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Minutes of the Ordinary Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 11 November 2013. The Shire President declared the meeting open at 7.00pm and welcomed Councillors, staff and members of the gallery.

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

In Attendance:

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

OFFICERS: Mr R Gorbunow Chief Executive Officer
 Mr A Hart Director Corporate and Community
 Mr B Gleeson..... Director Planning
 Mr G Allan Director Engineering
 Ms Linda Jones Personal Assistant to Chief Executive Officer

APOLOGIES: Nil

OBSERVERS: Nil

Members of the Public - 18
Members of the Press - Nil

2. Response to previous public questions taken on notice:

Special Council Meeting – 21 October 2013

Mrs Lee Bond, PO Box 44, Armadale

Q1. Which incoming Councillors had their election campaign paid for and by whom?

Response:

Mr Stephen White gifted the printing and posting of election flyers and Examiner advertisements for Councillor John Erren, Councillor Sandra Hawkins and Cr John Rossiter. Disclosure of Gifts Form LG9A has been completed and lodged with the Electoral Commission and the Shire of Serpentine Jarrahdale in accordance with the *Local Government Act 1995* and *Local Government (Elections) Regulations 1997*.

Q2. What committees any current Councillors and incoming Councillors sit on can impact on their job as Councillor in the Shire of Serpentine Jarrahdale?

Response:

Information relating to appointment of Councillors to committees, working groups and organisations is available in the minutes of the Special Council Meeting held on 21 October 2013. A copy of the minutes is attached for your information.

Councillors are required to disclose any financial interests in a matter before Council in accordance with the *Local Government Act* and the Shire's *Standing Orders Local Law 2002*.

A formal response has been forwarded to Mrs Bond.

Ordinary Council Meeting – 28 October 2013

Lee Bond, PO Box 44, Armadale

- Q1. On 23 February 2009 during question time Sandra Hawkins stated, *"It is correct to assume that each Councillor is elected to serve on Council by the electorate"*. Can you state that your election was all your own idea and effort?
- Q2. You also stated at the same meeting, *"It is correct that those Councillors duly elected are on Council to represent the views of the electorate"*. Are you going to represent mine and the views of other members of the electorate even though we are not happy about the way you have been elected to Council?
- Q3. At the same meeting you accused some Councillors of ignoring the unanimous views of the electorate and overriding those views to satisfy themselves. Who will you blame now that you are a Councillor?

Response:

Cr Hawkins has advised that:

- 1. She can categorically state that it was entirely her own decision to stand for the Shire Council Elections.*
- 2. She was democratically elected to Council by the electorate, compliant with the State legislation.*
- 3. The views of the electorate are many and everyone is entitled to express those views at Council meetings whether she happens to agree or disagree.*

A formal response has been forwarded to Mrs Bond.

Margaret Cala, 49 Phillips Road, Karrakup

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

- Q1. Would Cr Piipponen confirm that the quote is correct?
- Q2. Could he also explain whether he discussed his statement with other members of Council prior to making it to the media; and further how he believes this proposed role will benefit the Shire and its community?
- Q3. Is he unaware of the petition presented to Council with over 3100 signatures against amalgamation with the City of Armadale and the community submission against amalgamation which was presented to Council and sent to the Local Government Advisory Board from residents of this Shire? As I recall he was present on both occasions. Could he explain what it would take for him to believe he had been 'told' what the community wants?

Q4. Other Councils which offered fallback positions and alternatives in their submissions to the Local Government Advisory Board have found that these have been taken up by the Government despite their primary aim being not to amalgamate. Given previous Council resolutions regarding anti-amalgamation and, bearing in mind that they are representing the same community, will this Council endorse the anti-amalgamation stand taken by the previous Council?

Response:

Cr Piipponen has advised that:

1. *Yes the quote is correct. He has made it clear that he is not interested in amalgamation, which is in line with the Council's submission. All that he has added is that he wants to make sure that we get the best outcome for the Shire of Serpentine Jarrahdale.*
2. *His views are in line with the Council's submission which has been openly discussed.*
3. *He is well aware of the petition of 3100 signatures against amalgamation with the City of Armadale and the community submission against amalgamation which was presented to Council and sent to the Local Government Advisory Board from residents of the Shire of Serpentine Jarrahdale, which indicates that there is a substantial portion of residents strongly opposed to amalgamation.*
4. *Yes – this was resolved in Item 11 – Urgent Business.*
5. *No.*

A formal response has been forwarded to Ms Cala.

Michelle Rich, 155 Firns Road, Serpentine

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

- Q1. On the night of 19 October 2013, after the finalisation of the vote count for the Local Government Election, were all incoming Councillors given information relating to the Local Government Act by Chief Executive Officer (CEO) Richard Gorbunow?
- Q2. Did the CEO ask all Councillors to read through this information and if they had any questions that they could contact him at any time?
- Q3. Did any newly elected Councillors contact the CEO between the finalisation of the vote count and 9.00am on Monday, 21 October 2013?

Response:

Following the finalisation of the vote count on 19 October 2013 all newly elected Councillors were provided with an Elected Member Induction package. Councillors were asked to read this information and to contact the Chief Executive Officer if they had any queries. No newly elected Councillors contacted the Chief Executive Officer between the finalisation of the vote count and 9.00am on Monday 21 October 2013.

Q4. Was a handshake deal made on Saturday night 19 October 2013 with Cr Sam Piipponen regarding the Deputy Shire President's position in return for his supporting vote for the position of President to be given to newly elected Cr Keith Ellis?

Response:

Cr Piipponen has advised that no handshake deal was not made on Saturday night 19 October 2013 regarding the President and Deputy President positions.

Cr Ellis has advised that he had not spoken to Cr Piipponen on the night of Saturday 19 October 2013.

Q5. Was there a meeting held in Byford on Sunday 20 October 2013 with newly elected Councillors from the North and North West Wards and past Councillors from the North Ward in attendance?

Q6. Was Cr John Kirkpatrick contacted and asked to attend this meeting after discussions were held by the newly elected and past Councillors?

Q7. Were the Southern Ward Councillors invited to this meeting?

Q8. If not, why not?

Q9. At this meeting was Cr John Kirkpatrick asked to give his supporting vote for the position of President to newly elected Cr Keith Ellis in return for the newly elected North Ward Councillors to support Cr John Kirkpatrick for the Deputy Shire President's position?

Q10. Did Cr John Kirkpatrick agree to this request?

Response:

Cr Ellis has advised that:

5. *Yes. The intent of the meeting was to meet newly elected Councillors, ie Cr Erren, Cr Hawkins, Cr Rossiter (and himself).*

6. *Yes. Cr Kirkpatrick attended the meeting and discussion evolved regarding the position of President and Deputy President.*

7. *No. However, Cr Hawkins contacted Cr Urban and advised him of the meeting discussions.*

8. *See response to Q7. above.*

9. *Yes, on the basis that Cr Kirkpatrick would be elected as Deputy President.*

10. *Yes as above.*

Q11. Did Cr John Kirkpatrick, having concerns about the back-handed deals that had been done, contact the CEO on Monday morning 21 October 2013 and ask for clarification regarding the Local Government Act following the meeting that he was invited to attend on the Sunday?

Response:

Yes. Cr Kirkpatrick contacted the Chief Executive Officer on the morning of Monday 21 October 2013 to seek clarification regarding the Local Government Act in relation to the permanence of the President and Deputy President positions once they have been elected.

Q12. Did Cr John Kirkpatrick contact newly elected Cr Keith Ellis after receiving the clarification that he requested through the CEO Richard Gorbunow and state that he would decide who he would vote for as President at the Special Council Meeting after hearing each nominee speak to the Council in support of their nomination for the role?"

Response:

Cr Ellis has advised that Cr Kirkpatrick contacted him on the morning of Monday 21 October 2013 and advised that he would not support Cr Ellis in the election for President. Cr Ellis replied that it is a democratic process and Cr Kirkpatrick could vote as he pleased.

A formal response has been forwarded to Mrs Rich.

Simone Rich, 155 Firns Road, Serpentine

Q1. Does Cr John Erren require a detailed map of the Shire Ward boundaries?

Q2. Why was David Atwell attacked throughout the election campaign on social media for not living in the North Ward?

Q3. Why was Cr John Rossiter not attacked in the same way given that he lives in the North West Ward?

Response:

Cr Erren has advised as follows:

1. *No thank you.*

2. *There were no 'attacks' on David Atwell. The question asked during the election campaign was, "why was Dave Atwell running in the North Ward and not running in the Southern Ward?" At no time during his dialogue throughout the election campaign did he question former Cr Atwell's character or integrity.*

3. *Cr Rossiter lives a few kilometres away from the Byford township and less than 1 kilometre from many residents of the new Byford subdivisions and was not a sitting Councillor during the elections.*

Q4. Was Cr John Rossiter's election campaign supported by select members of the Byford Progress Association so as to buy his vote on Council?

Q5. If Cr John Rossiter is perceived to be of such weak character that those who supported his election knew that he would vote as he is told, should he not stand down as a Councillor?

Response:

Cr Rossiter has advised that:

4. *No. He received support, advice and assistance from various people during his election campaign, at all times it was made very clear that any support or assistance must be without prejudice and would not influence any decisions that he would make in the future. People who assisted him during his election campaign came from a cross section of the local community and were also members of different associations including the Byford Progress Association.*
5. *No. The community members who gave Cr Rossiter their support were made very aware they could not influence the way he would vote. His vote would be his decision and his decision only and made for the benefit of the whole community of the Shire of Serpentine Jarrahdale.*
- Q6. Given the theory that the attacks on David Atwell were based on, can the ratepayers of the Shire expect that Councillors will only represent a small part of the Shire and not the Shire as a whole as they are elected to do?
- Q7. Which current Councillors own or have immediate family members that own businesses that operate within the boundaries of the Shire of Serpentine Jarrahdale?
- Q8. What are these businesses?
- Q9. Given the underhanded secret deals just to elect the President and Deputy President, can the ratepayers expect that this is how the newly elected Councillors will conduct themselves when dealing with developers etc over the next two years?

Response:

Cr Erren has advised that:

6. *There were no attacks on former Cr Atwell. He is happy to state that he takes his role as Councillor seriously and will represent the whole Shire to the best of his ability, fairly and with great care.*
7. *Cr Erren and his partner Jacqui operate Byford Legal within the Shire.*
8. *Byford Legal is a small legal practice providing cost effective services to the local community.*
9. *To his knowledge there were no underhanded or secret deals.*

A formal response has been forwarded to Miss Rich.

3. Public question time:

Public Question / Statement Time commenced at 7.01pm.

Teresa Schwaiger, 274 River Road, Hopeland

- Q1. In regard to the 'Reconsideration of Retrospective Application for Kennels', have the 'new' Councillors been given sufficient time since their election and receiving the confidential report, to review the application and associated evidence so as to make a fair assessment prior to having to vote on this matter tonight?

Response:

The Director Planning has advised that all Councillors received the agenda report on Friday 1 November 2013 and have had sufficient time to review the report and make enquiries of staff prior to the Council meeting.

Q2. There may be a conflict of interest in that the Shire President and Deputy President have past or present affiliations with the greyhound industry and therefore should not vote on the application.

Response:

The Shire President advised that he was the Chairman of Greyhounds WA but has resigned from that position and has no interest in greyhounds whatsoever.

The Deputy President advised that he has not dealt with greyhounds for at least 12 months.

Lee Bond, PO Box 44, Armadale

Q1. How much did the Darling Downs Residents Association receive through funding organised by Don Randall before the last State Election? What project or projects was this money requested for?

Response:

The Shire President advised that before the recent Federal Election he made an application to The Green Army for funding on behalf of the Darling Downs Residents Association. The Association has been granted \$180,000 to re-establish the wetlands, replace bridle trails, spray for noxious weeds, refurbish the windmill to bring water back to the Darling Downs and generally make the area more safe.

Q2. It has been 17 years, why hasn't any money been spent on the bridle path bordering the Stockman's Close Estate? How much money has the Darling Downs Residents Association received in funding from the Shire of Serpentine Jarrahdale or directly through Don Randall since its inception? What are the projects and the amounts that have been spent on those projects?

Response:

The Shire President advised that the Association has received no money from the Shire. They have approximately \$30,000 remaining from the original land sales which is being held in trust by the Shire and currently have approximately \$1,200 in the bank. The Association consists of volunteers and have signed a Memorandum of Understanding with the Shire which enables them to look after the area.

Q3. How fair is it for Councillors to use ratepayers' money to flush it away after every Council meeting? Which Councillors believe it is time to stop this obscene waste of ratepayers money?

Response:

The Shire President advised that Q3. will be taken on notice and a response provided in due course.

Q4. Which Councillors would not support an investigation into this Council by the CCC and what is your reason for not doing so?

Response:

The Shire President requested clarification of an investigation into what?

Margaret Cala, 49 Phillips Road, Karrakup

Does the Serpentine Jarrahdale Council have a policy to purchase locally (Australian) manufactured motor vehicles? And more generally to purchase Australian manufactured goods? If not, why not? Do the purchasing decisions of the Shire rely solely on price, or is local manufacture and support of Australian industry a consideration?

Response:

The Chief Executive Officer advised that this is an operational matter and not a matter for Council. The question was taken on notice and a response will be provided in due course.

Simone Rich, 155 Firns Road, Serpentine

Thank you for answering my questions from the Ordinary Council Meeting on 28 October 2013.

Q7 that I asked at the last meeting was:

“Which current Councillors own or have immediate family members that own businesses that operate within the boundaries of the Shire of Serpentine Jarrahdale?”

Cr John Erren was the only Councillor to answer this question.

Maybe the other Councillors did not understand my question. Immediate family members include parents, spouses, siblings and children.

With this clarification my questions are:

Q1. Which current Councillors own or have immediate family members that own businesses that operate within the boundaries of the Shire of Serpentine Jarrahdale?

Q2. What are these businesses?

Response:

The Chief Executive Officer advised that these questions will be taken on notice and it will be up to individual Councillors to provide answers. A response will be provided in due course.

Michelle Rich, 155 Firns Road, Serpentine

Thank you for the answers to my questions from the Ordinary Council Meeting (OCM) on 28 October 2013. These answers open up more questions.

Q5 from my questions from my previous questions:

“Was there a meeting held in Byford on Sunday, 20 October 2013 with newly elected Councillors from the North and North West Wards and past Councillors from the North Ward in attendance?”

The response received in writing:

“Yes. Cr Ellis has advised that the intent of the meeting was to meet newly elected Councillors, ie Cr Erren, Cr Hawkins, Cr Rossiter (and himself).”

Q7 was, *“Were the Southern Ward Councillors invited to this meeting?”*

Q8. If not, why not?

The response given in writing:

“No. However, Cr Hawkins contacted Cr Urban and advised him of the meeting discussions.”

Q1. If this was a simple meet and greet as stated in the response why were all elected members not invited?

Q2. What is the reason Cr Wilson and Cr Moore were not contacted?

Q3. Cr Piipponen has stated in front of ratepayers outside the OCM on 28 October 2013 that he did not attend this meeting but knew that it was being held. Isn't it right that the real reason for the meeting was to pre-arrange the voting, in line with the wishes of the two ex-Councillors from the North Ward who attended the meeting, for the Special Council Meeting that was held on 21 October 2013?

Q4. Which Councillors have attended the local government training that is paid for by the Shire?

Q5. Of the Councillors that have not attended this training, when are they booked in to attend the training?

Q6. Which Councillors have received phone calls from the proponent Kody Charles (OCM078/11/13) in recent days trying to gain support for a matter that is before the State Administrative Tribunal (SAT), knowing full well that Councillors cannot discuss this matter as they are bound by the *Local Government Act*?

Response:

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

Michael Geurds, 6 Binshaw Avenue, Byford

Firstly I would like to thank the Councillor who has taken the time to keep the trotting fraternity up-to-date as much as possible with the development in Briggs Road, Byford.

There are real concerns with the level of density in this area as well as the concerns regarding drainage for the area and traffic flows through from Thomas Road to Abernethy via Briggs Road. I acknowledge that this development is part of the growth of Byford but question why so deep a density has been shown not to work elsewhere in such a large scale. I would have thought even taking into account the new R-Codes that a minimum of 300sqm blocks for town housing around specific areas is more acceptable. The use of 500/450sqm properties has proven popular in all other developments, what makes this different?

Racing and Wagering WA, the owner of the trotting track area has a large financial interest in the long-term growth of the area and I hope that they have been included in development planning.

For those that are not aware this land can have an extremely large volume of water passing through its main corridor as well as the northwest corner being a particular wet spot due to the meeting of flow from Darling Downs, Thomas Road and Byford Hills.

I trust that Council will make sure that the correct people are requested to comment on this development, if possible having the answers to these and possibly other concerns.

Q1A. What level of sand is to be used as fill on the area?

Q1B. How will sand trucks access the area?

Q1C. Can the problem with topsoil storage be resolved prior to development and placed on the school site?

Q2. Will the school area be developed when development is conducted as the school may not have a requirement to be built for up to ten years?

Q3. Will the drainage area be vegetated as is – Red Gum?

Q4. Will the developer be responsible for traffic management in Eurythmic Road?

Q5. Will there be a connecting road to Thomas Road?

Q6A. What if any Public Open Space (POS) is to be developed and how will there be trees etc planted or is it to be left to the Shire to complete?

Q6B. This area is totally void of trees.

In ending, with full respect for the process of development and realising the part that the Western Australian Planning Commission (WAPC) and SAT take, I request that Council endeavours to obtain a better outcome for this development for the people who live here now and in the future.

Response:

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

Lionel Webster, 351 River Road, Hopeland

Since the 19 June Kennel discussion, has the Shire considered any feasible locations to establish a Kennel zone in the district?

Response:

The Director Planning advised that staff have not considered any alternative locations at this stage. Council is due to review its Town Planning Scheme No 2 within the next year or two and will look at Kennel zones and other related uses at that time.

4. Public statement time:

Keith Whibley, 22 Cranbourne Way, Byford

Can Council tell me why the parks, gardens and verges in Mead Street in The Glades are not being watered. The reticulation has not been on for months. Last Monday, 4 November I phoned Council offices and told of the problem as trees and grass are dead.

Who has to replace the dead trees and at whose cost – is it the developer or the ratepayers?

Last year the bore broke down for six weeks in mid-summer and no trees were replaced.

David Woo, G & G Corp Pty Ltd, 219 Midland Road, Hazelmere

I wish to speak in favour of the Officer Recommendation for supporting the proposed Local Structure Plan to be advertised for public comment for a period of 28 days.

Having worked on the project over the past three years in consultation with Council officers and other government agency representatives, the proposed Local Structure Plan has been prepared with the blessing of all stakeholders and has been prepared in accordance with the Byford Structure Plan.

Peter Duck, 274 River Road, Hopeland

The barking continues from 324 River Road. On advice from the Senior Ranger, myself and another resident have been keeping 'nuisance by barking' dog diaries. Some of these diaries have been forwarded to the Ranger and further to Council's solicitors for legal advice.

On Sunday 10 November at 3.00pm I had a pre-arranged meeting with Mr Kevin Charles, along with his son Kody, at his residence in River Road. I arranged the meeting in the hope that we could resolve the greyhound issue.

We discussed:

- Real estate values, plans for the future development of Hopeland and so forth.
- Noise created by his greyhounds. His reply was that there wasn't any noise. What noise there was, was caused by foxes disturbing his greyhounds. His son's reply was that the surrounding residents were listening for dogs barking and if we stopped listening it would eventually go away.
- His original application to Council some four years ago. His comments were, if the Council had followed it up, we would not be in this situation.
- His plans for kennels. He may brick around the existing tin shed then build a structure over the top with its own separate roof. One would think that plans would be submitted to Council by now or along with the kennel application. He will not do anything until he gets his kennel licence.

At the end of the day we were no better off. We can see no social or financial benefits to the Shire by having a greyhound kennel in Hopeland, in fact the opposite. We feel it is very un-Australian to allow one family to spoil the amenities of Hopeland for so many other families in close proximity to the Charles' property.

We ask the Council, with all its wise-ness, to reject the retrospective application for the dog kennels.

Lee Bond, PO Box 44, Armadale

My questions to Councillor Hawkins on 28 October 2013 were not answered satisfactorily. I feel justified in saying that I have no confidence in Sandra Hawkins as a Councillor at all.

I have connected the dots between Urbis Pty Ltd, Dykstra Planning, Stephen White, IGA Byford, the Bowling Club at Byford and some Councillors and there is no doubt that one particular person wants ownership of that entire block. Why does the Bowling Club want to move from where they are, seems they had some help with that decision.

Why have certain Councillors and ex-Councillors gone out of their way to try and have IGA at Byford forced out? The motive is obvious to many and is sinister and those responsible should remember we have laws and you should not continue with the behaviour you either have embarked on or are going to embark on. I am not alone when I say at this point in time this Council cannot function at a responsible level because of the already deceptive behaviours of some Councillors and the usual interfering 'has beens'. Those who sought election to this Council to enable the devious behaviour of themselves and others should resign now and I am sure you all know who I am talking about. What makes you Mr Ellis think it is acceptable and responsible behaviour to publicly slap another Councillor in the local rag the way you did. I don't think that you are the right person for the position you now hold. If you Mr Kirkpatrick spent less time jumping back and forth over the fence you may suffer less barbed wire lacerations. There is one thing that delights me and that is that none of you can trust each other even if you are holding hands at the moment. The thing that disgusts me is that some misguided people voted you onto Council because they did trust you and they will regret it.

Merri Harris, 24 Maxwell Street, Serpentine

Ms Harris read from copies of a letter from the Premier of Western Australia and a response from Malcolm Mummery of Shenton Park in relation to Metropolitan Local Government Reform. Ms Harris requested that the contents be reproduced in the minutes, as follows:

1. Correspondence from Colin Barnett MLA, Premier of Western Australia to Mr Mummery, dated 5 November 2013

"Thank you for your correspondence dated 9 October 2013 regarding metropolitan local government reform.

The Liberal National Government does not propose to bring in an Act of Parliament to force local government amalgamations or determine boundaries. The changes will be determined principally under the provisions of the current Local Government Act 1995. This includes the standard role of the Local Government Advisory Board, whose major function is to assess proposals for changes to local government boundaries and their system of representation and then make recommendations to the Minister.

It is important to note that the current Local Government Advisory Board process provides the opportunity for public submissions to inquiries.

The Advisory Board's analysis considers factors including communities of interest; matters affecting the local governments' viability and the effective delivery of services.

You may also be interested to know that the existing poll provision under the Local Government Act 1995 gives just 25 per cent of the voters of one local government the power to determine the outcome of a merger proposal. This provision has worked to stop reform even when the local governments concerned support the proposed merger and the majority of ratepayers have expressed no objection.

Community input and local preferences were a major consideration in the development of the Government's model for 14 local governments."

2. Response from Malcolm Mummery, 93 Keightley Road, Shenton Park

“Thank you for your letter dated 5 November 2013 on the topic of metropolitan local government reform.

As you are doubtless aware local government in Western Australia pre-existed state government. Just as state government pre-existed the federation of states into the Commonwealth. This is relevant because there is a tacit assumption in your letter that local government exists at the pleasure of the State. This is an invalid assumption. Indeed, elected local government representatives have a duty to prosecute the best interests of their residents, which includes boundaries.

The role of the State in local government matters is validly quite constrained. This is evidenced by the fact that there is a bill before the Legislative Assembly now seeking to amend the Local Government Act 1995 such that the Local Government Advisory Board (LGAB) is forced to consider policies of the State Government, but tellingly, they cannot be forced to comply with any such policies. More significantly, the bill before the Legislative Assembly seeks to add two extra Government appointed members to the LGAB, which clearly facilitates the stacking of the Board.

The Bill that seeks this manipulation of the LGAB's independence also contains a retrospective removal of the need for it to seek input from, and consider, the objections of residents affected by a proposal to change boundaries. These facts contradict your assertion that “the Liberal National Government does not propose to bring in an Act of Parliament to force local government amalgamations or determine boundaries”. Indeed, it is very misleading.

Your letter also makes the point that 25% of the voters in a local government area have the power to determine the outcome of a merger proposal, with the implication that this is somehow improper. Unless we were to implement compulsory voting or increase the required turn-out of voters above the prescribed 50%, the minimum number of residents actively opposing a merger must be half that, namely 25%, which is a substantial number given general election turn-out is routinely not much more. This argument of yours is also misleading.

Local government belongs to the residents it represents Mr Premier, not you, your government or your supporters. Further, there is no broader public interest that is not well accommodated by current arrangements. Until the government can make a cogent case based on facts that convinces the residents of local government areas that change is warranted, your misleading campaign is an affront to the principles of government that our culture is based upon.”

Michelle Rich, 155 Firs Road, Serpentine

The local newspapers over the last three weeks have been an interesting read.

A newly elected Deputy President who has ignored a Council resolution and stated that, *“He wanted to work with the Local Government Advisory Board to achieve the best outcome for the Shire if the State Government forced amalgamations.”* Examiner 24 October 2013.

A hastily put together urgent business item to cover Cr Piipponen's proverbial backside – at the Ordinary Council Meeting on 28 October 2013.

A newly elected President who states that he is against amalgamation but didn't bother to attend the Shire run community meetings held earlier in the year regarding amalgamation that has let that "but" sneak back onto the table in his second interview. Comment News 29/10/2013.

Then to top it all Cr Ellis calls for Cr Kirkpatrick to resign, not behind closed doors or in person but on the front page of the Serpentine/Jarrahdale Examiner.

Cr Ellis. It is you who have caused the disunity within Council with the fine start of secret meetings fracturing the Council before you even started.

Public Question / Statement Time concluded at 7.32ppm.

5. Petitions and deputations:

Mr Joe Algeri from Algeri Planning and Appeals made a presentation to Council with regard to Item OCM078/11/13 – Confidential Item – Reconsideration of Retrospective Application for Kennels – Lot 1087 (No 324) River Road, Hopeland, as follows:

"The Council now has before it a reconsideration of Council's decision in relation to a Development Application for retrospective approval for a Kennel at No 324 River Road, Hopeland.

It is unfortunate that the Councillors were invited to attend the two mediation sessions but did not do so. I emphasise that it is common place for Councillors to attend mediation, not for individual Councillors to cut a deal, but to get a better appreciation of the proposal and have the opportunity to offer without prejudice suggestions on how the matter might possibly be resolved.

I remind you that it is not as simple as letting SAT make the decision and that proceeding to a substantive (final) hearing is a costly exercise for both parties and results in a win or loss outcome. Additionally, if it proceeds to a final hearing, the Shire no longer has the ability to dictate which sort of conditions would be appropriate.

It is my view that the kennel in itself is not problematic; it is the notion that it will be formally approved and will prejudice the future planning in some form.

The subject land is zoned 'Rural' under the Shire of Serpentine Jarrahdale Town Planning Scheme No 2. Clause 5.10.1 of TPS 2 outlines the following objective for the zone:

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

In my view, this indicates that the zone is intended to accommodate rural activities that benefit for the unique characteristics of the zone. These pursuits are already widely practiced in the zone, including on the subject land, such as various agricultural and equestrian activities. Furthermore, the kennelling of dogs, particular a low intensity operation catering primarily to the landowner's own animals, is considered to be consistent with the general objectives for the Rural zone. I also reiterate the Scheme provisions relating to the establishment of kennels which provide that any approval is granted to a specified person and site and does not run with the land, ensuring that approval is only granted to a competent and responsible applicant. In this regard, the Charles family have been involved in greyhound racing for 14 years and Kody Charles is a recognised 'public trainer' by Racing and Wagering Western Australia.

In regards to impacts on the residential amenity, any expectations for amenity must be considered with concessions to the zone objectives and the breadth of uses contemplated under the Scheme. TPS 2 provides a range of zones that address the urban to rural transition which provide a spectrum of urban and rural densities, development styles and land use permissibilities. It must also be considered that a Rural zone that has an objective to accommodate rural pursuits including the keeping of animals, will create a different environment to those zones designed to combine both rural aesthetic with residential areas.

Furthermore, the applicant has prepared a Kennel Management Plan detailing the measures that are taken to minimise the impact of noise and odour from the kennel on neighbouring properties. It is our view that these management practises limit amenity impacts to levels that, while perhaps not acceptable in a Rural Residential area, are consistent with the realistic amenity expectations of the general Rural zone.

It should also be noted that the Kennel has operated for five years without Council receiving any complaint from neighbouring properties. Neither the intensity of the use nor the kennel's management style has changed during this period.

In regards to any potential impacts on the future urban development, whilst it is acknowledged that the land abuts the future Keralup development, the land is currently zoned Rural under both the Metropolitan Region Scheme and the City of Rockingham Town Planning Scheme. Therefore, before any urban development commences, a series of scheme amendments and structure planning exercises will be required which will take several years before it comes to fruition. In this regard, it is my view that it is onerous for the applicant to be limited by future development that is neither imminent nor certain in design. It should be also noted that the Shire's draft Rural Land Strategy, which has a planning horizon of 2032, does not indicate any rezoning of the subject land and therefore the current character of the Rural zone can be expected to continue for at least the next 20 years.

It is not unreasonable for the kennel use to continue at least for as long as the Keralup land remains Rural, a zoning within which the use is generally compatible. This allows for the subject land to be used in a manner that is consistent with both the Rural zone objectives and principles for areas in transition outlined in State Planning Policy 4.1.

In summary, it is my view that the application is consistent with the objectives of the Rural zone, will not adversely impact the amenity of the surrounding locality, nor will it prejudice the future planning of the area.

Thank you for giving me the opportunity to make this deputation."

6. President's report:

Great news for small grants

The Chief Executive Officer (CEO) and myself met with SITA Australia who specialise in community grants of up to \$5,000. This is a great opportunity for non-profit community groups, sporting groups and the like. It's all done online and easy to do. To find out more speak to your Local Councillor.

Peel Development Commission

The CEO and I went to a large breakfast presentation at Mandurah bringing all players up-to-date with what is going on in the region. The Department of Planning is estimating an optimistic 188,000 to 240,000 population increase by 2031. They unveiled a billion dollar business plan announcing a 1200 hectare park on Lakes Road, Nambelup with an estimated 17,000 new jobs.

They also released some disturbing unemployment figures that almost 25% of youth (15-19) in the region are unemployed and/or participating in post school training or education. The State average is 17% and the 20-24 age group is 20% unemployed. SJ Shire was included in the figures but the skew was aimed at Mandurah. The big focus was jobs and more jobs!

Woolworth a big chance

We have had a rush of retailers wanting to come to the Shire with Woolworths leading the charge. Coles has been approved and should get here by 2016. Aldi, a worldwide bulk grocery chain with 8,000 supermarkets has met with us and, if you add in Farmer Jacks, Dome and even McDonalds have put their toe in the water, what this means to our Shire is jobs for our young people and I am pleased to say our Planners have a 'Yes We Can' attitude.

Ex Councillor Dave Atwell

I would like to acknowledge the work of ex-Councillor Dave Atwell who represented the North West Ward over the last two years. Dave has made a significant contribution to this Council and community in a short time and proved a popular Councillor with staff.

During his term, he served on the Darling Downs Management Committee, Jandakot Regional Park Community Advisory Committee, Mundijong Community Forum, Oakford/Oldbury Association, Peel Community Development Group, Peel Trails Group, Serpentine Jarrahdale Trails Association, Reserves Advisory Committee and Serpentine Sports Reserve Management Committee.

On behalf of Council, I would like to thank Mr Dave Atwell for his contribution. I am confident this Council and its residents will continue to reap the rewards of his commitment to the Serpentine Jarrahdale community.

7. Declaration of Councillors and officers interest:

Cr Hawkins has declared an interest by close association in Item OCM078/11/13 in that she used the proponent Kody Charles to drive one of her pacers in a race and has visited his kennels as a prospective purchaser of a greyhound.

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

8.1 Ordinary Council Meeting – 28 October 2013

COUNCIL DECISION:

Moved Cr Moore, seconded Cr Piipponen

That the minutes of the Ordinary Council Meeting held on 28 October 2013 be confirmed (E13/4423)

CARRIED 9/0

9. Motions of which notice has been given:

OCM073/11/13	Appointment of Delegate - Community Consultation Group for Keysbrook Mineral Sands Project (P02893/01)
Author:	Linda Jones – Executive Assistant to Chief Executive Officer
Senior Officer:	Richard Gorbunow – Chief Executive Officer
Date of Report:	22 October 2013
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

Council is requested to consider appointment of a representative and a deputy to the Community Consultation Group for the Keysbrook Mineral Sands project. This group was inadvertently omitted from the list of committees, working groups and organisations considered by Council at the Special Council Meeting on 21 October 2013.

Background:

Planning approval was granted by the State Administrative Tribunal (SAT) to MZI Resources for an extractive industry in the Keysbrook area of the Shire of Serpentine Jarrahdale. Approval was also granted by the SAT for an extractive industry across the Shire boundary in the Shire Murray.

A condition of the planning approval from SAT required that the proponent implement the Community Consultation Framework, including the commitment to establish a Community Consultation Group (CCG). In August 2012 MZI called for community nominations to the CCG including a Councillor representative from the Shire of Serpentine Jarrahdale.

Relevant Previous Decision of Council:

- OCM031/08/12 – Cr G Wilson appointed as Council representative and Cr B Urban as proxy on the Community Consultation Group for the Keysbrook Mineral Sands project.

Comment:

Matilda Zircon Limited sought to establish the CCG with the objective of facilitating open and honest dialogue between the local communities and the company. The CCG includes an independent Chair, support staff, company representatives, landowners from within the mine area, community representatives and elected members from both Shires. Council is requested to nominate a Councillor and a deputy Councillor to the CCG following the Local Government Election on 19 October 2013.

It is recommended that Council nominate a representative and a deputy to the CCG.

Community / Stakeholder Consultation:

Not applicable

Attachment:

- [OCM073.1/11/13](#) – Terms of Reference for the CCG (E12/6068)

Alignment with our Strategic Community Plan:

Objective 1.3	Capable Councillors
Key Action 1.3.1	Attract a diverse body of Elected Members that represents the composition of the community.
Objective 6.1	Engaged Community
Key Action 6.1.2	Integrate a range of cultural values into our planning and management processes.

Statutory Environment:

Not applicable

Financial Implications:

There are no financial implications as a result of the Officer Recommendation.

Voting Requirements: Simple Majority

OCM073/11/13 COUNCIL DECISION / Officer Recommendation:

Moved Cr Urban, seconded Cr Wilson

That Council nominate Councillor Rossiter as its representative and Councillor Erren as deputy on the Community Consultation Group for the Keysbrook Mineral Sands project.

CARRIED 9/0

OCM074/11/13	Appointment of Delegate - Whitby Falls Project Partners (SJ1263)
Author:	Linda Jones – Executive Assistant to Chief Executive Officer
Senior Officer:	Richard Gorbunow – Chief Executive Officer
Date of Report:	23 October 2013
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

Council is requested to consider appointment of a representative and a deputy to the Whitby Falls Project Partners steering committee. This group was inadvertently omitted from the list of committees, working groups and organisations considered by Council at the Special Council Meeting on 21 October 2013.

Background:

Murdoch University proposes to establish an educational institution on the site of the former Whitby Falls Hostel and surrounding lands at Lots 4590, 4594 and 4589 (1619) South Western Highway, Whitby. The primary purpose would be an extension to the Murdoch University School of Veterinary and Biomedical Sciences educational facility for students but there is also an opportunity for equine, agriculture production and environmental educational programs at the site. The land has been transferred from the State Government to the National Trust of WA and will be leased by Murdoch University. The subject land is identified in both the Shire's Municipal Inventory and also the State Register of Heritage Places.

Cr B Moore was previously Council's representative and former Councillor M Harris as deputy to the Whitby Falls Project Partners steering committee.

Relevant Previous Decision of Council:

- OCM065/01/12 – Council provided 'in principle' support for the establishment of an educational facility at the former Whitby Falls Hostel site.

Comment:

The proposal has the potential to offer significant benefits to the community in the future and partnership opportunities with a significant education provider.

Meetings of the Whitby Falls Project Partners are held bi-monthly and membership is made up of representatives of the following organisations:

- Murdoch University
- National Trust of WA
- Peel Development Commission
- Shire of Serpentine Jarrahdale

A number of Shire officers also attend the meetings, including the Chief Executive Officer, Director Engineering, Senior Strategic Planner and Senior Engineer Infrastructure and Design.

It is recommended that Council nominate a representative and a deputy to the Whitby Falls Project Partners steering committee.

Community / Stakeholder Consultation:

Not applicable

Attachment:

Nil

Alignment with our Strategic Community Plan:

Objective 1.3	Capable Councillors
Key Action 1.3.1	Attract a diverse body of Elected Members that represents the composition of the community.
Objective 6.1	Engaged Community
Key Action 6.1.2	Integrate a range of cultural values into our planning and management processes.

Statutory Environment:

Not applicable

Financial Implications:

There are no financial implications as a result of the Officer Recommendation.

Voting Requirements: Simple Majority**OCM074/11/13 COUNCIL DECISION / Officer Recommendation:****Moved Cr Moore, seconded Cr Wilson****That Council nominate Councillor Moore as its representative and Councillor Kirkpatrick as deputy to the Whitby Falls Project Partners steering committee.****CARRIED 9/0**

OCM075/11/13	Western Australian Local Government Association – Vacancies on Boards and Committees (SJ1348)
Author:	Linda Jones – Executive Assistant to Chief Executive Officer
Senior Officer:	Richard Gorbunow – Chief Executive Officer
Date of Report:	4 October 2013
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

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

Background:

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

- Western Australian Planning Commission (WAPC) Infrastructure Coordinating Committee – Vacancy for 1 Member (approval by Minister)
- Western Australian Planning Commission Statutory Planning Committee – Vacancy for 1 Member (approval by Minister)
- Western Australian Local Government Association – Peel Zone State Council Representative, Deputy State Council Representative, Chairperson and Deputy Chairperson

Community / Stakeholder Consultation:

Not applicable

Attachment:

- [OCM075.1/11/13](#) – WAPC Infrastructure Coordinating Committee (IN13/19257)
- [OCM075.2/11/13](#) – WAPC Statutory Planning Committee (IN13/19259)
- [OCM075.3/11/13](#) – WALGA Peel Zone Office Bearers (IN13/19266)

Comment:

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

Nomination forms and information including frequency of meetings, venue, duration, sitting fee and travel allowance are included in the attachments to this report.

Alignment with our Strategic Community Plan:

Objective 1.3	Capable Councillors
Key Action 1.1.3	Foster partnerships to deliver key projects and initiatives in conjunction with key stakeholders.

Statutory Environment:

Local Government Act 1995

Financial Implications:

Not applicable

Voting Requirements: Simple Majority

Officer Recommendation:

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

1. Western Australian Planning Commission Infrastructure Coordinating Committee.
2. Western Australian Planning Commission Statutory Planning Committee.
3. Western Australian Local Government Association – Peel Zone State Council Representative, Deputy State Council Representative, Chairperson and Deputy Chairperson.

OCM075/11/13 COUNCIL DECISION:

Moved Cr Urban, seconded Cr Moore

That Council nominate:

1. **Cr Ellis as its representative on the Western Australian Planning Commission Infrastructure Coordinating Committee.**
2. **Cr Urban and Cr Moore as a representative on the Western Australian Planning Commission Statutory Planning Committee.**
3. **Cr Urban for the position of State Council representative and Cr Ellis as Deputy State Council representative on the Western Australian Local Government Association State Council.**

CARRIED 9/0

OCM076/11/13	Proposed Local Structure Plan – Lot 9500 Briggs Road, Byford (SJ1045)
Author:	Tom Hockley – Senior Planner
Senior Officer:	Brad Gleeson – Director Planning
Date of Report:	17 October 2013
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent:	G and G Corp
Owner:	Pino Gangemi
Date of Receipt:	5 June 2013
Lot Area:	29.39 hectares
Town Planning Scheme No 2 Zoning:	Urban Development
Metropolitan Region Scheme Zoning:	Urban, Urban Deferred, Other Regional Roads
Byford District Structure Plan:	Residential, Primary School, Multiple Use Corridor, Neighbourhood Centre

Introduction:

To consider a proposed Local Structure Plan (LSP) for Precinct 2 of the Byford Development Area (DA 3) within the Byford District Structure Plan (BSP) area. The LSP proposes a variety of residential densities, potentially resulting in the creation of approximately 360 lots.

The LSP provides a planning framework to guide the urban development of the subject land. The proposed land uses and subdivision layout are consistent with the planning context provided under the Metropolitan Region Scheme (MRS), the Shire's Town Planning Scheme No 2 (TPS 2) and the Byford DSP. The LSP design has also been guided by the principles of Liveable Neighbourhoods.

The Shire has worked closely with the applicant and undertaken an initial assessment of the LSP. A number of key issues were identified as a result of this assessment. The LSP to be considered has been updated to address these key issues. It is recommended the proposed LSP and accompanying documents be determined as satisfactory for advertising.

Background:

The LSP was reviewed and forwarded to the Department of Planning (DoP), Department of Water (DoW) and Main Roads Western Australia (MRWA) for review and comment. A number of modifications to the LSP were required prior to the matter being presented to Council. An updated proposed LSP was subsequently submitted and forwarded to the Department of Education (DoE), DoW and MRWA. Following an initial review of the updated LSP by the Shire and relevant referral authorities, the Shire requested that the key issues identified as part of the further review were to be addressed ahead of the matter being presented to Council.

Relevant Previous Decisions of Council:

- OCM053/10/13 – Matter deferred pending clarification of the proposed amount of usable Public Open Space in the structure plan area.

Community / Stakeholder Consultation:

Upon receiving the LSP the Shire referred the documentation to MRWA, DoW and DoE for comment. No community consultation has taken place at this stage of the assessment process; however if supported the proposed LSP will be advertised for a period of 42 days by way of:

- Letters to all landholders within a 500 metre radius of the LSP boundary;
- Referral to relevant government agencies and local community groups;
- Advertisements in the local newspaper;
- Publication on the Shire's website; and
- Copies made available at the Shire Administration Building and Library.

Comment:

Background

The BSP was approved by the Western Australian Planning Commission (WAPC) in 2005 to guide the structure, vision and objectives of future urban development for the area. The BSP requires further detailed design and planning to articulate the vision and objectives at LSP stage. The subject land is identified on the BSP for a number of land uses including residential, rural residential, primary school, multiple use corridor (MUC), drainage basins and a local park. The proposed LSP seeks to provide this information to allow for land development to occur.

The LSP provides a range of low to medium density residential lot sizes, a local neighbourhood centre, a primary school, a linear public open space network incorporating the MUC and other areas of public open space including local parks and drainage catchments. The estimated residential lot yield is 360 lots.

Local Structure Plan Guidelines

In August 2012, the WAPC produced the Structure Plan Preparation Guidelines (the Guidelines) which broadly aim to standardise the scope, format and content of structure plans and detail the information required to be provided for each type of structure plan. The Guidelines identify two key parts to a structure plan which include:

- *Part One is the statutory (legal) component of the structure plan which contains the statutory structure plan map and outlines the requirements and relevant local planning scheme provisions (including variations) which apply.*
- *Part Two is the non-statutory (explanatory) component of the structure plan that contains an explanation of the structure plan, including design methodology, relevance and compliance with all applicable State and local planning frameworks. Part Two also contains all supporting plans and maps.*

The Guidelines indicate that detailed information including proposed lot layout, lot levels, road reserve widths or carriageway design, street trees, on-street parking and public open space design should not be included in Part One of a structure plan. This information can be provided conceptually in Part Two, however the detailed design of these elements is determined at subdivision stage.

Proposal

Location

The subject site is approximately 29.39 hectares in size and is bound by Thomas Road to the north, Malarkey Road to the west, Briggs Road to the east and Eurythmic Road to the south. The northern boundary of the subject site is reserved as an 'Other Regional Road' under the MRS for the future widening of Thomas Road.

Key Elements

The proposed LSP sets out land use, residential densities, public open space, public and private transport provision, environmental considerations and servicing requirements. Part 1 of the proposed LSP document provides the following Character Statement and Development Principles:

Byford Meadows Estate will be a development encompassing the ambience of a modern and contemporary neighbourhood. It is equally important that the site's character and history is captured and reflected or interpreted in the future development of the Precinct. It is an estate that will balance urban character with the natural environment.

The street network reflects a contemporary pattern, as well as the cadastral pattern of land uses, whilst importantly encompassing a high degree of solar access. Building design will include passive solar elements to facilitate heating and cooling of homes. This will be achieved by maximising solar efficiency of lot orientation.

A key design principle is to capture winter sun and block out summer sun by providing large number of lots with a north-south or east-west orientation. The lot layout within the Byford Meadows Estate is designed with most lots orientated to optimum solar access to ensure the LSP is consistent with climate responsive design requirements.

The overland drainage flows through the linear open space and multiple use corridors with living streams, bringing the traditional rural character into an urban environment, however recognising the area can experience long dry periods.

Landscaping and streetscape will be primarily aimed at bringing natural elements into a new urban environment. These will help to generate a strong sense of place and community identity for the new estate.

The housing stock will be focused on having a strong street presence and where appropriate, materials and design will be representative of the locality.

Density and lots abutting the open space will help emphasise the strong connection between the urban and the natural environment. The range of densities and housing products will also support a diverse community with a high level of housing choice and affordability.

Statutory Framework

The proposed LSP is generally consistent with the requirements of the BSP. Elements of the proposed LSP that are not consistent with the DSP are discussed within this report.

Key Issues

There are a number of elements of the LSP, as follows:

1. Density;
2. Neighbourhood Centre;
3. Movement Network;
4. Public open space (POS);
5. Landscape and Vegetation;
6. Primary School Site; and
7. Water Management.

1. Density

The proposed LSP includes a variety of residential densities including R25, R30 and R60, in accordance with the State Government's planning direction for a range of lot sizes. The lot size range permitted for each proposed density is highlighted in the table below:

Density	Minimum Lot Size	Average Lot Size
R25	300	350
R30	260	300
R60	120	150

The proposed LSP includes a number of locations characterised by higher density R60 lots including areas adjacent to public open space and in close proximity to the proposed neighbourhood centre. It is noted that R60 lots are proposed along the northern portion of the LSP area adjacent to Thomas Road. The applicant has provided the following rationale for higher density lots in this location:

- *Recognisable built form – The location of R60 lots adjacent to Thomas Road is intended to provide for a recognisable and visually appealing component to the estate. The proposed R60 lots are intended to be constructed as double-storey dwellings and act as a statement feature when viewed from Thomas Road. In doing so, the applicant is actively seeking to limit the standard R25 façade in this location and therefore provide a point of difference for this locality.*
- *Linkage with neighbourhood centre – In addition to the built form presentation outlined above, the higher density is intended to provide a link to the neighbourhood centre to the west and frame the urban form of this commercial land.*
- *Noise attenuation – The higher density R60 lots will provide for opportunities for noise attenuation as a result of a more intensified building footprint and higher utilisation of boundary development common on lots of this size. This will assist with reducing noise impacts within the R60 lots, but also work to limit noise to the south.*

Interface with surrounding Rural-Residential land

The subject site abuts rural-residential land to the south and to the southern part of the eastern boundary. In relation to land abutting rural-residential areas, the BSP states as follows:

4.6 Land Abutting Rural Residential Areas

4.6.1 Notwithstanding land having a classification of Residential (R20) where such land abuts land classified Rural Residential an appropriate (lower) interface density of development may be required to be implemented.

The south-eastern corner of the subject land is identified as a primary school site under the LSP. The proposed residential (R25) land to the west of the primary school site fronts Eurythmic Road to the south. This residential land has a direct interface with the rural-residential land to the south of Eurythmic Road. It is noted on the Indicative Lot Layout Plan in the LSP that these R25 lots are designed to be larger in size than the remainder of the R25 lots within the LSP area.

The density as proposed, combined with the indicative lot layout is considered acceptable on the basis that the residential density generally follows that which exists to the west of Malarkey Road in the Redgum Brook Estate. In this instance the Shire considers that Eurythmic Road provides for an appropriate demarcation of the rural-residential land to the south and the residential land to the north.

2. Neighbourhood Centre

The BSP identifies a neighbourhood centre generally in the location as indicated within the proposed LSP. The applicant has provided the following comments in relation to the neighbourhood centre:

“The total floor space of the neighbourhood centre at the intersection of Thomas Road could therefore be in the order of 4,000m² to 5,000m², requiring a land area of at least 2.5ha based on the standard ratio of 1:5 to allow adequate area for car parking, landscaping and access and so on.

A neighbourhood centre is proposed at the intersection of Thomas Road and Malarkey Road as a result of the constraints limited by the extent of the existing subdivision at Redgum Brook South and the location of San Simeon Boulevard; it is difficult to locate the neighbourhood centre on the south side of the Multiple Use Corridor.

The intersection of Thomas Road and Malarkey Road is ideally suited for a neighbourhood centre due to its highly accessible and high exposure location. The neighbourhood centre will straddle San Simeon Boulevard with 1.5ha on the subject site and 1.0ha to the west on the adjoining Redgum Brook North on Lot 9029.

The centre could have a main street concept with an internal private access overlooking the landscaped Multiple Use Corridor. Traffic movement would be controlled by a future roundabout providing safe passage of ingress and egress for the neighbourhood centre on both sides of San Simeon Boulevard. Access to the neighbourhood centre will have sufficient distance from Thomas Road intersection. A traffic analysis has been undertaken by CPG Pty Ltd in consultation with Main Roads WA, which has revealed that this is the most appropriate treatment outcome. In consideration to the roundabout having a district level function in managing traffic flow, it is anticipated that it would form a common infrastructure as part of the development contribution arrangement.

The design detail will be the subject of a future Detailed Area Plan which will be prepared for the Neighbourhood Centre in consultation with the adjoining owner of the Redgum Brook Estate.”

It is noted that further investigations by the applicant and the developer will be required to achieve a coordinated and acceptable design outcome of Redgum Brook Estate, for commercial land on Malarkey Road. The Shire has recently received an application to amend the Redgum North Local Structure Plan to the west. This proposed amendment will have implications with regard to the location of the proposed neighbourhood centre in this area. The Shire intends to assess both applications in parallel to enable a coordinated assessment of the planned neighbourhood centre locations.

It is also recommended that prior to finalisation of the proposed LSP, the applicant will need to provide further detail in relation to the relationship of the proposed neighbourhood centre to the Shire’s Activity Centres Strategy and Local Planning Policy No 70 Activity Centres.

3. Movement Network

The central road network throughout the LSP area relies on San Simeon Boulevard which connects Thomas Road (via Malarkey Road) in the north-west of the site to Briggs Road and Larsen Road in the south-east of the site. Ballawarra Avenue within the Redgum Brook Estate to the west will connect to Malarkey Road and San Simeon Boulevard at a three-way intersection. This intersection will function as a traffic management device to divert southbound traffic into existing and future urban areas to the east and west. For northbound traffic, the Malarkey Road deviation will function as traffic calming device and provide for a greater level of control at the proposed intersections.

The modification of this portion of Malarkey Road has resulted in the requirement for a traffic island or possibly a roundabout which is currently shown as a small area of public open space to the south of the proposed intersection. Further investigations by the applicant will be required in order to determine how the proposed traffic island or roundabout can be implemented. The intersection treatment will affect the access to a number of properties to the west within the Redgum Brook Estate which currently front onto Malarkey Road and further discussion needs to occur with these landowners.

4. POS

Included with the LSP documentation are a number of 'POS landscape concept plans' providing an indicative layout for the proposed areas of POS and drainage throughout the site. Detailed design of the POS will occur at subdivision stage in the form of a Landscape and Vegetation Management Plan which will be generally guided by the concept plans as well as the POS Schedule forming part of the LSP documentation.

The POS Schedule indicates that an area of 2.05ha has been provided as POS which represents 10% of the total site area in accordance with Liveable Neighbourhoods. This includes a total of 1.91ha (9.32%) unrestricted open space and 0.14ha (0.68%) restricted open space. Of the 1.91ha (9.32%) unrestricted open space provided within the LSP, the following calculations provide an approximate breakdown of POS that have grassed/kick about areas:

Public Open Space (approximate area):	Possible Usable/Active Public Open Space:
POS 1 – 3,700m ²	≈ 3,000m ²
POS 2 – 1.23ha	≈ 9,000m ²
POS 3 – 4,500m ²	≈ 4,000m ²
Total	≈ 1.6ha

The calculations provided in the table above are indicative only and will only be confirmed as part of detailed design at subdivision stage. It is also noted that the possible usable open space calculation includes areas inundated in a 1:100 year storm event. Further investigation is required in order to clarify the calculations of restricted POS within the MUC, however the amount of POS provided is sufficient in order to enable advertising of the LSP.

The proposed POS will comprise of two neighbourhood parks (POS 1 and POS 3) on the northern and southern side of the subject site, as well as a MUC (POS 2) traversing through the centre of the site in an east to west direction. The applicant has provided the following description of the proposed public open space:

- *Creation of a new district stormwater 'living stream' through the alignment of an existing gully, which will be retained within the proposed MUC;*
- *Integration of best practice urban water management in accordance with the adopted UWMP;*
- *Continuation of the linear POS network established through the Byford Structure Plan thereby encouraging walking and cycling.*

R3 of Element 4 – Public parkland in the WAPC's Liveable Neighbourhoods document outlines the various elements of parkland function and distribution. The proposed POS provision is considered to be generally in accordance with the provisions of R3. In the context of the BSP and the broader area in which the site is situated, the MUC will provide for a connection between the established MUC within the Redgum Brook Estate to the east and the future MUC network extending west through Byford Central, Marri Park and the Byford Town Centre. In this regard, the proposed MUC will incorporate a recognised natural feature within the Byford locality which will contribute to the identity of the area and include cycleways/walk trails.

The proposed MUC will provide for restricted, passive and active public open space within the site. The restricted open space will include vegetated areas required for the stabilisation of stream banks and steeper areas unsuitable for passive or active recreation. It will also perform a strategic drainage function and provide for major stormwater connectivity. Passive and active open space will accommodate walking and cycling pathways, as well as a range of small open areas for passive usage.

The two neighbourhood parks include larger open levelled space which will provide for active kick about areas. All areas of public open space will have a community focus with the provision of shelters and children's play equipment and have been designed to be walkable within 400m from all dwellings within the LSP area. There will also be opportunities to explore the possibility for a joint use agreement with the primary school providing potential after hours' use of the school oval.

All areas of POS within the LSP area have been designed to incorporate drainage and urban water management principles in accordance with Liveable Neighbourhoods which will contribute to, but not detract from the functionality of the space.

5. Landscape and Vegetation

The LSP has been designed to include areas where residential lots back directly onto the MUC. A hard surface will be provided between the residential land and the public open space. This would ensure that adequate distance was maintained between residential land and vegetation to allow for movement of emergency service vehicles. It would also provide for greater accessibility for pedestrians throughout the public open space. The indicative public open space landscape concept plans provided with the updated LSP have included a pathway between the residential land and the public open space. Detailed design of this treatment can be addressed in detail through the preparation of the Landscape and Vegetation Management Plan.

6. Primary School Site

Location

The location of the proposed primary school abuts a neighbourhood connector road (Briggs Road) in accordance with the WAPC's Liveable Neighbourhoods policy document. Briggs Roads will carry traffic volumes of around 3000 vehicle movements per day.

Retention of Homestead

The existing homestead on the subject land has been identified within the Shire's Community Facilities and Services Plan 2020 and the BSP as having potential for retention due to its cultural and heritage importance to the local community, as stated the following:

"Further consideration for the retention of the homestead building within Lot 7 Briggs Road will be required during Local Structure Planning including consultation with DoE (if required) and further detail as to the proposed function and suitability of the building for community purposes. The general location of the homestead building is shown as number 15 on the Structure Plan."

While the retention of the homestead building may be supported by the Shire by virtue of the supporting documents, the DoE have indicated that they do not support its retention as part of the development of the primary school. Further investigation and consultation is required between the applicant, the Shire and DoE in relation to this issue. Council will need to consider the future needs, justification and cost of a local community facility in this part of Byford.

7. Water Management

The LSP documentation included a Local Water Management Strategy (LWMS). The applicant's consultants have been liaising directly with the DoW in order to finalise the LWMS. Further investigation will also be required with regard to the location of the drainage areas to ensure that the intended function of the open space is not compromised with the drainage requirements, especially in the park on San Simeon Boulevard.

Options and Implications

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

1. Pursuant to Clause 5.18.3.2 (a) of TPS 2, determine that the proposed LSP is satisfactory for advertising.
2. Pursuant to Clause 5.18.3.2 (b) of TPS 2, determine that the proposed LSP is not to be advertised until modifications are undertaken.
3. Pursuant to Clause 5.18.3.2 (c) of TPS 2, determine that the proposed LSP is not satisfactory for advertising and give reasons for this to the proponent.

Option 1 is recommended.

Conclusion

The LSP provides a planning framework to guide the urban development of the subject land. The proposed land uses and subdivision layout are consistent with the planning context provided under the MRS, TPS 2 and the BSP. The LSP design has also been guided by the principles of Liveable Neighbourhoods. The advertising of a LSP will seek public comment and will be referred to State Government agencies. It is recommended that the LSP be deemed satisfactory for advertising.

Attachments:

- [OCM076.1/11/13](#) – Location Plan and Aerial Photograph (IN13/15333)
- [OCM076.2/11/13](#) – Proposed LSP (IN13/15334)
- [OCM076.3/11/13](#) – LSP Document – Part 1 (IN13/15138)
- [OCM076.3/11/13](#) – LSP Document – Part 2 (IN13/15138)
- [OCM076.3/11/13](#) – LSP Document – Figures (IN13/15138)
- [OCM076.3/11/13](#) – LSP Document – Part 3 (IN13/15138)
- [OCM076.4/11/13](#) – BSP map (IN13/15336)

Alignment with our Strategic Community Plan:

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.2	Provide appropriate amenities and accommodation for the Shire's growing population of youth and seniors.
Objective 3.2	Appropriate Connecting Infrastructure
Key Action 3.2.1	Plan and develop public transport networks to link the community with the built and natural environment.
Objective 5.2	Excellence in Environmental Management
Key Action 5.2.1	Protect, restore and manage our landscapes and biodiversity.

Statutory Environment:

- TPS 2
- Liveable Neighbourhoods
- SPP 4.2 Activity Centres for Perth and Peel
- LPP 4 Revegetation Policy
- LPP 6 Water Sensitive Design
- LPP 22 Water Sensitive Urban Design
- LPP 24 (Draft) Designing Out Crime

- LPP 26 Biodiversity Planning
- LPP 27 Stakeholder Engagement in Land Use Planning
- LPP 43 Hazards and Natural Disasters
- LPP 57 Housing Diversity
- LPP 60 Public Open Space
- LPP 61 Structure Plans
- LPP 62 (Draft) Urban Water Management
- LPP 63 (Draft) Integrated Transport and Land Use Planning
- LPP 67 Landscape and Vegetation
- LPP 68 Sustainability Assessment
- LPP 70 Activity Centres

Financial Implications:

Urbanisation within the Shire will result in indirect financial cost implications for Council. The implementation of the proposed LSP will result in increased demand for the provision of services provided by the Shire.

Voting Requirements: Simple Majority

Officer Recommendation:

That Council:

1. Pursuant to Clause 5.18.3.2 (a) of Town Planning Scheme No 2 determine that the proposed Local Structure Plan for Lot 9500 Briggs Road, Byford is satisfactory for advertising.
2. Invite comment on the proposed Local Structure Plan for a period of 28 days by way of:
 - a) Letters being sent to all landholders within a 500 metre radius of the LSP boundary;
 - b) Referral to relevant government agencies and local community groups;
 - c) Advertisements in the local newspaper;
 - d) Publication on the Shire's website; and
 - e) Copies made available at the Shire Administration Building and Library.
3. Note that a further report will be presented to Council to consider any submissions received during the advertising period.

OCM076/11/13 COUNCIL DECISION / New Motion:

Moved Cr Kirkpatrick, seconded Cr Moore

That Council:

1. Pursuant to Clause 5.18.3.2 (a) of Town Planning Scheme No 2 determine that the proposed Local Structure Plan for Lot 9500 Briggs Road, Byford is satisfactory for advertising.
2. Invite comment on the proposed Local Structure Plan for a period of 28 days by way of:

- a) Letters being sent to all landholders within a 500 metre radius to the north and east of the LSP boundary, south to Abernethy Road to incorporate all of the Trotting complex and west to Kardan Boulevard in the Redgum Brook estate;
 - b) Referral to relevant government agencies and local community groups;
 - c) Advertisements in the local newspaper;
 - d) Publication on the Shire's website; and
 - e) Copies made available at the Shire Administration Building and Library.
3. Note that a further report will be presented to Council to consider any submissions received during the advertising period.

CARRIED 9/0

Council Note: Council changed the Officer Recommendation in Item OCM076/11/13 by making a minor amendment in part 2a) to extend the consultation area to include all properties in the Byford Trotting Complex and west to Kardan Boulevard in Redgum Brook estate.

OCM077/11/13	Proposed Closure of a Portion of Allanson Drive Road Reserve, Byford (SJ140)
Author:	Kylie Shailer – Planning Support Officer
Senior Officer:	Brad Gleeson – Director Planning
Date of Report:	20 August 2013
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Proponent:	McMullen Nolen Group
Owner:	LWP Property Group
Date of Receipt:	15 August 2013
Lot Area:	1215m ²
Town Planning Scheme No 2 Zoning:	Urban Development
Metropolitan Region Scheme Zoning:	Urban Deferred

Introduction:

To close off a portion of the Allanson Drive road reserve in Byford. The matter is presented to Council for consideration, ahead of public comment being invited.

Background:

At the Ordinary Council Meeting of 14 October 2013, Council resolved to defer this item to the Ordinary Council Meeting of 11 November 2013 pending clarification of the number of trees to be removed.

During the construction of a previous stage of The Glades (Stage 5), a wider than normal road reserve width (Allanson Drive) was created. The southern portion of the Allanson Drive road reserve was intended to facilitate the retention of existing trees. This was to reflect the Byford Main Precinct Local Structure Plan (LSP) which identified the row of existing trees to be retained within the road reserve where possible.

Relevant Previous Decisions of Council:

- OCM055/10/13 – Matter deferred pending clarification of the number of trees to be removed.

Community / Stakeholder Consultation:

In accordance with the provisions of the *Land Administration Act 1997*, public comment is required to be invited on proposed road closures for a period of not less than 35 days. At this time, there are no specific policy requirements of the Shire with respect to the advertising of road closure requests and as such each proposal is required to be considered on its merits.

For the purposes of progressing this current road closure request, it is recommended that public comment be invited for a period of not less than 35 days by way of the following:

- A notice being placed in The Examiner Newspaper;
- A notice being placed on the Shire website;
- A letter being sent to all relevant State government agencies.; and
- A letter being sent to landowners adjacent to the portion of Allanson Drive to be closed.

Comment:

The proposal is the closure of a portion of the Allanson Drive road reserve. The subject area is 1,215m². There are a number of different matters that need to be considered with this request, including the following:

- Consistency with the Byford Main Precinct LSP.
- Public Open Space (POS).
- The statutory processes set out in the *Land Administration Act 1997*.

Consistency with Byford Main Precinct LSP

The Byford Main Precinct LSP identified areas of vegetation within the indicative Doley Road and Allanson Road reserves. The vegetation was highlighted on the LSP with the following note:

Existing trees to be retained within road reservations where possible following detailed design process.

During the detailed design stage of the subdivision, the trees have been identified as being problematic by the applicant due to:

- The trees being an unsuitable species which pose a high risk within urban development areas;
- The density of the planting being too high for the long term health and form of the trees;
- The original purpose of the trees being to provide a wind break for the original dwelling which now is to be demolished; and
- The future layout of lots fronting this portion of Allanson Drive would result in the removal of the majority of these trees.

From a biodiversity point of view, the removal of the trees is not ideal; however a condition was imposed during subdivision approval requiring a Vegetation Management Plan for the adjacent POS to offset the loss of vegetation along Allanson Drive. Although inconsistent with the LSP, the detailed design process and horticultural assessment of the trees has determined the retention of these trees is not possible. The southern portion of the Allanson Drive road reserve is therefore no longer required for tree retention and the proposed subdivision design has been amended to facilitate the creation of a standard road reserve width for Allanson Drive.

POS

An existing area of POS on Allanson Drive will be expanded by 1543m², to create an enlarged POS of 6005m². A portion of the proposed road reserve closure (101m²) is to be converted to POS. The proposed subdivision layout seeks to retain better quality specimens within an expanded POS area. The existing trees include one Marri (*Corymbia calophylla*) and five River Red Gums (*Eucalyptus camaldulensis*), with other specimens to be considered for retention.

The loss of the trees can be compensated for through the additional POS. Furthermore, a condition of subdivision requires the submission of a Landscape Management Plan for the POS which will provide an opportunity for the Shire to work with the applicant to provide additional planting on the POS and roadside verges.

Provisions of the *Land Administration Act 1997*

Requests for road closures are required to be progressed in accordance with Section 58 of the *Land Administration Act 1997*, with a relevant extract provided below:

“58. Closure of roads

(1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*

(2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*

(3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*

(4) *On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3) —*

- (a) *by order grant the request;*
- (b) *direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
- (c) *refuse the request.*

(5) *If the Minister grants a request under subsection (4) —*

- (a) *the road concerned is closed on and from the day on which the relevant order is registered; and*
- (b) *any rights suspended under section 55(3)(a) cease to be so suspended.”*

Options and Implications

There are two primary options available to Council in considering the current proposal, as follows:

1. Support the road closure request, and proceed to advertising for public comment.
2. Not support the road closure request and provide reasons accordingly to the applicant.

Option 1 is recommended.

Conclusion

This portion of Allanson Drive road reserve subject to this closure application will be incorporated into residential lots and an enlarged POS. The progression of the road closure is supported.

Attachments:

- [OCM077.1/11/13](#) – Road Closure Plan (E13/3465)
- [OCM077.2/11/13](#) – LSP (E13/3466)

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:

Land Administration Act 1997 – Section 58

Financial Implications:

There are no financial implications for Council. Advertising costs are to be borne by the applicant.

Voting Requirements: Simple Majority

Officer Recommendation:

That Council:

1. Supports the request for the closure of a portion of Allanson Drive, Byford, as depicted in attachment OCM077.1/11/13.
2. Invite stakeholder comment on the proposed road closure for a period of not less than 35 days, by way of the following:
 - a) A notice being placed in The Examiner Newspaper;
 - b) A notice being placed on the Shire website;
 - c) A letter being sent to all relevant State government agencies; and
 - d) A letter being sent to landowners adjacent the portion of Allanson Drive to be closed.
3. Note that a further report will be presented to Council to consider any submissions received during the advertising of the proposal and provide Council with the opportunity to consider whether to formally request pursuant to Clause 58(1) of the *Land Administration Act 1997*, the Minister for Lands progress with the proposed road closure.

OCM077/11/13 COUNCIL DECISION:

Moved Cr Wilson, seconded Cr Moore

That Council:

1. Supports the request for the closure of a portion of Allanson Drive, Byford, as depicted in attachment OCM077.1/11/13.
2. Invite stakeholder comment on the proposed road closure for a period of not less than 35 days, by way of the following:
 - a) A notice being placed in The Examiner Newspaper;
 - b) A notice being placed on the Shire website;
 - c) A letter being sent to all relevant State government agencies; and
 - d) A letter being sent to landowners adjacent the portion of Allanson Drive and Huggins Road to be closed.
3. Note that a further report will be presented to Council to consider any submissions received during the advertising of the proposal and provide Council with the opportunity to consider whether to formally request pursuant to Clause 58(1) of the *Land Administration Act 1997*, the Minister for Lands progress with the proposed road closure.

CARRIED 9/0

Council Note: Council changed the Officer Recommendation in Item OCM077/11/13 in part 2d) of the recommendation to include residents in Huggins Road.

COUNCIL DECISION:**Moved Cr Kirkpatrick, seconded Cr Wilson****That Item OCM079/11/13 be moved forward in the order of business at 8.00pm.****CARRIED 9/0**

Council Note: Item OCM079/11/13 was moved forward to enable Confidential Item OCM078 – Reconsideration of Retrospective Application for Kennels – Lot 1087 (No 324) River Road, Hopeland, to be dealt with behind closed doors at the appropriate time.

OCM079/11/13	Proposed Licence Agreement between the Shire of Serpentine Jarrahdale and Serpentine/Foothills Polocrosse Club (SJ975)
Author:	Kristen Cooper – Leasing and Property Officer
Senior Officer:	Alan Hart - Director Corporate and Community
Date of Report:	17 September 2013
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction:

Negotiations with the Serpentine/Foothills Polocrosse Club regarding a licence agreement have been ongoing for many years. In accordance with the Shire's adopted Lease and Licence Policy, it is recommended that a lease of ten years will be offered to the organisation with an option to renew for a further ten year period. The purpose of this report is to seek Council's endorsement of this licence agreement. Once this approval is obtained the Shire will seek support from the Minister for Lands as required under legislation. The report will then come back to Council for final consideration.

Background:

The Serpentine Foothills Polocrosse Club is a stakeholder group of the Serpentine Sports Reserve Management Committee and utilise 9.5 hectares of turf located on the western side of the Reserve.

Polocrosse has been played in the district since the late 1930s when local farmers Jim Henderson and Ivan Elliott introduced the sport. The sport was initially played on suitable paddocks in the locality, but players began to use the Serpentine Sports Reserve in the 1970s. In the 1980s the club became the Serpentine/Foothills Polocrosse Club. The club uses the John Lyster Ground, which was named in the 1990s in memory of a longstanding and active member. The club currently has 86 members with strong ties to the local community and businesses.

The Shire and Club have participated in many meetings and seek to conclude this process.

In accordance with the Shire's Lease and Licence Management Policy a rental term of ten years with an option to renew for a further ten years has been offered to the Club. The rent has been set at the current rate of \$4,000.00 (inclusive of GST) and will be subject to annual increases in line with CPI. The terms and conditions of the licence agreement provide the Shire with flexibility to make changes to future land use. It also provides the club with security in that they will remain the preferred user of the grounds above other users.

Relevant Previous Decisions of Council:

There is no previous Council decision relating to this issue.

Community / Stakeholder Consultation:

Reference to lease/licence negotiations date back to 2007 when an initial draft licence agreement was prepared. However, the Serpentine Foothills Polocrosse Club and Shire officers have been in negotiations with this particular licence agreement since August 2010. Regular meetings were scheduled with Club officials with a view to progressing the licence agreement and resolving the concerns raised.

Attachments:

- [OCM079.1/11/13](#) - Proposed licence between Serpentine Foothills Polocrosse Club and Serpentine Jarrahdale Shire (IN13/17981)
- [OCM079.2/11/13](#) – Aerial photograph of proposed licence area (E13/3939)

Alignment with our Strategic Community Plan:

Objective 6.2	Active and Connected People
Key Action 6.2.2	Use community facilities to provide social interactions for all age groups through appropriate activities and events.

Statutory Environment:

The Serpentine/Foothills Polocrosse Club is exempt from the requirements of S3.58 of the Act by Regulation 30(2) of the *Local Government (Functions and General) Regulations 1996*. A valuation of the premises and public advertising of the disposition of land is not required as it is a lease that is being offered under the Shire's Lease and Licence Management Policy, Policy number G007.

Financial Implications:

This is a 'no cost to the Shire' standard licence. There is an annual license fee of \$4,000.00 payable by the licensee. All costs in relation to the preparation of the licence will be paid by the licensee. The club funds maintenance and proportionate payment of outgoings and utilities relating to the licensed area.

Voting Requirements: Absolute Majority**OCM079/11/13 COUNCIL DECISION / Officer Recommendation:**

Moved Cr Wilson, seconded Cr Urban
That Council:

1. **Seek approval from the Minister for Lands to licence the Serpentine Sports Reserve to the Serpentine/Foothills Polocrosse Club for the purpose of recreation for a ten year period with an option to renew for a further ten years.**
2. **Endorse the terms and conditions of the draft licence agreement.**
3. **Approve the licence fee being set at a \$4,000 (inclusive of GST) and be subject to annual increases in line with CPI.**

CARRIED 9/0

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

That the meeting be closed to members of the public at 8.02pm to allow Council to discuss Item OCM078/11/13, as per section 5.23(2)(3) of the *Local Government Act 1995*.

CARRIED 9/0**COUNCIL DECISION:****Moved Cr Wilson, seconded Cr Erren**

That Standing Orders 9.5, 9.6, 10.7 and 10.13 be suspended at 8.11pm.

CARRIED 7/2

OCM078/11/13	Confidential Item – Reconsideration of Retrospective Application for Kennels – Lot 1087 (No 324) River Road, Hopeland (P02692/01)
Author:	Louise Hughes – Manager Statutory Planning
Senior Officer:	Brad Gleeson – Director Planning
Date of Report:	17 October 2013
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Cr Hawkins has declared an interest by close association in Item OCM078/11/13 in that she used the proponent Kody Charles to drive one of her pacers in a race and has visited his kennels as a prospective purchaser of a greyhound. Cr Hawkins advised that this declaration of interest will not affect the way she casts her vote. Cr Hawkins remained in the meeting and took part in debate and voting on this Item OCM078/11/13.

Proponent: Kody Charles
 Owner: Kevin and Annette Charles
 Date of Receipt: 10 January 2013
 Lot Area: 44.2ha
 Town Planning Scheme No. 2 Zoning: Rural
 Metropolitan Region Scheme Zoning: Rural

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

That Standing Orders 9.5, 9.6, 10.7 and 10.13 be reinstated at 8.30pm.

CARRIED 9/0**Voting Requirements:** Simple Majority**OCM078/11/13 COUNCIL DECISION / Officer Recommendation:****Moved Cr Wilson, seconded Cr Piipponen**

That Council grant retrospective planning approval for kennels at Lot 1087 (#324) River Road, Hopeland, subject to the following conditions:

- 1. The approval shall be personal to the applicant and shall not be transferred to or assigned to any other person.**
- 2. The approval shall not run with the land in respect of which it was granted.**
- 3. The person to whom the approval is given by the Council to carry on a kennels use shall not carry on that use at any premises other than the land in respect of which the Council's approval is granted, unless otherwise approved in writing by Council.**
- 4. The kennels shall not cause an adverse impact upon the amenity of the area in relation to noise.**
- 5. If a kennel use has been carried on with the approval of the Council and if in the opinion of the Council such a use is causing a nuisance or annoyance to owners or occupiers of land in the neighbourhood, the Council may withdraw its approval and after such withdrawal no person shall carry on a kennel use upon the subject land unless a further approval to do so is granted by the Council.**
- 6. The Kennel Management Plan attached to and forming part of this approval shall be complied with at all times.**
- 7. A vegetation screening plan providing details of the native vegetation to be planted around the kennel building shall be submitted to and approved by the Shire's Director of Engineering. The approved plan shall thereafter be implemented in its entirety unless otherwise approved in writing by Council.**

Advice Notes:

- 1. The applicant is required to comply with Council's Local Law relating to the keeping of Dogs and Council's Local Law relating to Kennel and Cattery Establishments including licensing.**
- 2. The applicant is advised that the provisions of the Dog Act and Regulations that will apply, including s33 of the Act.**

CARRIED 5/4**Foreshadowed Motion:**

Cr Kirkpatrick gave verbal notice of his intention to move Council's previous decision OCM219/06/13 of 24 June 2013 should the substantive recommendation currently under debate be defeated or withdrawn, as follows:

That Council refuse to grant retrospective planning approval for a kennel at Lot 1087 (No 324) River Road, Hopeland for the following reasons:

1. The Kennel would have an adverse impact on the amenity of the area by way of nuisance and annoyance to owners and occupiers of land in the neighbourhood from the noise of barking dogs.
2. There are a number of residential dwellings located in close proximity to the proposed Kennel.
3. Land to the south of the site is identified in strategic planning documents from the Western Australian Planning Commission as an area for future urban development, in the Keralup East urban area. It is considered that the proposed land use would be inconsistent with the future residential development of land in the Keralup East urban area and is located within the Environment Protection Authority recommended buffer distance of 1000 metres in or near urban areas.

Council Notes: As the substantive motion was carried the foreshadowed motion was never put.

Following the result of voting Cr Kirkpatrick, Cr Urban, Cr Wilson and Cr Rossiter requested their vote against the motion be recorded

OCM080/11/13	Confidential Item – Sale of Lot 196 (No 40) Atkins Street, Jarrahdale by Public Tender (SJ1388)
Author:	Gillian Carr – Personal Assistant to Director Corporate and Community
Senior Officer:	Alan Hart – Director Corporate and Community
Date of Report:	24 October 2013
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Voting Requirements: Absolute Majority

OCM080/11/13 COUNCIL DECISION / Officer Recommendation:

Moved Cr Moore, seconded Cr Urban
That Council:

1. Does not accept any of the tenders (tender number RTF 07/2013) received for Lot 196 Atkins Street, Jarrahdale;
2. Advise the Tenders accordingly;
3. Authorise the Director Corporate and Community to negotiate with the highest tender to achieve the maximum return to Council and report back to Council on the outcome.

CARRIED 9/0

COUNCIL DECISION:

Moved Cr Moore, seconded Cr Wilson
That the meeting proceed with open doors, the time being 8.35pm.

CARRIED 9/0

Council Note: Eight members of the public returned to the Chamber and the Shire President advised that Council had resolved to support the Officer Recommendation in Item OCM078/11/13 and Item OCM080/11/13.

10. Information reports:

OCM081/11/13 Confirmation of Payment of Creditors (SJ514)	
Author:	Erin Macek - Finance Officer
Senior Officer:	Alan Hart - Director Corporate and Community
Date of Report:	21 September 2013
Disclosure of Officers Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Introduction

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

Relevant Previous Decisions of Council

There is no previous Council decision relating to this issue

Community / Stakeholder Consultation

No community consultation was required

Comment

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

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

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

It is recommended that Council receives the payments authorised under delegated authority and detailed in the list of invoices for period of 21 August - 20 September 2013, as per the attachment.

Attachment:

- [OCM081.1/11/13](#) - Creditors List of Account 21 August - 20 September 2013 (E13/3921)

Alignment with our Strategic Community Plan:

Objective 2.1	Responsible Management
Key Action 2.1.1	This report is a tool for evaluating performance against service delivery to ensure efficiency, effectiveness and meets the needs of the community, elected members, management and staff.

Statutory Environment

Section 5.42 and 5.45(2) of the *Local Government Act 1995* states that the local government may delegate some of its powers to the Chief Executive Officer. Council has granted the Chief Executive Officer Delegated Authority CG07 - Payments from Municipal and Trust Fund.

Financial Implications

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

Voting Requirements Simple Majority

OCM081/11/13 COUNCIL DECISION / Officer Recommendation:

Moved Cr Wilson, seconded Cr Erren

That Council receive the payments authorised under delegated authority, as per attachment OCM081.1/11/13 - Creditor List of Accounts 21 August - 20 September 2013, including creditors that have been paid in accordance with the *Local Government (Financial Management) Regulations 1996*.

CARRIED 9/0

11. Urgent business:

12. Councillor questions of which notice has been given:

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

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

With reference to Item P071/03/04 for the approval of a shopping complex on the corner of Pitman Way and George Street. Condition 1 states the provision of 62 parking bays. I understand that the number of parking bays is a requirement in relationship to the floor area of the shopping precinct. On Friday 1 November 2013 I counted the marked parking bays and there were 45 car parking bays, 1 disabled parking bay and 2 motorcycle bays. This makes a shortfall of 14 bays.

1. Where were these 14 bays provided?
2. If so what guarantee did the Shire have of their continued use?
3. Did the proponent enter into an agreement with a third party to use their property?
4. Does the Shire have a copy of any such agreement?
5. Is the agreement still current?

I understand that the public parked illegally for some time on land that has now become part of George Street and was a Road Reserve.

Response:

The Director Planning has advised as follows:

1. Council granted planning approval for the development in 2004. At the time of the assessment of the development application, the applicant proposed a number of uses that were expected to occupy the development including shops, offices and showrooms. Based on this information it was determined that 62 parking bays will be required. This was included as a condition of approval.

After approval was granted, further information was provided to Council on the exact tenants that would occupy the development. Based on this information, it was determined that only 48 car parking bays would be required for the intended tenants. The number of car parking bays required, was based on the standards in Town Planning Scheme No. 2.

Due to the existence of a power pole in one of the car parking bay, this bay was converted to a motorcycle bay. When the development was constructed, it is understood that 46 car parking bays were constructed. Based on a review of the plan, it would appear that there was a shortfall of 2 parking bays from the 48 car parking bays required.

In 2008, Main Roads updated the intersection of South Western Highway and Pitman Way. The 10 original car parking bays on Pitman Way were replaced by 8 car parking bays, thus 2 car parking bays were lost.

- 2/3. It is understood that the owner of the shopping centre reached an agreement with the Country Club to construct a car parking area on their land. This car park was not a condition of Council's development approval. Council is not aware of any of the conditions of the agreement between the two parties.
4. A search of Council's records did not find a copy of the agreement between the two parties.
5. Council is not aware of any of the conditions of the agreement between the two parties including whether the agreement is still current.

In the past, cars were parking informally on the George Street road reserve, north of Pitman Way. Four car parking bays were constructed on the new section of George Street immediately north of Pitman Way, and these bays are available for public use.

COUNCIL DECISION:

Moved Cr Moore, seconded Cr Urban

That Council receive the Questions by Cr Kirkpatrick, in accordance with Standing Orders Local Law 2002, section 3.11 (1).

CARRIED 9/0

Note: In response to a further question from Cr Kirkpatrick relating to the justification of reducing the number of car parking bays from 62 to 48 and the number of parking bays from two to one, the Director Planning undertook to investigate the circumstances relating to this planning approval and what can legally be done to rectify it and will present a further report to Council in due course.

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

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

In light of the Council elections and a change of Council direction that has yet to be announced I would like to make the following statement:

The Council, at the Ordinary Council Meeting on Monday 28 October 2013 saw fit to re-endorse the Council stance on 'NO' to the State Government forced Amalgamation, on the pretence it was believed the community wanted the Council to stand by agreed Council recommendation.

In the same vein, I have been contacted by community members expressing their concerns over all of the Shire's five key Priority Projects, in particular the Regional Sporting Facility.

These projects were drawn together by the Chief Executive Officer and preceding Council, endorsed by the Peel Development Commission and Peel Region Leaders Forum.

These projects are well-established with immense time, resources and funding put into them over many years by Council officers, State planners and community groups equally.

I therefore wish to place all five key projects to Council and gain some comfort that the projects will remain to be endorsed by this Council:

1. Tonkin Highway Extension.
2. Jarrahdale Heritage Complex.
3. Regional Sporting Complex.
4. Whitby Falls.
5. Creation of Industrial Land – West Mundijong and Cardup Business Park.

COUNCIL DECISION:

**Moved Cr Urban, seconded Cr Moore
That Council endorse the Shire’s five key Priority Projects, as follows:**

1. **Tonkin Highway Extension.**
2. **Jarrahdale Heritage Complex.**
3. **Regional Sporting Complex.**
4. **Whitby Falls.**
5. **Creation of Industrial Land – West Mundijong and Cardup Business Park.**

CARRIED 9/0

13. Closure:

There being no further business the Presiding Member declared the meeting closed at 8.53pm.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on 25 November 2013.

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Presiding Member

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Date