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- NOTE:**
- a) **The Council Committee Minutes Item numbers may be out of sequence. Please refer to Section 10 of the Agenda – Information Report - Committee Decisions Under Delegated Authority for these items.**
  - b) **Declaration of Councillors and Officers Interest is made at the time the item is discussed.**

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET, MUNDIJONG ON MONDAY, 24<sup>TH</sup> JANUARY 2011. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.00PM AND WELCOMED COUNCILLORS, STAFF AND THE MEMBERS OF THE GALLERY.

**1. ATTENDANCES & APOLOGIES (including Leave of Absence):**

IN ATTENDANCE:

**COUNCILLORS:** S Twine .....Presiding Member  
 M Harris  
 C Buttfield  
 C Randall  
 MJ Geurds  
 T Hoyer  
 B Brown  
 A Ellis  
 K Petersen

**OFFICERS:** Ms J Abbiss .....Chief Executive Officer  
 Mrs S van Aswegen .....Director Strategic Community Planning  
 Mr R Gorbunow ..... Director Engineering  
 Mr J Robertson ..... Acting Director Development Services  
 Mr A Hart ..... Director Corporate Services  
 Mr S Wilkes .....Executive Manager Planning  
 Mr P Varelis ..... Planning Officer  
 Mr C Wansborough... Project Manager Water Sensitive Urban Design  
 Ms P Kursar .....Minute Secretary

**APOLOGIES:** Cr A Lowry (leave of absence)

Members of the public - 5  
 Members of the press - 1

**2. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:**

**2.1 Ms S Lancely - 8 Harris Place, Jarrahdale**

Q1 Are any petitions in compliance with the Local Government Act?

A1 The Chief Executive Officer advised that it is not the Local Government Act but the Council’s Standing Orders that the petitions must comply with. The Shire President advised that even if the petitions do not comply, Council understands the intent of the community.

Q2 Does any petition refer to all three town sites or only Lot 437?

A2 The Chief Executive Officer answered that one petition objects to all three town sites, the second petition is objecting to Lot 437.

- Q3 I am told that about \$30,000 was spent on the playground site last year. Is this correct?
- A3 The total amount spent in the 2009/2010 financial year was \$25,093.57 for the playground next to Bruno Gianatti Hall. This was for public liability insurance, watering, general maintenance, and sifting of sandpits.
- Q4 The Shire President has supported the car park site all along. Why change of mind to the playground which is no further from houses and does not comply with the 50m radius for noise?
- A4 The Shire President advised that Councillors make up their minds when they hear the evidence and hear what the community would like. It is in the Council Chamber that decisions are made.
- Q5 As the Shire President is a leading protagonist in the Forrest Protectors Group and they are one of the objectors, can she give an unbiased opinion or vote?
- A5 The Shire President responded that she will be declaring an interest as a member of the Jarrahdale Community Association, Jarrahdale Heritage Group and Jarrahdale Forrest Protectors. She also advised that she does not hold office for the Jarrahdale Forrest Protectors.
- Q6 Where is the supposed agreement stating that nothing else will go on Lot 437?
- A6 The Chief Executive Officer answered that previous Councillors had raised this. Attempts have been made to locate the agreement, however it is unable to be found.

## 2.2 Joe Stokman – 1409 Karnup Road, Serpentine

Mr Stokman asked if someone could read out his questions. The Shire President read them out on his behalf.

- Q1 Are Council meetings audio taped?
- A 1 The Shire President answered that the meetings are not audio taped.
- Q2 Why are the minutes different than what is said in the meeting?
- A2 The Shire President answered that the minutes are summarised and are not a verbatim account.
- Q3 Will the outcome from the survey recently held for the Shire is public?
- A3 The Shire President answered that the outcomes will be publicised.
- Q4 Mrs Twine, you are invited to come for a talk over our development. Is it normal for Councillors and Council staff not to answer to those invitations?
- A4 The Shire President responded that Councillors have guidelines which rule our meeting with developers and Councillors would generally have a site visit as a group with Council officers present.

Q5 Why is the cost of the multi use trail to be paid by four partners? The Regional Bicycle Network, the Department of Sport and Recreation, the City of Armadale and the Shire of Serpentine Jarrahdale. Why do we have to pay for it ourselves?

A5 The proposed Byford to Armadale trail is a major regional trail and partnerships are needed for this project. Council has adopted a Trails Master Plan and a Local Planning Policy that identifies a future trails network throughout the Shire of Serpentine Jarrahdale.

If a landowner is subdividing a parcel of land in the Shire where a trail has been identified, that subdivider is required to give up land for this trail and construct the portion of the trail on their land. This has been a requirement of the Shire for many years and is generally supported by the Western Australian Planning Commission.

Q6 The proposed trail between Byford and Armadale is 4km long. This is 24,000m<sup>2</sup> which is 6 acres of prime development land at a cost of \$300,000 per acre. To become an owner of that land would cost 1.8 million dollars. Is Councillor Randall paying for this or is the land stolen from owners, the same way as in our case?

A6 The detailed plans have not yet been prepared. The alignment of the proposed trail link will be within crown land and road reserves and not on private land.

Q7 Many multi use trails in the Shire are on land from the Council and should be constructed by the Shire. As for the safety of the volunteer fire fighters, including my own son and many friends, I demand that those multi use trails are constructed within a short time and not longer than 2 years.

A7 If a trail is created as a result of a subdivision, then this is paid for by the landowner. The Shire has historically budgeted for construction of trails on crown land or road reserves in accordance with council policy and the recommended priorities of the Serpentine Jarrahdale Trails Association.

### **2.3 John Kirkpatrick – 77 Mead Street, Byford**

Q1 It would appear from replies to questions on notice that the Council with the exception of the JHP will not be constructing any public toilets on any park or public open space in the foreseeable future. Is this correct?

A1 No. The Shire intends to construct public toilets at the new District Open Space in Byford Central. The Shire will also consider constructing public toilets in other district level open spaces as they are developed.

Q2 In reply to a question on the review of Local Emergency Procedures and Policies, it would seem to say that this will not happen until a grant is applied for and obtained. Does this mean that the situation where the township of Jarrahdale appeared to be abandoned after the storm in March 2010 and received very little assistance including from the Shire Health Department after the night of the storm, will continue and place other parts of the Shire in potential danger?

Q3 Can the Shire guarantee that a similar situation will not happen again?

A2&3 Given that you have indicated your intention to pursue legal action against the Council in relation to this matter, we have been instructed by our insurers not to respond to your questions.

Q4 Locality Funding – Originally the locality funding was to be as seed funding for groups within the Shire to assist them in attracting additional funding from other sources. My questions are, could I have the following information:

Q4.1 How much of this year's budget for locality funding has been spent in each locality?

A4.1	Byford	\$35,000
	Jarrahdale	\$18,825
	Mundijong	\$ 5,000

Q4.2 What was it spent on?

A4.2	Byford	Byford Townscape – Public Art Master Plan
	Jarrahdale	BBQ Facilities in Forest Green
	Mundijong	Beautification of Railway Reserve

Q4.3 What matching funding was raised for the particular item that the funding was requested for?

A4.3 "Matching" funding is not required for this funding program. The locality funding applications include the following additional funding from other sources.

- Byford - \$10,800.00
- Jarrahdale - \$22,210.00
- Mundijong - \$4,250.00

Q4.4 Who authorised the allocation of the funding?

A4.4 Council at Ordinary Council Meeting of September 2010 - SD032/09/10

Q4.5 Was it passed as a decision of Council?

A4.5 Refer answer 4.4

### 3. PUBLIC QUESTION TIME:

*Public Question time commenced at 7.01pm*

#### 3.1 Clayton Oud – 301 Lightbody Road, Mardella

I draw your attention to the Draft Local Planning Policy No. 53 which details the method by which funding for the construction of George Street will be paid for, or recovered from the land holders upon a development application.

In the 5 year Forward Capital Works Plan adopted by Council at the previous (December 2010) Council meeting I see that Council intends on seeking funding from the Royalties for Regions country and local government fund to construct George Street.

My question is:

As Country Local Government Fund grants are project specific, is the Shire still able to recover the grant monies from the developers and what will these recovered monies ultimately be used for?

The Shire President advised that the question would be taken on notice and responded to in writing.

### 3.2 SD067/01/11 - Richard A Geiger – 175 Medulla Road, Jarrahdale

Q1 How old is the aerial photo you presented? These questions are directed to the Planning Officer.

A1 The Shire President advised that the question would be taken on notice and responded to in writing.

Q2 When were you last on site?

A2 The Planning Officer responded that he was on site early December 2010.

Q3 Did you observe the proximity of the dam base at it's closest point to the dividing fence?

A3 The Shire President advised that the question would be taken on notice and responded to in writing.

Q4 Do you recall telling me that Wayne Stewart spent almost \$30,000 on this project and that you could not expect him to pay more to reduce its height?

A4 The Shire President advised that the question would be taken on notice and responded to in writing.

### 3.3 John Kirkpatrick – 77 Mead Street Byford

Q1 How many staff are employed by the Shire?

Q2 How many staff are employed in the following departments:

- Engineering including outside staff
- Finance
- Planning and Building

As the council actively supports outdoor activities such as walking, cycling and sports of various kinds, it is disappointing to see that Council does not support the cleaning up of dog faeces in our open spaces and grassed areas. The failure to clean up dog faeces poses a significant health hazard to our children.

Q1 Will the Council install or cause to be installed doggy bag stations and the relevant bins to with them to encourage people to pick up what their dog leaves behind at the entrance to parkland areas?

Q2 Will the council provide the necessary signage to encourage people to use these facilities?

Q3 Will the council empty any such bins provided?

With the commercial centre in the LWP land at The Glades currently out for comment, it does not appear to address the junctions of Woolandra Drive and Doley Road with Abernethy Road. I understand with the development of The Glades estate that the traffic flow will increase on Mead Street. If there is nothing done with the two intersections mentioned there will be a significant increase in the flow of through traffic coming from outside the estate being directed through the urban streets not designed for this purpose particularly Colesbrook Drive, with a lot of young families put at risk. There is currently about a new home being occupied in the estate every two days. I also believe that most of the next sub-division is pre-sold. I realise that Abernethy Road will need to be constructed in sections but a lot of the road will have no significant influence on the sub divisions east of Warrington Road.

Q1 Will the council in the next budget consider constructing Abernethy Road to address the issue of these two intersections?

Q2 Has the council finalised the design of Abernethy Road?

The Shire President advised that these questions would be taken on notice and responded to in writing.

3.4 SD067/01/11 - Richard A Geiger – 175 Medulla Road, Jarrahdale

Q1 If the powerlines have been running on the boundary for 35 years, how can the boundary be incorrect.

The Shire President advised that the question would be taken on notice and responded to in writing

*Public Question time ended at 7.09pm*

**4. PUBLIC STATEMENT TIME:**

4.1 SD066/01/11 - Athol Wigg – 36 Old Brickworks Road, Byford

Madam President, I wish to address the item SD066/01/11 where in the CEO is requested to sign a development application submitted by Optus for the construction of a mobile phone tower on an A Class reserve being the Serpentine Sports Reserve. I request the Council rejects this application on the following grounds:

**Visual intrusion:**

This monopole tower will be 33.25m (106ft) high showing well above the existing tree canopy with three antenna panels at the top each 2.6m long by 370mm wide, below these panels a dish 1.2m diameter. At the base of the tower an equipment hut 3m by 2.5m on a site indicated by Optus immediately adjacent to the Ivan Elliot Pavilion which following the planned refurbishment will become home to the Serpentine Historical Society. Obviously it would be highly visually intrusive in an area dedicated to passive recreation.

**Potential Public Health Risk**

The continual uninterrupted exposure to Radio Frequency Microwave transmissions emanating from this tower would be a public health risk to residents living in close proximity to this installation. I quote Dr Henry Lai, Head of Washington University Bioengineering Department "There is no question that radio frequency radiation affects cells and living organisms." We cannot risk the health of our residents living on Karnup Road and the public using Serpentine Sports Reserve with the potential

for litigation in the future. If this motion is passed tonight, but an application is rejected in the future it provides the opportunity for Optus to gain approval through the State Administrative Tribunal.

4.2 John Kirkpatrick – 77 Mead Street, Byford

Replies to questions on notice from last month's Council meeting were received at 4pm today. Communication should be received earlier to allow time to respond at the answers at the next Council meeting. I take exception to the answer to question 3 stating that I have indicated the intention to pursue legal action against the Council. I did not say I would seek legal action. I intended to keep my options open as it is hard to get answers from Council and it takes time. I reserve the right to seek legal action depending on what answers I get.

4.3 SD067/01/11 - Richard Geiger – 175 Medulla Road, Jarrahdale

The last planning meeting your planning officer showed you an aerial photo of the dam in question. This photo is an old photo taken not long after it was built or after machinery had restored the base of the dam. That photo in no manner conveys the condition of the site today. Every winter the front face has slid moving close to the dividing fence.

Your planning officer measured the old photo and told you the minimum distance between the dividing fence and the dam was 4 metres. I have with me a stick. This stick touches the base of the dam and the dividing fence. It is 1.893m long – less than half of what your officer has stated.

The last planning meeting, the city engineer calmly inferred that the dividing fence was in the wrong place by stating, "it would not be the first fence I've seen in the wrong place". That fence line was established and erected when the subdivision was established in the 70's. It is unfair and unreasonable to presume the boundary fence is in the wrong place without and until having a survey indicating it is so. It was and it is now the only reference point and boundary that there was in the construction of this monstrosity of a dam. You may want the matter off your books but if you had a beautiful driveway and someone moved in next door and built a 6m wall without approvals on the boundary fence, I don't think you would just pass it off. Mind you, this is a 5 acre block and he chose to put it on the fence. Height has been and is a major concern in all my submissions, but the planning officer has told me it would cost the offender too much to reduce its height to comply with the scheme.

My neighbour has demonstrated a total lack of respect for this Council, the scheme and the neighbours. He bought in machinery and violated at least 3 of the proposed resolutions while this matter was being considered by the planning committee, In the last 2 months this same neighbour has built a swimming pool adjoining the front deck of his house, put it in service with no protective fences protecting the pool from unwanted drowning. This man has no regard for regulation, public safety, the land itself or the rights of our rate payers.

This application was made on the basis of need because of flooding. The slope of that land has never allowed flooding – there was a small dam that overflowed into my drive. Your own planning officer has told this Council they would not have allowed this dam to be constructed where it is.

6.8.1 - Unauthorised Existing Development tells you, you may retrospectively approve this construction providing the development conforms to the provisions of the scheme. It does not meet the provisions of the scheme. As a rate payer who has done nothing wrong here, I am begging you to require this 'structure' to be reduced in height and clear of the dividing fence. According to the scheme, it cannot be approved as it is.

Have a quick look at these photos taken today. (Copies of photos taken by Mr Geiger were given to all Councillors). Fence post 1.130, 1.893 dam to fence.

- Photo 1 - shows stick ... fence 5 inches high at the fence a couple inches of gravel at the face. Note vertical base of dam. This winter is will be down (earth only held at 40 degrees)
- Photo 2 - vertical face taken from drive
- Photo 3 - you can see where it has flowed down and the boulders from construction place in corner. (min firebreak 3 metres)
- Photo 4 – centre of photo shows flow area from driveway left fence post 1.13m high, probably ½ metre from driveway to base of the fence – seated in a car the eastern appears to be 6m, probably 4 ½ or 5 from base of the fence vertically to top of dam.
- Photo 5 – shows conservative measurement to face rocks dumped on the dam

#### 4.4 Clayton Oud – 301 Lightbody Road, Mardella

In the Shire's Plan for the Future it states objectives to "promote the vision of the Shire being the food bowl of Perth" and that the "retention of a viable local agriculture in the face of urbanisation is a priority." These statements are from the Future Plan and were discussed at the November 2010 Council meeting. At the December 2010 Council meeting it became clear that these objectives were just hollow words as Council adopted a Capital Works Plan than commits 79% of Royalties for Regions grants to the urban area of Byford.

Councillors I am certain that the Minister for Royalties for Regions did not intend for this money to be spent in the outer metropolitan urban suburbs of Perth, to the detriment of overdue capital works in the rural areas. It is interesting to note that in the only case of grant money being used to construct roads, that the road will ultimately have a metropolitan train station on it in the commercial heart of Byford. Royalties for Regions money was meant for projects in rural area that have repeatedly been deferred due to budgetary constraints.

#### 5. **PETITIONS & DEPUTATIONS:**

Nil

#### 6. **PRESIDENT'S REPORT:**

Welcome everyone. Our most important day of the year is fast approaching and we hope to see as many residents as possible joining us in our celebrations for Australia Day. Our Shire invites you all to take part in the fun on Wednesday, 26<sup>th</sup> January at 7.30am for a free breakfast at The Serpentine Camping Centre, Transit Road, Serpentine (off South West Highway). This year we have increased the activities for you and your families, so that children can swim, fly on the flying fox, climb the wall and play on the giant board games. The picnic area is shaded, there will be live entertainment and also free massage for your stressed shoulders. A fly-over with multiple planes has been organised for you and there will be a Welcome to Country with a didgeridoo. As usual there will be awards handed out to our special citizens who contribute so much to our Shire. There will be new Australians recognised and there will be hundreds of volunteers working to make the day one to remember.

**7. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:**

Cr Petersen declared an interest of impartiality on CGAM035/01/11 as she is a member of the Jarrahdale Heritage Park Committee. This will not affect the way she votes.

Cr Twine declared an interest of impartiality on CGAM035/01/11 as she is a member of the Jarrahdale Heritage Park Committee. This will not affect the way she votes.

**8. RECEIPTS OF MINUTES OR REPORTS AND CONSIDERATION FOR RECOMMENDATIONS:**

**8.1 Ordinary Council Meeting – 20 December 2010**

**Moved Cr Geurds, seconded Cr Hoyer**

**The *attached (E10/6314)* minutes of the Ordinary Council Meeting held on 20 December 2010 be confirmed.**

**CARRIED 9/0**

**REPORTS OF COMMITTEES:**

SD066/01/11 PROPOSED MOBILE PHONE TOWER – REQUEST TO SIGN A DEVELOPMENT APPLICATION (P02499/06)		
Proponent:	Optus Mobile Pty Ltd	In Brief  Optus Mobile Pty Ltd have lodged a development application to construct a mobile phone tower at the Serpentine Sports Reserve on Karnup Road, Serpentine. The reserve is vested with the Shire. In order to process the development application, it is requested that the Council authorise the Chief Executive Officer to sign the development application.
Owner:	Shire of Serpentine Jarrahdale	
Author:	Alan Hart - Director Corporate Services	
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	15 December 2010	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

**Background**

In August 2010, Optus Mobile lodged a development application with the Shire to construct a mobile phone tower at the Serpentine Sports Reserve at Karnup Road, Serpentine. In order to process the application, the Chief Executive Officer is required to sign the application on behalf of the owner of the land. The property is a crown reserve vested in the Shire of Serpentine Jarrahdale.

***A copy of the Form 1 of the development application is with attachments marked [SD066.1/01/11](#).***

**Statutory Environment:**

Town Planning Scheme No. 2  
The Form 1, application form requires the signature of the landowner prior to any assessment of the application.

**Policy/Work Procedure Implications:**

There are no work procedures/policy implications directly related to this application for the signing of the development application form.

**Financial Implications:**

There are no financial implications to Council related to this application

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
BUILT ENVIRONMENT				
	Infrastructure			
		45		Engage utility providers in strategic land use planning to ensure that communities are well serviced by appropriately located and timely constructed infrastructure.
		46		Encourage innovative solutions for the

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		52	Partnerships	provision of utilities. Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.

### **Community Consultation:**

Community Consultation at this point in time is not required. The community and key stakeholders will be consulted during assessment of the development application under the Town Planning Scheme.

### **Comment:**

The purpose of this report is to seek authority from Council for the Chief Executive Officer to sign the development application. This report does not address any aspect of the application as this will be undertaken as part of the normal process of assessment under the Town Planning Scheme. A full report will be prepared including the results of community and stakeholder consultation as part of the normal assessment process.

Signing the Development Application does not suggest Council is supportive or favourable of the nature of the application; it only provides the ability of the applicant to have their application progressed through the statutory planning process. Following advertising and assessment under the provisions of Town Planning Scheme No. 2, the matter will be presented to Council for determination.

It is therefore recommended that the Chief Executive Officer be authorised to sign the Development Application submitted by Optus Mobile Pty Ltd.

### **Voting Requirements:                      ABSOLUTE MAJORITY**

#### **Committee/Officer Recommended Resolution:**

That Council authorise the Chief Executive Officer to sign the application for approval to commence development submitted by Optus Mobile Pty Ltd for the installation of a mobile phone tower for Lot 778 Karnup Road, Serpentine.

### **SD066/01/11 COUNCIL DECISION:**

**Moved Cr Brown, seconded Cr Geurds (pro forma)**

**That Council does not authorise the Chief Executive Officer to sign the application for approval to commence development submitted by Optus Mobile Pty Ltd for the installation of a mobile phone tower for Lot 778 Karnup Road, Serpentine.**

**CARRIED 6/3**

**Cr Ellis foreshadowed that he would move the Committee/ Officer Recommended Resolution if the motion under debate is lost.**

**Council Note: Council chose not to authorise the Chief Executive Officer to sign the development application as it did not believe that this was an appropriate location for such a facility and there were concerns regarding the potential health impacts. The loss of car parking was also a concern as there are existing shortfalls. Visual intrusion of the tower at that particular site was also a reason to reject the officer recommendation.**

SD067/01/11 RETROSPECTIVE APPLICATION FOR DAM - LOT 29 (177) MEDULLA ROAD, JARRAHDAL (P03680/01)		
Proponent:	Wayne Stewart	In Brief  Application for planning approval of a retrospective dam. It is recommended that the application be approved subject to conditions.
Owner:	As Above	
Officer:	Peter Varelis – Project Officer	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	4 January 2010	
Previously	SD050/11/10	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt:	11 Jan 2010
Advertised:	Yes
Submissions:	Two (2) objections
Lot Area:	1.99 hectares
L.A Zoning:	Special Rural
MRS Zoning:	Rural
Use Class & Permissibility	Residential - Incidental development
Rural Strategy Policy Area:	Rural Living B

At the Ordinary Council meeting held 22 November 2010 a resolution was passed to defer consideration of this matter to allow Shire staff to clarify several issues including the height of the dam wall, matters relating to the spillway and impacts on adjoining properties.

### **Background**

On 29 June 2009, the Serpentine Jarrahdale Shire received a formal complaint from a resident in regards to a dam at Lot 29 Medulla Road, Jarrahdale. A subsequent site visit confirmed the complaint and revealed that an unauthorised dam had been extended on the property.

The Shire wrote to the landowner advising that the dam extension was unauthorised and requested the landowner to submit a retrospective planning application to the Shire.

Since the application was lodged the following has occurred:

- The application was referred to nearby landowners for comment;
- The application was referred to relevant government agencies for comment; and
- A technical assessment of the application has been completed by the Shire's officers with a recommendation provided for Council's consideration.

Given that two (2) submissions of concern were received during advertising and the dam is considered moderate to high risk as per draft Local Planning Policy No. 33 (LPP33), the retrospective application is presented to Council for consideration.

It is important to note that the rating system (low, moderate and high) within draft LPP33 is intended to be used as a means of delineating whether or not a dam should be approved under delegation or presented to Council, subject to consultation. It also provides officers

guidance as to the appropriate conditions. This report provides Council with the opportunity to make a formal determination on the application.

***A location plan, aerial photograph, cross section and site plan are with attachments marked [SD067.1/01/11](#).***

Given the retrospective nature of the application and concerns raised about the structural integrity of the dam the owner saw merit in obtaining a structural engineering certificate to verify its integrity.

***A copy of the structural engineering certificate is with attachments marked [SD067.2/01/11](#).***

### **Sustainability Statement**

***Effect on Environment:*** The existing dam is located in an area that had an existing dam and hollow, which fills up during the winter months and ponds the subject area of the property. The dam was extended in this location to stop flooding of the immediate area during the winter season.

Dams are a common landscape feature in the Shire and have frequently been used as a means of collecting surface water. They are generally unlined due to the pre-existing clay in the soil profile. The dams are generally considered seasonal, full in winter and become relatively dry in summer/autumn, primarily due to Australia's exceptionally high evaporation rate.

***Social – Quality of Life:*** The dam may have improved the quality of life for the proponent by minimising the flooding problems that were previously being experienced on the property. However, it is important for Council to acknowledge the issues raised by the submissions.

### **Statutory Environment:**

Planning and Development Act 2005  
Town Planning Scheme No. 2 (TPS 2)

### **TPS 2**

#### *Unauthorised Development*

As approval has not been granted previously for the establishment of the dam, the carrying out of an unauthorised development constitutes an offence under the TPS 2 below:

#### **“8.3 OFFENCES**

**8.3.1** *A person shall not erect, alter or add to or commence to erect, alter or add to a building or use or change the use of any land, building or part of a building for any purpose:*

- (a) otherwise than in accordance with the provisions of the Scheme;*
- (b) unless all consents required by the Scheme have been granted and issued;*
- (c) unless all conditions imposed upon the grant and issue of any consent required by the Scheme have been and continue to be complied with; and*
- (d) unless all standards laid down and all requirements prescribed by the Scheme or determined by the Council pursuant to the Scheme with*

*respect to that building or that use of that land or building or that part have been and continue to be complied with.*

**8.3.2** *A person who fails to comply with any of the provisions of the Scheme is guilty of an offence and without prejudice to any other remedy given herein is liable to the penalties prescribed by the Act.”*

In accordance with TPS 2, planning approval is required prior to the commencement of any development and/or use within the Shire, unless specifically exempt. The construction of a dam is consistent with the definition of ‘development’, as provided for under the Planning and Development Act 2005.

The landowner did not obtain the prior planning consent from the Shire and therefore committed an offence under TPS 2. It is important to note, however, that Council is obligated to determine the application based on the information submitted against the existing statutory planning framework; past, current or possible future compliance-related issues are not relevant in the determination of the application.

#### *Retrospective Application*

In considering whether to grant retrospective planning consent, TPS 2 contains the following provision:

### **6.8 UNAUTHORISED EXISTING DEVELOPMENT**

**6.8.1** *The Council may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, providing the development conforms to the provisions of the Scheme.*

No delegation currently exists for the Shire’s staff to determine applications where valid objections have been received and as such the proposal is presented to Council for determination.

#### **Policy/Work Procedure**

#### **Implications:**

LPP33 – Dams

#### **Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Summary	Objective	
NATURAL ENVIRONMENT	Landscape	Safeguard	Restore and preserve the visual amenity of our landscapes.	
			Defend our scarp and forest from inappropriate uses.	
		Manage	Facilitate sustainable agricultural practices.	
			Ensure responsible animal care, control and management within the Shire.	
	Integrated Water Cycle Management			
			Quantity	Promote and implement water conservation and



Vision Category	Focus Area	Objective Summary	Objective
			reuse.
			Encourage the conversion of man-made drainage of the Palusplain back to natural systems.
			Identify and implement opportunities for detention and storage of stormwater.
			Protect and develop natural and man-made water sources.
		Quality	Improve and maintain surface and ground water quality.
		Planning and Design	Ensure integrated water cycle management is incorporated in land use planning and engineering design.
			Enforce the adoption of "better urban water management".
		Natural systems	Understand the behaviour of natural flood systems in land use planning and engineering design to ensure safe communities.
			Facilitate and encourage the preservation, management and restoration of natural water systems.
<b>BUILT ENVIRONMENT</b>			
	<b>Land Use Planning</b>		
		Rural Land	Ensure the built form complements and enhances the rural environment.
			Plan for the preservation of rural land and its integration with urban and rural villages.
			Consider the viability of rural land uses in strategy and policy development.
			Promote the vision of the Shire being the 'food bowl' of Perth.
		Water Management	Minimise the use of piped and artificial drainage and its impact on the landscape.
			Promote, implement and celebrate best practice integrated water cycle management.
			Create low maintenance living streams and ephemeral wetlands.
			Where appropriate, create road side swales that add to the visual amenity, habitat, water quality and recreational enjoyment of the urban environment.
			Ensure infrastructure planning and design protects the community from flooding.

**Community Consultation:**

The application was referred to adjoining landowners in accordance with the requirements set out in TPS 2. During the advertising period, two letters of objection were received.

The key issues that were raised in the objections are detailed below:

- The positioning of the overflow for the dam means that water being discharged would traverse the adjoining landowner's property and utilizes the owner's culvert in the event of an overflow.
- The positioning and setbacks of the dam and its location in relation to adjoining properties was raised as a concern.
- The potential failure of the dam may have an effect on access to the adjoining dwelling in an emergency and could potentially cause substantial damage resulting in litigation implications.



- Large rocks were left behind during the construction of the dam and are in view of adjoining properties.
- The lack of consideration given to the consequences of water runoff and accessibility to landowners downstream as a result of this construction.
- The dividing fence has been compromised by an earth berm.
- Possible encroachments into fire break areas.

A summary of submissions and actions taken is provided in the table below.

**External Government Agency Comments**

The application was referred to the Department of Water (DoW) for comment.

The Department of Water made evident in their correspondence that an offence under their respective legislation was committed. However, given the retrospectivity of the application and date that it was built no action is required as the matter has fallen outside of the statute of limitations.

**Comment**

The applicant has provided the following information in support of the proposed retrospective dam/soak:

*“Dam was constructed [extended] in Jan 2008. [The] dam is filled by natural runoff [and] has a spill way cut down 2m and spills around the natural ground around the back of the dam into the existing culvert across the easement [fire break]. [The] dam wall was re-dressed and levelled in Jan 2009 due to dam settling. [The] dam was constructed with natural clay around the property and does not leak. [The] dam is seasonal. [The] dam wall is constructed with clay throughout. The purpose of the dam is for fire fighting, [flood mitigation] and reticulation.”*

**Technical Assessment**

Although a number of concerns were raised both by submitters, Officers are of the opinion that these issues can be dealt with by way of specified conditions of development approval.

A summary of the concerns raised in light of a technical assessment and public submissions are outlined below.

<b>Resident Concern</b>	<b>Officer Comment</b>	<b>Action/Mitigation</b>
The integrity of the dam wall.	The plans provided by the proponent for assessment denote a core trench at the base and through the crux of the wall immediately adjacent to L28 Medulla Rd.	No action required. Upon assessment by the Shire’s Engineer it has been made evident that the core trench at the base of the dam as denoted on the plans provides for strong structural integrity. This concern will be further verified by virtue of engineering certification as recommended as a condition.
Earth berm on the fence line.	Concern noted.	The Shire’s officers are requesting rock pitching/revegetation around the spill way and along the immediate discharge route as a condition.
Positioning of the overflow & utilization of the existing neighbouring culvert.	Upon assessment it would appear that the constructed overflow is positioned in such a way as to allow overflow	Officers are recommending conditions of approval that retain the overflow in its current position (around 2000m3) whilst also



<b>Resident Concern</b>	<b>Officer Comment</b>	<b>Action/Mitigation</b>
	downstream once the dam has reached around 2000m3. Officers believe that the utilization of the existing culvert is reasonable, on the basis that if the dam was not in place water traversing the properties would utilize this culvert anyway. Upon assessment technical officers are of the opinion that the culvert is sufficient to facilitate water runoff from the spillway.	requesting rock pitching and landscaping to mitigate the rate of flow and ensure filtration of the water flowing down stream and utilizing the culvert.
Size/neighbouring accessibility to water down stream.	Pursuant to draft LPP33, dams with a holding capacity of up to 4000m3 may be considered in the Rural zone, given that this property is in the Special Rural zone, capacity is assessed on a case by case basis. The capacity of the dam appears to be mitigating stormwater runoff from the adjoining state forest and as such would protect properties downstream in a major flood/storm event. Given the location of the spill way, Officers are of the opinion that there should be sufficient water runoff down the catchment to service future and existing dams.	Officers are recommending conditions that no further excavation of the dam is to take place without prior approval. Conditions are also being recommended to maintain the existing location of the overflow to allow run off downstream. Officers are of the opinion that there is sufficient run off to services the existing/future dams in the catchment area.  Emergency services officers have also expressed that the availability of this amount of water in an extreme fire hazard area is a great asset and could prove advantageous to residents of the estate if utilised by the fire fighting helitacs. The clearance distances between the dam and surrounding vegetation make this dam viable for this purpose.
Aesthetics of the dam wall.	Concern noted.	Officers are requesting rock pitching/revegetation around the spill way and along the base of the dam wall as a condition.
Large rocks near boundary as a result of excavation.	Concern noted.	Officers are requesting that all overburden excavation material (including rocks) be removed as a condition.
Axles in the dam.	Concern noted.	The Shire's officers are requesting that any foreign material be removed from the dam.
Emergency access from Lot 28 Medulla Drive, Jarrahdale in the event of the wall failure.	Concern noted. However, this is a matter between adjoining landowners. If the dam is certified as being structurally sound, then the likelihood of dam failure is low.	The proponent shall provide an engineering report verifying the structural integrity of the dam wall as a condition.

<b>Technical Concern</b>	<b>Officer Comment</b>	<b>Action Mitigation</b>
Dam wall (grade).	To maintain an exit route out of the dam the applicant shall grade the eastern most batter face to a minimum of 1:4.	Condition of approval.
Stabilisation of dam	All internal and external batter	Condition of approval.



Technical Concern	Officer Comment	Action Mitigation
wall.	faces shall be planted out with nutrient stripping vegetation.	
Safety	Dam safety and construction is, and remains the responsibility of the landowner. That notwithstanding, the Shire will, require the proponent to submit a construction certificate endorsed by a qualified structural or civil engineer certifying that the dam has been constructed to a acceptable engineering standard.	Condition of approval.

**Options**

There are a number of options available to Council in determining the application, namely:

1. to approve the application, subject to conditions; and
2. to refuse the application.

**Conclusion**

The dam is intended to alleviate the flooding issues that were being experienced in this portion of the property by the landowner. The construction of the dam has resolved the problems that were being experienced. Based on the information currently available and having regarding to the matters outlined in this report, it is recommended that the application be approved subject to appropriate conditions.

**Voting Requirements:** Simple Majority

**Committee/Officer Recommended Resolution:**

The application for retrospective planning approval for a dam at Lot 29 (177) Medulla Road, Jarrahdale be approved subject to the following conditions:

1. No natural vegetation is to be cleared as part of this approval.
2. A construction certificate endorsed by a qualified structural or civil engineer certifying that the dam has been constructed to an acceptable engineering standard shall be submitted to the Shire within 28 days of development approval being issued to the satisfaction of the Director Engineering Services.
3. The dam is not to interfere with the integrity of any existing development on the property including firebreak areas.
4. The dam shall provide a minimum batter slope of 1 in 4 to natural surface on the eastern side to the satisfaction of the Director Engineering Services.
5. The internal batters of the dam shall be stabilised and planted out with nutrient stripping vegetation to the satisfaction of Director Strategic Community Planning.
6. The external batters of the dam shall be stabilised and vegetated to the satisfaction of Director Strategic Community Planning.
7. The spillway/overflow of the dam on the northern boundary is to be retained and maintained at all times.
8. The spillway/overflow and immediate discharge route along the western boundary shall be rock pitched, vegetated and stabilised to the satisfaction Director Engineering Services.
9. No portion of the dam, including the dam walls, is permitted to encroach any closer to the side boundaries to the satisfaction of Director Development Services.

10. All overburden fill material (including rocks) not used to construct the walls of the dam is to be removed from the property. The natural ground level of the site is to be reinstated to the same level that existed prior to commencement of works.
11. A Landscape and Vegetation Management Plan shall be submitted for Shire approval within 28 days of development approval being issued. Once approved, the Landscape and Vegetation Management Plan is to be implemented in its entirety by 30 September 2011 and thereafter maintained to the satisfaction of the Director Strategic Community Planning.

Advice Notes:

1. Dam safety and dam construction and maintenance is, and shall remain, the responsibility of the landowner.
2. Any further increases to the size of the dam requires planning approval under TPS 2.

LOST 2/5

Committee Note: Further information is to be obtained prior to January Ordinary Council meeting regarding the possibility of a bond to cover the costs associated with satisfying the conditions of this motion.

**Supplementary Information**

Subsequent to the resolution of Council at the Ordinary Council meeting held 22 November 2010 the application was brought before the Shire's Sustainable Development Committee (the Committee) for consideration. The officer recommended resolution did not receive a majority and as a result the Committee made a note on the resolution as follows:

*"Further information is to be obtained prior to January Ordinary Council meeting regarding the possible quantity of a bond to cover the costs to satisfy the conditions of this motion."*

It is important to note that should the applicant be aggrieved by the decision of Council there is capacity for the applicant to lodge a claim for review with the State Administrative Tribunal. Based on preliminary investigation, no bonds, guarantees or alike have been collected in recent times for the performance of conditions pertaining to a planning approval for a dam.

On this basis the original officer recommended resolution is still recommended to Council.

**Performance Bond**

A number of other Local Governments require the payment of performance bonds for the completion of works to satisfy the requirements of conditions of development approval. This is particularly evident where failure to complete a development in accordance with the approval could adversely affect an adjoining property or the community at large.

The table below delineates a breakdown of the estimated bond for the performance of specified conditions based on the best available information at the present time. The balance of conditions upon technical assessment, should Council decide to take this approach, do not constitute becoming a part of the bond.

Condition No.	Nature of Works	Estimated Cost
4	Grading of the eastern portion of the dam.	\$1500
5	Internal batter wall stabilisation with vegetation.	\$500
6	External batter wall stabilisation with vegetation.	\$500
7	Rock pitching, vegetation and	\$15,000

Condition No.	Nature of Works	Estimated Cost
	stabilisation of the spillway / overflow and immediate discharge route along the western boundary.	
10	The removal of overburden material which was not used to construct the walls of the dam and restoration of natural ground level.	\$2000
11	Preparation of a Landscape and Vegetation Management Plan relating to conditions 5 & 6.	\$500
<b>Total Bond:</b>		<b>\$20,000</b>

**SD067/01/11 COUNCIL DECISION/Alternative Motion:**

Moved Cr Hoyer, seconded Cr Ellis

The application for retrospective planning approval for a dam at Lot 29 (177) Medulla Road, Jarrahdale be approved subject to the following conditions:

1. No natural vegetation is to be cleared as part of this approval.
2. A construction certificate endorsed by a qualified structural or civil engineer certifying that the dam has been constructed to an acceptable engineering standard shall be submitted to the Shire within 28 days of development approval being issued to the satisfaction of the Director Engineering Services.
3. The dam is not to interfere with the integrity of any existing development on the property including firebreak areas.
4. The dam shall provide a minimum batter slope of 1 in 4 to natural surface on the eastern side to the satisfaction of the Director Engineering Services.
5. The internal batters of the dam shall be stabilised and planted out with nutrient stripping vegetation to the satisfaction of Director Strategic Community Planning.
6. The external batters of the dam shall be stabilised and vegetated to the satisfaction of Director Strategic Community Planning.
7. The spillway/overflow of the dam on the northern boundary is to be retained and maintained at all times.
8. The spillway/overflow and immediate discharge route along the western boundary shall be rock pitched, vegetated and stabilised to the satisfaction Director Engineering Services.
9. No portion of the dam, including the dam walls, is permitted to encroach any closer to the side boundaries to the satisfaction of Director Development Services.
10. All overburden fill material (including rocks) not used to construct the walls of the dam is to be removed from the property. The natural ground level of the site is to be reinstated to the same level that existed prior to commencement of works.
11. A Landscape and Vegetation Management Plan shall be submitted for Shire approval within 28 days of development approval being issued. Once approved, the Landscape and Vegetation Management Plan is to be implemented in its entirety by 30 September 2011 and thereafter maintained to the satisfaction of the Director Strategic Community Planning.
12. Satisfactory arrangements being made for the payment of a performance bond to the Shire within a 30 day period from the date of this approval.
13. All works shall be completed by 30 May 2011.

**CARRIED 5/4**

**Cr Harris voted against the motion**

**Advice Notes:**

1. The dam shall be maintained at all times to ensure that the safety of persons on the property and adjoining properties is protected.
2. In relation to condition 12, the value of the performance bond shall be determined by the Director Engineering Services and shall be not less than 100% of the estimated cost of the works required to satisfy the conditions of this approval, including but not limited to; No. 4, 5, 6, 7, 10, and 11.
3. Any further increases to the size of the dam requires planning approval under TPS 2.
4. Should the works not be completed by the 30 May 2011, or as otherwise agreed in writing by the Director Engineering Services, the Shire may complete the outstanding works and deduct the cost including administrative or other overhead costs from the performance bond or guarantee.
5. The performance bond shall be returned upon evidence being provided that the required works have been completed to the satisfaction of the Director Engineering Services.

Cr Harris foreshadowed that she would move a new motion to refuse the retrospective application if the motion under debate was lost.

**Council Note:** Given the concern for the protection of the public interest, Council felt that it was necessary to impose a performance bond to ensure compliance with the conditions.

SD068/01/11 PROPOSED ANCILLARY ACCOMMODATION - LOT 305 BOTICA CLOSE, CARDUP (P06046/05)	
Proponent:	Arnold Schiebaan Building Design & Illustration
Owner:	Mr & Mrs Kortenoeven
Officer:	Helen Maruta – Planning Officer
Senior Officer:	Brad Gleeson – Director Development Services
Date of Report	9 December 2010
Previously	Nil
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act
<b>Delegation</b>	<b>Council</b>

In Brief

Application for the construction of ancillary accommodation with a connection distance greater than 10 metres. It is recommended that the application be approved.

Date of Receipt: 21 October 2010  
 Lot Area: 2ha  
 MRS Zoning: Rural  
 TPS Zoning: Rural Living A  
 Use Class & Permissibility: Single Residence – incidental development (ancillary accommodation) AA Use  
 Rural Strategy Policy Area: Rural Living

**Background**

An application has been lodged for the construction of an ancillary accommodation with an internal floor area of 100m<sup>2</sup>. The proposed development is intended to be located 20 metres from the main dwelling, in lieu of the maximum 10 metres as stipulated under Council's Local Planning Policy 17 (LPP 17).

The materials and the finish of the ancillary accommodation are proposed to match the existing dwelling.

The proposal is presented to Council as it is not consistent with the development standards under Council's Local Planning LPP 17 (LPP 17).

***The location, site, floor and elevation plans and an aerial photo are with attachments marked [SD068.1/01/11](#).***

### **Variations requested**

A variation is sought with regard to the maximum 10 metre separation distance between the main dwelling and the new dwelling required under Local Planning Policy (LPP) 17. The proposed location is 20 metres from the rear of the existing dwelling, due to the location of an existing water tank, shed and effluent disposal system at the rear of the existing dwelling.

### **Sustainability Statement**

<b>Sustainable Element</b>	<b>Comment</b>
Is there remnant native vegetation on site or adjoining verge?	No. The subject lot does not contain any remnant vegetation.
Is remnant native vegetation to be retained or removed as a result of this proposal?	The ancillary accommodation is to be located in an area already cleared of any vegetation.
Is additional vegetation required to screen or ameliorate the bulk of the proposed development?	No. The proposed location is well screened by existing semi-mature vegetation along the boundaries of the property.
Will the requested variation have an adverse effect on streetscape or the character and amenity of the locality?	No. The ancillary accommodation would form a cluster among the existing buildings on the property and is not likely to cause any adverse effect on the streetscape or the general amenity of the locality.
Will the requested variation have an adverse effect on visual amenity of neighbouring properties due to bulk and scale, appearance or materials?	No. The location for ancillary accommodation is well screened from adjoining properties.
Does the proposal include the capture and re-use of stormwater from the roof of the proposed building and/or diversion of stormwater from hardstand areas to landscaped areas?	It is anticipated that the proposed ancillary accommodation will be connected to the existing water tank located at the rear of the existing house.

### **Statutory Environment:**

Planning and Development Act 2005  
Town Planning Scheme No. 2  
Serpentine Jarrahdale Rural Strategy 1994

### **Policy/Work Procedure**

#### **Implications:**

LPP17 - Residential and Incidental Development



**Financial Implications:**

There are no financial implications to Council related to this application.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL ENVIRONMENT				
	<b>Landscape</b>			
		1	Safeguard	Restore and preserve the visual amenity of our landscapes.
BUILT ENVIRONMENT				
	<b>Land Use Planning</b>			
		1	Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.
		13	Buildings	Ensure the Shire’s rural character is sensitively integrated into urban and rural villages.
		16		Enable built form that accommodates a range of business and family circumstances and needs.
		14		Encourage built form that positively contributes to streetscape amenity.
		9	Rural Land	Ensure the built form complements and enhances the rural environment.
		10		Plan for the preservation of rural land and its integration with urban and rural villages.

**Community Consultation**

The application was referred to adjoining landowners for a period of 21 days in accordance with the requirements set out in TPS 2. As a result of the advertising no submissions were received from adjoining landowners.

**Policy Requirements**

Policy Requirement	Required	Proposed	Comments
Floor Area	Up to 100m <sup>2</sup>	100m <sup>2</sup>	Complies
Connection to main dwelling	Under same roofline or within 10 metres	20 metres	Variation supported. On-site constraints prevent the ancillary accommodation being located within ten metres of main dwelling.
Constructed in same or similar finish materials	Main dwelling Midland brick/Zincalume roof	Midland brick and Zincalume roof	Complies
Main Dwelling to be constructed prior to ancillary accommodation	Existing house on the subject property	Ancillary accommodation	Complies

**COMMENT**

The applicant has submitted the following summary of the proposal:

- *The purpose of the additional dwelling is to provide a place to live for my wife's parents. They are advancing in years and we have set out to provide them with suitable accommodation on our lot.*
- *Our parents have for the last 20 years lived on a property with wide open views and virtually no neighbours. We believe we are in a position to offer them a similar lifestyle on our land, but with the security of having their children close by. Together with the other family members we are of the opinion that this will be a good solution for our parents as the discomforts of age increase.*
- *The siting of the proposed dwelling is chosen for the following reasons:*
  - a) *Given that the outdoor living areas of the existing house have a northern outlook, locating the ancillary dwelling south of the existing house will ensure privacy for the outdoor living areas of both dwellings.*
  - b) *Given then that the preferred siting is south of the existing house, the existing rainwater tank, sewage treatment unit and shed become determining factors in choosing a suitable location. The proposed position of the ancillary dwelling will ensure adequate distance from all three of these site features, both practically and visually.*
  - c) *The proposed location ensures optimum privacy for both dwellings and will further provide the proposed ancillary dwelling with a wide southerly view across the paddocks and towards the hills.*
- *Impact upon neighbouring properties is kept to a minimum. We submit that the new dwelling will not be visible at all from Lot 310 (to the North of our site) and its exposure to Lot 306 (to the East of our site, currently vacant), will be moderated by way of an existing strip of vegetation. Lot 281 (to the West of our site) is currently leased by the Riding for Disabled Association Oakford*
- *We do realize that the proposed location sees the ancillary dwelling placed further away from the existing dwelling than the deemed to satisfy maximum distance of 10 from eave to eave. However, given the above justification, we trust that our proposal be acceptable to Council*

**Previous Applications**

Table 1 below show similar applications that have been lodged with the Shire and the outcomes:

Property Address	Separation distance	Site Constraints (justification)	Date Approved
Lot 56 Alice Road, Cardup	19 metres	Effluent disposal system, driveway	23/02/09 (Council)
Lot 22 Masters Road, Darling Downs	15 metres	Rain water tank, shed septic system	20/10/09 (Council)
Lot 159 Racy Prince Court, Byford	18 metres	Swimming pool, reticulation system	15/12/08 (Council)

**Planning Assessment:****Local Planning Policy LPP17 Residential and Incidental Development**

LPP17 contains the following provisions relating to setback matters for Ancillary accommodation:

### **5.0 ANCILLARY ACCOMMODATION**

*Ancillary Accommodation for the purpose of this policy is as defined in the Residential Design Codes 2002:*

*Self contained living accommodation on the same lot as a Single House that may be attached or detached from the Single House occupied by members of the same family as the occupiers of the main dwelling; and*

#### *5.1 Development requirements*

*The following standards apply to ancillary accommodation:*

*Maximum floor area:*

- *Rural Living A (Lots 2 hectares and over only), Rural Living B, Special Rural, Farmlet and Rural zones 100m<sup>2</sup>*

#### *Exterior Finish*

*Ancillary accommodation is to be constructed in the same or similar materials to the main dwelling to the satisfaction of the Shire.*

#### *Connection to main dwelling*

*The ancillary accommodation shall be under the same roofline as the main dwelling or located within 10 metres of the main dwelling.*

#### *Services*

*On lots within the Residential, Special Residential, Rural residential, Urban Development and Rural Living A zones power, water and effluent disposal services and vehicle access to the Ancillary Accommodation and the main dwelling are to be shared*

#### *5.2 Variations*

*Any application to vary the development requirements for Ancillary Accommodation contained in this policy are to be accompanied by a letter detailing the reasons why the variation is sought. Any variations to the development requirements for Ancillary Accommodation contained in this policy or the Residential Design Codes 2002 will be determined in the following manner:*

- 1. Referred to the Concept Forum for discussion prior to determination under delegated authority by the Executive Manager Planning and Regulatory Services (or equivalent officer); or*
- 2. Referred to the Sustainable Development Committee or Council for determination;*

*at the discretion of the Executive Manager Planning and Regulatory Services (or equivalent officer).*

### Officer Comment

LPP 17 states the ancillary accommodation should be under the same roofline or located within 10 metres of the main dwelling. In this instance the distance between the eaves of the dwelling and the proposed ancillary accommodation is proposed to be greater than 10 metres as there is existing waste disposal system water tank and shed within the immediate

10 metres of the dwelling. Due to the constraints of the site, Council officers considered it reasonable that the requirements of LPP 17 be relaxed.

The proposed location of the ancillary accommodation achieves sharing of the existing driveway water tank and effluent disposal system which is a desirable sustainable outcome. The applicant is to match the materials and finishes of the ancillary accommodation with the existing main dwelling in order to achieve a similar finish between the two buildings. The proposed building will form a cluster with existing structure on the property such that the variation to the distance between the two residences would not be significantly noticeable.

### Conclusion

The proposal, whilst marginally greater than the allowable setback distance meets the objectives and definition of ancillary accommodation by providing a dwelling that accommodates the needs of an extended family without compromising the amenity of adjoining properties. The proposed ancillary accommodation would be ideally located in the best position to provide good access for the occupants and sharing of existing property development such as driveways, effluent system and rain water tank.

The proposal is generally consistent with the purpose and intent of a Rural Living zone and has been carefully considered on its individual merit and unlikely to establish an undesirable precedent for other future applications in the Shire. Accordingly, approval of the proposed development is recommended.

**Voting Requirements:** Simple Majority

### **SD068/01/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Brown, seconded Cr Hoyer**

**That the application for approval to commence development of Ancillary Accommodation on Lot 305 Botica Close, Cardup be approved subject to the following conditions:**

- 1. Any occupier of the ancillary accommodation shall be a member of the family of the occupier of the main dwelling.**
- 2. In relation to condition 1. above, a Notification under Section 70A of the Transfer of Land Act 1893 must be registered over the certificate of title to the land, the subject of the proposed development, prior to issue of a Building Licence to notify owners and prospective purchasers of the land that restrictions apply to the use of the ancillary accommodation as stipulated in condition 1. The Section 70A Notification shall be prepared by the Shire's solicitors to the satisfaction of the Serpentine Jarrahdale Shire and all costs of and incidental to the preparation of and registration of the Section 70A Notification including the Shire's solicitors' costs shall be met by the applicant or the owner of the land**
- 3. The ancillary accommodation is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant Legislation for other types of effluent disposal systems.**
- 4. All stormwater to be disposed of within the property. This shall be achieved by either soakwells or spoon drains or the use of stormwater retention/re-use methods such as rainwater tanks or the grading of hardstand areas to lawns and garden beds. Direct disposal of stormwater onto the road, neighbouring properties, watercourses or drainage lines is not permitted.**

**CARRIED 8/1**

**Advice Note:**

**1. A building licence is required to be issued prior to the construction of the building on the land.**

SD069/01/11 REQUEST TO AMEND THE EXISTING APPROVAL FOR A PROPOSED RURAL USE (SEEDLING FARM) AND CONVERSION OF EXISTING SINGLE DWELLING TO CARETAKER'S DWELLING – LOT 11 (553) GOSSAGE ROAD, OLDBURY (P00249/02)		
Proponent:	Esam Williams	In Brief  The applicant seeks to amend the existing approval for a Rural Use (Seedling Farm) and conversion of the existing single dwelling onto a Caretaker's Dwelling on the property. The amendment specifically relates to a redesign of the greenhouses along the western property boundary. It is recommended that the amendment be granted.
Owner:	Feegate Pty Ltd	
Author:	Michael Daymond – Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	3 December 2010	
Previously	SD134/04/10 SD066/11/09	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt: 28 September 2010  
 Advertised: Yes  
 Submissions: Nil  
 Lot Area: 15.29 ha  
 L.A Zoning: Rural  
 MRS Zoning: Rural  
 Rural Strategy Policy Area: Rural  
 Rural Strategy Overlay: Environmental Repair & Roadside Conservation  
 Date of Inspection: October 2009 (as part of original application)

### **Background**

#### Original Application

At the Sustainable Development Committee Meeting of 17 November 2009, the Committee considered an application for a proposed Rural Use (Seedling Farm) and conversion of an existing dwelling onto a Caretaker's Dwelling on Lot 11 (553) Gossage Road, Oldbury. Committee resolved to conditionally approve the application.

***A location plan and aerial photograph is with attachments marked [SD069.1/01/11](#).***

#### Application for Review

On the 17 December 2009, the Shire received notice that the applicant had lodged an application for review (an appeal) with the State Administrative Tribunal (SAT) against 30 of the 37 conditions imposed on the approval and one (1) advice note.

At the Sustainable Development Committee Meeting of 20 April 2010, the Committee reconsidered the previous approval and resolved to modify the existing conditions. On 14 May 2010 the SAT issued minute of consent orders reflecting Council's resolution and the modified conditions.

**A copy of the SAT order is with attachments marked [SD069.2/01/11](#).**

**A copy of the current approved site plan, floor & elevation plan are with attachments marked [SD069.3/01/11](#).**

#### Request to Amend Current Approval

The applicant has recently submitted a request to the Shire to amend the current approval. Specifically, the applicant seeks to modify the design of the greenhouses along the western boundary of the property which will result in a more sustainable seedling propagation process.

The application is therefore presented to Council for consideration.

**A copy of the amended site plan, indicating the area to be modified, and amended floor & elevation plans are with attachments marked [SD069.4/01/11](#).**

#### Sustainability Statement

**Effect on Environment & Resource Implications:** The seedling farm uses microscopic quantities of water for each seedling propagated, delivered by fine mist sprayers and is therefore not a huge consumer of ground water. This controlled environment for seed propagation ensures that resource use is minimised where possible.

The proposed modification to the design of the greenhouses to smaller and lighter structures allows for fewer materials to be used in construction and is more efficient in energy and water usage. This results in a more sustainable structure and seedling propagation process.

**Economic Viability:** *The proposed change to the smaller structures allow for less movement by employees to access any stock by side collection of seedling racks instead of the liner movement method of the previously approved 'multispan' structure. This improves the operator's efficiencies in the propagation process.*

**Economic Benefits:** The proposed changes to the greenhouse design will not impact on employment opportunities as the operation will still provide employment for up to 59 staff.

**Social – Quality of Life:** As the proposed structures are smaller in size and therefore are less intrusive, any impacts on adjoining properties are considered to be reduced.

#### Statutory Environment:

Planning and Development Act 2005  
Town Planning Scheme No.2  
Rural Strategy 1994  
SAT Act 2004

#### Policy/Work Procedure

##### Implications:

State Planning Policy No.2.1 – The Peel-Harvey Coastal Plain Catchment  
*Water Quality Improvement Plan for the Rivers and Estuary of the Peel-Harvey System – Phosphorus Management* (Environmental Protection Authority)  
Local Planning Policy 6 (LPP6) *Water Sensitive Design*

#### Financial Implications:

There are no financial implications to Council related to this application.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
<b>NATURAL ENVIRONMENT</b>				
	<b>Landscape</b>	1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		3		Maximise the preservation of existing trees and vegetation.
	<b>Integrated Water Cycle Management</b>	16	Quantity	Promote and implement water conservation and reuse.
		18		Identify and implement opportunities for detention and storage of stormwater.
		19		Protect and develop natural and man-made water sources.
		20	Quality	Improve and maintain surface and ground water quality.
		22	Planning and Design	Ensure integrated water cycle management is incorporated in land use planning and engineering design.
		23		Enforce the adoption of "better urban water management".
<b>BUILT ENVIRONMENT</b>				
	<b>Land Use Planning</b>	2		Ensure land use planning accommodates a vibrant and diverse range of activities and employment opportunities.
		15	Buildings	Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.
	<b>Infrastructure</b>	40	Water Management	Promote, implement and celebrate best practice integrated water cycle management.
		52	Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.
		53		Proactively and positively negotiate mutually beneficial outcomes with the development industry.
<b>SUSTAINABLE ECONOMIC GROWTH</b>				
	<b>Industry Development</b>	1	General	Attract and facilitate appropriate industrial, commercial and retail developments.
		2		Attract environmentally and socially responsible industries and support all operators to achieve more sustainable practices.
		3		Encourage value adding opportunities for local industries and resources.
		4	Agriculture	Protect and develop appropriate agricultural and horticultural industries and pursuits within the Shire
<b>OUR COUNCIL AT WORK</b>				
	<b>Leadership</b>	1	Leadership throughout the organisation	Elected members and staff have ownership and are accountable for decisions that are made.
		9		All decisions by staff and elected members are

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		10		evidence based, open and transparent. The elected members and staff operate from a common understanding of sustainability.

### **Community Consultation**

Given the proposed change in the development, the proposal was referred to seven (7) surrounding properties for comment. No submissions were received.

### **COMMENT**

#### **Proposal**

As previously mentioned the applicant seeks to amend the existing approval, specifically in relation to the design of the greenhouses along the western property boundary. The main differences between the design of the approved greenhouses and the proposed redesigned greenhouses are detailed below:

	<b><u>Approved</u></b>	<b><u>Proposed</u></b>
<b>No. of structures</b>	6 greenhouses (2 x groups of 3)	7 greenhouses
<b>Height of structure</b>	6.625m	5.7m
<b>Width of structure</b>	32.8m (for each group of 3)	10.5m (for each greenhouse)
<b>Length of structure</b>	69.6m	66.2m

Council is advised that although the revised site plan shows the greenhouses as being 10.0 metres in width, the applicant has advised that these should be 10.5 metres. This width will be reflected on the building licence plans.

As part of the application to Council, the proponent has provided the following justification for the proposed change:

*“The proposed change to part of the existing site plan has arisen from the recent return of the farm’s manager and owners from a study tour of Florida in the USA. Florida has a similar climate to Perth, and has some of the world leading seedling growers. The study tour highlighted that complicated, expensive, large green houses are not needed to produce excellent plant stock.*

*The proposed amendment is for the zone previously indicated as 'Multispan' structures. The benefits for the change to smaller lighter structures are not only monetary, but the designs allow for less materials and is more efficient in energy and water usage. This results in a more sustainable structure and seedling propagation process.*

*The structures are of less bulk, lower in height and smaller in width than the 'Multispan' structures. There are more structures however, they are considered less obtrusive than the larger 'Multispan' modules. The difference is depicted in the revised elevations. The change to the smaller structures allow for less movement to access any stock by side collection of seedling racks instead of the linear movement method of the 'Multispan' structure.*

*We trust the Council will support the amended design and approve the application to allow the commencement of the farm. The program at this time is to have the first stage fast tracked for operation to begin in March next year. This will allow for the further development of the farm during the later months of 2011”.*

The proposal before Council is simply for the proposed redesign of the greenhouses along the western boundary and does not relate to the rest of the seedling farm operation. The seedling farm use has previously been considered and approved by Council.

### **Statutory Environment**

#### **TPS 2**

In respect to amending existing planning approvals, clause 6.7 within TPS.2 states:

#### **6.7 AMENDING AND REVOKING A PLANNING APPROVAL**

*The Council may on application in writing from the owner of the land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development subject of the planning approval.*

As the request to amend the approval has been received prior to the commencement of the development, Council has the authority to amend the current planning approval.

### **Options Available to Council**

There are options that are available to Council in dealing with this reconsideration. The options, together with the associated officer comments, are detailed below:

	<b>Options</b>	<b>Officer Comment</b>
a)	Support the proposed amendment	<ul style="list-style-type: none"> <li>▪ The redesign results in a greenhouse that is more environmentally sustainable.</li> <li>▪ Impacts on adjoining properties will be reduced.</li> <li>▪ This option is supported.</li> </ul>
b)	Not support the proposed amendment	<ul style="list-style-type: none"> <li>▪ Risk of appeal.</li> <li>▪ This option is not supported.</li> </ul>

The officer recommendation with respect to this application is consistent with option (a) above.

### **Conclusion**

The proposed redesign of the greenhouses along the western property boundary represents a better outcome for the operator and adjoining properties. The redesign results in a development which is more energy and water efficient that reflects that latest technology within the industry. The reduced bulk of the structure will also minimise the impacts on neighbouring properties.

**Voting Requirements:** Simple Majority

**SD069/01/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

Moved Cr Hoyer, seconded Cr Harris  
That Council:

- A. In accordance with clause 6.7 of Town Planning Scheme No.2, resolves to amend the current approval for the proposed Rural Use (Seedling Farm) and conversion of the existing single dwelling onto a Caretaker's Dwelling on Lot 11 (553) Gossage Road, Oldbury, as per the Minute of Consent Orders dated 14 May 2010, by substituting:
- i) The approved site plan (drawing no. DA.01 dated 12 March 2010) with the revised site plan (drawing no. DA.01 dated 20 September 2010);
  - ii) The floor plan (drawing no. DA.07 dated 31 July 2009) and elevation plan (drawing no. DA.08 dated 31 July 2009) with the floor and elevation plan (drawing no. DA.10 dated 20 September 2010); and
  - iii) Existing condition 1 with the following condition:
- Development shall be in accordance with the approved plans dated 20 September 2010 except as otherwise required by a condition of this approval.*
- B. Note that all other conditions of approval, (excluding condition 1), as per the Minute of Consent Orders dated 14 May 2010 shall remain in effect.

**CARRIED 9/0**

SD070/01/11 PROPOSED AMENDED SUBDIVISION GUIDE PLAN FOR LOT 224 ORTON ROAD, OAKFORD (P04619)		
Proponent:	Allerding & Associates	In Brief  Request for Council to support an amended Subdivision Guide Plan for Lot 224 Orton Road, Oakford. The purpose of the amendment is to provide for the future subdivision of the site into 1.0 hectare lots. It is recommended that the proposed amended Subdivision Guide Plan be supported.
Owner:	Robert Da Prato	
Author:	Michael Daymond – Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	30 November 2010	
Previously	SD015/08/10 SD148/06/10 SD117/03/06 SD011/07/05	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt: 28 July 2009  
 Advertised: Yes  
 Submissions: Yes  
 Lot Area: 39.92 ha  
 L.A Zoning: Rural Living A  
 MRS Zoning: Rural  
 Rural Strategy Policy Area: Rural Living A  
 Rural Strategy Overlay: Roadsides Conservation Overlay

## **Background**

### **Ordinary Council Meetings – June & August 2010**

At the Ordinary Council meetings held 28 June 2010 and 23 August 2010, resolutions were passed to defer consideration of this matter to allow the applicant and Shire staff to further liaise with Council regarding the issues of drainage impacts, lot sizes, and water provision. The applicant requested that the item be deferred to allow a briefing to be given to Council prior to a formal decision being made on the matter.

On 6 July, discussion was held at Policy Forum relating to the above issues within the 'Rural Living A' zone. Specifically, the issue of lot sizes was discussed in detail with regard to a similar proposal for the adjoining lot to the north, being Lot 1254 Abernethy Road. The applicant has taken on board the Shire's concerns regarding the creation of 4000m<sup>2</sup> lots within this area and has subsequently modified the Subdivision Guide Plan (SGP) to reflect a minimum lot size of 1.0 hectare.

The proposal is now presented to Council for consideration.

### **Ordinary Council Meeting – March 2006**

At the Ordinary Council Meeting held on 27 March 2006, Council resolved to adopt Amendment 149 to Town Planning Scheme No.2 (TPS 2) to rezone Lot 224 Orton Road, Oakford from 'Rural' to 'Rural Living A'. This amendment was subsequently granted final approval by the Minister for Planning on 26 July 2007.

### **Scheme Provisions**

Upon gazettal of the amendment, a number of special provisions were inserted into Appendix 4A of TPS 2. The provisions relate to the development and use of the land.

### **Subdivision Guide Plan**

The SGP endorsed by Council on 27 March 2006 was progressed in parallel with Amendment 149. It is this SGP that is proposed to be modified.

***A location plan and an aerial photograph of the site is with attachments marked [SD070.1/01/11](#).***

***A copy of the current adopted SGP (2007) is with attachments marked [SD070.2/01/11](#).***

***A copy of the proposed amended SGP (2009) previously considered by Council in June and August 2010 is with attachments marked [SD070.3/01/11](#).***

***A copy of the recently amended SGP (2010) for Council consideration is with attachments marked [SD070.4/01/11](#).***

***A copy of the Special Provisions for Lot 224 Orton Road are with attachments marked [SD070.5/01/11](#).***

### **Sustainability Statement**

***Effect on Environment:*** The proposed change to the layout of the SGP decreases the lot yield and therefore impacts on existing vegetation may be minimized. The requirement for the preparation of a Landscape /Revegetation Plan is still included within the Special

Provisions in TPS 2 for this lot. Suitable revegetation will need to be undertaken to the satisfaction of the Shire.

**Resource Implications:** It is considered that there may be increased resource implications as a result of the modified SGP through the construction of additional roads to service the proposed 1.0 hectare lots. The current proposal is to service the 1.0 hectare lots with an alternative water supply.

**Economic Viability:** Existing Special Provisions within TPS 2 will ensure that any future subdivision will preserve and enhance biodiversity (through revegetation and vegetation management) and reduce land and waterway pollution (through better drainage management, the use of ATU's for effluent disposal and the implementation of land use controls).

**Statutory Environment:**

TPS 2  
Rural Strategy 1994  
WAPC Policy DC 3.4 Subdivision of Rural Land

**Policy/Work Procedure Implications:**

Local Planning Policy (LPP) No.22 – Water Sensitive Urban Design  
LPP No.4 – Revegetation

**Financial Implications:**

There are no financial implications related to this application.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
<b>NATURAL ENVIRONMENT</b>				
	<b>Landscape</b>	1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		3		Maximise the preservation of existing trees and vegetation.
		4		Incorporate environmental protection in land use planning.
		6	Restore	Establish increased levels of natural vegetation in urban and rural environments.
	<b>Integrated Water Cycle Management</b>	16	Quantity	Promote and implement water conservation and reuse.
		18		Identify and implement opportunities for detention and storage of stormwater.
		20	Quality	Improve and maintain surface and ground water quality.
		23	Planning and Design	Enforce the adoption of "better urban water management".
<b>BUILT ENVIRONMENT</b>				
	<b>Land Use Planning</b>	9	Rural Land	Ensure the built form complements and enhances the rural environment.
	<b>Infrastructure</b>	35	Roads and bridges	Protect, enhance and develop shady vegetated road verges to reflect the rural character of the locality and provide wildlife habitats and linkages.
		38		Ensure that bridge and road network

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				planning and development considers community safety and emergency management.
		39	Water Management	Minimise the use of piped and artificial drainage and its impact on the landscape.
		43		Ensure infrastructure planning and design protects the community from flooding.
		44	Utilities	Press for minimal environmental and social impact and maximum preservation and enhancement of visual amenity, in the installation of utilities.
		47	Trails and linkages	Plan and develop well connected, distinctive, multiple use pathways that contribute to the individuality and sense of place of each neighbourhood.
<b>PEOPLE AND COMMUNITY</b>				
	<b>Places</b>	36		Plan and develop safe communities and places.
<b>OUR COUNCIL AT WORK</b>				
	<b>Leadership</b>	1	Leadership throughout the organisation	Elected members and staff have ownership and are accountable for decisions that are made.

### State Government Comments

Comments were sought from relevant service authorities on the previously proposed modified SGP. Subsequent comment for the recently revised SGP has not been sought. The main issues raised in these submissions are summarised below:

#### Water Corporation

The Water Corporation indicated that they object to the proposal and provide the following comments:

#### Drainage

- *The subject area falls within the Birrega Main Drain Catchment in the Mundijong Drainage District.*
- *A Drainage and Water Management Plan (DWMP) has not been prepared for the Mundijong Drainage District west of Hopkinson Road by the Department of Water. Until a DWMP is undertaken the Water Corporation would be opposed to any further subdivision of the 2 ha lots into 4,000m<sup>2</sup> lots.*

*In the event that the subdivision guide plan is approved, notwithstanding the Corporation's objection, then regard should be had for the following:*

- *The Birrega Sub D Drain traverses the subject area along the northern and western sides. A 20m reserve should be provided to protect this drain.*
- *The Mundijong Drainage District is a rural drainage system. Rural drains are not designed to give flood protection at all times and some inundation of land can be expected. The Water Corporation maintains its existing drains to ensure they are capable of clearing water from adjacent rural properties within three days of a storm event - where contours and internal drainage make this physically possible.*

- *Developments within this catchment are required to contain the flows from a one in one hundred year storm event on site and discharge to the Water Corporation drains must be compensated to pre-development levels. The developer of this land should be advised to liaise with the Water Corporation at the preliminary planning stage to determine detailed planning requirements as this area could be prone to future flooding.*

#### Water & Wastewater

- *The subject area falls outside a planned Water Supply Scheme and therefore a reticulated potable water supply is not immediately available. If a reticulated water connection is required the development will need to undertake the planning and construction of the necessary head works infrastructure.*
- *The subject area falls outside a planned wastewater scheme catchment.*

#### General Comments

- *The principle followed by the Water Corporation for the funding of subdivision or development is one of user pays. The developer is expected to provide all water and sewerage reticulation if required. A contribution for Water, Sewerage and Drainage head works may also be required.*
- *In addition the developer may be required to fund new works or the upgrading of existing works and protection of those works. Any temporary works needed are required to be fully funded by the developer.*
- *The Corporation may also require land being ceded free of cost for works.*

#### Officer Comment

- DC Policy 3.4 states that the WAPC can consider an alternative supply of water for lots between 1ha to 4 ha where it is not practical and reasonable for the land to be connected to a reticulated water supply. Therefore, there is no mandatory requirement to connect to reticulated water in order to create 1 ha lots.
- With respect to drainage and water management, there is an existing clause in the Special Provisions of TPS 2 for this lot requiring that a Drainage Management Plan be provided prior to the commencement of on-the-ground works to the satisfaction of Council and the Water Corporation.
- All relevant drainage issues can be addressed through appropriate conditions of subdivision approval.

The comments provided by the Water Corporation will not impact on Council's ability to support the modified SGP.

#### Department of Water (DoW)

No objection but provides the following comments:

- *An Urban Water Management Plan to be prepared and approved prior to the commencement of ground disturbing activities.*
- *Any groundwater abstraction for purposes other than domestic and/or stock watering is subject to licensing by the Department of Water.*
- *As the subject site is located within the Peel-Harvey catchment, the provisions of the Environmental Protection (Peel Inlet-Harvey Estuary) Policy 1992 and SPP2.1 shall apply.*
- *The use of conventional effluent disposal systems will only be supported where it can be demonstrated that there is at least a 2 metre vertical separation between the base of the leach drain and the highest known ground water level and a 100m horizontal separation between the disposal system and the nearest water body.*

Fire & Emergency Services Authority (FESA)

No objection but provides the following comments:

- *Local Government is the Hazard Management Agency regarding fire protection matters in this instance and would be expected to apply a condition requiring compliance with WAPC Policy DC 3.7 and the associated Planning for Bushfire Protection document.*

Western Power

No objection but provides the following comments:

- *We request that the developers contact us to discuss any planned works within our easement corridor including any proposed ground level changes or works near structures.*
- *Western Power also require information as to the plans for the drain realignment where it crosses our easement.*

Officer Comment

The comments provided by the DoW and FESA will be addressed at the subdivision application stage and are not applicable to the proposed amended SGP. Any application for subdivision will be referred by the WAPC to relevant service authorities for comment at which stage relevant conditions can be imposed on any approval. The applicant has been advised of the comments from Western Power.

Community Consultation

The modified SGP from 2009 was referred to fourteen (14) surrounding properties for comment, being the same properties that the original Amendment 149 was referred to.

As a result of the advertising one (1) letter of objection, one (1) letter of no objection and one (1) letter of general comment were received.

<b>Affected Property</b>	<b>Summary of Submission</b>	<b>Officer's Comment</b>	<b>Action</b>
#398397	<p>Objects for the following reasons:</p> <p>There is no justification for increasing lot yields other than profit making.</p> <p>The original proposal fitted in with the surrounding rural 2ha lots, leaving a suitable buffer between rural activities.</p> <p>Problems with increased vehicular traffic as a result of the increase in lot numbers.</p>	<p>The recently modified SGP now reduces the overall lot yield from 36 to 28. The proposed lot sizes comply with the Rural Living A zoning of the property.</p> <p>Refer above comment.</p> <p>Given the existing traffic volumes along Kargotich and Orton Roads, it is considered that the increase in traffic as</p>	<p>Comments noted but no change required.</p>

Affected Property	Summary of Submission	Officer's Comment	Action
	<p>An increase in lots places more pressure on our dwindling water supply.</p> <p>All lots are to be on a 1.2m high sand pad, adding stress to the already decreasing amount of sand available in Perth.</p> <p>Drainage issues in the area have not been adequately addressed.</p> <p>The existing water bodies that have existed in the local area are being reduced significantly. This is due, in part, to the increasing use of bore water and lowering of the water table.</p> <p>I do not trust that the developers have the best interest of the area in mind. For example, the poor condition of Northerly Lane had to be repaired by Council.</p> <p>How can the Council expect to manage these extra lots when the Shire is developing out of their control?</p> <p>Have the developers committed to ensuring the homes have hot water systems, integrated insulation and window tinting packages, consideration to self supply electricity, the planting of</p>	<p>a result of the modified SGP will not adversely impact on the surrounding environment.</p> <p>The applicant proposes to utilise an alternative water supply to service the lots.</p> <p>This is not a valid consideration for the current application.</p> <p>There is an existing clause in the Special Provisions of TPS 2 for this lot requiring that a Drainage Management Plan be provided prior to the commencement of on-the-ground works to the satisfaction of Council and the Water Corporation. This will address any existing drainage issues.</p> <p>Groundwater extraction is controlled by the Department of Water and not the Shire.</p> <p>The condition of Northerly Lane has no relevance to this current proposal and was on an adjoining subdivision.</p> <p>It is not the Shire's responsibility to manage the individual lots. The lots will be created by the subdivider with the management responsibility passing onto the owner at time of sale.</p> <p>The developers have not committed to any of these things yet. The current proposal at this stage is just to amend the existing SGP. Landowners building homes</p>	



Affected Property	Summary of Submission	Officer's Comment	Action
	<p>more trees to offset the estimated 50% natural loss or to compensate for the extra lots that will be developed?</p>	<p>must comply with the energy efficiency rules under the Building Code of Australia.</p>	
#398394	<p>Provides the following general comments:</p> <p>As our lot backs onto the low lying wetland sump, it is our request that suitable drainage be implemented along the eastern boundary of Lot 224 to ensure no increase in runoff into our property.</p> <p>We ask that due consideration be given to our requirements during any environmental or flood plain management work conducted during the life of the development and that we be notified of the planning and execution of these activities.</p> <p>The wire fence along the eastern boundary of Lot 224 requires replacement. As the bridle trail extends along the eastern boundary we would request that the fence be replaced to ensure adequate animal containment.</p> <p>We request access to this bridle trail network at a point 60m from the southern boundary of our Lot.</p>	<p>There is an existing clause in the Special Provisions of TPS 2 for this lot requiring that a Drainage Management Plan be provided prior to the commencement of on-the-ground works to the satisfaction of Council and the Water Corporation. This will address any existing drainage issues.</p> <p>The notification of these works is a responsibility of the developer.</p> <p>This is a dividing fence issue and is not an issue that the Shire can get involved with.</p> <p>There is no intention to provide access from the submitter's lot into the future bridle trail.</p>	<p>Comments noted but no change required.</p>
#202418	<p>No objection to the proposal.</p>	<p>Noted.</p>	<p>Noted.</p>

The revised 2010 SGP has not been referred for public comment given the following:

- The proposed lot yield of 56 under the 2009 plan has been reduced to 28 under the 2010 plan; and
- The proposed 1.0 hectare lots along the eastern boundary of the site match the current adopted SGP.



**Comment**

**Proposal**

The proposed SGP is an amendment to the existing SGP for the site which was prepared at the time when the zoning of the land was changed from 'Rural' to 'Rural Living A'.

Although the current zoning of the land allows subdivision to a minimum lot size of 4,000m<sup>2</sup> at the time when scheme water is available, the applicant has since revised the SGP to reflect a minimum lot size of 1.0 hectare.

It is envisaged that the development would not be staged as all the proposed 1.0 hectare lots would be constructed at the same time.

A summary of the differences between the existing adopted SGP and the recently submitted amended SGP are detailed in the below table:

<b>Issue</b>	<b>Current Adopted SGP 2007</b>	<b>Proposed revised SGP 2010</b>	<b>Improved outcome through revised 2010 SGP?</b>	<b>Other Comments</b>	<b>Objective</b>
No. of lots	<p><u>Stage 1</u> 18 x 2ha lots</p> <p><u>Stage 2</u> Each 2ha lot subdivided in half</p> <p><u>Total Yield</u> <b>36 x 1ha lots</b></p>	<p><u>Stage 1</u> 28 x &gt;1ha lots</p> <p><u>Stage 2</u> NA</p> <p><u>Total Yield</u> <b>28 x 1ha lots</b></p>	Neutral	The proposed 1ha lot sizes under the modified SGP comply with the current Rural Living A zoning under TPS 2.	<p>To ensure that the lot sizes proposed can achieve landscape protection, landscape capability and fire management objectives.</p> <p>ACHIEVED</p>
Impacts on Vegetation	The proposed building envelope locations would result in the removal of some existing vegetation.	The creation of the 1ha lots and the future roads would result in the removal of some existing vegetation.	Neutral	The proposed 1ha lots sizes under the modified SGP comply with the current Rural Living A zoning under TPS 2.	<p>To minimise impacts on the existing environment.</p> <p>NOT ACHIEVED (however was not achieved under the current SGP)</p>
Re-vegetation	Revegetation requirements are specified under special provision 12 of the scheme for	Revegetation requirements are specified under special provision 6 of the scheme	Neutral		To ensure adequate and suitable revegetation is undertaken on the property.



Issue	Current Adopted SGP 2007	Proposed revised SGP 2010	Improved outcome through revised 2010 SGP?	Other Comments	Objective
	<p>this lot.</p> <p>Areas of revegetation are proposed along Orton &amp; Kargotich Road, the new internal round and along the power line easement.</p>	<p>for this lot.</p> <p>Areas of revegetation are proposed along Orton &amp; Kargotich Road, the new internal round and along the power line easement.</p>			<p>ACHIEVED</p>
<p>Traffic Movements</p>	<p>From the total lot yield of 36 lots, it is anticipated that there will be approximately 360 vehicle movements per day from the subdivision.</p>	<p>The decrease in the total number of lots to 28 is likely to decrease the number of vehicle movements from the subdivision to approximately 280 when fully developed.</p>	<p>Yes</p>	<p>The development will result in fewer lots created compared to the current SGP, resulting in fewer traffic movements.</p> <p>All vehicles will enter/exit the development via Kargotich and Orton roads which already carry high traffic volumes.</p>	<p>To minimise the impacts that vehicle movements will have on adjoining properties.</p> <p>ACHIEVED</p>
<p>Access</p>	<p>The only road access is via a new 20m wide road reserve off Orton Road.</p> <p>2 shared crossovers are also proposed off Kargotich Road.</p>	<p>Access is via a new 20m wide road reserve off Orton Road and Kargotich Road. 2 multiple use trails (MUT) are also proposed to connect to Kargotich Road.</p> <p>The 2 shared</p>	<p>Yes</p>	<p>The proposed SGP provides a better access network for emergency management.</p>	<p>To provide the most appropriate form of access into the development.</p> <p>ACHIEVED</p>



Issue	Current Adopted SGP 2007	Proposed revised SGP 2010	Improved outcome through revised 2010 SGP?	Other Comments	Objective
		crossovers off Kargotich Road have been removed.			
Water Supply	The creation of lots below 2.0 hectares without scheme water was not previously permitted. This is the reason why the current SGP indicates the initial creation of 2ha lots to be subdivided into 1ha lots upon connection to scheme water.	The WAPC's DC Policy 3.4 has been amended and it now provides for connection to an alternative water supply if the provision of a reticulated supply is not practical or reasonable.	Yes		To ensure each lot has an adequate water supply.  ACHIEVED.
Fire Management	Strategic fire access is located along the eastern boundary and extending from north from the cul-de-sac head.	Strategic fire access is still located along the eastern boundary and extending from north from the cul-de-sac head as per the 2007 plan.  Additional access is provided via the 4 future east-west roads and the 2 PAW's onto Kargotich Road.	Yes	The requirement for the preparation of a Fire Management Plan (FMP) is still included under the scheme within Special Provision 8 for this lot. Specific detail to be included within the FMP will be determined at subdivision stage.  An additional portion of MUT is recommended to be included on the revised SGP along the	To ensure adequate fire protection measures are implemented through the development.  ACHIEVED

Issue	Current Adopted SGP 2007	Proposed revised SGP 2010	Improved outcome through revised 2010 SGP?	Other Comments	Objective
				north side of proposed Lot 28, linking into the future MUT to the north.	
Impacts on adjoining land owners	<p>Impacts predominantly relate to vehicle movements along Kargotich Road and Orton Road.</p> <p>12 x 1ha lots are proposed along the eastern side of the lot, immediately abutting the existing 2ha lots to the east (Northerly Lane).</p>	<p>When the land is fully developed, vehicle movements in and out of the development will decrease.</p> <p>The 1ha lots along the eastern side of the lot have been retained.</p>	Yes	Vehicle movements will decrease however the same number of lots will be created along the eastern boundary.	<p>To minimise the impacts that the development will have on adjoining properties.</p> <p>ACHIEVED</p>

### **Statutory Context**

#### **TPS 2**

TPS 2 contains provisions that allow for adopted SGP's to be modified. With respect to SGP's within the 'Rural Living A' zones, clause 5.12.8 states:

*5.12.8 There shall be a plan of subdivision entitled Subdivision Guide plan for each specified parcel of land included in the Rural Living A and Rural living B zones endorsed by the Shire Clerk and approved by the State Planning Commission.*

The plan of subdivision referred to in the above clause refers to the SGP adopted as part of the scheme amendment. With respect to the potential for modifying adopted SGP's, clause 5.12.9(a) states:

*5.12.9(a) Subdivision shall be in accordance with the appropriate Subdivision Guide Plan endorsed by the Shire clerk but minor amendments to the plan of subdivision may be permitted subject to the approval of the Commission and Council, however, lot sizes will not generally be permitted to be reduced.*

The lot sizes under the approved modified SGP have been retained and are in keeping with the requirements of the 'Rural Living A' zone as per the following clause of TPS 2:

- 5.12.2 *The Rural Living A zone is intended to cater for rural residential development on a range of lot sizes between 4,000 square metres to one hectare in accordance with the objectives and guidelines of the Rural Strategy.*

The proposed lot sizes under the recently modified SGP are all above 1.0 hectare in size which technically does not comply with the above provision. However, Council has previously indicated their concerns with having 4000m<sup>2</sup> lots in this area so the applicant has modified the plan accordingly.

### Rural Strategy

The subject lot is identified within the 'Rural Living A' policy area under the Rural Strategy. As such the land was rezoned from Rural to Rural Living A, in accordance with the Rural Strategy, in 2007. With respect to lot sizes, the 'Rural Living A' policy area allows for the creation of lots between 4,000m<sup>2</sup> and 1 hectare.

The proposed lot sizes under the recently modified SGP are all above 1.0 hectare in size which technically does not comply with the above requirement. However, as previously mentioned the applicant has modified the plan to increase the minimum lot size to 1.0 hectare to address Council's concerns.

### Water Supply

#### DC Policy 3.4

The WAPC's DC Policy 3.4 was updated in February 2008, after the final approval of Amendment 157. With respect to the provision of water, DC Policy 3.4 states the following:

*"When approving lots for rural residential development (1-4ha) the WAPC will generally require connection to a reticulated water supply where it is practical and reasonable to do so. Where it is not practical and reasonable for lots to connect to a reticulated water supply the WAPC may consider an alternative water supply. In determining whether provision of a reticulated water supply is reasonable, the WAPC may consider the cost differential between a reticulated and alternative water supply and the reliability of an alternative water supply.*

*The reliability of alternative water supplies in different localities needs to be confirmed by available models".*

The recently amended SGP proposes to create 1.0 hectare lots without a reticulated water supply. Rather they will rely on an alternative supply through the provision of rain water tanks.

As part of the supplementary information submitted to the Shire, the proponent has indicated that the cost of providing a reticulated water main from Byford to the subject site is approximately \$4.5 million. It would appear that within at least the short-medium term and for the purpose of subdivision of the site, that a reticulated scheme water supply will not be physically or economically available.

In light of this, the proponent has provided case examples to demonstrate how rainwater alone can suitably provide for the proposed 1.0 hectare lots. The case examples take into account the following:

- Site characteristics;
- Average daily household water consumption;
- Rainfall data;

- Roof catchment supply; and
- Fire fighting requirements.

For new developments that do not have a reticulated water supply, the Shire requires water tanks to be installed with a minimum capacity of 120,000 litres. The data supplied by the proponent indicates that if each lot is provided with two tanks of 80,000 litres (total 160,000 litres) then adequate rainwater can be captured by each lot to be self sufficient.

### **Potential Risks**

As DC Policy 3.4 states that “the WAPC may consider an alternative water supply”, there is no guarantee that the proposed development of 1.0 hectare lots without a reticulated water supply will be supported by the WAPC upon the lodgement of a formal subdivision application.

Therefore, there are potential risks in approving the amended SGP for the following reasons:

- If the amended SGP is endorsed by the Shire on the basis that the 1.0 hectare lots can be created without connection to a reticulated water supply, the WAPC could refuse the subdivision application as the alternative supply is not suitable.
- Once the SGP is amended, and if a subdivision application is refused, the Shire could not support subdivision in accordance with the previous SGP as this plan would have been superseded.
- As the amended SGP is not required to be formally adopted by the WAPC, the WAPC's formal position will not be known until the subdivision stage.

Preliminary discussions with the DoP have indicated that they have no objections in principle to the proposed modifications to the SGP, resulting in the creation of 1.0 hectare lots without a reticulated water supply. However, this cannot be guaranteed until a subdivision application (in the long term) is determined by the WAPC. The DoP advised, however, subject to formal adoption by the Shire, they have requested that the SGP be forwarded to the WAPC for consideration.

### **Proposed Overlay Boundary**

As previously mentioned, the applicant has taken the advice of Council with respect to the concerns that exist over the creation of 4000m<sup>2</sup> lots in this area. As such, the proposed SGP has since been modified to remove the proposed subdivision overlays to reflect a minimum lot size of 1.0 hectare.

This is in keeping with the SGP that was recently modified for the adjoining land to the north, being Lot 1254 Abernethy Road, Oakford.

### **Required Amendments to Modified SGP**

It is considered that there are few minor modifications required to the recently amended SGP. These are as follows:

- The 6.0 metre wide MUT, which also serves as an emergency services access, should be extended along the northern boundary of proposed Lot 28, to connect the existing MUT to the east to the future MUT to the north on the adjoining Lot 1254 Abernethy Road.
- The removal of the landscaping area that is shown over the top of the MUT which links the top of the cul-de-sac head with the northern property boundary.
- Building envelopes to increase in size from 300m<sup>2</sup> to 1000m<sup>2</sup> and noted as such in the legend.

### **Options Available to Council**

There are 2 main options available to Council in dealing with this proposal.

*Option 1: Support the proposed modified SGP*

This is the option recommended to Council.

*Option 3: Not support the proposed modified SGP*

This option is not recommended as the proposed modified SGP represents a much better planning outcome for the Shire and the locality,

### **Conclusion**

It is considered that the proposed amended SGP for Lot 224 Orton Road represents a better outcome for the estate. The final total lot yield will be reduced by 8 lots with the size of the lots reflecting Council desire for this area. In addition the road network will be modified to provide alternative road access into the development resulting in better emergency access.

All relevant revegetation, fire management, drainage and land use controls will still be imposed for the new SGP as detailed within the Special Provision for this lot within TPS 2. As the proposed modified SGP generally represents a much better planning outcome for the Shire and the locality, it is recommended that the proposed modified SGP be adopted by Council subject to modification.

**Voting Requirements:** Simple Majority

### **SD070/01/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Randall, seconded Cr Brown**

**A. The proposed amended Subdivision Guide Plan for Lot 224 Orton Road, Oakford (dated 14 September 2010) being modified to:**

- 1. Extend the 6.0 metre wide Multiple Use Trail along the northern boundary of proposed Lot 28, to connect the existing Multiple Use Trail to the east to the future Multiple Use Trail to the north on the adjoining Lot 1254 Abernethy Road.**
- 2. Remove the landscaping area that is shown over the top of the Multiple Use Trail which links the top of the cul-de-sac head with the northern property boundary.**
- 3. Increase the size of the building envelopes from 300m<sup>2</sup> to 1000m<sup>2</sup>.**

**B. Subject to part A. above being undertaken to the satisfaction of the Director Development Services:**

- 1. Council endorse the amended Subdivision Guide Plan for Lot 224 Orton Road, Oakford (dated 14 September 2010) in accordance with Clause 5.12.9(a) of Council's Town Planning Scheme No 2.**
- 2. The Western Australian Planning Commission be advised of Council's decision and be requested to adopt the amended Subdivision Guide Plan for Lot 224 Orton Road, Oakford.**

**C. The submitters (including Government Agencies) be advised of Council's decision.**

**CARRIED 9/0**

SD071/01/11 DRAFT COUNCIL POLICY EP002 – CLIMATE CHANGE (A1048)		
Proponent:	Serpentine Jarrahdale Shire	In Brief  Council is requested to consider a Climate Change Council Policy based on a WALGA policy statement template. Following a standard public comment period for policies, any submissions received will be used to draft a final version of the policy to be presented for Council's consideration.
Owner:	Not Applicable	
Author:	Chris Portlock - Manager Environment and Sustainability Services	
Senior Officer:	Deon van der Linde – Acting Director Strategic Community Planning	
Date of Report	4 January 2011	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

### **Background**

A draft Climate Change Council Policy has been drafted for Council's consideration. WALGA has developed a climate change policy statement template and the Peel Group of Councils have work shopped and developed a policy statement which focuses on biodiversity and emergency management. The approach being taken is to use these policy statements or draft policies to develop a local government Serpentine Jarrahdale Shire strategy, council policy, local planning policy.

Using State developed templates has worked well with the Water Sensitive Urban Design Local Planning Policy and the Biodiversity Planning Local Planning Policy. Financial commitment from State Government Agencies for consultants to drive the process are generally being sought. Local government commits to working with Regional, State and Federal organisations and the international community to develop policies.

The objective of the draft Council Climate Change Policy is to ensure adequate resources to fulfil climate change commitments are afforded to local government and to ensure that local government understands and addresses climate change impacts in a local, regional and international context and evaluates the climate change implications of decisions and policy positions focusing on research, mitigation and adaptation strategies.

In order to 'meet the needs of current and future generations' Local government must address climate change impacts individually, on a personal basis as well as on its community. Mitigation and Adaptive Strategies are intimately dependant on each other: the more we mitigate now, the less we will have to adapt in the future. Neither concept is static and neither concept can be properly addressed without acknowledgement of its interrelationship with the other.

Mitigation Strategies reduce impacts ie emission reduction strategies may involve improved energy efficiency, sequestration/offsets programs and educational or behavioural change programs. Adaptation Strategies identify inevitable changes that climate change will instigate regardless of the success of any current or future mitigation. Research Strategies ensure that accurate data and risk assessments of the impacts of climate change inform plans and decisions.

Delayed action on climate change mitigation, adaptation and research strategies will increase costs to Local government in a range of areas, in particular planning and infrastructure management and risk management. Immediate start on meeting reduction targets requiring cross-sectoral action by individuals, government, business and broader community at all levels.

Delayed action has significant economic and social impacts which will be more costly than early action. Costs and social impacts are likely to be proportionately high compared to no action. Integrated action by all stakeholders is crucial.

Funding Mechanisms must be made available to Local Governments to fund these costs and activities. Immediacy and importance of climate change management must ensure that high priority climate change risks are directly resourced or externally funded so that mitigation, adaptation and research and climate change adaptive management can occur.

***A copy of the Draft Council Policy EP002- Climate Change is with attachments marked [SD071.1/01/11](#).***

### **Sustainability Statement**

***Effect on Environment:*** The policy is many faceted including strategies to enhance the environment and minimise environmental damage through best practice in its field?

Biodiversity:

- protection and enhancement of indigenous flora and fauna

Energy Use/Greenhouse Gas Emissions:

- minimise car/transport use,
- implement and support renewable energy technologies,
- encourage and provide opportunity for energy efficiency

Water Quality: stormwater management, waterways management

- water management in construction
- water sensitive urban design in stormwater management
- maximum infiltration of water on site

Air Quality: The proposal results or is likely to result in the reduction of emissions to the environment.

***Resource Implications:*** The policy includes strategies to minimise resource use.

Energy Use: renewable energy technologies, passive solar design eg facing the building north.

Water Use: water sensitive urban design eg stormwater tanks, swales, increased infiltration, reduced areas of lawn

Waste: Minimise waste in the process.

### ***Use of Local, Renewable or Recycled Resources:***

Reduced transport costs and pollution, maximising renewable materials over non renewable and use of recycled materials are in the policy.

**Economic Viability:** The policy proposes some strategies which are economically viable in a way that incorporates external costs.

The policy includes strategies which will reduce future costs for council.

**Social – Quality of Life:** The policy can improve the quality of life for the community in terms of safety preparedness from fire and emergency.

Planning/Subdivisions: unrestricted solar access, POS, retention of existing vegetation.

Assets: Water sensitive urban design inclusion supported by the policy.

**Social and Environmental Responsibility:** The policy is designed to be socially and environmentally responsible through building up the community and enabling participation in the policy's adoption.

**Statutory Environment:**

Detail any statutory procedures that must be followed ie:

- a) Advertising required in accordance with scheme or policy.
- b) Approval requires a special or absolute majority of the council to vote in support of the recommendation.
- c) Referral to another government agency for comment (ie WRC, MRWA, WAPC);

**Policy/Work Procedure Implications:**

There are no work procedures directly related to this issue other than the policy implementation implications once the policy is adopted.

**Financial Implications:**

There are no immediate financial implications to Council related to this policy other than advertising costs, however future decisions related to wise investment to save in the long run will need to be considered.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL ENVIRONMENT	Landscape	1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		2		Defend our scarp and forest from inappropriate uses.
		3		Maximise the preservation of existing trees and vegetation.
		4		Incorporate environmental protection in land use planning.
		5	Restore	Establish and enhance waterways and bush corridors.
		6		Establish increased levels of natural vegetation in urban and rural environments.
		7	Manage	Facilitate sustainable agricultural practices.
		9		Control and manage weeds and plant



Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				diseases.
		11		Develop active partnerships with stakeholders.
	<b>Biodiversity</b>	12	Protect	Prevent the further loss of "local natural areas".
		13		Protect specific ecological features and processes including rare species, threatened ecological communities, wetland vegetation and ecological linkages throughout the Shire.
		14	Manage	Protect and manage a portion of each basic type of vegetation and ecosystem typical to the Shire.
		15	Restore	Manage and restore local natural areas and revegetate new areas to increase native fauna habitat.
	<b>Integrated Water Cycle Management</b>			
		16	Quantity	Promote and implement water conservation and reuse.
		17		Encourage the conversion of man-made drainage of the Palusplain back to natural systems.
		18		Identify and implement opportunities for detention and storage of stormwater.
		19		Protect and develop natural and man-made water sources.
		20	Quality	Improve and maintain surface and ground water quality.
		21	Education	Facilitate a range of educational initiatives to improve integrated water cycle management.
		22	Planning and Design	Ensure integrated water cycle management is incorporated in land use planning and engineering design.
		23		Enforce the adoption of "better urban water management".
		24	Natural systems	Understand the behaviour of natural flood systems in land use planning and engineering design to ensure safe communities.
		25		Facilitate and encourage the preservation, management and restoration of natural water systems.
	<b>Climate Change</b>			
		26	Research	Identify where knowledge gaps are and where further investigation is needed.
		27		Ensure climate change research is understandable and accessible to a range of stakeholders.
		28		Ensure that accurate data and risk assessments of the impacts of climate change inform plans and decisions.
		29	Mitigation	Ensure that energy and water conservation is addressed at the local level.
		30		Minimise resource use
		31		Reduce the liberation of carbon into the atmosphere.
		32		Develop community ownership of climate change mitigation strategies.
		33	Adaptation	Develop and implement climate change adaptation strategies.
	<b>Energy</b>			



Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		34	Production	Keep abreast of advances in renewable technology.
		35		Demonstrate, facilitate and promote the use of renewable energy technologies within the Shire.
		36	Regional Reduction	Work in partnership with our communities as responsible members of the global community to facilitate a reduction in regional greenhouse gas emissions.
		37	Community Reduction	Reduce community emissions including all greenhouse gas emissions that result from all commercial and residential activity within the Shire.
		38		Reduce Council emissions including all greenhouse gas associated with council activities, facilities and operations.
	<b>Waste</b>			
		39	Prevent	Raise community awareness of waste management issues and implement measures to avoid the creation of waste.
		40	Recover	Improve local government waste management practices to efficiently recover, retreat and reuse all waste.
		41	Dispose	Responsibly manage waste to minimise the direct and indirect environmental impacts of waste management practices.
	<b>Infrastructure</b>			
		32	Asset management	Continually improve the accuracy of the long term financial Plan for the Future by accommodating asset management plans that are developed.
		33		Ensure all decisions are consistent with the long term financial Plan for the Future.
		34		Ensure asset management plans extend to whole of life costings of assets and reflect the level of service determined by Council.
		39	Water Management	Minimise the use of piped and artificial drainage and its impact on the landscape.
		40		Promote, implement and celebrate best practice integrated water cycle management.
		41		Create low maintenance living streams and ephemeral wetlands.
		42		Where appropriate, create road side swales that add to the visual amenity, habitat, water quality and recreational enjoyment of the urban environment.
		43		Ensure infrastructure planning and design protects the community from flooding.
		48	Vegetation management	Acknowledge the future economic value of natural vegetation and landform.
		49		Ensure local native, low maintenance and water wise trees and plants are incorporated in streetscapes and public spaces.
		50		Incorporate, in selective locations, deciduous "air conditioning", fruit and ornamental trees in streetscapes and public spaces.
		51		Encourage the innovative incorporation of rain, roof, vertical and hanging gardens in activity centres to increase the level of amenity, educational opportunities and



Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				interest.
		52	Partnerships	Develop partnerships with the community, business, government agencies and politicians to facilitate the achievement of the Shire's vision and innovative concepts.
		53		Proactively and positively negotiate mutually beneficial outcomes with the development industry.
		54		Empower residents to advocate for their community of interest and endeavour to create Shire policy and strategy that is respectful of their vision.
		55		Partner with educational institutions to undertake appropriate and related research.
<b>SUSTAINABLE ECONOMIC GROWTH</b>				
	<b>Industry Development</b>			
		2		Attract environmentally and socially responsible industries and support all operators to achieve more sustainable practices.
		3		Encourage value adding opportunities for local industries and resources.
		4	Agriculture	Protect and develop appropriate agricultural and horticultural industries and pursuits within the Shire
		8		Maximise the tourism and recreation potential of our natural environment.
		10	Timber	Strive for sustainable use of timber resources.
		11	Green Industries	Encourage the establishment of innovative industries involved in "reusing and recycling".
		12		Foster the development of industries producing renewable energy related products and services.

**Community Consultation:**

Stakeholders will be informed through normal communication mediums.

**Comment:**

Issues not already discussed in the report include:

Significant time and resources have been invested in Climate Change information gathering and this policy consolidates and assimilates both generally as well as specifically focusing on Fire and Biodiversity issues and strategies. Coming out of this foundation policy are likely to be more specific future climate change related decisions needed to be made which may have significant long term savings associated with them.

**Conclusion and Summary:**

In conclusion this policy is the result of policy statements being produced regionally and statewide and has consistency and continuity with these policies. It is a general policy with some specific focus on issues most important to Serpentine Jarrahdale Shire with relation to Fire and Biodiversity in particular. Input into this policy includes both elected member and staff input so far. Adopting this draft policy is an opportunity to gain further input from the wider community including regional and State government input before adopting a strategy and local planning policy in this exciting new field.

**Voting Requirements:** Simple Majority

**Officer Recommended Resolution:**

That Council adopt draft Council Policy No. EP002 titled 'Climate Change' as provided with attachment marked SD071.1/01/11.

*Cr Geurds left the room at 8.36pm and returned at 8.38pm*

*Director Engineering left the room at 8.42pm and returned at 8.44pm*

*Planning Officer left the room at 9.24pm and returned at 9.26pm*

**SD071/01/11 COUNCIL DECISION/Committee Recommended Resolution:**

**Moved Cr Hoyer, seconded Cr Ellis**

**That Council accept this item SD071/01/11 as a position statement of Council.**

**CARRIED 5/4**

**Cr Harris & Cr Twine voted against the motion**

**Committee Note:** The Officer Recommended Resolution was changed as Council believes this is a position statement and that the policies that will arise from this position can be achieved in specific policy development at a later date.

**Council Note:** The Officer Recommended Resolution was changed as Council believes this is a position statement and that the policies that will arise from this position can be achieved in specific policy development at a later date.

**Cr Harris foreshadowed that she would move the Officer Recommended Resolution if the motion under debate is defeated.**

**Moved Cr Hoyer, seconded Cr Buttfeld**

**That Council acknowledges that it will need to provide clarification as to where position statements sit in the current hierarchy of documents and strategies, as well as to provide details such as whether public advertising is required. A report is to be presented to Council at the earliest opportunity so that these matters can be applied to this recommendation.**

**CARRIED 9/0**

SD072/01/11		PROPOSED AMENDMENT TO LOCAL PLANNING POLICY NO. 1 - BANK GUARANTEES (A0891)
Proponent:	Serpentine Jarrahdale Shire	In Brief  Council to endorse an amended draft Local Planning Policy No.1 - Bonds and Bank Guarantees to be titled Bank Guarantees Local Planning Policy No.1. In addition to the title administrative protocols have been updated and refined with Corporate Services to reduce any organizational financial risks.
Owner:	Not Applicable	
Author:	Chris Portlock - Manager Environment and Sustainability Services and Bonnie Robertson - Developer Contribution Officer	
Senior Officer:	Deon van der Linde - Acting Director Strategic Community Planning	
Date of Report	4 January 2011	
Previously	Nil	

Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

### **Background**

Bonds are no longer taken by the Serpentine Jarrahdale Shire with Bank Guarantees used exclusively for administrative efficiency reasons. The title of Local Planning Policy No. 1 is therefore misleading including Bonds. There are also now important protocols which have been established to reduce financial risk in dealing with bank guarantees such as accepting and replacing bank guarantees for reduced amounts of money to facilitate staged completions. Developers have in some cases gone bankrupt and fortunately bank guarantees have been able to be used for completion of works. Fortunately there have been few occasions where uncompleted works have not been bonded and have needed to be completed at cost to the Shire. Tightening up with this policy revision and procedures and processes is important particularly in the focus areas of urbanization intensification, subdivision maintenance, landscaping including street trees, civil works and extractive industry.

***A copy of the draft Local Planning Policy No. 1 - Bank Guarantees is with attachments marked [SD072.1/01/11](#).***

### **Sustainability Statement**

***Economic Viability:*** The policy proposes some strategies which are economically viable in a way that incorporates external costs.

The policy includes strategies which will reduce future costs for council.

### **Statutory Environment:**

Detail any statutory procedures that must be followed ie:

- Advertising required in accordance with scheme or policy.
- Approval requires a special or absolute majority of the council to vote in support of the recommendation.
- Referral to another government agency for comment (ie WRC, MRWA, WAPC) was required;

### **Policy/Work Procedure Implications:**

There are work flow/process/procedure mapping implications directly related to this issue other than the policy implementation implications which have been refined as the policy has been developed.

### **Financial Implications:**

There are no immediate financial implications to Council related to this policy other than its usual advertising costs however future decisions related to wise financial management and risk avoidance may ensure financial protection

### **Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
<b>BUILT ENVIRONMENT</b>				
	<b>Land Use Planning</b>			
			Landscape	
		21		Provide a variety of affordable passive and active public open spaces that are well connected with a high level of amenity.
		22		Continue the development of low maintenance multiple use corridors to accommodate water quality and quantity outcomes and a diversity of community uses.
	<b>Infrastructure</b>			
		32	Asset management	Continually improve the accuracy of the long term financial Plan for the Future by accommodating asset management plans that are developed.
		33		Ensure all decisions are consistent with the long term financial Plan for the Future.
		34		Ensure asset management plans extend to whole of life costings of assets and reflect the level of service determined by Council.
	<b>Industry Development</b>			
		1	General	Attract environmentally and socially responsible industries and support all operators to achieve more sustainable practices.
	<b>Process Management, Improvement and Innovation</b>			
		84	Identification and Management of Processes	Undertake a systems and processes review and educate and train staff and elected members accordingly
		94		Achieve outcomes whilst minimizing use of Council resources.
		38	Achieving Sustainability	Ensure that elected members and staff are outcome focused.
		39		Projects and goals are realistic and resourced.
		40		The culture, decision making and work systems need to be readily adaptable to change.
		41		The Shire will exercise responsible financial and asset management cognizant of being a hyper-growth council.
	<b>Knowledge and Information</b>			
		45	Generating, collecting and analyzing the right data to inform decision making	Ensure the full costs are known before decisions are made.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		46		Understand current and future costs of service delivery.

### **Community Consultation:**

Community Consultation Framework - E02/6343 will be used.

### **Comment:**

- Bonds are no longer taken by the Serpentine Jarrahdale Shire with Bank Guarantees used exclusively for administrative efficiency reasons. The title of Local Planning Policy No. 1 is therefore misleading including Bonds.
- There are important protocols which have been established to reduce financial risk in dealing with bank guarantees such as simultaneously acquitting and replacing bank guarantees for reduced amounts to facilitate staged completions.
- Developers have in some cases gone bankrupt and so far fortunately bank guarantees were in place to be used for completion of works.
- With urbanization growth, subdivision maintenance, landscaping and extractive industry responsible financial risk management requires bank guarantee consideration.

Issues not already discussed in the report include:

Clear current policies, planning information notes, and engineering guidelines and specifications are being systematically put in place for the benefit of the Shire's clients.

Conclusion and Summary:

In conclusion this policy amendment is important as it is a refinement of an existing policy important for the Shire's continued financial security. This policy is consistent with standard industry practice and represents continuous improvement rather than any radical change.

Voting Requirements: Simple Majority

Committee/Officer Recommended Resolution:

That Council:

- A. Pursuant to Clause 9.3(a) of Town Planning Scheme No. 2 endorse draft Local Planning Policy No 1 – Bank Guarantees as satisfactory for advertising.
- B. Invite public comment on the draft Local Planning No. 1 – Bank Guarantees for a period of not less than 21 days, by way of:
  - a) Notice published once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area;
  - b) Notice being placed in the Shire's Administration Centre;
  - c) Notice being placed on the Shire's internet website;
  - d) Letter being sent to relevant state government agencies.
  - e) Letter being sent to key developers within the policy area
  - f) Letter being sent to the Urban Development Institute of Australia.
- C. Following the public consultation period a final Bank Guarantees Local Planning Policy No. 1 be presented for Council's consideration.

**SD072/01/11 COUNCIL DECISION/Alternate Recommendation:****Moved Cr Brown, seconded Cr Hoyer**

**That Council defer consideration of Local Planning No. 1 until the February Council Meeting, to enable further consideration of the security arrangements necessary for outstanding subdivision works, including the development of public open space areas, with a view to achieving a clear, consistent and performance-based approach.**

**CARRIED 9/0**

SD073/01/11 DRAFT KING ROAD PONY RESERVE MANAGEMENT PLAN (RS0028)		In Brief
Proponent:	Serpentine Jarrahdale Shire	<p>Council adopt the Draft King Road Club Pony Reserve Management Plan for an advertising period of three months inviting public and agency comment.</p> <p>Following the advertising period, submissions will be considered in drafting the final management plan to be presented to Council for consideration.</p>
Author:	Chris Portlock - Manager Environment and Sustainability Services	
Senior Officer:	Suzette van Aswegen - Director Strategic Community Planning	
Date of Report	4 January 2011	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

**Background**

The King Road Pony Club Reserve is located north-west of the Mundijong town site and is approximately 2 km from the boundary of the adjacent Local Government, the City of Kwinana. It is a popular recreation hub for horse and pony enthusiasts and the Mundijong Poultry Club who are also applying for a licence of use of the reserve within the Serpentine Jarrahdale Shire. The Shire recognises this reserve as an important ecological linkage of the Peel Region and a valuable example of remnant bushland within the Shire. It is recognised as a significant local natural area under the Shire's Biodiversity Strategy because of the condition of the vegetation complex is classified as good or better and it includes a Biodiversity feature falling within a Regional Ecological Linkage.

It is predicted that with increased recreational pressures associated with population growth, additional stress will be placed on the environmental values of the reserve. Therefore, the Shire acknowledges the need to prepare and implement a management plan, which will guide Shire officers and potential lessees in managing the land both for the short and long term.

***A copy of the Draft King Road Pony Club Reserve Management Plan is attached marked [SD073.1/01/11](#).***

**Sustainability Statement**

***Effect on Environment:*** The Draft King Road Pony Club reserve Management Plan will facilitate advancement towards protecting biodiversity within the Shire while still providing for

important club purposes. This will be achieved through both a high level of maintenance and awareness raising of the biodiversity values of the reserve.

**Resource Implications:** The Plan seeks to protect biodiversity assets within the King Road Pony Club Reserve while still continuing a recreational use of the reserve.

**Use of Local, renewable or recycled Resources:** Local renewable resources will be protected and enhanced, and seed will potentially be collected from King Road Pony Club Reserve for further resource enhancement in neighbouring areas.

**Economic Viability:** The proposal is designed to identify and protect vegetation within the Shire. The Shire has already experienced significant loss of biodiversity assets. This proposal seeks to identify what biodiversity assets should be zoned for protective purposes, managed or reinstated and how that should be achieved. Environmental management has an ongoing cost which should include a user pay contribution. There is also a significant cost if environmental assets are not responsibly managed.

**Economic Benefits:** The proposal will work towards protecting that image of “beauty” that attracts people to the Shire.

**Social – Quality of Life:** Biodiversity is an essential component of our heritage and identity and provides essential ecosystem services. In addition to providing social values such as horse poultry associated recreational club opportunities. There is also spiritual renewal as part of nature exposure and communion.

**Social and Environmental Responsibility:** The Plan preparation process includes community and other stakeholder participation toward the best possible environmental management of the reserve area.

**Social Diversity:** The proposal does not impact or disadvantage any social group.

### **Statutory Environment**

The preparation and implementation of the Plan will enable the Shire to proactively address the requirements of the following legislation as they relate to biodiversity conservation:

- Biodiversity Planning Local Planning Policy
- Wildlife Conservation Act 1950
- Environmental Protection Act 1986
- Soil and Land Conservation Act 1945 (to be replaced by amendments to the Environmental Protection Act 1986: (Clearing of Native Vegetation) Regulations 2004 with a Guide for Local Government Clearing Native Vegetation under the Environmental Protection Act 1986)
- Planning and Development Act 2005

State Government environmental policies addressed in a management plan include:

- Environmental Protection Authority (EPA) Guidance Statement No. 10: Guidance for the Assessment of Environmental Factors – Level of assessment for proposals affecting natural areas within the System 6 region and Swan Coastal Plain portion of the System 1 region (Environmental Protection Authority 2003a)
- Wetlands Conservation Policy for Western Australia (Government of Western Australia 1997)
- EPA Position Statement No. 4: Environmental Protection of Wetlands (preliminary) (Environmental Protection Authority 2001)

- EPA Position Statement No 2: Environmental Protection of Native Vegetation in Western Australia (Environmental Protection Authority 2000b)
- State Weed Plan (State Weed Plan Steering Group 2001);
- EPA Guidance Statement No. 51: Guidance for the Assessment of Environmental Factors – Terrestrial flora and vegetation surveys for environmental impact assessment in Western Australia. (Draft) (Environmental Protection Authority 2003c)
- EPA Guidance Statement No. 56: Guidance for the Assessment of Environmental Factors – Terrestrial fauna surveys for environmental impact assessment in Western Australia. (Draft) (Environment Protection Authority 2003d)
- Western Australian State Sustainability Strategy (Government of Western Australia 2003a)
- Environment and Natural Resources Statement of Planning Policy No. 2 (Government of Western Australia 2003b)
- Peel-Harvey Coastal Plain Catchment Statement of Planning Policy No. 2.1 (Government of Western Australia 1992d)

### **Policy/Work Procedure**

#### **Implications:**

It is not envisaged that any new work procedures will be required, nor existing procedures reviewed, as a result of the ultimate adoption of this Management Plan, however, actions or strategies proposed and costed are expected to be funded.

#### **Financial Implications:**

There are individual cost codes for reserves which are created to facilitate the operational implementation of management plans once finalised. The cost for implementing the first year of Key Priority Actions listed in the Executive Summary of this management plan is \$17,500 with an average \$10,000 cost per year for ten years. As with other management plans in place external funds will be able to be attracted which will more than cover annual costs for implementation.

#### **Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Obj No	Objective Summary	Objective
<b>NATURAL ENVIRONMENT</b>	<b>Landscape</b>	1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		3		Maximise the preservation of existing trees and vegetation.
		5	Restore	Establish and enhance waterways and bush corridors.
		9		Control and manage weeds and plant diseases.
		10		Promote and develop appropriate tourism, recreation and educational opportunities.
	<b>Biodiversity</b>	11		Develop active partnerships with stakeholders.
		12	Protect	Prevent the further loss of "local natural areas".
		13		Protect specific ecological features and processes including rare species, threatened ecological communities, wetland vegetation and ecological linkages throughout the Shire.
		14	Manage	Protect and manage a portion of each basic



Vision Category	Focus Area	Obj No	Objective Summary	Objective
				type of vegetation and ecosystem typical to the Shire.
		15	Restore	Manage and restore local natural areas and revegetate new areas to increase native fauna habitat.

### **Community Consultation**

The approach to participate in the management of local government reserves by relevant stakeholders recognises the need for broad consultation. Formal community consultation is proposed with the release of the Plan. This includes a public consultation period of three months. The community's existing involvement in management of local bushland and other natural areas is hoped to be strengthened by the preparation of reserve management plans with full public consultation.

### **Comment**

The Serpentine Jarrahdale Shire relies on community expertise and interest to maintain the high conservation or recreation values of many reserves. Continued community input to planning and management is carried out in collaboration with the Reserves Advisory Group which is considered essential for a high standard of protection and management of these values into the future.

The role of the Reserves Advisory Group is to:

- Provide advice to Council in relation to reserve values, threats to those values, management targets and management strategies that will protect the ecological and social values and take account of community aspirations for the future management of each reserve;
- Provide advice to Council and the RWG in relation to on-ground management programs and issues; and
- Undertake audits of reserve management plans and report the results to Council.

The Reserves Advisory Group meets when a draft management plan is being prepared and consultation will always include all relevant stakeholders. The Reserves Advisory Group has endorsed this management plan for being released to the public in collaboration with the clubs using the reserve.

Public consultation includes a three month period inviting public submissions on the management plan. This is particularly important for the incorporation of State Government agency aspirations.

### **Appeal rights**

In broad terms, the determination of proposals by either the Shire, or other agencies or the advice of the Shire, may typically include an approval (with or without conditions/modifications) or a refusal. The Plan seeks to engage relevant stakeholders in the process of preparing and implementation of the management plan.

Full public consultation will maximise opportunities for comment. It is possible that a landowner/proponent may be aggrieved by Council's adoption of a management plan. It is not considered necessary to establish any new appeal rights. Nearly all statutory decision-

making processes incorporate an established appeal right for the landowner/proponent and it is considered critical that due and proper processes are followed.

Information to be used for decision-making processes

Management plans for Serpentine Jarrahdale reserves are prepared, advertised and adopted in an open, transparent and accountable manner. A copy of management plans for comment are available to members of the public through a number of different avenues, including on the Shire’s website.

Should any third party, such as a member of the public, wish to provide any additional information for Council to consider in its decision making processes on the particular management of the King Road Pony Club Reserve, this is invited as part of the planning process and will be considered by Council during the formal advertising of the proposal in accordance with statutory processes.

Over time, additional information may become available to Council in respect of biodiversity values within the Shire. This may include survey work, information provided by agencies and/or members of the public.

**Voting Requirements:** Simple Majority

**SD073/01/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Brown, seconded Cr Randall  
That Council:**

- A. Endorse draft King Road Pony Club Reserve Management Plan as satisfactory for advertising**
- B. Invite public comment on the draft Management Plan for a period of not less than three months, by way of:**
  - a) Notice published once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area;**
  - b) Notice being placed in the Shire’s Administration Centre;**
  - c) Notice being placed on the Shire’s internet website;**
  - d) Letter being sent to all relevant state government agencies.**
- C. Following the end of the consultation period and consideration of any submissions, a final King Road Pony Club Reserve Management Plan be presented for Council’s consideration.**

**CARRIED 9/0**

CGAM034/01/11		LOT 48 No. 62 TURNER ROAD, BYFORD - BRICKWOOD RESERVE (RS0122)
Proponent:	Shire of Serpentine Jarrahdale	In Brief  Council agree to the transfer of Lot 48 No. 62 Turner Road, Byford, with residence and associated infrastructure, from the Western Australian Planning Commission (WAPC) to the Serpentine Jarrahdale Shire (Shire) along with \$12,000 and
Officer:	Chris Portlock – Manager Environmental and Sustainability Services	
Signatures Author:		
Senior Officer:	Suzette van Aswegen - Director Strategic Community Planning	
Date of Report	January 2011	



Previously	Not applicable	a management order to include Environmental Conservation, Recreation, Scientific Study, Education, Interpretation, Field Study Centre, Community Purposes and related Office Accommodation as special reserve purposes.
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

**Background**

Brickwood Reserve and its proposed additions including Lot 48 No. 62 Turner Road, Byford are recognised as having significant biodiversity values, including being a Bush Forever Reference Site and one of the largest and most intact examples of a critically endangered ecological community, protected under Federal and State policies, on the Swan Coastal Plain.

It is anticipated that urban pressures associated with the growth of Byford in the coming years will place additional pressure on the recreation, access and biodiversity conservation values of Brickwood Reserve. Recognising this fact, the Shire has prepared a management plan to guide and prioritise the use and management of this reserve system in the longer term.

The protection of the threatened ecological communities within the reserve and its surrounding proposed additions is of paramount importance. Reconciling the protection of this significant environmental feature with community demands for access and recreation is a major aim of this management plan. As such, the key issues to be considered by the management plan include:

- Long term protection and management of the reserve’s threatened ecological communities;
- Providing for appropriate community access to the reserve; and
- Recognising the community value associated with the reserve, both in terms of its biodiversity conservation values as well as the recreational opportunities provided.

An opportunity has arisen for the Shire to take control of land located within the management area of the Brickwood Reserve and Briggs Park Management Plan, subject to the appropriate transfer of the land and a subsequent management order being put in place for special environmentally related purposes.

***A copy of the Hazardous Materials Survey for 62 Turner Road, Byford is with attachments marked [CGAM034.1/01/11](#) (IN10/18804).***

***A copy of a letter to the Serpentine Jarrahdale Shire dated November 18<sup>th</sup> 2010 regarding a management order for 62 Turner Road is with attachments marked [CGAM034.2/01/11](#) (IN10/17911).***

***A copy of the Certificate of Title for 62 Turner Road is with attachments marked [CGAM034.3/01/11](#) (IN10/19682).***

**Sustainability Statement**

***Effect on Environment:*** The proposal will enhance the environment (built and natural) and will minimise environmental damage through best practice.

**Economic Viability:** Costs, monetary and non monetary, that the community or Shire will incur as a result of this proposal are minimal. There will be ongoing costs and funding required in the future and management strategies have been designed to minimise maintenance, management and monitoring costs.

**Economic Benefits:** In the event of the building having to be demolished in the future, the proposal will remain economically beneficial, as the Shire will have secured the use of the land in perpetuity.

**Social – Quality of Life:** This proposal improves the quality of life for the community by providing well managed facilities for a variety of special uses, as defined by the management order.

**Social and Environmental Responsibility:** The proposal is designed to be socially and environmentally responsible through building up the community and enabling full participation in the implementation of the Brickwood Reserve and Briggs Park Management Plan. The proposal fosters a number of important partnerships with State government agencies in particular.

**Social Diversity:** The proposal does not disadvantage any social groups and does provide for diversity in our community by providing for all.

**Statutory Environment:** Not applicable.

**Policy/Work Procedure Implications:**

There are no work procedures/policy implications directly related to this proposal.

**Financial Implications:**

Financial implications to Council will include retention of the \$12,000 provided by the WAPC for the building's treatment and upgrade. The WAPC has already paid for the Hazardous Materials Survey. The cost of demolition has been estimated at \$10,000, while the cost of treatment has been estimated at \$2,000. Cost of a new roof has been estimated at \$15,000 and funds will be sought externally. The everyday management of the area is covered by the Brickwood Reserve and Briggs Park Management Plan annual budget allocation.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Obj No	Objective Summary	Objective	Action Number & Description
<b>NATURAL ENVIRONMENT</b>					
	<b>Landscape</b>	1	Safeguard	Restore and preserve the visual amenity of our landscapes.	
		3		Maximise the preservation of existing trees and vegetation.	
		5	Restore	Establish and enhance waterways and bush corridors.	

Vision Category	Focus Area	Obj No	Objective Summary	Objective	Action Number & Description
		9		Control and manage weeds and plant diseases.	
		10		Promote and develop appropriate tourism, recreation and educational opportunities.	
	<b>Biodiversity</b>	11		Develop active partnerships with stakeholders.	
		12	Protect	Prevent the further loss of "local natural areas".	
		13		Protect specific ecological features and processes including rare species, threatened ecological communities, wetland vegetation and ecological linkages throughout the Shire.	
		14	Manage	Protect and manage a portion of each basic type of vegetation and ecosystem typical to the Shire.	
		15	Restore	Manage and restore local natural areas and revegetate new areas to increase native fauna habitat.	

### **Community Consultation:**

Not required.

### **Comment:**

The Brickwood Reserve and Briggs Park Management Plan includes 62 Turner Road, Byford as a proposed addition to the area managed under this management plan. The reserve, park and recreation centre cover a range of sustainability result areas including events that occur at various locations within the area covered by this management plan. The addition of 62 Turner Road, Byford will mean a further diverse range of values will be added to this reserve system including the list of purposes as per proposed management order.

The WAPC purchased this property for the inclusion into this reserve system and are offering it to the Serpentine Jarrahdale Shire along with money for its demolition, should this be determined appropriate sometime in the future. Alternatively the money can be used for improvements to the building. A hazardous materials survey has been undertaken and recommendations will be implemented for sealing by paint all asbestos containing materials. Funds will also be sought externally as soon as possible for the replacement of the roof of the building with a color bond roof.

It is recommended that Council agrees to the transfer of this property and the creation of a Crown Reserve with a subsequent management order in favour of the Shire to specify a variety of land uses relating to environmental conservation and management, as it is in line with the approved Brickwood Reserve and Briggs Park Management Plan.

### **Voting Requirements:**

ABSOLUTE MAJORITY

**CGAM034/01/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

Moved Cr Harris, seconded Cr Hoyer  
That:

1. Council agree to the transfer of Lot 48 No. 62 Turner Road, Byford, with residence and associated infrastructure, from the Western Australian Planning Commission to the State of Western Australia, free of charge, for the creation of a Crown Reserve with a management order issued in favour of the Shire of Serpentine Jarrahdale for the special purpose of Environmental Conservation, Recreation, Scientific Study, Education, Interpretation, Field Study Centre, Community Purposes and related Office Accommodation.
2. Council agree to the one off payment of \$12,000 from the Western Australian Planning Commission to the Shire of Serpentine Jarrahdale for improvements in lieu of the cost of demolition.
3. External grants or other funds are sought immediately for the replacement of the roof with a color bond roof.
4. Asbestos containing material is sealed with paint, as recommended in the Hazardous Materials Survey.

**CARRIED 9/0**

CGAM035/01/11 CONSTRUCTION OF MODULAR TOILET BLOCK IN THE JARRAHDAL HERITAGE PARK (P05576/16)		
Proponent:	Serpentine Jarrahdale Shire	In Brief  Council approve an amount of \$84,000.00 from the Jarrahdale Heritage Park Reserve Fund for the construction of a Modular toilet block in the Jarrahdale Heritage Park.
Owner:	Not Applicable	
Author:	Marius Vermeulen - Special Projects Officer: Jarrahdale Heritage Park	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	6 January 2011	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Council</b>	

**Background**

Since 1991 the Jarrahdale Heritage Park has been the subject of numerous plans and reports and a wealth of both conceptual and operational information around site design, management and interpretation exists.

The Shire of Serpentine Jarrahdale in agreement with the National Trust have undertaken to ensure the viable development of the Jarrahdale Heritage Park. The Shire facilitated the development of a Conservation Plan during 2002 and a Business and Marketing Plan during 2006 / 07. The Business and Marketing Plan was adopted by Council during July 2007.

In order to give effect to the Business and Marketing Plan the Shire has commenced with various projects which included restoration work to the St Paul's Church and Old Post Office buildings as well as plant and weed management.

During a Jarrahdale Heritage Park Committee Meeting that took place on 14 December 2010, the Committee in principle approved the construction of a new "Modular type" toilet block in the car park next to the Old Post Office in the Jarrahdale Heritage Park on condition that Council approves an amount of \$69,480 to be funded from the Jarrahdale Heritage Park Reserve Fund for this purpose.

***A copy of the financial and design detail of the toilet block is with attachments marked [CGAM035.1/01/11](#) (E11/63).***

### **Sustainability Statement**

#### ***Effect on Environment:***

Biodiversity:

Impact will be minimal as the toilet block will be constructed in the parking area next to the Old Post Office. Basic site works have already been completed.

Heritage and Culture:

The design of the toilet block is in accordance with the requirements of the Conservation Plan – Policy 60.

#### ***Resource Implications:***

Energy Use: Solar energy to be used to power lights.

Waste: Waste to be recycled due to composting toilet system.

#### ***Economic Viability:***

Future operational cost will be required for the building. These will be funded from the Jarrahdale Heritage Park Reserve Fund. Efforts will also be made to further reduce cost by using prison labor to maintain the building.

#### ***Economic Benefits:***

*There are no economic benefits associated with this issue.*

#### ***Statutory Environment:***

Three (3) Quotations were invited for the proposed construction of the toilet block as the estimated cost is below \$100 000.00.

#### ***Policy/Work Procedure/Implications:***

There are no work procedures or policy implications directly related to this issue.

#### ***Financial Implications:***

A total budget amount of \$84,000.00 is required for the construction of the new toilet block. It is proposed that this amount be funded from the Jarrahdale Heritage Park Reserve Fund. This includes the construction cost, supervision and a contingency amount.

#### ***Strategic Implications:***

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL ENVIRONMENT				



Vision Category	Focus Area	Objective Number	Objective Summary	Objective
	<b>Waste</b>	41	Dispose	Responsibly manage waste to minimise the direct and indirect environmental impacts of waste management practices.
<b>BUILT ENVIRONMENT</b>				
	<b>Land Use Planning</b>	17	Buildings	Preserve, enhance and recognize heritage values within the built form.
	<b>Infrastructure</b>	34		Ensure asset management plans extend to whole of life costings of assets and reflect the level of service determined by Council.
<b>SUSTAINABLE ECONOMIC GROWTH</b>				
	<b>Industry Development</b>	7	Tourism	Encourage the development of tourist attractions and accommodation.
		8		Maximise the tourism and recreation potential of our natural environment.
		9		Develop and maintain our heritage assets to encourage visitors.
<b>PEOPLE AND COMMUNITY</b>				
	<b>Places</b>	32	Vibrant	Ensure community spaces and places are accessible and inviting.
		33		Plan and facilitate the provision of a range of facilities and services that meet community needs

**Community Consultation:**

Required: No

**Comment:**

The aim in using the design as proposed is to complement the unique built and environmental heritage of Jarrahdale as well as to reduce the life cycle costing of the building to an absolute minimum.

The Department of Environment and Conservation currently utilises the composting toilet systems alongside their trails with great success while the modular type building which is supplied by the service provider – Modus Australia have been used in the Serpentine Cemetery as well as the Jarrahdale General Store.

All relevant stakeholders were consulted regarding the location of the proposed toilet block. It was agreed that this unit which will be the first of three (3) in the park that will service the Church, Old Post Office, Hotel and Mill Manager's House. The unit will also be visible to passersby and allow casual surveillance in order to minimize possible vandalism.

**Voting Requirements:****ABSOLUTE MAJORITY****CGAM035/01/11 COUNCIL DECISION/Committee/Officer Recommended Resolution:****Moved Cr Hoyer, seconded Cr Brown**

**That Council approve an amendment to the 2010/2011 budget in the amount of \$84,000.00 for the construction of a Modular toilet block in the Jarrahdale Heritage Park to be funded from the Jarrahdale Heritage Park Reserve Fund.**

**CARRIED 9/0**

**9. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN:**

OCM029/01/11		TAKEOVER AGREEMENT – OAKLANDS DRAIN SUB SECTION M – TRANSFER OF RESPONSIBILITIES FOR WATER MANAGEMENT IN BYFORD (A0752)
Proponent:	Water Corporation	In Brief  Water Corporation has drafted and submitted to the Shire a Takeover Agreement for management responsibility of the Oaklands Drain Sub Section M in the Byford Area. It is recommended the Takeover Agreement be supported and the Shire President and Chief Executive Officer be authorized to sign the Takeover Agreement between the Water Corporation and the Shire.
Owner:	Not Applicable	
Author:	Craig Wansbrough - Project Manager Water Sensitive Urban Design	
Senior Officer:	Richard Gorbunow – Director Engineering	
Date of Report	18 January 2011	
Previously	OCM018/12/09; SD100/04/07; SD27/09/06; SD141/06/06; SD123/04/06;	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

**Background**

In January 2001, the Western Australian Planning Commission (WAPC) approved the draft Byford Structure Plan (BSP) subject to the completion of an urban stormwater management strategy. Council adopted the Byford Urban Stormwater Management Strategy (BUSMS) in September 2003. The BSP was adopted by Council in 2005 and subsequently approved by the WAPC in 2005.

In February 2006, a Local Structure Plan (LSP) was lodged for the Byford 'Main Precinct'. In March 2006, the Shire commenced a review of the BSP to consider the impacts of the proposed Main Precinct LSP. The review of the BSP was ultimately discontinued in February 2007, with a number of individual modifications instead being progressed and ultimately determined by the WAPC.

During the course of the BSP review, the Water Corporation in September 2006 raised a number of concerns regarding regional drainage planning for the Byford Area. In November 2006, a 'round-table' forum was convened with the Department for Planning and Infrastructure, Department of Water (DoW), the Shire and Water Corporation to discuss regional drainage requirements and to determine an appropriate path forward. The DoW subsequently engaged consultants SKM to prepare the Byford Flood Plain Management Strategy and then later engaged consultants GHD to further progress this work in the form of a Drainage and Water Management Plan (DWMP). In February 2008, a draft DWMP for the Byford Townsite was released by the DoW for public comment. The DWMP was published as a final document in September 2008.

Since the publishing of the final DWMP by the DoW in September 2008, all LSP's, detailed area plans, subdivision and engineering drawing applications have been assessed against the water quantity and quality design objectives outlined in the DWMP.

As part of the implementation of the BSP and the DWMP, one matter that needs to be addressed is the responsibilities associated for the 'Oaklands Drain Sub-Section M'. The drainage in this area has historically been the responsibility of Water Corporation, as part of the Mundijong Drainage District declared under the Land Drainage Act 1925.

**[A location plan for Sub-Section M of the Oaklands Drain is with attachments marked OCM029.1/01/11.](#)**

There is a need for agreement to be reached between the Water Corporation and the Shire regarding responsibilities for the Oaklands Drain Sub Section M.

At the Ordinary Council Meeting on 21 December 2009 Council resolved the following:

**OCM018/12/09 COUNCIL DECISION/Officer Recommended Resolution:**

*Moved Cr Harris, seconded Cr Randall*

- 1. Council accepts the transfer of the Oakland Drain Sub-Section M as shown at Attachment OCM018.1/12/09 to the Shire as a local urban drain subject to an agreement being signed between the Water Corporation and the Shire of Serpentine-Jarrahdale.*
- 2. Council authorises the Chief Executive Officer and Shire President to sign an agreement with the Water Corporation in respect of the Oakland Drain Sub-Section M.*

*CARRIED 10/0*

A Takeover Agreement was not included as an attachment in the December 2009 Council Report (OCM018/12/09). A Takeover Agreement has since been prepared by the Water Corporation and reviewed by McLeods Barristers and Solicitors. A revised Takeover Agreement has now been received by the Shire from the Water Corporation.

Division 3 of The Local Government Act 1995 includes provisions about local government documents. Sections 9.49A, 9.49B and 9.49 deals with the execution of documents, contract formalities and how documents are authenticated by a local government. In order to meet the requirements of the Local Government Act 1995 and subsequent amendments, the Takeover Agreement must go before Council. This report provides Council with the opportunity to authorise staff to sign the attached Takeover Agreement prepared by the Water Corporation to progress this matter.

**[A copy of the Takeover Agreement – Oaklands Drain Sub Section M is with attachments marked OCM029.2./01/11.](#)**

**Sustainability Statement**

***Effect on Environment:*** The DWMP establishes a framework for new urban development, such that established stormwater quality and quantity design objectives can be achieved and the concerns and risks identified by the DoW and the Water Corporation can be addressed. The DWMP reinforces Council's commitment to ensuring that water sensitive urban design principles are incorporated into new urban developments. Council will be in a position to manage Oaklands Drain Sub Section M as a 'living stream' rather than an agricultural/rural drain under Water Corporations rural drainage criteria.

***Resource Implications:*** The DWMP provides a framework for the efficient and effective use of water as a valuable resource within the BSP area. There are considerable opportunities for continuous improvement and embracing best practice water management.

**Use of Local, Renewable or Recycled Resources:** Promotion of the use of local, renewable and recycled resources will be carried out during the local structure planning, subdivision and development processes.

**Economic Viability:** The integration of the DWMP into the statutory planning framework will ensure drainage planning is effectively progressed with land use planning in the most cost efficient and effective manner – ensuring that issues are addressed to the appropriate level of detail at the right stage in the planning process. Managing waterways as natural systems rather than as agricultural/rural drains is much more cost effective.

**Economic Benefits:** The DWMP seeks to protect the natural environment, through the establishment of water quality and quantity design objectives. The implementation of the DWMP should enable the Shire to minimise the likelihood of environmental harm into the future, with associated remediation and/or rectifications costs.

**Social – Quality of Life:** The DWMP retains many of the key features for drainage established under the BUSMS, including the interconnected network of multiple-use corridors and public open space areas that will provide opportunities for community appreciation and recreation.

**Social and Environmental Responsibility:** The incorporation of the DWMP into the Shire's statutory planning framework is a further demonstration of the Shire's commitment to continuous improvement and best practice for the protection of the natural environment. The Takeover Agreement will allow the Shire to manage Oaklands Drain Sub Section M as a 'living stream'. Rural drainage criteria for the Mundijong Drainage District will be applied to the Oaklands Drain Sub Section M if management responsibility remains with the Water Corporation rather than the Shire. As a consequence, environmental improvement will be unlikely.

**Social Diversity:** The management of the Oaklands Drain Sub Section M as a 'living stream' within a multiple use corridor will allow various social groups within our community to access natural areas. Universal access will be considered when designing public open space.

**Statutory Environment:**

Planning and Development Act 2005  
Town Planning Scheme No. 2 (TPS 2)  
Local Government Act 1995

**Policy/Work Procedure  
Implications:**

Local Planning Policy No. 22 – Water Sensitive urban Design.

**Financial Implications:**

Developers will be responsible for maintaining the multiple use corridors (MUC) which includes the drainage channel and public open space for a period of two years (or for a longer period if negotiated with the developer), once the land is ceded at the time of subdivision clearance. After this time, the Shire is responsible for all maintenance costs.

These costs will be determined over time and included in the Shire's forward financial plan.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
<b>NATURAL ENVIRONMENT</b>				
	<b>Landscape</b>	1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		3		Maximise the preservation of existing trees and vegetation.
		5	Restore	Establish and enhance waterways and bush corridors.
		6		Establish increased levels of natural vegetation in urban and rural environments.
		9		Control and manage weeds and plant diseases.
		10		Promote and develop appropriate tourism, recreation and educational opportunities.
		11		Develop active partnerships with stakeholders.
		12	Protect	Prevent the further loss of “local natural areas”.
		13		Protect specific ecological features and processes including rare species, threatened ecological communities, wetland vegetation and ecological linkages throughout the Shire.
		15	Restore	Manage and restore local natural areas and revegetate new areas to increase native fauna habitat.
	<b>Integrated Water Cycle Management</b>	16	Quantity	Promote and implement water conservation and reuse.
		17		Encourage the conversion of man-made drainage of the Palusplain back to natural systems.
		18		Identify and implement opportunities for detention and storage of stormwater.
		20	Quality	Improve and maintain surface and ground water quality.
		22	Planning and Design	Ensure integrated water cycle management is incorporated in land use planning and engineering design.
		23		Enforce the adoption of “better urban water management”.
		24	Natural	Understand the behaviour of natural flood systems in land

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
			systems	use planning and engineering design to ensure safe communities.
		25		Facilitate and encourage the preservation, management and restoration of natural water systems.
	<b>Climate Change</b>	29	Mitigation	Ensure that energy and water conservation is addressed at the local level.
<b>BUILT ENVIRONMENT</b>				
	<b>Land Use Planning</b>	2		Ensure land use planning accommodates a vibrant and diverse range of activities and employment opportunities.
		3	Urban Villages	Incorporate the principles of emergency management, community safety and crime prevention in new and existing developments.
		4		Ensure interesting, safe and well-connected pathways accessible and suitable for all users.
		5		Residential developments will accommodate a variety of lot sizes, water wise native gardens and shade trees.
		8		Ensure local structure plans have a range of attractions within a walkable distance of residential areas.
		20	Landscape	Prioritise the preservation of landscape, landform and natural systems through the land development process.
		21		Provide a variety of affordable passive and active public open spaces that are well connected with a high level of amenity.
		22		Continue the development of low maintenance multiple use corridors to accommodate water quality and quantity outcomes and a diversity of community uses.
		23		Protect the landscape and environmental values of natural reserves and areas from the impacts of development.
		27	General	Ensure land use planning accommodates a diverse range of lifestyle and employment opportunities and activities.
		28		Rationalise existing, and responsibly plan new, public open spaces to ensure the sustainable provision of recreation sites.
		29		Plan and develop community gardens.
	<b>Infrastructure</b>	39	Water Management	Minimise the use of piped and artificial drainage and its impact on the landscape.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		40		Promote, implement and celebrate best practice integrated water cycle management.
		41		Create low maintenance living streams and ephemeral wetlands.
		43		Ensure infrastructure planning and design protects the community from flooding.
		47	Trails and linkages	Plan and develop well connected, distinctive, multiple use pathways that contribute to the individuality and sense of place of each neighbourhood.
		48	Vegetation management	Acknowledge the future economic value of natural vegetation and landform.
		49		Ensure local native, low maintenance and water wise trees and plants are incorporated in streetscapes and public spaces.
		50		Incorporate, in selective locations, deciduous “air conditioning”, fruit and ornamental trees in streetscapes and public spaces.
<b>PEOPLE AND COMMUNITY</b>				
	<b>Wellbeing</b>	1	Healthy	Promote a wide range of opportunities to enable optimal physical and mental health.
		2		Promote a variety of recreation and leisure activities.
		5	Happy	Promote respect, responsibility and resilience in our community.
		6		Improve access and inclusion for all.
		7		Encourage, support and celebrate volunteerism.
	<b>Relationships</b>	15	Encourage	Foster positive working relationships with and between volunteers.
	<b>Places</b>	32		Ensure community spaces and places are accessible and inviting.
		34		Enable a diverse range of places that accommodate a variety of active and passive recreational pursuits.
		36		Plan and develop safe communities and places.
		41	Distinctive	Recognise, preserve and enhance the distinct characteristics of each locality.

**Comment:**

There are a number of key issues that Council needs to consider in respect of the Oaklands Drain Sub-Section M, as follows:

- Historical arrangements;
- Plan for the Future 2009 – 2014;
- Potential impact on LSPs and subdivisions;
- Proposal from Water Corporation for responsibility to be transferred across to the Shire;
- Key technical assumptions and inputs into planning; and
- Financial risks/responsibilities.

Each of these key issues is discussed further in the following sub-sections.

**Historical arrangements**

The Mundijong Drainage District is a 'declared' area under the Land Drainage Act 1925. The Water Corporation operates the drainage system under an Operating Licence issued by the Economic Regulatory Authority. The Operating Licence standard for a rural drain allows flooding for up to three days where the land-form allows for natural drainage to the drain. The Water Corporation requires developers in the catchment of a rural drain to place a 'Section 70A' notification to be placed on titles, to ensure that prospective purchasers are aware of the potential for flooding. As an alternative arrangement, DoW have advised that development sites within the Byford Structure Plan Area shall be filled to give a minimum of 500mm freeboard between finished floor levels of buildings and the 100 Year ARI top water levels in flood storage areas.

The Water Corporation has recently written to landowners within the sub-catchment, providing the following advice:

*'to protect the capacity of the rural drain the Water corporation requires the predevelopment 100 year flood plain of the drain to be protected by 100 metre wide reserve for drainage, which is to be vested in the corporation. Works or clearing will not be permitted in this reserve. Any flows from urban development within the catchment will need to be compensated to pre-development levels in accordance with the Byford Drainage Water Management Plan prepared by the Department of Water... as operation and maintenance standard for a rural drainage are not suitable for the safety requirements of an urban environment, the drainage reserve may need to have a 1.8 metre high security fence erected to Corporation standards, in locations where the Corporation deems that they may be a public risk'.*

And

*'the above criteria will be applied by the Corporation to agreements for subdivision applications within the catchment of the sub-section M drain upstream of the Tonkin Highway, unless the drain reverts to a local urban drain, under the care and control of the local government'.*

Although the manner in which the matter has been progressed and the measures mentioned above by the Water Corporation have been disappointing, it is important that satisfactory arrangements be established for the future of the drainage network. Leaving the drainage network in the hands of the Water Corporation is not likely to result in outcomes that would meet the expectations of the community or Council.

**Council's Plan for the Future 2009-2014**

The Plan for the Future 2009-2014 identifies various objectives which relate to urban water management and include:

- Encourage the conversion of man-made drainage of the Palusplain back to natural systems;
- Improve and maintain surface and ground water quality;
- Enforce the adoption of “better urban Water management”; and
- Facilitate and encourage the preservation, management and restoration of natural water systems.

These objectives will not be achieved by the Shire if the sub-section M drain is managed by Water Corporation as a rural drain.

### LSP's and Subdivisions

The Shire, in accordance with the provisions of TPS 2, is required to progress LSP's and subdivisions in accordance with the BSP and the DWMP. MUC's, generally along existing drainage lines are a critical element of the planning for the Byford area. Significant works are required to ensure that recreational opportunities are created and that water quality and quantity objectives are achieved.

There are three current LSP's that have been progressed to various degrees through statutory processes that relate to the Oaklands Drain Sub-Section M. The current LSPs are as follows:

- Lots 6 and 27 (Corona)
- Lots 4 and 5 (Byford West)
- Byford Main Precinct (LWP Property Group).

LSPs are progressed under a separate legislative framework to drainage planning, however the implementation of LSPs is clearly dependent upon effective arrangements being reached for land/works/costs associated with drainage networks.

### Proposal from Water Corporation for transfer of responsibility

The Water Corporation has written to the Shire, seeking support for an agreement to be reached, where the drain reverts to a local urban drain, under the care, control and maintenance of the Local Government.

A Takeover Agreement for Oaklands Drain Sub Section M was received by the Shire from Water Corporation and subsequently forwarded to McLeods Barristers and Solicitors for review. Matters requiring clarification were identified by McLeods and forwarded to the Water Corporation so they could be addressed. An amended Takeover Agreement has now been received by the Shire.

### Key technical assumptions

Over the past few years, there has been much technical debate about the relevant assumptions for drainage planning in the Byford Area including debate about pre and post development water regimes, run-off co-efficient and the like. These matters were all considered as part of the formulation, advertising and ultimate finalisation of the DWMP.

From an officer perspective, there is no reason at this point in time to suggest that the DWMP that was prepared by the DoW, as the state's lead water agency, is not a suitable framework for detailed planning and ultimate subdivision and development. There may be some challenges in the future, including the possible need for the Water Corporation to

upgrade drainage networks down-stream of the Byford Area and design assumptions for the construction of the Tonkin Highway in the future by Main Roads Western Australia.

It is recommended that the Shire's responsibility for drainage be limited to urban zoned land within the Byford Area and ensuring compliance with the DWMP, in partnership with the DoW.

#### Perth Metropolitan Context

There are a number of areas in Perth where rural drains are being incorporated to urban environments and issues of governance between relevant stakeholders need to be resolved. Two areas, as examples, where drainage responsibilities are progressing are Wungong (as part of the Armadale Redevelopment Authority Area) and Southern River (partly in the City of Armadale, partly in the City of Gosnells). Although not without challenge, particularly in areas of fragmented landownership, the incremental transfer of responsibilities from the Water Corporation (as part of the rural drainage network) to local governments (as part of urban drainage network) is becoming an increasingly common progression.

#### Conclusion

The Water Corporation is not currently investing funds into the maintenance of the drainage network within the BSP area. The DoW is the lead agency for drainage planning. The DWMP provides a robust framework for the preparation of local structure plans and ultimate subdivision/development. The agreement proposed by the Water Corporation would not likely see any change to the current situation. The transferring of responsibilities for the Oaklands Drain Sub-Section M is a logical and necessary step in the implementation of the BSP and the Byford Townsite DWMP.

**Voting Requirements:                      ABSOLUTE MAJORITY**

#### **OCM029/01/11 COUNCIL DECISION/Officer Recommended Resolution:**

**Moved Cr Brown, seconded Cr Randall**

**Council authorises the Chief Executive Officer and Shire President to sign Takeover Agreement as shown at *Attachment OCM029.2/01/11* in respect of the Oaklands Drain Sub Section M.**

**CARRIED 8/1**

**Cr Hoyer voted against the motion**

**10. CHIEF EXECUTIVE OFFICERS REPORT:**

OCM030/01/11		INFORMATION REPORT
Proponent	Joanne Abbiss – Chief Executive Officer	In Brief  Information Report.
Officer	Trish Kursar - Personal Assistant to the Chief Executive Officer	
Signatures - Author:		
Senior Officer:	Joanne Abbiss – Chief Executive Officer	
Date of Report	21 January 2011	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

## OCM030.1/01/11 COMMON SEAL REGISTER REPORT – DECEMBER 2010

The Common Seal Register Report for the month of December 2010 as per Council Policy G905 - Use of Shire of Serpentine Jarrahdale Common Seal is with the **attachments marked [OCM030.1/01/11](#)**.

## OCM030.2/01/11 POLICY FORUM – 18 JANUARY 2011

The following items were discussed at the 18<sup>th</sup> January 2011 Policy Forum:

Proposed Rural Workers Dwelling - Lot 2 Jarrahdale Road
Claire Morris Estate Play Ground
Local Government Reform

## OCM030.3/01/11 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) SPECIAL STATE COUNCIL MEETING MINUTES – 28 DECEMBER 2010 (A1164-02)

***In the electronic attachments marked [OCM030.3/01/11 \(IN11/842\)](#) is the minutes of the WALGA Special State Council meeting held on 28 December 2010.***

**OCM030/01/11 COUNCIL DECISION/Officer Recommended Resolution:**

**Moved Cr Brown, seconded Cr Geurds  
The Information Report to 21 January 2011 is received.  
CARRIED 9/0**

**11. URGENT BUSINESS:**

Nil

**12. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:**

Nil

**13. CLOSURE:**

There being no further business, the meeting closed at 9.56pm.

I certify that these minutes were confirmed at the  
Ordinary Council Meeting held on 28 February 2011.

.....  
Presiding Member

.....  
Date

**14. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:**

SD074/01/11 STRATEGIC COMMUNITY PLANNING INFORMATION REPORT		
Proponent:	N/A	In Brief  To receive the Information Report to 13 December 2010.
Owner:	N/A	
Author:	Various	
Senior Officer:	Suzette van Aswegen – Director Strategic Community Planning	
Date of Report	13 December 2010	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Committee – in accordance with resolution CGAM064/02/08</b>	

**Voting Requirements:** Simple Majority**SD074/01/11 Committee Decision/Officer Recommended Resolution:**

**Moved Cr Geurds, seconded Cr Hoyer  
That Council accept the Strategic Community Planning Information Report.  
CARRIED 7/0**

SD075/01/11 DEVELOPMENT SERVICES INFORMATION REPORT		
Proponent:	N/A	In Brief  To receive the Information Report to 13 December 2010.
Owner:	N/A	
Author:	Various	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	13 December 2010	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Committee – in accordance with resolution CGAM064/02/08</b>	

**Voting Requirements:** Simple Majority

**SD075/01/11 Committee Decision/Officer Recommended Resolution:**

**Moved Cr Hoyer, seconded Cr Twine  
That Council accept the Development Services Information Report.  
CARRIED 7/0**

CGAM032/01/11		MONTHLY FINANCIAL REPORT – DECEMBER 2010 (A0924/07)
Proponent:	Serpentine Jarrahdale Shire	In Brief  To receive the December 2010 Monthly Financial Report.
Owner:	Not Applicable	
Author:	Kelli Hayward - Financial Accountant	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	22 December 2010	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Committee – in accordance with resolution CGAM064/02/08</b>	

**CGAM032/01/11 Committee Decision/Officer Recommended Resolution:**

**Moved Cr Hoyer, seconded Cr Harris  
That Council receives the Monthly Financial Report for December 2010, in accordance with Section 6.4 of the Local Government Act 1995.  
CARRIED 7/0**

CGAM033/01/11		CONFIRMATION OF PAYMENT OF CREDITORS (A0917)
Proponent:	Not Applicable	In Brief  To confirm the creditor payments made during the period 24 November 2010 to 23 December 2010.
Owner:	Not Applicable	
Author:	Amber White - Finance Officer	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	23 December 2010	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Committee in accordance with resolution CGAM064/02/08</b>	

**CGAM033/01/11 Committee Decision/Officer Recommended Resolution:**

Moved Cr Harris, seconded Cr Twine

That Council receives the payments authorised under delegated authority and detailed in the list of invoices for period of 24 November 2010 to 23 December, presented as per the summaries set out above include Creditors yet to be paid and in accordance with the Local Government (Financial Management) Regulations 1996.

**CARRIED 6/0**

CGAM036/01/11		INFORMATION REPORT
Proponent:	Not Applicable	In Brief  To receive the information report to 20 December 2010.
Owner:	Not Applicable	
Author:	Various	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	17 December 2010	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Committee in accordance with resolution CGAM064/02/08</b>	

**CGAM036/01/11 Committee Decision/Officer Recommended Resolution:**

Moved Cr Hoyer, seconded Cr Randall

That the Information Report to 20 December 2010 be received.

**CARRIED 7/0**

- NOTE:
- The Council Committee Minutes Item numbers may be out of sequence. Please refer to Section 10 of the Agenda – Information Report - Committee Decisions Under Delegated Authority for these items.
  - Declaration of Councillors and Officers Interest is made at the time the item is discussed.