire's two billboards located on Forrest Highway.**

**CARRIED 9/0**

<b>OCM107/12/14</b>	<b>Register of Delegations, Sub-Delegations, Appointments and Authorisations (SJ538)</b>
Author:	Karen Cornish – Governance Officer
Senior Officer/s:	Richard Gorbunow – Chief Executive Officer
Date of Report:	19 November 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

### Introduction

Following a comprehensive review of the Shire's Register of Delegations, Council is asked to adopt a new Register of Delegations, Sub-delegations, Appointments and Authorisations. Council is also requested to revoke the current Register of Delegations which were reaffirmed at the 23 June 2014 Ordinary Council Meeting.

### Background:

In line with section 5.46 of the Local Government Act, the Shire undertook an annual review of the Register of Delegations and this was adopted at the Ordinary Council Meeting on the 23 June 2014.

At that meeting Council also resolved to:

*“Form a Working Group to review all Council Delegations within four months, with the outcome of the review including recommendations for changes, if required.”*

Commencing in July 2014 a working group, made up of Councillors, Chief Executive Officer, Directors and the Governance Officer, met with an external consultant who guided the group through a complete review of the respective legislation and assisted in compiling a register of delegations, sub-delegations, authorisations and appointments.

The proposed register has been circulated to officers and all Councillors for comment and feedback and is now ready to be presented to Council for adoption.

### Relevant Previous Decisions of Council:

OCM197/06/14 - Council reaffirmed the Shire's Register of Delegations and requested a comprehensive review of all delegations.

### Community / Stakeholder Consultation:

There was no requirement for community consultation in this instance. Consultation undertaken involved Councillors and staff.

### Comment:

Undertaking a comprehensive review of the Shire's delegations provided opportunity for all concerned to further understand the various levels of legislation that local governments are governed by. It also ensured both Council and staff were aware of, and comfortable with, the level of delegation granted to the Chief Executive Officer Directors and staff. It also ensured our qualified staff are empowered to carry out their responsibilities, guided by the policies and procedures already in place, to provide an efficient service to our residents, ratepayers and the community. The review also provides opportunity to ensure any changes in legislation are reflected in our delegations.

In drafting the Register of Delegations, Sub-delegations, Authorisations and Appointments, an extensive evaluation of our existing registers and a comparative analysis of registers from other local governments was conducted.

Options and Implications

Council has 3 options:

1. Approve the register as proposed.
2. Approve the register with modifications.
3. Refuse the register and reaffirm the current register.

Option 1 is the recommended option.

Conclusion

A comprehensive review of the Shire's Delegations has been undertaken at the request of Council. Councillors and management were extensively involved in the review over the last four months. It is recommended that Council adopt the proposed register of delegations, sub-delegations, authorisations and appointments and revoke the current register.

**Attachments:**

- [OCM107.1/12/14](#) – Proposed Register of Delegations, Sub-delegations, Appointments and Authorisations (E14/5516)
- [OCM107.2/12/14](#) – Current Register of Delegations (E08/1125)

**Alignment with our Strategic Community Plan:**

Objective 1.2	Progressive Organisation
Key Action 1.2.6	Comply with all legislative and statutory requirements.
Objective 1.3	Capable Councillors
Key Action 1.3.2	Ensure Elected Members have a comprehensive understanding of Council's roles and responsibilities.

**Statutory Environment:**

- Local Government Act 1995

The delegations of authority are an integral part of the Shire's governance framework. They are supported and conditioned by policies adopted by Council. Any decision to amend or revoke a delegation by a local government is to be by absolute majority as prescribed in section 5.45 of the Local Government Act.

**Financial Implications:**

Costs associated with the review were part of the annual operational budget.

**Voting Requirements:** Absolute Majority

**OCM107/12/14 COUNCIL DECISION / Officer Recommendation:**

Moved Cr Urban, seconded Cr Erren

That Council:

1. In accordance with section 5.42 of the Local Government Act 1995, authorises and grants the powers and duties as detailed in the Register of Delegations, Sub-delegations, Appointments and Authorisations, as provided in attachment OCM107.1/12/14.
2. In accordance with section 5.45(1)(b) of the Local Government Act 1995, revokes the current Register of Delegations as provided in attachment OCM107.2/12/14.

**CARRIED ABSOLUTE MAJORITY 9/0**

<b>OCM108/12/14</b>	<b>Appointment of Acting Chief Executive Officer (SJ374)</b>
Author:	Karen Cornish – Governance Officer
Senior Officer/s:	Richard Gorbunow – Chief Executive Officer
Date of Report:	11 November 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.

### Introduction

Council is requested to appoint an Acting Chief Executive Officer (CEO) for the period 5 January to 20 February 2015 inclusive.

### Background

The CEO is taking leave commencing 5 January 2015 to Friday 20 February 2015 inclusive. The CEO will be available during the Christmas and New Year period and only requires the appointment of an Acting CEO for the period 5 January to 20 February 2015.

In accordance with Delegation of Authority *CG14 – Appointment of Acting Chief Executive Officer*, the CEO is required to submit a recommendation to Council for the appointment of an Acting CEO for periods of absence longer than four weeks.

### Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.

### Community / Stakeholder Consultation

No community consultation is required to be undertaken in this instance.

### Comment

The current Delegation of Authority *CG14 – Appointment of Acting Chief Executive Officer* requires the CEO to make a recommendation to Council on the appointment of an Acting CEO. It is the CEO's recommendation that the Director Corporate and Community, Mr Alan Hart be appointed as the Acting CEO for the period 5 January to 20 February 2015

### Conclusion

It is recommended that Council resolve to appoint the Director Corporate and Community, Mr Alan Hart as Acting CEO for the period 5 January to 20 February 2015.

### Attachments

Nil

### Alignment with our Strategic Community Plan:

Objective 1.2	Capable Councillors
Key Action 1.2.6	Comply with all legislative and statutory requirements

### Statutory Environment:

*Local Government Act – Section 5.36*

Shire's Delegation of Authority Register: *CG14 – Appointment of Acting Chief Executive Officer*

Council Policy: *G922 Higher Duties Allowance*



**Financial Implications:**

There are no financial implications relating to this issue.

**Voting Requirements:** Absolute Majority

**OCM108/12/14 COUNCIL DECISION / Officer Recommendation:**

**Moved Cr Piipponen, seconded Cr Hawkins**

**That Council:**

- 1. Resolves to appoint the Director Corporate and Community, Mr Alan Hart as Acting Chief Executive Officer for the period 5 January to 20 February 2015 inclusive whilst the Chief Executive Officer is away on leave.**
- 2. In relation to 1 above, agrees to remunerate the position of Acting Chief Executive Officer for the periods specified above with a "higher duties allowance" in accordance with Council Policy G922 Higher Duties.**

**CARRIED ABSOLUTE MAJORITY 9/0**

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

That the meeting be closed to members of the Public at 8.44pm to allow Council to discuss Confidential Item OCM109/12/14 as per section 5.23(2) of the Local Government Act 1995.

**CARRIED 9/0**

Members of the public were asked to leave the meeting while confidential item OCM195/06/14 was discussed. The doors were closed at 8.44pm.

<b>OCM109/12/14</b>	<b>CONFIDENTIAL ITEM – Section 31 Reconsideration of Retrospective Rural Industry/Transport Depot – #17 (Lot 41) South Western Highway, Cardup (P01285/01)</b>
Author:	Regan Travers – Senior Planner
Senior Officer/s:	Brad Gleeson – Director Planning
Date of Report:	25 November 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

**Voting Requirements:** Simple Majority**COUNCIL DECISION:****Moved Cr Moore, seconded Cr Rossiter**

That Standing Orders 9.5, 9.6, 10.7 and 10.13 be suspended at 8.45pm in order to further discuss item OCM109/12/14.

**CARRIED 9/0****COUNCIL DECISION****Moved Cr Wilson, seconded Cr Piipponen****That Standing Orders be reinstated at 8.54pm****CARRIED 9/0****Officer Recommendation:****That Council:**

- A. Refuse the application seeking Retrospective Planning Approval for a Rural Industry/Transport Depot at No.17 (Lot 41) South Western Highway, Cardup for the following reasons:-**
- 1. No structure plan has been approved on this land in accordance with Clause 5.18.7.1 of Town Planning Scheme No 2.**
  - 2. The application will have an adverse impact on the preparation of a structure plan, orderly and proper planning and the health, amenity, safety or convenience of future occupants of the adjacent and in the area intended for the structure plan as:**
    - **No structure plan has been approved;**
    - **In the absence of an approved structure plan the application cannot be adequately assessed;**
    - **in the absence of an approved structure plan the future impact on the residents and infrastructure cannot be adequately determined.**
- B. Advise the State Administrative Tribunal of Council's decision.**

**OCM109/12/14 COUNCIL DECISION / New Motion:****Moved Cr Urban, seconded Cr Kirkpatrick****That Council:****A. Defer consideration on the application seeking Retrospective Planning Approval for a Rural Industry/Transport Depot at No.17 (Lot 41) South Western Highway, Cardup for the following reasons:-**

- 1. No structure plan has been approved on this land in accordance with Clause 5.18.7.1 of Town Planning Scheme No 2.**
- 2. A local structure plan has been submitted and Council has determined that the local structure plan is satisfactory for advertising in accordance with Clause 5.18.3.2 of Town Planning Scheme No. 2 and is currently being advertised for public comment until 5 January 2015.**
- 3. In accordance with clause 5.18.3.7. of Town Planning Scheme No 2 Council will consider by February 2015, all submissions received and either adopt the local structure plan or refuse to adopt the local structure plan.**
- 4. The application if approved now will have an adverse impact on the preparation of a structure plan, orderly and proper planning and the health, amenity, safety or convenience of future occupants of the adjacent and in the area intended for the structure plan as:**
  - No structure plan has been approved;**
  - In the absence of an approved structure plan the application cannot be adequately assessed;**
  - In the absence of an approved structure plan the future impact on the residents and infrastructure cannot be adequately determined.**

**B. Advise the State Administrative Tribunal of Council's decision.****CARRIED 9/0**

**Council Note:** Council resolved to defer consideration of the application as Council has determined that the local structure plan for the Cardup industrial area is satisfactory for advertising in accordance with Clause 5.18.3.2 of Town Planning Scheme No. 2 and is currently being advertised for public comment until 5 January 2015. The local structure plan will be presented back to Council in February 2015 to consider all submissions received and either adopt the local structure plan or refuse to adopt the local structure plan. Once Council has determined the local structure plan, the retrospective planning application for this site can then be considered by Council.

**COUNCIL DECISION:****Moved Cr Erren, seconded Cr Piiipponen****That the meeting be reopened to the public at 8.57pm****CARRIED 9/0**

**Members of the public returned to the Chamber and the Presiding Member advised that the New Motion was carried for item OCM111/12/14 with a vote of 9/0 .**

## 10. Information reports:

<b>OCM110/12/14</b>	<b>Noise Issues - Steelkit Homes Lot 3621 Richardson Street, Serpentine (SJ1264-05)</b>
Author:	Tony Turner – Manager Health and Building
Senior Officer/s:	Brad Gleeson - Director Planning
Date of Report:	18 November 2014
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Owner: Public Transport Authority  
 Lot Area:  
 Town Planning Scheme No 2 Zoning: Railways  
 Metropolitan Region Scheme Zoning: Railways

### Introduction

This report is an Information Item to provide Councillors with background information regarding the approved use on the land and the associated noise issues with Steel Kit Homes.

### Background:



Locality Plan

Lot 3621 Richardson St, is a railway reserve in Serpentine and is owned by the Public Transport Authority and leased to Steel Kit Homes. The issue of noise and an unapproved land use activity first came to Council's attention in 2008. In August 2009 Council considered a retrospective development application for the existing general industry (steel fabrication) business on this land.

It is also significant to note that because the business was located on a 'Railways' reserve, the retrospective development application could not be considered under the Shire's Town Planning Scheme and required a determination under the Metropolitan Region Scheme by the Western Australian Planning Commission (WAPC). In considering the application WAPC issued a time limited approval for 5 years to May 2016 and set a condition requiring the applicant to provide a comprehensive staged noise impact assessment. The submitted noise impact assessment indicated that noise levels would exceed levels required under the Environmental Protection Authority Noise Regulation.

**Comment:**

A Draft Noise Improvement Plan (NIP) was also provided but Shire officers contested that the noise management options were operational, problematic to implement and therefore difficult to audit. The NIP was referred to the Department of Environmental Regulation's (DER) Noise Section highlighting the noise levels and inadequate management options, but the DER's response at the time supported noise mitigation measures.

Despite strong references from Shire officers to the noise levels and the inadequacies of the noise management options the Council of the day resolved to support the proposal on the grounds that the business was important to the local economy and created a number of employment opportunities.

**Complaints Investigation and Responses**

Since WAPC issued the approval in 2009 there has been many complaints mainly regarding the noise and starting before approved 8am on Saturday, contrary to the conditions of approval. While the Shire has received many complaints and often vexatious phone calls there has only ever been one complainant.

In response, Shire officers have met with the complainant and written to explain the application and approval process and the details of the audit of approval conditions and over the past 3 to 4 years. Numerous site visits have been undertaken, residents interviewed and the noise management options have been reviewed with the operator.

**Response to Current Complaints**

It is proposed that officers will again review the noise management plan with the operator to see if all practicable is being done operationally to ameliorate the noise. Shire officers will obtain noise equipment to take initial noise readings from relevant locations and were practical sentinel receptors or residents.

If it is found that the operator is not actively applying the noise management plan and the initial noise readings indicate levels significantly exceed the provisions of the Environmental Protection (Noise) Regulations 1997 then the Shire may apply compliance action such as issuing infringements, giving notice to comply, requiring the applicant to undertake another noise impact assessment and provide further management options.

Shire officers are currently reviewing the Noise impact Assessment and Noise management Options and will be reviewing them with the operator before any noise monitoring or infringements are issued. This initial review and communication with the operator will take 2 to 4 weeks.

**Relevant Previous Decisions of Council:**

*SD124/04/10 - Recommends to the Western Australian Planning Commission that the application for retrospective planning approval for General Industry (Steel Fabrication) on lease area Lot 3621 Richardson Street, Serpentine be approved subject to the conditions*



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

The Shire has conducted a series of noise investigations in relation to this matter since 2008. There was significant liaison, feedback and discussion with local residents and Councillors at the time the planning application was assessed in 2010-11.

All of the WAPC approval conditions have been audited by Shire officers and no significant non compliances have been found with the exception of noise requirements under WAPC condition 3. The noise impact assessment was undertaken and submitted to the Shire in July 2011. Administration did not believe that the report satisfied the Condition imposed by the WAPC as the report did not demonstrate if, or how, compliance with the Regulations could be achieved.

The Shire wrote to the Department of Environment and Conservation (DEC) seeking clarification that this was the case. The DEC advice indicated that the; *“report also indicates that the noise emissions from Steel Kit Homes, even with the implementation of all proposed noise control measures, may still not be able to comply with noise regulations, which seems to confirm our previous concern that it may not be practicably possible for Steel Kit Homes to comply with noise regulations given such a short buffer distance.”* Despite this, the advice from DEC at that time recommended that the Noise Implementation Plan proposed by the consultants be fully implemented and that noise management /control goals be negotiated with the nearby community to reduce noise emissions over time. In essence, the DEC response acknowledged that the noise levels exceeded maximum noise levels set in the Environmental Protection (Noise) Regulations 1997 (Regulations), but supported the noise management practices proposed by the applicant’s noise consultant.

With subsequent liaison on the part of the Shire most residents were satisfied with the controls, other than one complainant in Maxwell Street. Council is in receipt of current complaints, from that person, and is continuing to liaise with the complainant in order to ensure the business is doing what they can to limit noise nuisance. Currently compliance services are regularly monitoring start and finish times for the business and have requested evidence regarding the same from the complainant. Staff are continuing to liaise with the defendant with respect to the Noise Improvement Plan however, the Shire is limited in what it can do in this regard as many of the actions proposed have already been implemented and others do not have definitive outcomes.

### Options and Implications

The business will need to relocate in 2016 unless they get a further approval from the WAPC, beyond that time to remain on the land.

### Conclusion

The Shire has been aware of the noise issues associated with the business for a number of years. Administration has previously sought more stringent controls on noise or relocation of the business when planning approval was issued by the WAPC in 2011. Administration is not pursuing enforcement action against Steel Kit Homes, pursuant to the Environmental Protection (Noise) Regulations 1997 at this time as there is currently one complainant, to do so would be contrary to the Council’s previous position on this matter in supporting the development, and the advice provided previously by the DEC (now Department of Environmental Regulation - DER), which implements the Regulations, has advised that the operation should be “managed” until relocation in 2016.

### **Attachments:**

- [OCM110.1/12/14](#) – Council decision, April 2010 (CR10/68)
- [OCM110.2/12/14](#) – WAPC Approval Conditions (E14/5384)

**Alignment with our Strategic Community Plan:**

Objective 1.2	Progressive Organisation
Key Action 1.2.6	Comply with all legislative and statutory requirements.

**Statutory Environment:**

The relevant noise legislation is made pursuant to the Environmental Protection Act and empowers suitably qualified Environmental Health Officers and the CEO to enforce provisions of the Act in relation to noise. The *Environmental Protection (Noise) Regulations 1997* are made pursuant to the Act and provide for the measuring and monitoring of noise complaints. It is important to understand that the noise legislation works in a fundamentally different way to most compliance legislation in that it is not an offence to create noise that exceeds the Regulations. It only becomes an offence when a complainant has lodged a complaint in writing and a determination has been made that the noise being created is excessive from the complainants property, and only then, when written advice has been given to the defendant to reduce or discontinue the noise.

**Financial Implications:**

Nil

**Voting Requirements:** Simple Majority**OCM110/12/14 COUNCIL DECISION / Officer Recommendation:****Moved Cr Moore, seconded Cr Kirkpatrick****That Council receive the Noise Issues - Steelkit Homes Lot 3621 Richardson Street, Serpentine report.****CARRIED 9/0**

## 11. Urgent business:

### COUNCIL DECISION

#### Moved Cr Erren, seconded Cr Kirkpatrick

That Council received the item presented by Shire of Serpentine Jarrahdale CEO as an item of urgent business in accordance with Standing Orders Local Law 2002, sections 3.12(1)(a)(b) – Urgent Business approved by the Person Presiding or by Decision

**CARRIED 9/0**

OCM0111/12/14		Wards and Representation
Author:		Richard Gorbunow – Chief Executive Officer
Date of Report:		8 December 2014
Disclosure of Officers Interest:		No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

### Introduction

This report proposes a ward and representation structure for a new expanded local government that would meet the necessary criteria.

In October 2013 the City of Armadale submitted a proposal to the Local Government Advisory Board to extend the southern boundary of the City to the Mundijong Road and thereby incorporate the northern portion of the Shire of Serpentine-Jarrahdale. The Minister's proposal submitted to the Board in November 2013 cited a similar boundary adjustment. The remaining predominantly rural southern portion of the Shire of Serpentine Jarrahdale was recommended to be incorporated into the Shire of Murray.

I understand that the Board in seeking further confirmation from the participating Councils on their preferred Ward Structure, and it would be beneficial if our Council resolved in support of having wards.

In its current form the Shire of Murray have been given a ward structure, and the City Of Armadale with no ward structure. My understanding is that the City of Armadale supports a ward structure and their Council will make that decision on the 15 December 2014 in support of having wards. Having three Councils supporting a ward system will enable the Board then recommend to the Minister under Schedule 2.2 of the Local Government Act 1995 details of the ward structure, number of Councillors and how many electors will be represented in each ward.

### Background:

At the meeting of the Armadale/SJ/Murray Local Implementation Committee on 8th April 2014 it was resolved to submit a ward structure model for the new expanded City of Armadale and Shire of Murray to the LGAB for consideration and incorporation into the Governor's Orders. Accordingly, a review of ward boundaries has been undertaken.

The City of Armadale at its Special Council Meeting held on 5th May 2014 adopted the following resolution.

That Council:

1. Advise the Local Government Advisory Board that the City's proposal for the new wards and representation structure, in the event of the Board's support of the boundary change previously submitted by the City, be implemented as follows:

- a. Abolish all current wards in the district of Armadale and the northern portion of the Shire of Serpentine-Jarrahdale.
- b. Divide the City of Armadale's expanded district into seven (7) wards.
- c. The number of offices on the Council is to be 14 and the number of Councillors for each ward is to be two (2).

At the LIC meeting on 6th May 2014 the Shire of Serpentine Jarrahdale representatives acknowledged that, in the event the LGAB recommended adoption of the Minister's submitted proposal, the new ward structure for the new expanded City of Armadale was fair and equitable and agreed that it took into account the fundamental democratic principle of one vote, one value.

The Shire of Murray's proposal is for the expanded district to be divided into (2) wards, with one ward being the current area of the Shire of Murray represented by 8 Councillors and the second ward being the southern part of SJ that will be transferred to Murray represented by 2 Councillors. This makes it a total of 10 Councillors.

At the 10 March Special Meeting of Council the Shire of Murray resolved:

"In the event of the Minister's proposal being enacted by a Governor's Order, return to a Ward Structure with the current Murray 'ward' being reduced from 9 to 8, and that 2 offices from the Serpentine Jarrahdale 'ward' be included on Council from the October 2015 elections to ensure that there is representation on a fair and equitable basis based on population".

LIC endorsed both the City of Armadale and Shire of Murray ward and representation proposals noting that the 3 wards of the current Shire of Serpentine Jarrahdale, currently represented by 9 Councillors, will now become 3 wards of 2 Councillors each, i.e. 2 wards in the City of Armadale and 1 ward in the Shire of Murray.

#### Relevant Previous Decisions of Council:

There are no previous decisions of Council specifically related to ward structure for the new entities.

#### Community / Stakeholder Consultation:

N/A

#### Comment:

Currently the City of Armadale has 14 Councillors representing seven wards. As show on Table 1 which is derived from a report prepared and adopted by Armadale Council in March 2013.

Table 1 – Ward system adopted for City of Armadale March 2013

Ward No	Ward Name	Number of Councillors	Number of electors	Councillors	% Ratio deviation
1	Jarrah	2	5,776	2,888	7.7%
2	Neerigen	2	5,364	2,682	0.1%
3	River	2	5,789	2,895	8.0%
4	Heron	2	5,296	2,648	-1.2%
5	Minnawarra	2	5,314	2,657	-0.9%
6	Palomino	2	5,166	2,583	-3.6%
7	Lake	2	4,823	2,142	-10.0%
	<b>Totals</b>	<b>14</b>	<b>37,528</b>		
		<b>Per Councillor</b>	<b>2,680.6</b>		
		<b>Per ward</b>	<b>5,361</b>		

Similarly the Shire of Serpentine Jarrahdale undertook a ward review in 2011 and the associated table was adopted as the basis for the current ward system. The ward boundaries currently applied for the Shire are shown on Table 2 for the area north of Mundijong Road.

**Table 2 – Shire of Serpentine Jarrahdale Ward Review 2011**

WARDS -forecast growth	No of councillors	Population per councillor	Population	%ratio deviation	%of the total Shire population
North-west Ward	2	1:2494	4988	-3.07%	21.6
Byford Ward (North)	4	1:2636	10544	-2.54%	45.6
Southern Ward	3	1:2539	7589	+1.58%	32.8
<b>Total</b>	<b>9</b>	<b>9:2569</b>	<b>23121</b>	<b>-</b>	<b>100</b>

*Note: This table shows population and not number of electors*

It should be noted that all of the North-west and North wards fall within the area subject to the City's boundary change proposal – as does a portion of the Southern ward (including the Mundijong town site). It should be noted this proposal be adopted the 3 wards of the current Shire of Serpentine Jarrahdale, represented by 9 Councillors as shown in Table 2, will now become 3 wards of 2 Councillors each, albeit 2 wards in the City of Armadale and 1 ward in the Shire of Murray.

The ward boundary modelling tool which calibrates the elector data, enabling rapid estimation of potential ward boundaries and constituent electors. The operation of this tool has taken account of current ward boundaries (for the City of Armadale and the Shire of Serpentine Jarrahdale) and has provided a proposal that provides some capacity for growth in the rapid growth areas and compensates in the slower growing areas. Applying the modelling tool in the context of the prescribed criteria listed above resulted in the following proposed ward structure.

Recognition had been given to the existing communities in the Shire of Serpentine Jarrahdale in particular by ensuring that all of these electors are located within the two southern wards. In addition the centres of Armadale, Kelmscott and Byford are completely contained in their own wards. Hills communities fall within a single ward and the existing Lake ward with its rapidly growing new community is retained largely without change. Existing ward boundaries have been taken into account noting that these historically reflect community of interests.

There are currently 41,834 electors in the City of Armadale and 9,935 in the northern portion of the Shire of Serpentine Jarrahdale. In total there would be 51,769 electors in the combined area. In the event of the City's expanded district being divided into seven wards each ward would contain an average of 7395 electors, although this number would obviously grow in view of the City of Armadale currently growing by 3,466 persons pa and the Shire of Serpentine Jarrahdale growing by 1,617 persons pa.

Both the City of Armadale and the Shire of Serpentine Jarrahdale are experiencing rapid population growth. In future years the former is predicted to grow at an average rate of 3.83% pa and the latter at 5.05% pa. The population growth is particularly occurring, and likely to occur, in those localities identified in Table 3



**Table 3 - High Growth Localities**

	<b>2011</b>	<b>2016</b>	<b>2021</b>	<b>Av. Annual% change</b>
Brookdale- Wungong	2983	3395	4072	4.02
Champion Lakes	715	1452	1961	5.96
Hanisdale	3950	6552	9034	5.73
Haynes	134	531	2944	22.95
Hilbert	589	2563	8005	20.29
Piara Waters	2693	8286	13066	9.55
Byford (NW)	3358	6137	8017	5.38
Byford (SW)	889	3277	6361	13.96
Mundijong (E)	375	779	1264	10.14
Mundijong (W)	959	1141	1554	5.80

*Source: ABS 2011 Census and .id Forecasts*

The proposed ward structure recognizes the demographic changes taking place by proposing those most rapidly growing to have a lesser number of electors in the knowledge that the initial over-representation will soon be rectified.

Industrial areas have been retained within single wards as have the main city and town centres - providing an economic focus of the particular wards.

Table 4 provides an analysis on the number of elector's in each of the proposed wards and the deviation from the average in terms of councillor representation

<b>Ward Location</b>	<b>Number of Councillors</b>	<b>Number of electors</b>	<b>Councillor to elector ratio</b>	<b>%Ratio deviation</b>
A- Forrestdale/Haynes	2	6,705	3352	-9.1%
B- SJ Rural/Hilbert	2	6,362	3180	-14.0%
C -Byford/Mundijong	2	6,414	3207	-13.3%
D -Roleystone/Bedforddale	2	8,186	4,093	+107%
E- Kelmscott/Mt Nasura	2	8,013	4,006	+8.4%
F -Armadale	2	8,090	4045	+9.4%
G - Champion Lakes/Seville Grove	2	7,996	3,998	+8.1%
<b>Totals</b>	<b>14</b>	<b>51,769</b>	<b>3,697</b>	-

Source City of Armadale from WA Electoral data 2014

The Minister for Local Government has previously indicated that he will not consider changes to ward boundaries and representation that result in ward Councillor/elector ratios that are greater than plus or minus 10% of the average councillor/elector ratio for that local government. As the growth in this particular local government is not occurring uniformly across the district it is likely that a 10% margin would be exceeded rapidly in the few wards subject to rapid growth. Accordingly it is proposed that it be submitted to the LGAB that the difference between the more rapidly growing wards and those with a more static population be permitted to exceed 10% noting that as the analysis is based on 2014 data, and by the time of introduction in 2015 the ratio deviation would be reduced.

The wards system adopted for Shire of Murray falls within the Local Government Advisory Board's policy of a variance of less than 10% ratio between electors/councillor for each ward.

Year	"South Ward"	Elected Members	Electors per Member	North Ward	Elected Members	Electors per Member	Difference in Electors No's
2015	12042	8	1,505	3137	2	1,569	63
2017	13306	8	1,663	3278	2	1,639	24
2019	14703	8	1,838	3426	2	1,713	125

The above structure clearly falls within the 10% variance and ensures representation for the new "North Ward" that takes in the land from Mundijong Road to the current Murray boundary.

#### Attachments:

- [OCM111.1/12/14](#) - Map showing the current and proposed ward boundaries City of Armadale
- [OCM111.2/12/14](#) – Map showing the current and proposed ward boundaries Shire of Murray

#### Alignment with our Strategic Community Plan:

Good Governance and leadership - to ensure governance policies, procedures and activities align with legislative requirements and best practice

Objective 1.1	Strong Leadership
Key Action 1.1.2	Facilitate cooperation between the Shire and its stakeholders while also considering community values
Objective 1.2	Progressive Organisation
Key Action 1.2.6	Comply with all legislative and statutory requirements

#### Statutory Environment

Local Government Act 1995, i.e.

- Section 2.2 - districts may be divided into wards
- Section 2.3 - names of districts and wards
- Section 2.18- fixing and changing the numbers of councillors
- Schedule 2.2 - Provisions about names, wards and representation

#### Financial Implications:

Direct costs to undertake the review will sit with new councils.

**Voting Requirements:** Absolute Majority

#### OCM111/12/14 COUNCIL DECISION / Officer Recommendation:

Moved Cr Wilson, seconded Cr Piipponen

That Council:

#### 1. Note that:

- a) the Minister for Local Government has accepted the recommendations of the LGAB with respect to a boundary adjustment of the City of Armadale such

- that it subsumes the northern part of the Shire of Serpentine-Jarrahdale. The new Council is to be of a "district" ward structure (ie: no wards) represented by 14 councillors.
- b. there is a process which may be undertaken by which the Local Government Advisory Board would be able to favourably consider the adoption and introduction of a ward structure prior to the 2015 election.
  - c. at a Special Council Meeting held on 5th May 2014 the Council of the City of Armadale resolved, inter alia, that a new ward structure be implemented in October 2015 by dividing the City of Armadale's expanded district into seven (7) wards in accordance with Map 3 of the report and that the number of offices on the council is to be 14 and the number of councillors for each ward is to be two (2).
  - d. The part of the Shire of Serpentine Jarrahdale now to become part of the City of Armadale forms the majority of two new wards each represented by two (2) Councillors.
2. Support the adoption of a ward structure which would divide the City of Armadale's expanded district into seven (7) wards as described in the attachment OCM111.1/12/14.
  3. Note that the Minister for Local Government has accepted the recommendations of the LGAB with respect to a boundary adjustment of the Shire of Murray such that it subsumes the southern part of the Shire of Serpentine Jarrahdale. The new Council is to have two wards, one (formerly Shire of Murray) represented by 8 Councillors and one (formerly the southern portion of the Shire of Serpentine Jarrahdale) represented by 2 Councillors.
  4. Support the adoption of a ward structure which would divide the Shire of Murray's expanded district into two (2) wards as described in the attachment OCM111.2/12/14.

**CARRIED 9/0**

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

Nil

## 13. Closure:

There being no further business the Presiding Member declared the meeting closed at 9.04pm.

I certify that these minutes were confirmed at the  
Ordinary Council Meeting held on 9 February 2015

.....  
Presiding Member

.....  
Date