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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, 20<sup>TH</sup> DECEMBER 2010. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.02PM AND WELCOMED COUNCILLORS, STAFF AND THE MEMBER OF THE GALLERY.

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

IN ATTENDANCE:

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

**OFFICERS:** Ms J Abbiss .....Chief Executive Officer  
 Mr B Gleeson ..... Director Development Services  
 Mr R Gorbunow ..... Director Engineering  
 Mr A Hart ..... Director Corporate Services  
 Mr D van der Linde..... Acting Director Strategic Community Planning  
 Mr S Wilkes .....Executive Manager Planning  
 Ms C Murphy ..... Senior Planner  
 Mrs J Sansom ..... Acting Manager Community Development  
 Mr L Tressler .....Community Planning Officer  
 Ms P Kursar ..... Minute Taker

**APOLOGIES:** Cr A Ellis  
 Director Strategic Community Planning

Members of the public - 9  
 Members of the press - 1

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

**2.1 John Kirkpatrick – 77 Mead Street, Byford**

The park in the Glades known as Percy’s Park is used by ratepayers from all parts of Byford but mainly from the newer estates ie Byford Central, Sunrays and Red Gum as well as the residents of the Glades. The developer, LWP is just completing the second part of the park including a new sheltered area.

The Shire is collecting a large amount of rates from these areas and all it provides out of the rates is street lighting.

As I live opposite the park I see just about all that happens there.

It is disturbing to see adult males urinating behind trees and teenage youth including girls using the bush as a toilet. Some parents actually carry toilet paper in their cars with them.

It concerns me that it is only a matter of time before one of these young people is molested as the opportunity arises.

Q My question is will the Shire construct a toilet as a matter of urgency in a suitable location to service these recreation areas?

Mr Kirkpatrick also commented that it is disappointing that the park was vandalised by people on motorbikes yesterday and also resulted in himself and his wife being threatened. He has made a formal complaint to Police and is aware who did this. Details of what was said to Police was provided to the Shire this morning.

A Lot 8023 Mead Street is designated as a “Pocket Park” on the Byford District Structure Plan and parks of this size do not warrant such services as they are meant to cater for a catchment area of around 300m which is within easy walking distance from resident’s homes.

Many “District” level parks, like at Byford Central (not local parks like at the Glades) have allowed a spatial requirement for such facilities. Ablution blocks and any other facilities/services, on “District” level parks, will come on line as contribution arrangements and construction time frames are finalised.

## 2.2 John Kirkpatrick – 77 Mead Street, Byford

In response to a question on notice from 26 July 2010 asking about the review of local emergency policies and procedures that was ordered by the Minister for Emergency Services, I was told that the review was underway and the community would be invited to comment on completed documents.

Q1 My question is has this review been completed?

A1 The Manager of Emergency Services (Serpentine Jarrahdale Shire), Quinta La Rosa (FESA) and Gary Oliver OIC (Police) are reviewing the LEMAC documents for Serpentine Jarrahdale Shire.

Q2 If not when will it be completed?

A2 See answer to question 1.

Q3 Has the community been invited to comment?

A3 A grant under the “Natural Disaster Resilience Program” has been applied for. Once the grant is approved, the Emergency Services Department will work with LGIS within our community groups with regards to prevention, preparedness, response and recovery. This project has been run within other local governments and has been very successful. It is envisaged once the grant has been approved, commencement of the project will be prompt.

Q4 If not, why not?

A4 See answer to question 3.

Q5 When are they likely to be invited to comment?

A5 See answer to question 3.

## 3. PUBLIC QUESTION TIME:

*Public question time commenced at 7.01pm*

### **3.1 Ms S Lancelly - 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 site or only Lot 437 ?

A2 The Chief Executive Officer answered that one petition objects to all three town site, 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 Chief Executive Officer advised that this question would be taken on notice and a response provided in writing.

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 with her. Attempts have been made to locate the agreement, however it is unable to be found. People have been asked to provide further information to help locate the agreement.

### **3.2 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 be public ?
- A3 The Shire President answered that the results 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 Shire President advised that this question would be taken on notice and a response issued in writing.
- 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 Shire President advised that this question would be taken on notice and a response issued in writing.
- 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 The Shire President advised that this question would be taken on notice and a response issued in writing.

### **3.3 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 ?

Mr Kirkpatrick advised that he would like his answers responded to in writing.

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.

- Q2 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 ?

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 :

1. How much of this year's budget for locality funding has been spent in each locality ?
2. What was it spent on ?
3. What matching funding was raised for the particular item that the funding was requested for ?
4. Who authorised the allocation of the funding ?
5. Was it passed as a decision of Council ?

The Shire President advised that these questions would be taken on notice and a response issued in writing.

*Public question time ended at 7.13pm*

#### **4. PUBLIC STATEMENT TIME:**

##### **4.1 SD057/12/10 Ms S Lancelly – 8 Harris Place, Jarrahdale**

I have been involved in trying to get a skate park in Jarrahdale for about 16 years. We had one but it was removed because of noise. It was given a temporary location by the old Bunning's mill site.

There were a number of sites looked at but two that were favoured by the community ie: by the heritage timber mill or at the rear of the old Bunning's Office, were not considered even though they both belong to the Shire, meet the noise requirements and do not need any tree removal unlike all sites being considered.

Lot 437 is a degraded bush block, part of which is driven over by the fire brigade. It is also burnt off every couple of years adding to the degradation of the block. The consultants gave this site the highest rating in the public survey. It is 70% degraded. A skate park to meet local needs could be built on it without the need for wholesale clearing.

If the skate park was to go on Lot 437 vegetation could start this winter in conjunction with Landcare and the DEC.

It would appear that this is being driven by a couple of council officers with the support of a few noisy self centred groups and people just looking after themselves with no thought for the young people of Jarrahdale or the improvement of the bush blocks or the appearance of the town.

##### **4.2 Melissa Matheson – 14 McNeil Grove, Jarrahdale**

The Jarrahdale skate park permanent sire relocation project has been an ongoing issue for our group as our first letter to the SJ Shire was in April 2004 requesting a toilet and phone box for safety and health issues at its current site.

The Jarrahdale Community Association (JCA) and the Jarrahdale youths preferred site and request to the Shire was for Lot 814 / 815 on Jarrahdale Road. This was rejected as the land is zoned commercial use only.

Out of the 7 sites we are now down to 3. The JCA requested earlier in the consultation process that Lot 6 Munro Street Bruno Gianatti Hall car park and Lot 6 Munro Street Bruno Gianatti Hall community park be removed from the site list as it exceeds the recommended 50m buffer zone from houses. Lot 437 has the room to build outside of that buffer zone.

The Shire has now spent over \$15000 for a Community Facility Site Selection Report.

Convic Design assessed all 7 sites and 86% of the community voted for Lot 437 Jarrahdale Road as their preferred site.

In the Convic Design report it states that 70% of Lot 437 undergrowth is degraded. Our group JCA Friends of the Park with the help of SJ Landcare and the children from Jarrahdale Primary School have been very successful in receiving over \$70,000 in funds from the DEC and National Trust for the removal of black wattle trees, woody weeds and the revegetation of the Gooralong Brook (Turtle Brook), Forest Green Reserve, the Jarrahdale War Memorial and behind the church in the Heritage Park. Our group has planted over 6,000 native trees and seedlings in the town of Jarrahdale.

I have been awarded through State and Local Government for our efforts and are encouraged to go for more funding.

JCA Friends of the Park agree with Councillor Petersen and JCA Member John Kirkpatrick that the restoration of the environment on Lot 437 reserve is very important to our community group. This would be in conjunction with the DEC and the SJ Landcare in revegetating the whole of the degraded reserve around the skate park with native flora. This will enhance the site and reduce the fire hazard in the current bushland.

The reserve at Lot 437 has been burnt regularly and its left the reserve looking degraded and unsightly as it is a focal point of our town. The idea of pathways to connect the skate park to the main path would enhance the main street of the town and give the bushland a chance to regrow. The pathways would prevent damage to current vegetation and new seedlings.

With the cost of the site, Lot 437 being extremely higher than the other site's, it made me wonder what matrix was used to conclude the final cost as I have 3 quotes from local tree services for free as we are a non-profitable community group and the third quote was at a cost of \$9075. That comes a lot lower than \$140,000 - \$200,000. All companies have stated that there is safe vehicle access to the site and that there is no need to remove anymore tress's than needed.

In the past 6 months there has been no works done on the regrowth of the already cut Jarrah's under the power lines on Jarrahdale Road. If this had been maintained, passive surveillance would not be an issue for Lot 437.

The children of Jarrahdale have been to 5 community forum meetings with the SJ Shire over the past 6 years and have been very patient in trying to find a safer skate park site for the whole of the community. It is very disappointing that their comments are not regarded in the overall report.

#### **4.3 Jeff Palmer – 3 Harris Place, Jarrahdale**

I have written four letters to Mr Luke Tressler, plus another to three Councillors. I'll try not to waste time here by repeating what I have said in them.

I am not against the Jarrahdale skate park as such. But I am against the skate park, or any other facility, in an unsuitable location.

I refer to the agenda of this meeting, obtained from the Shire website.

#### Page 17

These three sites might be best for the skate park, but are they best for the town? Lot 437, between \$60,000 and \$120,000 will be required, just for tree removal. Lot 6 car park. Car parking is already inadequate. I refer to 13<sup>th</sup> November this year. The Lite Car Club booked use of the hall, the Ghost Walk intended to operate from the fire station. Car parking in the area was insufficient for both events, so the Ghost Walk was postponed for a week. If angle parking in Munro Street is to be considered, think about vehicles with trailers. Also, on occasion the fire brigade vehicles are parked in the street to prevent them being blocked in. The larger truck may not fit into angled bays.

#### Page 18

Economic benefits, namely kids buying drinks instead of going home for them. The owners of the Post Office disagree. Although they have the most to benefit (by your reasoning), they are more concerned about theft and vandalism rather than extra takings. I have their permission to say this. The skate park may attract other visitors to Jarrahdale. This contradicts a statement on page 26, in that it is primarily for Jarrahdale users. And what sort of visitors, law abiding visitors or hoons? We won't know until it is too late. Social – Quality of life. The skate park will be of benefit to some of the youth of Jarrahdale, but what of the rest of the residents?

#### Page 22

Petitions not valid. From the CEO's response to a question put by Ms Lancelly it would appear to refer to two petitions I wrote on behalf of others. At the time of writing them I was unaware of the parameters for a petition, and this was my omission. But you cannot deny that they still represent the views of many of the Jarrahdale residents.

#### Page 23

Vandalism. While fencing in the fire station may reduce vandalism, fences are the bane of fire-fighters. I speak from experience in this. CCTV doesn't prevent problems or vandalism on trains and busses, what makes you think it will prevent vandalism to the station? The cameras may also become targets of vandals.

Surveys. The option of "no skate park" or "leave it where it is" was not included in the surveys. In other words, the council presented the people of Jarrahdale with a *fait accompli*. "You are having the skate park in the centre of town, squabble over where you want it" (my words). The main fear among townfolk is not which of the three sites will be chosen, but that any of the sites may be chosen.

Please, don't bring the skate park into the centre of town. Thank you.

#### **4.4 OCM057/12/10 John Kirkpatrick – 77 Mead Street, Byford**

At the Sustainable Development Committee meeting on Tuesday it was pleasing to hear the comments from Cr Hoyer and Cr Petersen supporting the deferment of a decision of the final site.

Cr Petersen and I do not always see eye to eye but I thought her proposal for the skate park to go on Lot 437 Jarrahdale Road was visionary.

The block of bush is burnt off every couple of years or so and is gradually getting more degraded. To place a small local skate park on this site which we are told by the consultant's report is 70% degraded and contains no threatened flora and fauna. To put a walk path through it would revegetate the rest of it back to good quality bush.

This would encourage people to walk through the area and appreciate the site for what it is. When the community started the Forest Green Project the first thing they did was to replant the degraded area of bush and they a good success rate for their planting.

The JCA through Friends of the Park have rehabilitated Turtle Creek in conjunction with Landcare and the DEC after having been successful in obtaining two major grants. I feel sure that they would take on the project to revegetate this block of bush if the community was successful in obtaining permission to place the skate park there. Possibly with planting to start this winter.

If the councillors could work with the community on a vision for the area and it was presented it to the DEC as a package, not just as application to knock down trees, I feel sure that the DEC would support the project. This could be seen as an example to others of how to do a project in a responsible way.

Whilst we all understand the importance of trees to our environment we also need to be aware of the needs of the community and not just stop every idea because it may need the relocation of a couple of trees.

The concerns of the fire brigade about potential damage to the fire station will not go away if the skate park is located across the road and some of the young people have demonstrated a responsibility to the community by joining the fire cadets. We need to have trust in the youth of today.

If the fire brigade are so worried about damage to the fire station then it should be fenced off to stop people coming through the bush block to the fire station and stop the fire units driving through the bush block.

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

5.1 Councillor Buttfield presented 2 petitions received for Item SD057/12/10.

- 1 Petition regarding the proposed relocation of the Jarrahdale Skate Park. The residents believe that the three sites are unsuitable locations and that the skate park should remain where it is and be upgraded by the Shire. The petition contained 132 signatures of Jarrahdale residents and approximately 10 signatures of non residents. The petition does not comply with the Shire's Standing Orders 3.6.

### **COUNCIL DECISION**

**Moved Cr Lowry, seconded Cr Hoyer  
Council not accept the petition on the basis of non compliance but noted the petitions content.  
CARRIED 9/0**

- 2 Petition against locating skate park at Lot 437 Jarrahdale Road, Jarrahdale. The signees oppose the site due to its unsuitability being in close proximity to resident homes, the fire brigade, lack of toilet facilities, the destruction of our native flora and loss of animal habitat. The petition contained 82 signatures of residents and approximately 23 signatures of non residents. The petition does not comply with the Shire's Standing Orders 3.6.

### **COUNCIL DECISION**

**Moved Cr Lowry, seconded Cr Harris**

**Council not accept the petition on the basis of non compliance but noted its content.**

**CARRIED 9/0**

- 1 5.2 Councillor Twine presented a petition addressed to the Engineering Department from residents of Randell Road, Mundijong requesting that the speed limit on Randell Road be reduced to 60km per hour. The petition contained 23 signatures of residents residing in Randell Road. The petition does not comply with the Shire's Standing Orders 3.6.

### **COUNCIL DECISION**

**Moved Cr Harris, seconded Cr Buttfeld**

**Council not accept the petition on the basis of non compliance but noted its content.**

**CARRIED 9/0**

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

Christmas is fast approaching and I hope all our residents enjoy a safe and happy festive season.

Your Councillors have been attending end of term school awards nights and graduation ceremonies within the Shire. Most of our community groups have held breakup events which have involved many of us also. Evening Carol services in the local parks and in our churches are providing residents with the enjoyment of joining the singing, with midnight mass and Christmas services to look forward to. Our refurbished St Paul's Church in Jarrahdale has recently reopened and has celebrated its first wedding. St Aiden's is enjoying its new building in Byford, and other churches, chapels and monastery are all waiting to welcome you and your families over the next few weeks.

As I look back on the year, it has been a time of extreme activity. The Shire is now bristling with refurbished and new buildings. Four of our halls had a make-over, the Atwell Sports Pavilion was born, and the new Community Resource Centre went up in a flash.

I would like to take this opportunity to thank each member of my Councillor team. We have had two new elected members join us. Ashley Ellis was elected on his 19<sup>th</sup> birthday and Kim Petersen also joined our band. The job of a Councillor is not easy and I commend you all for your hard work and commitment to the Shire. My gratitude also goes to our Shire Officers. They have had a year of extreme pressure and I can't promise them an easier ride next year. As our hyper growth continues, things will become tougher, so we are working hard on producing policies to assist staff and make their tasks a little easier. Finally, I give my grateful thanks to our Chief Executive Officer Joanne Abbiss who has worked tirelessly with her team to

produce our strategic documents to guide us well into the future. Our Shire is the envy of many due to her diligence and forward thinking.

Good news. Council has undertaken a successful planning prosecution of a contractor who caused a nuisance in the local community due to dust blowing from a development site in Byford in April 2009. The contractor who pleaded not guilty, was found guilty by the Court for a breach of the Council's Town Planning Scheme relating to nuisance and was fined \$25,000 with costs awarded to Council. This is the first successful prosecution of this nature relating to dust nuisance.

The Magistrate in summing up at the end of the 2 day trial, stated that local residents who gave evidence for the Shire were credible, honest and proved beyond reasonable doubt that they had experienced a significant impact from dust.

Thank you to the staff for pursuing this prosecution and for the local residents, who worked in partnership with the Shire on this matter.

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

Cr Petersen declared an interest of impartiality in item SD057/12/10 as she is a member of the Jarrahdale Community Association. This will not affect the way she votes on the matter.

Cr Twine declared an interest of impartiality item SD057/12/10 as she is a member of the Jarrahdale Community Association, Jarrahdale Forrest Protectors and Jarrahdale Heritage Society. This will not affect the way she votes on the matter.

*Cr Guerds left the chambers at 7.20pm and returned at 7.22pm.*

Cr Hoyer declared an interest in common on items CGAM028/12/10 and CGAM029/12/10 as he is a member of the Rotary Club of Byford, Probus Club and Mundijong Community Association who may be beneficiaries of the Community Funding and Community Insurance. This will not affect the way he votes on the matter.

Cr Petersen declared an interest in common on items CGAM028/12/10 and CGAM029/12/10 as she is a member of the Mundijong Community Association and Jarrahdale Community Association who may be beneficiaries of the community Community Funding and Community Insurance. This will not affect the way she votes on the matter.

Cr Twine declared an interest in common on items CGAM028/12/10 and CGAM029/12/10 as she is a member of the Jarrahdale Community Association, Korribinjal Residents Group, Jarrahdale and Mardella Bridge Group, Jarrahdale Heritage Society and Jarrahdale Forest Protectors who may be beneficiaries of the Community Funding and Community Insurance. This will not affect the way she votes on the matter.

Cr Harris declared an interest in common on items CGAM028/12/10 and CGAM029/12/10 as she is a member of the Byford Progress Association and Byford Tennis Club who may be beneficiaries of the Community Funding and Community Insurance. This will not affect the way she votes on the matter.

The Chief Executive Officer declared an interest in common in item OCM028/12/10 as some of the questions asked relate to CEO salaries being set by the Salaries Allowance Tribunal.

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

**8.1 Ordinary Council Meeting – 22 November 2010**

**Moved Cr Buttfield, seconded Cr Harris**

**The *attached (E10/5804)* minutes of the Ordinary Council Meeting held on 22 November 2010 be confirmed.**

**CARRIED 9/0**

*Cr Lowry left the chambers at 7.53pm and returned 7.54pm*

**REPORTS OF COMMITTEES:**

SD056/12/10 BYFORD MAIN PRECINCT 'THE GLADES' LOCAL STRUCTURE PLAN – PROPOSED MODIFICATIONS – LOCAL GOVERNMENT CONSULTATION		
Proponent:	Taylor Burrell Barnet	In Brief  The WAPC has referred the amended Byford Main Precinct 'The Glades' Local Structure Plan to Council for consultation.  It is recommended that Council support the recommended response to the schedule of modifications.
Owner:	LWP Property Group Pty Ltd	
Author:	Colleen Murphy - Senior Planner	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	14 December 2010	
Previously	SCM25/03/10 OCM26/10/09 SCM02/09/06 OCM05/08/06	
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**

Following the advertising of the Byford Main Precinct Local Structure Plan (LSP) in late 2009, Council adopted the LSP subject to modifications on 9 March 2010, and then referred the LSP to the Western Australian Planning Commission (WAPC) for its consideration.

Since that time, the WAPC has been reviewing the LSP with a view to making a determination as to whether to approve the LSP with or without modifications. The WAPC has referred the LSP with modifications to the Shire for consultation. The WAPC will await comments from the Shire prior to making a determination on the LSP, however advice has been requested by not later than 23 December.

***A copy of the WAPC's correspondence, including the amended LSP map and a table of modifications is with attachments marked [SD056.1/12/10](#) (IN10/17084 and IN10/18620)***

**Sustainability Statement**

***Effect on Environment:*** Council's resolution to adopt the advertised LSP included a requirement to modify Part 1 (statutory provisions) to include a domestic cat exclusion area in the vicinity of Brickwood Reserve. The WAPC has advised that this modification is not considered appropriate for inclusion in the LSP, and is not supported.

Whilst the lack of a discrete planning control of domestic cats in the area might be considered to increase the potential impact of the future development on the environment, other measures, such as local laws, are available to Council rather than solely planning controls. The implementation of alternative mechanisms can manage any potential cat impact in future.

***Economic Viability:*** The WAPC has supported Council's required modification to rationalise public open space. The WAPC's advice also includes the removal of an area of district open space with a view to share district open space resources between two high schools in the area.

This rationalisation and a shared approach to district playing facilities will potentially reduce Council costs for provision and ongoing management.

**Social – Quality of Life:** Council's resolution to adopt the advertised LSP included a requirement for all additional road reserve required to widen and extend Orton Road to be located on the landholding to the south of the existing road (being entirely LWP Property Group's landholding).

The WAPC's advice is that the Orton Road alignment is to be based on equitable sharing of land required for widening and extension. The proposed alignment shares the additional land requirements equally among all landholders in the area, not placing the infrastructure entirely on one single landholder. Whilst landowners other than LWP would be required to cede land for Orton Road, these costs will be included in any future developer contributions scheme (Orton Road is included as an item in the DCS currently being advertised) so no one landowner will be unreasonably or unfairly burdened with additional costs.

**Social and Environmental Responsibility:** The WAPC's advice includes a proposed modification to remove all district open space within the LSP, based on achieving a sharing of resources with two high schools. Whilst the removal of one of the district open space areas will be offset by the shared facilities, these negotiations have not been based on the removal of both. The additional removal of district open space would affect available resources for active recreation and associated community benefit of sporting clubs.

### **Statutory Environment:**

#### **TPS 2**

In accordance with Clause 5.18.3.13, if the WAPC requires modifications to a proposed structure plan, it is to consult with the local government prior to approving the structure plan.

Clause 5.18.3.14 enables the Shire to readvertise the structure plan where the local government is of the opinion that any modification is substantial. It is not recommended the LSP be readvertised, as proposed modifications do not substantially affect the layout or proposals of the Glades LSP. As part of the consultation process, the Shire can provide a recommendation to the WAPC on proposed modifications to the LSP. Any recommendation or proposed modification from this consultation process is not binding on either the applicant or the WAPC.

Following the consultation, the WAPC will determine the Glades LSP. In accordance with Clause 5.18.3.15, after receiving notice of the approval, the Shire is to adopt the LSP as approved by the WAPC. TPS2 does not provide for any further deliberation or modification at that time.

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

The modifications to the LSP proposed by the WAPC are generally consistent with the Shire's current local planning policy suite.

### **Financial Implications:**

There are minor administration costs associated with finalising the draft LSP. There are however costs pertaining to the implementation of the LSP and the overarching Byford DSP.

Financial implications will include:

- The preparation and finalisation of the Byford Development Contribution Arrangement (DCP) and its ongoing management.

- Any potential land acquisitions associated with district open space.
- The whole of life cycle cost related to the future maintenance and management of public open space and the public realm.
- The whole of life cycle cost related to the future maintenance and management of the artificial water body (lake); and
- Administration support and professional services to facilitate subdivision and development.

### **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.
<b>BUILT ENVIRONMENT</b>	<b>Land Use Planning</b>	7	Urban Villages	Press for the provision of public transport and the density of development needed to give effect to transit orientated design.
		8		Ensure local structure plans have a range of attractions within a walkable distance of residential areas.
		21	Landscape	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.
		25	Transport	Ensure future public transport needs and infrastructure is incorporated into the land use planning process within the Shire and region.
		26	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
		27		Ensure land use planning accommodates a diverse range of lifestyle and employment opportunities and activities.
<b>PEOPLE AND COMMUNITY</b>	<b>Relationships</b>	27	Celebrate	Actively engage, and value the contribution of all stakeholders in better decision making.
		28		Engage existing and new residents in sharing neighbourly and community values.
	<b>Places</b>	29	Vibrant	Create vibrant urban and rural villages.
		37	Innovative	Promote and encourage the development of affordable and appropriate lifelong living environments.
<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 evidence based, open and transparent.
		16	Leadership through organisational	Elected members and staff live our values and lead by example.
		17		The organisational culture of elected

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
			culture	members and staff is one of inspiration, inclusion and innovation.
		18		Elected members and staff operate in an environment of trust, respect, openness and transparency.
		19		The elected members and staff have a relationship of unity and work together to achieve goals.
		22		The conduct of elected members and staff will be professional and reflect positively on the Shire at all times.
		26	Society, community and environmental responsibility	The Shire is focussed on building relationships of respect with stakeholders.
	<b>Strategy and Planning</b>	27	Strategic Direction	Prepare effectively for future development.

### **Community Consultation:**

The Glades LSP has previously been advertised pursuant to Clause 5.18.3.5 of TPS2. The proposed modifications to the LSP are not considered to be so substantial that they materially affect the operation, layout, or function of the LSP therefore re-advertising under Clause 5.18.3.14 is not recommended as being necessary in this instance.

The advice from the WAPC has been referred to all submitters for their information along with all landowners in the 'Doley Road Precinct', with notification that the matter is to be considered formally by Council at the December meeting where public deputations can be made.

### **Comment:**

The WAPC in its review of The Glades LSP and the Shire's recommended modifications has provided advice to the Shire as to those modifications considered appropriate, those not considered appropriate, and some additional modifications.

### **Supported Modifications:**

Modifications considered appropriate by the WAPC and included in the amended LSP include:

- Re-alignment of east-west access street to accommodate the proposed bus route, connecting the Glades and Byford West
- Road layout and density coding changes in the eastern portion of the LSP, south of the most northern Multiple Use Corridor (MUC)
- Density coding change south of Mead Street, south of the proposed private K-12 school site
- Rationalisation of various public open space areas and associated road layout modifications
- Provision of an additional note stipulating "Lots to be the subject of Detailed Area Plan(s) addressing amongst other items, fire management"
- Modification to the legend under "Other" category to state "Area subject to Village Centre Local Planning Policy" replacing the wording "Area subject to Village Centre Detailed Area Plan"
- Wastewater pump station
- Modification to Section 5.2 of Part 1 text regarding The Glades Village Centre
- Modification to Section 14.2 of Part 1 text regarding fire management
- Modification to Section 14.3 of Part 1 text regarding noise management

- Modification to Section 14.4 of Part 1 text regarding detailed area plans

It is recommended Council note that the above modifications are supported by the WAPC.

***Unsupported Modifications:***

The following modifications recommended by Council are not supported by the WAPC, and have not been included in the amended LSP:

- Orton Road – new notation on map and adjustment to map re: alignment of road reserve
- Additional annotation acknowledging Abernethy Road reserve will need to accommodate specified water distribution and reticulation mains
- Inclusion of text in Part 1 – Statutory Section to ensure that neighbourhood nodes along Orton Road are reflective of the Byford District Structure Plan and Local Planning Policy No. 19, ensuring an appropriate distribution of retail floor space between the LWP land and that within the Doley/Warrington Road Precinct.
- Inclusion of text in Part 1 – Statutory Section to prohibit keeping of cats within 300 metres of the Brickwood Reserve

More detail on each of these modifications, and the WAPC's justification, follows.

**Orton Road**

The original proposal advertised to the community included an alignment that shared widening of Orton Road between landowners to the north and south, with 5 metres widening on each side of the existing road reserve. However, where Orton Road was to be extended from Warrington Road to Soldiers Road, 25 metres of the 30 metre road reserve was proposed to be located on land to the north, with 5 metres located on LWP's landholdings to the south.

Council's resolution included the following modification with regard to Orton Road:

That a notation be placed on the LSP map stating that 'at the time of subdivision and engineering design, consideration will need to be given to the exact alignment, design and responsibilities for the construction of Orton Road and the establishment of the required road reservation' or similar. The road linking Hopkinson Road and Soldiers Road be moved south leaving the existing road, trees and drain between Doley Road and Warrington Road.

The Council resolution was communicated in writing, verbatim, to the Western Australian Planning Commission.

***The WAPC's detailed review of the Orton Road alignment is with attachments marked [SD056.2/12/10](#).***

In summary, the WAPC considered that the alignment of Orton Road widening or extension should be evenly accommodated over properties to the north and south. In this way, the WAPC does not support the alignment of Orton Road as previously proposed by LWP in the advertised LSP, nor Council's request that Orton Road be widened or constructed only on LWP's landholdings.

Following the WAPC's review, the amended plan includes a more equitable distribution of Orton Road:

- Widening of the existing Orton Road is to be shared equally between LWP and landowners from east of Warrington Road, with 5 metres widening on both sides of the existing road reserve

- Extension of Orton Road is to be shared equally between LWP and other landowners from Warrington Road to Soldiers Road, with 15 metres of road reserve being taken from the north and south properties

The amended LSP is considered to provide an equitable arrangement for all parties, with all landowners able to be compensated for land and construction costs above standard subdivisional requirements through the Byford Developer Contribution Scheme (currently being advertised). It is recommended Council note the proposed modification to the LSP with regard to the alignment of Orton Road.

A number of options remain open to Council in respect of the Orton Road matter and the WAPC's proposed modification to the Structure Plan, as follows:

1. Support the modification, as proposed by the WAPC;
2. Reiterate Council's previous resolution of 25 March 2010, without change;
3. Reiterate Council's previous resolution of 25 March 2010, and provide additional justification and/or clarification; and
4. Provide a different recommendation to the WAPC, and provide reasons accordingly

Option 1 is recommended.

#### Abernethy Road Reserve

The Water Corporation requested annotations on the LSP map acknowledging that the Abernethy Road reserve would need to accommodate dual 1400mm water distribution trunk mains, a smaller diameter water distribution main and various reticulation mains.

The WAPC considered that such a notation is not a LSP consideration, and would be relevant for inclusion as an advice note at the time of subdivision.

This is considered to be a reasonable approach, and the Water Corporation is a referral authority for subdivision applications. It is recommended Council note the deletion of the modification regarding annotations acknowledging Abernethy Road reserve will need to accommodate specified water distribution and reticulation mains.

#### Neighbourhood Nodes

Council's resolution included the following modification with regard to Neighbourhood Nodes located along Orton Road:

*"That the draft LSP Statutory Section be modified to ensure that the neighbourhood nodes at the intersections of Orton and Doley Roads, Orton and Warrington Road and Orton and Soldiers Roads are reflective of the Byford DSP and LPP 19, ensuring an appropriate distribution of retail floorspace between the LWP land and that within the Doley/Warrington Road Precinct."*

The WAPC has advised that the modification is not required, as the Shire can ensure adequate distribution of retail floor space at the time of development applications.

LPP19 includes a maximum net lettable retail floor area of 300m<sup>2</sup> for a neighbourhood node. The advertised LSP capped net lettable retail floor area within neighbourhood nodes of the Glades at 200m<sup>2</sup>. This would leave 100m<sup>2</sup> available for the balance of neighbourhood nodes in the Doley/Warrington Road Precinct. Other uses, such as offices, child care centres, restaurants, and higher residential densities facilitated by the Neighbourhood Node defined by LPP19 do not contribute to net lettable area and would not be impacted by development in the Glades LSP area.

An equal retail floor space split would cap each side at 150m<sup>2</sup>. However, 100m<sup>2</sup> net lettable retail floor area is sufficient to develop a corner store or delicatessen (as the only retail uses allowed by LPP19). In this way, the variation of 50m<sup>2</sup> is not considered significant, nor likely to pose a threat to retail development, other neighbourhood node uses, or high density residential development in the Doley/Warrington Road Precinct.

It is recommended Council note the retention of Section 5.3 of Part 1 as advertised, specifying a maximum 200m<sup>2</sup> retail floor space within neighbourhood nodes south of Orton Road.

### Cat Exclusion Areas

Council's resolution included the following modification with regard to cats:

Inclusion in the statutory section – part 1 of text that prohibits the keeping of cats within 300 metres from the outside perimeter of the Brickwood Reserve.

The developer had advised that they are not supportive of a full cat exclusion zone being established, due to the proposed urban nature of the subdivision and the potential impact on the marketing of land for sale within the estate. Department of Planning officers have advised that they do not consider it appropriate to include cat exclusion provisions in a local structure plan. Whilst Council can reiterate its previous position, this is unlikely to be supported in the final DoP recommendation to the WAPC.

There is some precedent for utilising planning provisions to exclude or manage domestic cats in environmentally sensitive locations. However, a number of local governments have instead developed local laws that include requirements to register cats and implement cat curfews in residential areas. Other mechanisms available to Council to control cats include:

- Advice being made available to prospective purchasers
- Community education about the value of the reserve and the potential threat that cats pose to native fauna
- Partnerships with relevant community-based organisations
- Trapping within the reserve
- Encouraging the micro-chipping of animals
- Promoting sterilisation programs
- Signage
- The erection of 'cat-proof' fencing

The option exists for Council to establish the area as a cat exclusion zone in the future, through the establishment of a local law or similar, should the above-mentioned suite of measures for cat control not be effective. This approach is understood to be consistent with the direction that a number of other local governments, including the City of Swan, are progressing.

The Shire is significantly under-resourced when it comes to development compliance at present. In reality, the use of planning enforcement measures to ensure compliance with planning provisions that exclude cats would be affected by a significant number of other, higher priority compliance issues. There is therefore merit in Council instead considering and utilising other means to control potential cat nuisance and predation in urban locations rather than through planning requirements which focus on land use and development, rather than regulating the keeping of domestic pets. If such mechanisms do not prove effective, a cat exclusion zone can be established by Council in the future.

It is recommended that Council note the removal of the modification to exclude cats, investigate alternative mechanisms to pro-actively manage potential impact of cats both in the vicinity of Brickwood Reserve, and other environmentally sensitive areas of the Shire and

consider the allocation of resources through the municipal budget process for 2011/2012 financial year.

***Additional Modifications:***

Additional modifications included in the amended LSP not included in the Shire's original schedule include:

- Reduction in the size of the primary school site to 3.5 hectares
- Removal of District Open Space south of Orton Road

Primary school site

Liveable Neighbourhoods provides for a potential reduction in size of primary school sites from 4 hectares to 3.5 hectares where co-located with active public open space. In this situation, a playing oval is shared between the school and public open space as a facility shared between the school and the community. This requires agreement between the Shire and the school to guarantee community access to the oval for active recreation.

The advertised LSP co-located a 4 hectare primary school site with a senior size oval shared between the school and public open space. The WAPC has advised that the Department of Education and Training (DET) supports the reduction in the size of the primary school, however this requires a reduction to a junior size playing field so as to avoid restrictions on built form of the school that a senior playing field would bring.

The site is identified as District Open Space on the Byford Structure Plan. A junior size playing field is insufficient to function as district open space, which would usually include two senior playing fields and hardcourts. Whilst there is potential to develop a district recreational area between two high schools and Briggs Park, this will only take on the sporting function of the other District Open Space area proposed to be removed by the WAPC's modifications (see discussion below). The removal of both areas of District Open Space identified by the Byford Structure Plan will not provide for adequate active recreation in the area, and will not be sufficient to support community sporting clubs.

It is recommended that the area of public open space co-located with the primary school retain a senior size playing field. The co-location of a primary school with a senior sized oval is consistent with the approach taken with the primary school in the Kalimna estate. As a reduction of the primary school size will require a loss of a senior size playing field, it is recommended Council not support this modification.

District open space south of Orton Road

The advertised LSP included an area of district open space south of Orton Road, consistent with the Byford Structure Plan. However, as a public and private high school are proposed adjacent to each other near Briggs Park, an opportunity to create shared facilities and a recreation hub at that location has been identified. In recognition of that opportunity, the WAPC has proposed to modify the LSP to remove the district open space south of Orton Road.

The sharing of facilities between the two high schools has been agreed in principle by the Department of Education and Training and the Office of Catholic Education. However this in principle support does not mention community access, although accessibility by the community and community sporting groups has formed part of the discussions and intentions. The Shire is progressing a memorandum of understanding as a matter of urgency to formalise agreement to work toward the sharing of facilities between the two high schools with community access is in development.

In the absence of an MOU, there is not sufficient comfort that the community will have access to district level active recreational facilities co-located between the two high schools to enable removal of the district open space. Current and future active recreational facilities in the region are limited, and removal of the district open space ahead of agreement to work toward shared facilities may risk an under-provision of active open space in future.

Clause 5.18.4 of TPS2 provides for Council to adopt a minor change to or departure from an approved structure plan where it does not materially alter the intent of the structure plan. This process requires a single Council resolution, and notification to the Commission. It is considered Council can resolve to remove the District Open Space as a minor change once an MOU has been signed. It is anticipated the MOU can be presented to Council in early 2011, therefore not hold up the progression of The Glades LSP.

An MOU is not a legally binding document, and whilst will provide the formal commitment of all parties to work towards a joint use agreement, it does not guarantee that outcome. An absolute guarantee for shared use of the facilities will only be provided by a joint use agreement, which could take up to a year to develop and require the completion of necessary feasibility studies and stakeholder engagement. As there is existing precedent for the Office of Catholic Education and the Department of Education to agree to this model of shared facilities, for example within the Ellenbrook area, it is considered the same should be able to be achieved in The Glades and an MOU should provide sufficient comfort moving forward. Should a joint use agreement not be reached, Council would need to consider this matter further in the context of both community expectations and the Shire's Community Services and Facilities Plan. In order to provide adequate recreational facilities, Council may be required to fund, secure and develop alternative land in a suitable location – potentially on land otherwise identified for development.

It is recommended that Council advise that the District Open Space south of Orton Road be retained, with a view to undertake minor modifications to the LSP once approved to remove the District Open Space with the execution of an MOU with the Department of Education and the Catholic Education Office.

### **Conclusion**

Attachment *SD056.3/12/10* summarises the above within a single document, recommended as Council's response to the WAPC's proposed modifications.

***The recommended response to the WAPC is included within attachments marked [SD056.3/12/10](#).***

### **Options**

There are 3 main options available to Council with respect to responding to the WAPC's advice on proposed modifications to the Main Precinct LSP, as outlined below:

- Option 1 – to endorse Attachment *SD056.3/12/10* as Council's response to the WAPC's proposed modifications to the LSP.
- Option 2 – to endorse Attachment *SD056.3/12/10* subject to changes as Council's response to the WAPC's proposed modifications to the LSP.
- Option 3 – to reiterate Council's resolution of 9 March 2010 as Council's response to the WAPC's proposed modifications to the LSP.

Option 1 is recommended as the most appropriate response.

**Voting Requirements:** Simple Majority

**Officer Recommended Resolution:**

## That Council:

1. Note the Western Australian Planning Commission's advice on and proposed modifications to The Byford Main Precinct Local Structure Plan.
2. Endorse Officers comments within Attachment *SD056.3/12/10* as the Shire's response to the Western Australian Planning Commission's proposed modifications to the Local Structure Plan.
3. Urgently progress a Memorandum of Understanding with the Department of Education and Training and the Office of Catholic Education to work toward shared recreation facilities with a view to amending the Local Structure Plan to remove the district open space area south of Orton Road, as a minor amendment in accordance with Clause 5.18.4.1 of Town Planning Scheme No. 2 once that agreement is signed.
4. Direct Administration to investigate the options for effective domestic cat control around the Brickwood Reserve, and prepare a business case for the most appropriate mechanism for Council's consideration in the 2011-2012 budget.

Committee Recommended Resolution:

## That Council:

1. Note the Western Australian Planning Commission's advice on and proposed modifications to The Byford Main Precinct Local Structure Plan.
2. Endorse Officers comments within Attachment *SD056.3/12/10* as the Shire's response to the Western Australian Planning Commission's proposed modifications to the Local Structure Plan.
3. Urgently progress a Joint Use Agreement with the Department of Education and Training and the Office of Catholic Education to work toward shared recreation facilities with a view to amending the Local Structure Plan to remove the district open space area south of Orton Road, as a minor amendment in accordance with Clause 5.18.4.1 of Town Planning Scheme No. 2 once that agreement is signed.
4. Direct Administration to investigate the options for effective domestic cat control around the Brickwood Reserve, and prepare a business case for the most appropriate mechanism for Council's consideration in the 2011-2012 budget.

Committee Note: The Officers Recommended Resolution was changed by replacing the words "Memorandum of Understanding" with "Joint Use Agreement" in Condition 3. Reasons for supporting this change include: The uncertainty surrounding an MOU which is not a legal entity, where a joint use agreement is. The overuse of present ovals in a rapidly expanding population makes the potential loss of public open space untenable to this Council. To provide ovals for a population is not only beneficial health wise, body and mind, it provides a sense of place and belonging and a social hub. The Council want WAPC to understand they are passionate about providing sufficient ovals for our community which is currently extremely under resourced in sporting facilities.

Attachment *SD056.3/12/10* will require amending prior to the December Ordinary Council Meeting.

Supplementary Information:

The resolution of the Sustainable Development Committee modified the trigger for potential deletion of the district open space south of Orton Road to a joint use agreement rather than a non-legally binding memorandum of understanding (MOU). Consistent with that resolution, the recommended response to the WAPC on the amended LSP has been modified to refer to a joint use agreement rather than a MOU.

**The updated attachment is included within attachment [SD056.4/12/10](#).**

**SD056/12/10 COUNCIL DECISION/Alternate Officer Recommendation:**

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

- 1. Note the Western Australian Planning Commission's advice on and proposed modifications to The Byford Main Precinct "The Glades" Local Structure Plan.**
- 2. Endorse Officers comments within Attachment *SD056.4/12/10* as the Shire's response to the Western Australian Planning Commission's proposed modifications to the Local Structure Plan.**
- 3. Urgently progress a Joint Use Agreement with the Department of Education and Training and the Office of Catholic Education to work toward shared recreation facilities with a view to amending the Local Structure Plan to remove the district open space area south of Orton Road, as a minor amendment in accordance with Clause 5.18.4.1 of Town Planning Scheme No. 2 once that agreement is signed.**
- 4. Direct Administration to investigate the options for effective domestic cat control around the Brickwood Reserve, and prepare a business case for the most appropriate mechanism for Council's consideration in the 2011-2012 budget.**

**CARRIED 5/4**

**Cr Geurds voted against the motion**

**During debate Cr Geurds foreshadowed that he would move a new motion which will articulate further arguments relating to the public open space if the motion under debate is defeated.**

**Council note: Item 2 of the Committee Recommended Resolution referred to attachment SD056.3/12/10 instead of SD056.4/12/10.**

SD057/12/10 JARRAHDAL SKATE PARK LOCATION (A0301/01)		
Proponent:	Serpentine Jarrahdale Shire	In Brief  Council to endorse Lot 6 Munro Street (Car Park), Jarrahdale as the site for a future skate park in Jarrahdale.
Author:	Luke Tressler, Community Planning Officer	
Senior Officer:	Suzette van Aswegen, Director Strategic Community Planning	
Date of Report	15 November 2010	
Previously	SD131/04/10	
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	

Delegation	Council	
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## **Background**

Following a request from the Jarrahdale Community Association (JCA) for a permanent location for a skate park closer to the town centre, as the current skate park is in an isolated part of the Town with no amenities and in poor condition, the JCA and the Shire identified a number of potential sites that had the correct zoning to allow for a skate park to be considered. These sites were:

- Lot 437 Jarrahdale Road Adjacent to the Bus Stop
- Lot 2 Jarrahdale Road - Adjacent to the Church
- Lot 200: Jarrahdale Road - Jarrahdale Heritage Park
- Forest Green - corner Brady Street & Forest Avenue
- Lot 4490 Marginata Parade - King Jarrah Circle
- Lot 814/815 Jarrahdale Road - Old Mill Site
- Lot 6 Munro Street – Bruno Gianatti Hall Car Park
- Lot 6 Munro Street – Bruno Gianatti Hall Community Park
- Various Lots - Area South of School Oval

Lots 814/815 were discounted as they have been designated for future development by Council resolution. Forest Green was identified as a site which may allow for the possibility of a small, junior level skate park or skateable objects for young children.

At the April 2010 Ordinary Council Meeting, Council resolved to continue the feasibility study for the Jarrahdale Skate Park with the remaining seven sites. The Shire engaged Convic Design to conduct an independent study of the seven sites and make recommendations to Council. The Jarrahdale community and key stakeholders have been consulted on a number of occasions during the process and their views have been considered and included in the decision making process.

After factoring in a number of different aspects, Convic has put forward three sites which best fit the requirements for the Skate Park. These are as follows; Lot 437 Jarrahdale Road - Adjacent the Bus Stop, Lot 6 Munro Street – Bruno Gianatti Hall Car Park, and Lot 6 Munro Street – Bruno Gianatti Hall Community Park.

***A copy of Convic Design's Proposed Jarrahdale Skate Park/BMX Community Facility Site Selection Report November 2010 is with attachments marked [SD057.1/12/10](#).***

## **Sustainability Statement**

***Effect on Environment:*** Lot 437 Jarrahdale Road is a forested reserve which, should Council choose this site, there may be between 30 and 40 trees which would need to be removed/relocated to allow for the skate park, passive surveillance from Jarrahdale Road, access for plant equipment when constructing the facility and to allow adequate distance between the skate park equipment and vegetation for safety reasons as well as to prevent damage to the vegetation. The design and strategic placement of the skate park will be conducted in a way that would minimize, to the greatest extent possible, the impact on the environment. The Shire's Environmental Team have conducted a survey of the reserve and found that 70% of the vegetation is in a "poor" condition and the other 30% is in a "good" condition. The 30% of the vegetation which is considered to be in a "good" condition is located where it has been suggested to locate the skate park. The specific location (refer maps on page 21 of Convic's report) was chosen as it is the area most sparsely populated with trees and as it was seen as an adequate distance from the Fire Station and fronts onto Jarrahdale Road. There may also be a risk of trampling of vegetation from users walking

through the bush to the skate park instead of going down the paths on Munro Street and Jarrahdale Road to get to the park.

Lot 6 Munro Street (Car Park) is a cleared, flat site that would not have an impact on the environment.

Lot 6 Munro Street (Community Park) is also a cleared site with a playground and garden beds. Due to the small amount of open land for the skate park it may require the rearranging and/or relocating of some of the play equipment and/or garden vegetation.

**Resource Implications:** Whichever site is chosen, the design and placement of the skate park will endeavour to minimise resource implications. There will however, be resource implications on all sites.

As stated, Lot 437 Jarrahdale Rd may require between 30 and 40 trees to be removed/relocated at the cost of between \$2,000 and \$3,000 per tree.

Lot 6 Munro St (Car Park) is one of the few designated car parks within Jarrahdale and so would require additional parking to be located close by to offset the loss of the parking. A number of options will need to be investigated including angle parking along Munro Street, should Council approve this site for the skate park.

Locating the skate park on the Lot 6 Munro St (Community Park) site may require the rearrangement/relocation of the play equipment and/or the garden beds.

**Use of Local, Renewable or Recycled Resources:** Whichever site is chosen the design of the skate park and the landscaping around it will endeavour to use local resources as well as vegetation and will reflect the image of Jarrahdale.

The design and construction of the park will however be required to be done by professionals who are not located in the local area as skate parks are a specialist area and can be dangerous if designed or constructed poorly, thereby increasing the risk to the Shire and the users.

**Economic Viability:** The necessary removal/relocation of trees on Lot 437 Jarrahdale Rd will almost double the project budget (See pages 24 – 26 of Convic's report), which is likely to be mostly grant funded. While the other sites may require works as a result of the skate park the costs are significantly lower than Lot 437.

Maintenance on concrete skate parks is historically very low which offsets the higher cost of construction in comparison to other sporting/recreational facilities.

**Economic Benefits:** Locating a skate park closer to the centre of town will bring added benefits to the local community. The current location of the skate park is far away from the local shops so users of the skate park are more likely to travel home for food and drinks rather than to the shops. Each of the top three sites from Convic's report are close to shops and so the skate park is likely to provide a boost to the local economy.

Although this will be a small local skate park primarily for local use, it may also attract users from other locations, who in turn may boost the local economy.

**Social – Quality of Life:** Bringing the skate park closer to the centre of town will greatly increase the levels of social interaction and quality of life for the young people in Jarrahdale. Being in a distant, isolated location restricts the current skate park's use as parents are concerned about their kids using such an isolated facility.

Locating the skate park closer to the centre of town will mean that more young people will be able to use it, therefore increasing the level of physical activity and quality of life amongst young people. The design of the skate park will also endeavour to create a meeting space for all community members, not just youth.

**Social and Environmental Responsibility:** The community and stakeholder groups have had a number of opportunities to provide comments on each of the sites and to also suggest possible solutions to the perceived problems.

Each of the top three sites present challenges to our Social and Environmental responsibility. Some of these are common including all sites being close to residential property and the fear of vandalism to neighbouring facilities. Lot 437 Jarrahdale Rd and Lot 6 Munro St (Car Park) also have specific challenges to locating a skate park on a site:

Lot 437 Jarrahdale Rd may require the removal/relocation of between 30 and 40 trees from a forested site. Increased use of the reserve may also cause further deterioration in the quality of vegetation. Due to the extent of forest cover on the site, surveillance presents itself as a serious issue. Removing/relocating trees along Jarrahdale Road will give good visibility from the road but as it is a forested site, sight lines are limited from all other directions. It has also been brought to our attention, by former Councillors, through the Reserves Advisory Group and Community Consultation that the Shire apparently made an agreement, or had an understanding, with the community that after the Jarrahdale Fire Brigade Building was constructed, there would be no further development on that reserve. The exact details of the agreement/understanding have not yet been recovered.

Lot 6 Munro St (Car Park) is adjacent to the Jarrahdale War Memorial. The RSL and some of the community have expressed concerns that it would be disrespectful to have the skate park near the war memorial, although the Youth at the meeting on 20 October 2010 disagreed and said that they are respectful of the site as those that died fought for their way of life.

**Social Diversity:** Each of the locations is close to the centre of town where there are a variety of different facilities for the community to utilize in close proximity to each other.

The way modern skate parks are designed means they are more about being open community spaces where all generations can come and enjoy themselves.

**Statutory Environment:** N/A

**Policy/Work Procedure Implications:** There are no work procedures/policy implications directly related to this proposal.

**Financial Implications:** Initial estimates for financial implications on setup costs for each of the top three sites have been documented in Convic's Report as follows: Lot 437: \$140,000 - \$200,000; Lot 6 Car Park: \$109,000; Lot 6 Community Park: \$80,000.

The estimated cost of the design phase of the project has been allocated in the 2010/11 budget. This includes a grant from the Department of Sport and Recreation through the Community Sport and Recreation Facilities Fund. Any shortfall that may occur will need to be sought through additional grants.

Construction costs for the skate park itself will be sought primarily through grants with the possibility of a contribution from Council through a Locality Funding Program application to be used to leverage funds. As it will be a small facility, the skate park will have an approximate budget of \$200,000 although this will be determined by the design.

### **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.		
		5	Restore	Establish and enhance waterways and bush corridors.		
		6		Establish increased levels of natural vegetation in urban and rural environments.		
		10	Manage	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".		
		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>BUILT ENVIRONMENT</b>	<b>Land Use Planning</b>			
				1	Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.
				14	Buildings	Encourage built form that positively contributes to streetscape amenity.
				17		Preserve, enhance and recognise heritage values within the built form.
18				Invest upfront in the creation of vibrant, interactive public places and spaces that demonstrate the type of development envisaged by the community.		
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.		
23				Protect the landscape and		

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				environmental values of natural reserves and areas from the impacts of development.
		26	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
		28		Rationalise existing, and responsibly plan new, public open spaces to ensure the sustainable provision of recreation sites.
	<b>Infrastructure</b>			
		44	Utilities	Press for minimal environmental and social impact and maximum preservation and enhancement of visual amenity, in the installation of utilities.
		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.
		54	Partnerships	Empower residents to advocate for their community of interest and endeavour to create Shire policy and strategy that is respectful of their vision.
		56		Continue to work with funding agencies to secure grants for projects.
		59		Interact with professional and industry bodies to keep abreast of best practice.
<b>SUSTAINABLE ECONOMIC GROWTH</b>				
	<b>Industry Assistance</b>			
		18	Information	Provide support and guidance for local activities, events and community groups.
<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.
		3		Enable the provision of a range of facilities and services for families and children.
		10	Happy	Understand and respond to the needs of our youth.
		11		Actively engage youth in local decision making.
		12		Encourage youth participation in community activities, groups and networks.
	<b>Relationships</b>			
		21	Empower	Empower people to represent their community of interest.
		22		Achieve a sense of belonging

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				through active networks and community groups.
		23		Build strong relationships that are resilient to the pressures and challenges of growth and “breaking new ground”.
		24		Foster ownership and commitment within partnerships in order to achieve shared visions.
		25		Enable inclusive, accessible and appropriate communications.
		27	Celebrate	Actively engage, and value the contribution of all stakeholders in better decision making.
	<b>Places</b>			
		31	Vibrant	Build the community's capacity to create vibrant places through activities and events.
		32		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
		34		Enable a diverse range of places that accommodate a variety of active and passive recreational pursuits.
		39		Enable and develop sustainable, multipurpose facilities where duplication is minimised.
		41	Distinctive	Recognise, preserve and enhance the distinct characteristics of each locality.
		42		Foster the sense of belonging and pride of place in our community.
<b>OUR COUNCIL AT WORK</b>				
	<b>Leadership</b>			
		9	Leadership throughout the organisation	All decisions by staff and elected members are evidence based, open and transparent.
		26	Society, community and environmental responsibility	The Shire is focussed on building relationships of respect with stakeholders.
	<b>Strategy and Planning</b>			
		27	Strategic Direction	Prepare effectively for future development.
	<b>Success and Sustainability</b>			
		34	Measuring and Communicating Organisational Performance	Identify and measure key performance indicators and project milestones.
		36		Develop simple milestone reporting systems that meet the information needs of the community, elected members, management and staff.
	<b>Knowledge and Information</b>			

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		47	Generating, collecting and analysing the right data to inform decision making	Understand the needs of stakeholders.
		49	Creating value through applying knowledge	Ensure evidence based decision making

### **Community Consultation:**

The Community has been offered a number of opportunities to have their say on the location of the future Jarrahdale Skate Park. A community mail out was conducted and displays placed in the Post Office for people to provide comments in July 2010. In August 2010 Convic Design spoke with various stakeholder groups about skate parks and to hear their views. Convic also met with the youth of Jarrahdale and talked to them about what they would like in a skate park and also where they would like to have the skate park. During Convic's second visit in October 2010 Convic presented the top three site rankings in a community forum and the community members present were given the opportunity to express their views. Their comments were recorded on butcher paper and also on comment sheets. Letters and comment sheets were then posted out to the residents who were most likely to be affected by a skate park being located on any of the three sites. A petition has also been received from the community against Lot 437 Jarrahdale Rd with 18 signatures which does not comply with Council Standing Orders requirements for petitions. It is anticipated that further petitions will be received regarding the Jarrahdale Skate Park Project and will be brought to Council in due course.

From these community consultation sessions, the community have a number of concerns about each of the sites which will need to be addressed, whichever site is chosen. During the consultation process the community was asked what they liked about each of the sites and also to suggest possible solutions to the issues which were raised. Officers have also suggested a number of possible solutions. The possible solutions are as follows:

Lot 437 Jarrahdale Rd – The concerns the community have about this site is that it would require the clearing of vegetation from the site to allow space for the skate park and also potential vandalism and interference to the Fire Brigade Building. Methods to minimise the risk of vandalism to the Fire Brigade Building which have been suggested include fencing off the building, CCTV and working with the youth to develop a sense of ownership and responsibility for the site. Clearing of vegetation from the site is unavoidable but offsets can be made. Some members of the community have also expressed concern that there may be an increased fire risk as a result of increased activity in the reserve. The positive aspects which the community listed was that the vegetation on the site would provide shade and shelter for the users and the vegetation would act as a noise buffer for neighbouring properties. Vegetation provides minimal noise reduction. Like the other sites some people were also in favour as it was close to the centre of town.

Lot 6 Munro St (Car Park) – The main community concerns over this site was that it would take away a much needed parking area and also potential vandalism and interference to the War Memorial. There are currently a number of different potential options to offset the loss of parking space, should the site be approved, which will need to be investigated. At the meeting on 20 October 2010 the young people said that they respected the War Memorial and recognized its importance in the community. Extra anti graffiti measures can also be brought into place. The positive aspects of this site were that it was already a flat site that did not require the removal of any vegetation. Some people were also in favour of this site as it is close to toilets.

Lot 6 Munro St (Community Park) – The main concerns that some members of the community had over this site was that Council had already invested in the play equipment, and that taking all or some of this away would mean that this investment would be wasted. Other members of the community felt that a skate park would complement the play equipment. Through the design of the skate park it may be possible that the play equipment could remain on site but be reconfigured to allow both on the site. The community has also expressed concerns that each of the three top ranked sites are close to houses. The reason why the original skate park was moved was because of the noise generated by the skate park. Concrete and modern skate park design has come a long way in reducing the levels of noise produced from them. While all sites are within or bordering the minimum 50 meter recommended distance from houses it will be important to ensure that the design, landscaping and buffer devices are developed to minimise noise pollution as much as possible.

A summary of the submissions can be found below:

Table 1 details the number of community responses and the community's ranking of preferred sites during the Community Mail Out.

(1 being most preferred, 7 being least preferred).

Sites	1	2	3	4	5	6	7
Lot 437 Jarrahdale Rd - adjacent to the Bus Stop	21	2	1	4	2	1	4
Lot 2 Jarrahdale Rd – adjacent to the Church	2	1	3	2	6	10	4
Lot 200 Jarrahdale Rd – Jarrahdale Heritage Park	2	5	4	14	4	0	0
Lot 4490 Marginata Parade - King Jarrah Circle	1	5	9	3	2	4	3
Lot 6 Munro Street – Bruno Gianatti Hall Car Park	3	4	2	1	1	7	9
Lot 6 Munro Street – Bruno Gianatti Hall Community Park	3	4	2	2	8	3	6
Lots around School Oval	2	7	6	3	3	0	6

Table 2 is a summary of the number of community responses and the community's top 3 preferred sites during the Community Mail Out.

Sites	1 <sup>st</sup> Choice	2 <sup>nd</sup> Choice	3 <sup>rd</sup> Choice
Lot 437 Jarrahdale Rd - adjacent to the Bus Stop	27	2	1
Lot 200 Jarrahdale Rd – Jarrahdale Heritage Park	2	1	4
Lot 2 Jarrahdale Rd – adjacent to the Church	1	1	0
Lot 6 Munro Street – Bruno Gianatti Hall Car Park	3	1	1
Lot 6 Munro Street – Bruno Gianatti Hall Community Park	2	8	4
Lot 4490 Marginata Parade - King	1	1	8

Jarrahdale Circle			
Lots around School Oval	0	8	1

Table 3 is a summary of the number of youth responses and the youths' top 3 preferred sites during their first meeting with Convic Design.

Sites	1 <sup>st</sup> Choice	2 <sup>nd</sup> Choice	3 <sup>rd</sup> Choice
Lot 437 Jarrahdale Rd - adjacent to the Bus Stop	11	2	
Lot 200 Jarrahdale Rd – Jarrahdale Heritage Park	3	5	3
Lot 2 Jarrahdale Rd – adjacent to the Church			2
Lot 6 Munro Street – Bruno Gianatti Hall Car Park		5	2
Lot 6 Munro Street – Bruno Gianatti Hall Community Park			
Lot 4490 Marginata Parade - King Jarrahdale Circle			1
Lots around School Oval			

Table 4 details the number of community responses and the community's submissions preference for the Top 3 sites recommended by Convic at the Community Forum in October.

Sites	1 <sup>st</sup> Choice	2 <sup>nd</sup> Choice	3 <sup>rd</sup> Choice
Lot 437 Jarrahdale Rd - adjacent to the Bus Stop	12	2	5
Lot 6 Munro Street – Bruno Gianatti Hall Car Park	4	4	1
Lot 6 Munro Street – Bruno Gianatti Hall Community Park	2	3	4

Table 5 details a summary of all community submissions from neighbouring residents who would most likely be affected by a skate park being located on one of Convic's Top 3 recommended sites.

Sites	1 <sup>st</sup> Choice	2 <sup>nd</sup> Choice	3 <sup>rd</sup> Choice
Lot 437 Jarrahdale Rd - adjacent to the Bus Stop	4	1	2
Lot 6 Munro Street – Bruno Gianatti Hall Car Park	2	2	1
Lot 6 Munro Street – Bruno Gianatti Hall Community Park	1	2	2

Residents in close proximity to any of the top three sites disapproved of it being located near their property and expressed concerns over the noise and anti-social behaviour, particularly at night.

The Shire's Reserve Advisory Group (RAG) have also commented on the Top three sites and have raised strong objections about Lot 437 Jarrahdale Rd and pointed out that there

was an agreement between the Shire and the community that there would be no further development on that site. Their preference was to have it on either of the locations on Lot 6 Munro Street.

Jarrahdale Community Association representatives have provided comment on Convic's Report stating they approve of the Report and its recommendation for the Top 3 sites. They do however have concerns over the Lot 6 Munro St (Car Park) site because it would take away the parking lot and is close to the War Memorial.

**Comment:**

After taking into consideration Convic's Report and Matrix ranking, available space and initial site preparation work and associated costs, the impact on the environment and the ability to minimise the negative aspects of locating a skate park in a location, the following officer recommendation is provided:

Lot 6 Munro Street (Car Park) is the site being recommended to Council for the future Jarrahdale Skate Park. This site is, like the other sites, within the 50 metre recommended buffer from residences and so it will be essential to design the park and surrounds to minimize the impact on neighbouring residences. The way current skate parks are designed is significantly quieter than both the old concrete skate parks, and the metal skate park that Jarrahdale currently has. Measures can also be taken to minimize the impact on the War Memorial. A number of possibilities, at minimal costs, also exist for offsetting the loss of the car park, such as angled parking on Munro Street. Passive surveillance from this site is also highest of the three preferred sites and so will be safer for users and so is less likely to attract anti social behaviour.

Lot 437 Jarrahdale Rd was the highest ranking in Convic's Matrix ranking (Lot 437: 124; Car Park: 120; Community Park: 117) and was voted most popular in the submissions given to the Shire during the Community Consultation period. However, due to the high financial cost and the cost to the environment, as well as an apparent agreement/understanding which has come to light during the community consultation process between the Shire and the community regarding further development on the reserve, it is the least recommended by the officer of the top three sites for a future skate park in Jarrahdale. Raising the extra funds needed for the project on this site would result in significant delays to the construction of the Skate Park. Given that this is to be a small scale facility, primarily for local users, effectively doubling the budget before construction on the park begins would be economically irresponsible. Officers have also expressed concerns over the proposed clearing of the site and that it would not be consistent with Council policies and the Plan for the Future. The Department of Environment and Conservation (DEC) may also raise objections regarding this site as the other two sites are much less vegetated, and therefore following an assessment process of approximately 2 – 3 months DEC may refuse any Council request for clearing.

Lot 6 Munro St (Community Park) is constrained in useable space regardless of how the play equipment and garden beds are repositioned and so would impact on the quality of the skate park. Locating it on this site may result in some or all of the play equipment being moved to another location in Jarrahdale or a compromised skate facility being provided and therefore is not recommended as highly as Lot 6 Munro St (Car Park).

In conclusion, it is recommended that Lot 6 Munro Street Car Park be selected as the site for the future skate park in Jarrahdale for the following reasons:

- Least impact in terms of site preparation work
- Least detrimental effect on the environment
- Reasonable costs for the total site preparation works
- Proximity to amenities
- Proximity to centre of town

- Proximity to current youth hangout areas/where they would like to be
- Highest level of passive surveillance in line with the State Government's Designing Out Crime guidelines
- Compliance with the guidelines for Planning Youth and Recreational Areas
- Realistic ability to overcome negative aspects of the site
- No previous agreements/understandings with the community which inhibit development on the site
- No other potential conditions pending (such as DEC approvals)

**Voting Requirements:** Simple Majority

**SD057/12/10 Officer Recommended Resolution:**

That Council endorses Lot 6 Munro Street (Car Park), Jarrahdale as the site for a future skate park in Jarrahdale.

**New Committee Motion:**

Moved Cr Petersen, seconded Cr Butfield

That Council supports further investigation into Lot 437 by requesting a survey and clearing permit from Department of Environment and Conservation to establish whether or not a skate park can be built in this location.

LOST 3/4

Cr Twine foreshadowed that she would move a new motion proposing the site at Lot 6 Munro St, (Community Park) as the location for a skate park if the motion under debate is defeated.

Cr Hoyer foreshadowed he would move a motion to defer this item for 3 months and to include investigation of Lot 437 and reinvestigate the Lot 6 Munro St, (Community Park) with a smaller footprint if the motion under debate is defeated.

**Alternate Committee Motion:**

Moved Cr Twine seconded Cr Randall (pro forma)

That Council endorses the site at Lot 6 Munro St, (Community Park) as the location for the Jarrahdale skate park.

LOST 3/4

Cr Twine voted for the motion.

**Committee Recommended Resolution:**

Moved Cr Hoyer seconded Cr Brown

To defer item SD057/12/10 for up to 3 months and to include a further investigation of Lot 437 Jarrahdale Rd including seeking a clearing permit from the Department of Environment and Conservation and investigate what footprint could be accommodated at Lot 6 Munro St, Community Park.

Committee Note: Officers Recommended Resolution was changed to reflect community angst and to properly respond to the wishes of the community and endeavouring to achieve the best community facility result. Further investigations should include further natural bushland treatments that would be considered as enhancements to that natural area containing interpretative walks, appropriate protections and appropriate promotions.

### Supplementary Information

With regard to the potential for an extension to the grant for the design of the skate park, the Community Sport and Recreation Facilities Fund (CSRFF) Small Grant is a bi-annual grant that needs to be spent by 15 June 2011. Should the current Committee Recommendation be carried there will be a delay of approximately 3 months for the DEC to give its verdict (taking us to March 2011). The outcome of the clearing application and further investigations would need to be considered and a new agenda item presented to Council for either the April or May Ordinary Council Meeting. Clearing Permits can also be appealed against by the community which would mean further delays to Council's ability to make a decision in this regard. The clearing application fee is \$100.

The original deadline for signing the grant agreement was 15 December 2010 and the Shire has been granted an extension until 23 December 2010 on the grounds that the site would be selected at the Ordinary Council Meeting on the 20<sup>th</sup> December as it was felt that it was unwise to sign the agreement before a site was confirmed. CSRFF are unlikely to extend the time to 25 May 2011 which would leave only 20 days to complete the design phase of the project, which is projected to take 5 months.

It would not be possible to properly design the skate park, prior to a decision on the location, as each of the sites would require a different design based on the unique factors and layout of each site and so is not recommended. Convic have stated that they can build a skate park on any of these sites.

Following this, planning and building approvals will need to be progressed as will obtaining the grants and other funding for construction of the skate park. If a decision is delayed it is very likely that we will not be able to build a skate park until December 2012 resulting in much of our time and resources continuing to be focussed in Jarrahdale next year.

### **SD057/12/10 COUNCIL DECISION/New Motion**

**Moved Cr Petersen, seconded Cr Lowry (pro-forma)**

**That Council support Lot 437 Jarrahdale Road, Jarrahdale as the permanent site for the Jarrahdale Skate Park and request a survey and clearing permit from the Department of Environment & Conservation.**

**CARRIED 6/3**

**Cr Randall, Twine & Hoyer voted against the motion.**

**During debate Cr Hoyer foreshadowed that he would move the Committee Recommended Resolution if the motion under debate is defeated.**

**During debate Cr Randall foreshadowed that she would move the Community Park Site if the motion under debate is defeated.**

SD058/12/10 CLOSE OF ADVERTISING – PROPOSED LOCAL STRUCTURE PLAN – LOTS 1 & 2 ROWLEY ROAD, DARLING DOWNS (A1664)		
Proponent:	Greg Rowe and Associates	In Brief  This item reports on the advertising of the proposed structure plan for Lots 1 and 2 Rowley Road, issues raised, and the recent deemed refusal of the structure plan due to time taken to negotiate and attempt to resolve significant issues regarding the Birrega Brook, flood and water management, and traffic.  The report recommends a Schedule of Modifications to form the basis of Council's recommendation to the Western Australian Planning Commission on the local structure plan.
Owner:	Deneva Pty Ltd	
Author:	Colleen Murphy - Senior Planner	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	14 December 2010	
Previously	SD072/12/09	
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:	August 2009
Advertised:	4 March to 1 April 2010
Submissions:	19
Lot Area:	11.45 hectares
L.A Zoning:	Urban Development
MRS Zoning:	Urban

### **Background**

A proposed Local Structure Plan (LSP) for Lots 1 & 2 Rowley Road, Darling Downs was lodged with Council in August 2009 for determination as to whether or not the LSP was satisfactory for advertising. As no determination was made within 60 days as required by Clause 5.18.3.3 of Town Planning Scheme No. 2 (TPS 2), it was deemed to be not satisfactory for advertising and the applicant requested the Shire to forward the LSP to the Western Australian Planning Commission (WAPC) for determination.

The proposed LSP was subsequently considered by Council on 21 October 2009 to provide a recommendation to the WAPC. Council resolved to recommend to the WAPC that the LSP should be deemed not satisfactory for advertising for a number of reasons including:

- The LSP proposed the realignment of Birrega Main Drain (Birrega Brook);
- Issues related to roles and responsibilities of the Birrega Brook remained unresolved with relevant agencies including the Department of Water and the Water Corporation; and
- The local water management strategy failed to demonstrate a suitable framework for future subdivision and development.

The WAPC determined that the LSP was satisfactory for advertising, and required the issues raised by the Shire to be addressed and negotiated during the advertising period. The WAPC, therefore, instructed the Shire to advertise the LSP, which occurred from 4 March 2010 and 1 April 2010.

Following advertising officers have been liaising with the applicant and key agencies to resolve issues raised in the assessment and advertising of the LSP. This liaison, which has included significant time waiting for the re-lodgement of information from the applicant, has

unfortunately not sufficiently resolved issues to enable the presentation of the LSP to Council to consider adoption.

Clause 5.18.3.7 requires that Council determine whether to adopt or refuse to adopt an advertised LSP within 60 days of the closing date for submissions, except where the timeframe is agreed in writing with the applicant to extend the date. To facilitate lodgement of additional information by the applicant, and to enable consultation with relevant agencies, the 60 day timeframe was extended on several occasions at the request of the applicant.

No determination was made to adopt or not adopt the LSP by the final extended timeframe agreed by the Shire and the applicant, therefore Council has been deemed to have refused to adopt the LSP in accordance with Clause 5.18.3.8. The applicant has requested the Shire forward the LSP to the WAPC for determination in accordance with Clause 5.18.3.9.

***A copy of the written request from the applicant is with attachments marked [SD058.1/12/10](#).***

In accordance with the applicant's request and clause 5.18.3.9, officers have forwarded the advertised LSP along with a schedule of submissions to the WAPC. Although a formal determination of Council is not required, a recommendation to the WAPC on the LSP is required. This report provides Council with the opportunity to provide a recommendation to the WAPC.

***A copy of the original advertised LSP is with attachments marked [SD058.2/12/10](#).***

***A schedule of submissions on the advertised LSP is with attachments marked [SD058.3/12/10](#).***

***A schedule of officers comments on the advertised LSP is with attachments marked [SD058.4/12/10](#).***

***A proposed schedule of modifications to the advertised LSP is with attachments marked [SD058.5/12/10](#).***

***An alternative LSP prepared by the applicant is with attachments marked [SD058.6/12/10](#).***

### **Sustainability Statement**

***Effect on Environment:*** Key potential impact relate to water management, rehabilitation of Birrega Brook and the retention of a small number of trees on the subject land.

The proposed Schedule of Modifications includes requirements to investigate and address these issues to the Shire's satisfaction.

***Resource Implications:*** For the subdivision to proceed, fill would be required to raise the level of new lots to an adequate distance above floodways and groundwater.

The proposed Schedule of Modifications includes requirements to update the Local Water Management Strategy to the Shire's satisfaction, which will address flood and groundwater clearance, and measures to achieve greater water conservation.

***Use of Local, Renewable or Recycled Resources:*** The proposal does not appear to utilise or encourage use of renewable or recycled resources. However, these innovations would be impractical and difficult to achieve as the proposal reflects a very small residential development area, and the Shire does not currently have policy to mandate use of renewable or recycled materials.

**Economic Viability:** The proposal represents an expansion of the Wungong Urban Water Master Plan area given the location of lots on the northern side of Rowley Road. The subdivision and development of the LSP area is consistent with and is a rational expansion of the Brookdale urban area.

**Economic Benefits:** The proposal plans only residential development, and does not provide for any employment generation, except potential for construction and building work for the development itself. However, no provision of zoning for employment generation can be justified by its location adjacent to a planned centre and any further provision of commercial zones or retail floor space may compromise the development of that centre.

**Social – Quality of Life:** Key considerations with respect to protecting the quality of life for future residents relate to ensuring that the amenity of the area is preserved and that a sense of place is achieved, incorporating recreational and transport opportunities. At this time, issues relating to noise and interface from the future upgrade of Rowley Road north to dual carriageway have not been addressed satisfactorily.

The proposed Schedule of Modifications includes requirements to develop detailed area plans, and achieve an appropriate urban-rural interface to the Shire's satisfaction.

**Social and Environmental Responsibility:** Through careful design and assessment, the LSP would need to address key objectives of local water management. It is recommended that a carefully considered and precautionary approach be adopted. Should the LSP progress, various modifications would be required.

The proposed Schedule of Modifications includes requirements to update the Local Water Management Strategy to the Shire's satisfaction.

**Social Diversity:** The proposed lot sizes, both higher density and a range of lot sizes (including grouped and single dwellings ranging from Residential R20 to R60) are proposed for the area to facilitate a variety in housing product. This diverse housing product may provide for a range of housing needs and socio-economic requirements.

The proposed Schedule of Modifications includes requirements to revise the road and residential density layout to achieve density targets set out in Directions 2031.

**Statutory Environment:** TPS2

**Policy/Work Procedure Implications:**

Key policies relevant to the proposal include:

- Liveable Neighbourhoods
- State Planning Policy (SPP) 2.1 – Peel-Harvey Coastal Plain Catchment
- SPP 2.9 – Water Resources
- Better Urban Water Management
- SPP 3 – Urban Growth and Settlement
- Local Planning Policy No. 22 – Water Sensitive Urban Design

**Financial Implications:**

There are minor administrative costs associated with finalising the draft LSP. There are however costs pertaining to the implementation of the LSP.

Financial implications will include:

- The whole of life cycle cost related to the future maintenance and management of public open space and the public realm.
- The whole of life cycle cost related to the future maintenance and management of the Birrega Brook; and
- Administration support and professional services to facilitate subdivision and development.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL ENVIRONMENT	Landscape	1	Safeguard	Incorporate environmental protection in land use planning
	Integrated Water Cycle Management	17	Quantity	Encourage the conversion of man-made drainage of the Palusplain back to natural systems.
		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”.
BUILT ENVIRONMENT	Land Use Planning	4	Urban Villages	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.
		6		Subdivision layout will maximise the achievement of sustainable development through the utilisation of solar passive design principles.
	13	Buildings	Ensure the Shire’s rural character is sensitively integrated into urban and rural villages.	
			14	Encourage built form that positively contributes to streetscape amenity.
	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.
	28	General	Rationalise existing, and responsibly plan new, public open spaces to ensure the sustainable provision of recreation sites.	
	PEOPLE AND COMMUNITY	Places	32	Vibrant
33			Plan and facilitate the provision of a range of facilities and services that meet community needs	
34			Enable a diverse range of places that accommodate a variety of active and passive recreational pursuits.	
37			Innovative	Promote and encourage the development of affordable and appropriate lifelong living environments.
41		Distinctive	Recognise, preserve and enhance the distinct	

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				characteristics of each locality.

### **Community Consultation:**

19 submissions were received on the advertised LSP.

***The schedule of submissions on the advertised LSP, is with the attachments marked [SD058.3/12/10](#).***

Key issues raised included Birrega Brook and water management, traffic concerns and the Rowley Road/Hilbert Road alignment, and loss of rural character. These issues are discussed further below.

### **Birrega Brook and Water Management**

Several submitters raised issues with the Birrega Brook with particular regard to flood management as a result of urbanisation of the site. Key issues related to:

- Insufficient flood storage in the LSP area
- Insufficient detention of flood volumes and concern flows would increase into adjacent urban areas
- Lacking arrangements for future governance of the Birrega Brook
- Insufficient information on stormwater quality treatment
- Insufficient information on groundwater management

Generally, issues raised with the Birrega Brook did not oppose the concept of realignment, only the manner in which the Brook and its floodway is to be managed with urbanisation of the site. The Department of Water and Water Corporation have advised that these issues can be addressed in the context of a revised Local Water Management Strategy to the satisfaction of both authorities. Also, arrangements between the Shire and the Water Corporation are necessary to agree on future management of the Birrega Brook, and its transfer from being a Water Corporation rural drain to an urban water feature are required. The Shire has arranged a number of meetings to progress and resolve the issues. Whilst the LWMS has not yet been approved, communication is continuing.

With regard to the realignment of Birrega Brook itself, the approved structure plan for an adjacent area in the City of Armadale proposed realignment of the Brook in that location, which would bring the Brook into Lot 1 and 2 at the southwest corner of the site generally consistent with the adopted Wungong Urban Water Masterplan. If the Birrega Brook was not realigned within the Lot 1 and 2 LSP area, it would require piping along Hopkinson Road to connect the Brook from its existing alignment within Lot 1 and 2, to the new alignment across the road. This is not a desirable outcome from environmental or planning points of view. As the Birrega Brook within Lot 1 and 2 is entirely degraded, with no fringing riparian vegetation at all, its realignment would not cause any environmental loss and presents an opportunity for a better environmental outcome.

***The re-alignment of Berriga Brook in the Wungong Urban Water Masterplan is with the attachments marked [SD058.7/12/10](#).***

The advertised LSP proposed a realignment along the southern boundary in the form of a straight 12 metre swale. This was completely unsuitable, and neither reflected a natural, meandering alignment through a multiple use corridor, nor did it provide sufficient flood storage. An alternative LSP presented by the applicant following advertising identified a multiple use corridor, within which a natural, meandering realignment could be identified, however did not present what that realignment would be.

The proposed Schedule of Modifications to the advertised LSP includes two requirements with regard to the alignment of Birrega Brook:

1. Depict the realignment of Birrega Brook and its foreshore as a natural, meandering waterway through the LSP area, and
2. Redistribute public open space to create a 30 metre multiple use corridor around the realigned Birrega Brook and its foreshore reserve.

The Schedule of Modifications also includes a requirement to revise the Local Water Management Strategy to the satisfaction of the Shire, Department of Water and Water Corporation, including, but not limited to:

- No increase in the size of culverts under Hopkinson Road
- Inclusion of treatment train to treat 1 year event prior to the POS
- Inclusion of options for provision of rainwater tanks to R20 lots
- Treatment of the 1 year event within bio-filtration systems (not in grassed swales or underground storage/infiltration)
- Recognition of governance options for Berriga Brook

These modifications provide for continued negotiation on the alignment of Birrega Brook and the management of flood and stormwater flows in the LSP area.

#### Traffic concerns and Rowley Road/Hilbert Road alignment

Following advertising, a new alignment for Rowley Road was prepared by adjacent subdividers, which results in a larger land take from the LSP area than included in the advertised or alternative LSP. The new alignment was prepared in recognition of larger traffic volumes and higher speed limit for Rowley Road than that which formed the basis of the alignment presented in the LSP.

The applicant is not amenable to the proposed alignment due to the significant land take. Meetings have been held with the City of Armadale, Armadale Redevelopment Authority, and the applicant to resolve the issue. Whilst the issue has not been completely resolved to date, liaison and negotiation is continuing. Several options are being negotiated and refined to identify a safe, yet fair, alignment for Rowley Road.

The proposed Schedule of Modifications includes a requirement to add additional road reserve area across the northeast area of the site to accommodate a revised alignment of Rowley Road to the satisfaction of the Shire and the City of Armadale. This allows for negotiations to continue until a suitable alignment, and associated area of road reserve, is agreed by all relevant parties.

#### Loss of rural character

A number of submissions from community members were opposed to the proposed LSP on the basis of a loss of rural character of the area. As the site is zoned 'urban development', the change from a rural to urban area is appropriate. However, the LSP does not include sufficient management of the southern boundary to provide a suitable interface between the rural and urban land.

The proposed Schedule of Modifications includes requirements to determine a suitable interface between rural and urban land.

#### **Comment:**

In addition to those issues raised in submissions, a number of other issues were identified through technical assessment. The majority of these issues were discussed in the report

presented to Council in December 2009 (See SD072/12/09). A key additional issue identified since then relates to an under provision of public open space, discussed below.

***A copy of the Officer Comments on the advertised LSP is with the attachments marked [SD058.4/12/10](#).***

### Public Open Space

The advertised LSP does not include the minimum 10% public open space, nor does the alternative LSP presented by the applicant.

The advertised and alternative LSP include the Birrega Brook, the foreshore, and areas for treatment of the 1 year average recurrent internal (ARI) rainfall event within the area designated as public open space. However, under Liveable Neighbourhoods, none of these elements contribute toward public open space calculations.

As non-POS elements have been included in the calculations, there is an under provision of public open space. The schedule of modifications requires the re-distribution and increase in the amount of public open space provided, and includes a requirement for provision of public open space that is not affected by stormwater management areas to ensure provision of active, useable public open space.

### Readvertising and consideration of LSP

Clause 5.18.3.14 of TPS 2 provides that where the Shire is of the opinion that modifications to a proposed structure plan are substantial, it may readvertise the LSP. In such instance, the process returns to the advertising stage of the usual process, following which, the Shire is required to consider all submissions and either adopt or refuse to adopt the structure plan, then forward it to the WAPC for approval.

The schedule of modifications requires substantial changes to the LSP, in terms of the alignment of Rowley Road, the interface with rural areas, and the significant redistribution of public open space to incorporate the realigned Berriga Brook. The alternative LSP presented by the applicant does not address the full range of modifications required. The schedule of modifications, therefore, requires in essence another complete redraw. Therefore, it is to be expected that, consistent with Clause 5.18.3.14 of TPS 2, the LSP should be readvertised prior to adoption.

A modification and readvertising process will facilitate the resolution of the issues identified, without requiring the refusal and then re-lodgement of the structure plan which would result in greater fees imposed on the applicant, and these costs transferred through to future purchasers.

### Options

The WAPC is required by TPS2 to make one of two decisions on the LSP:

- (a) Approve the Proposed Structure Plan with or without modifications
- (b) Refuse to approve the Proposed Structure Plan

This in turn gives Council 3 main options in respect of the LSP:

- Option 1 To recommend to the WAPC that the advertised LSP be approved with modifications set out in the attached schedule, subject to readvertising following modification in accordance with Clause 5.18.3.14 of TPS 2.

Option 2 To recommend to the WAPC that the advertised LSP be approved in its current form.

Option 3 To recommend to the WAPC that the advertised LSP be refused.

Option 1 is recommended as a process by which the issues identified can be resolved in consultation with relevant stakeholders, with provision for further community consultation and consideration of the LSP by Council.

*Cr Petersen left the chambers at 9.22pm and returned at 9.27pm*

*Manager Engineering left the chambers at 9.25pm and returned at 9.27pm*

*Community Planning Officer left the meeting at 9.28pm*

*Acting Manger Community Development left the meeting at 9.29pm*

**Voting Requirements:** Simple Majority

**Committee/Officer Recommended Resolution:**

That Council:

- A. Note the applicant has requested that the Local Structure Plan for Lots 1 and 2 Rowley Road, Darling Downs be determined by the Western Australian Planning Commission.
- B. Recommend to the Western Australian Planning Commission, pursuant to Clause 5.18.3.9 (b) of Town Planning Scheme No. 2, that the Commission modify the advertised Local Structure Plan for Lots 1 and 2 Rowley Road, Darling Downs in accordance with the Schedule of Modifications included as Attachment *SD058.5/12/10*.
- C. Subject to receiving advice from the Western Australian Planning Commission pursuant to Clause 5.18.3.13 of TPS 2, readvertise the Local Structure Plan for Lots 1 and 2 Rowley Road, Darling Downs in accordance with Clause 5.18.3.14 of TPS 2.

**Supplementary information:**

At the meeting of the Sustainable Development Committee, it was noted that the wording of item 6 in the recommended schedule of modifications was ambiguous. The wording of that item has been modified to clearly identify that no private lots are to abut public open space.

***The revised schedule of modifications is with attachments marked [SD058.8/12/10](#).***

**SD058/12/10 COUNCIL DECISION / Alternate Officer Recommendation:**

**Moved Cr Harris, seconded Cr Hoyer**

**That Council:**

- A. Note the applicant has requested that the Local Structure Plan for Lots 1 and 2 Rowley Road, Darling Downs be determined by the Western Australian Planning Commission.**
- B. Recommend to the Western Australian Planning Commission, pursuant to Clause 5.18.3.9 (b) of Town Planning Scheme No. 2, that the Commission modify the advertised Local Structure Plan for Lots 1 and 2 Rowley Road, Darling Downs in accordance with the Schedule of Modifications included as Attachment *SD058.8/12/10*.**

**C. Subject to receiving advice from the Western Australian Planning Commission pursuant to Clause 5.18.3.13 of TPS 2, readvertise the Local Structure Plan for Lots 1 and 2 Rowley Road, Darling Downs in accordance with Clause 5.18.3.14 of TPS 2.**

**CARRIED 9/0**

**Council Note: Item B of the Committee Recommended Resolution referred to attachment SD058.5/12/10 instead of SD058.8/12/10.**

SD059/12/10 DS30 – EXEMPTIONS OF FOOD SAFETY ASSESSMENT FEES (A1047)		
Proponent:	Serpentine Jarrahdale Shire	In Brief  This report provides Council with an opportunity to enable timely and efficient administration of applications for exceptions of annual fees for food safety assessments, through provisions of the Local Government Act 1995.
Owner:	N/A	
Author:	Tony Turner - Manager Health Rangers and Compliance	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	19 November 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	
Delegation	<b>Council</b>	

### **Background**

The Shire currently has applications requesting exemptions of food safety assessment fees for two P&C run School Canteens. Currently these applications would require consideration by Council.

The Shire has made provision for delegated authority to the Manager of Health Rangers and Compliance for a number of different health functions including administration and registration of food premises, under the provisions of the Food Act 2008 which focus on achieving timely and efficient decision making.

The objective of the new delegation is to provide for the timely and efficient determination of written applications requesting the waiving, reduction or refunding of food premises annual food safety assessment fees. This delegation is prepared under provisions of the Local Government Act 1995 and will apply to food premises that are non-profit and/or charitable organisations and where the waiving or reduction of the fees is reflective of the benefit to the community.

***A copy of the DS30 – Exemptions of Food Safety Assessment Fees is with the attachments marked [SD059.1/12/10](#).***

**Statutory Environment:** Local Government Act 1995

**Policy/Work Procedure** There is no work procedures/policy implications directly related to this issue.

**Financial Implications:** There will be some reduction in income. It is estimated that two to five full or part waivers will be given each year at a total estimated cost of between \$600 and \$1,000 per year.

**Economic Viability:** The proposed delegation will assist the economic viability of some small charitable, community based, non-profit food premises.

**Social – Quality of Life:** Some charitable, community based, non-profit organisations may benefit to assist sectors of the community.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

<b>PEOPLE AND COMMUNITY</b>				
	<b>Wellbeing</b>			
		1	Healthy	Promote a wide range of opportunities to enable optimal physical and mental health.
		7		Encourage, support and celebrate volunteerism.
		12		Encourage youth participation in community activities, groups and networks.
	<b>Relationships</b>			
		15	Encourage	Foster positive working relationships with and between volunteers.
		19	Empower	Grow and sustain our strong community spirit.
<b>OUR COUNCIL AT WORK</b>				
	<b>Leadership</b>			
		7		Elected members and staff have a clear understanding of their roles and responsibilities.
	<b>Customer and Market Focus</b>			
		52	Gaining and using knowledge of customers and markets	Align systems and processes to meet customer needs.
	<b>Process Management, Improvement and Innovation</b>			
		90		Ensure that bureaucratic governance systems do not reduce the creative energy of staff and elected members.
		91		Fully utilise the skills and knowledge of elected members and staff
		92		Achieve outcomes whilst minimising use of Council resources.

**Community Consultation:**

This delegation does not require formal community consultation, but there has been significant stakeholder involvement in the subject including, school canteens, the media, other Councils, the Department of Health and the Minister for Health and Indigenous Affairs.

**Comment:**

A provision to exempt food premises currently exists under the Food Act 2008 and *Food Regulations 2009*, but is limited to those food premises conducted to, “*raise money solely for*

*purposes that are of a charitable or community nature where the food is not potentially hazardous or the food is for immediate consumption after cooking (e.g. sausage sizzle)."*

This delegation offers a more appropriate approach to applications for exemptions of food safety assessment fees because it enables the Manager of Health Rangers and Compliance to waive fees for food premises that prepare a range of foods other than foods that are not for immediate consumption after cooking (e.g. sausage sizzle). This also provides support worthy for charitable, community based, non-profit organisations that may assist sectors of the community.

**Voting Requirements:** Absolute Majority

**SD059/12/10 COUNCIL DECISION / Committee/Officer Recommended Resolution:**

**Moved Cr Brown, seconded Cr Butfield**

**That Council:**

**A. In accordance with Section Sections 6.12, 5.42 & 5.44 of the Local Government Act 1995, authorises and grants the delegations of authority, powers and duties as listed and detailed in DS30 – Exemptions of Food Safety Assessment Fees as per attachment SD059.1/12/10.**

**B. Requests the delegated authority register be updated accordingly.**

**CARRIED 9/0**

SD060/12/10 REVIEW OF DELEGATED AUTHORITY DS08 – DETERMINATION OF APPLICATIONS FOR PLANNING CONSENT (A1047/03)		
Author:	Colleen Murphy - Senior Planner	In Brief
Senior Officer:	Brad Gleeson - Director Development Services	A review of Delegation of Authority DS-08 – Determination of Applications for Planning Consent has been undertaken. A revised delegation is presented for Council approval.
Date of Report	24 November 2010	
Previously	N/A	
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 Shire has established delegated authority for a number of different functions, focusing on achieving timely and efficient decision making. In August 2009, following the 2008-09 review of delegated authority, Council revised a number of delegated authorities, including DS-08 – Determination of Applications for Planning Consent.

The implementation of the adopted DS-08 and Council's policy development program has identified a minor proposed revision to DS-08, with regard to authority to refuse some planning applications when such a decision is consistent with objections received.

A minor modification to DS-08 is presented as part of the Shire's continuous improvement program, and also to resolve an issue whereby some applications that do not meet policy and scheme requirements cannot be refused under delegation if an objection is received during advertising.

**A copy of the existing and revised DS-08 is with attachments marked [SD060.1/12/10](#).**

### **Sustainability Statement**

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

The revised DS-08 will achieve human resources savings at the Shire, with officer time not needed to prepare Committee and Council reports to determine applications that do not meet policy or community requirements.

The revised DS-08 will also reduce the time required by elected members to review and debate items that, due to inconsistency with policy and scheme requirements, would better be refused under delegation.

***Economic Benefits:*** Currently, where an application that cannot be approved due to inconsistency with planning policy receives an objection, costs are incurred by Council, in terms of officer time for writing a report and elected members' time to review and consider the matter. Unnecessary costs are also incurred by applicants, which are charged additional fees when matters are referred to Committee for determination. Where a decision to refuse is consistent with planning policy and any objections received, costs would not be incurred if the matter could be refused under delegation.

***Social – Quality of Life:*** Currently, the Shire charges a fee of \$550 when a planning proposal is to be determined by Council. In the event of an officer recommendation to refuse the application, the applicant is therefore charged for getting an unfavourable decision. This is an unfair cost burden and leads to such applicants being upset, where the matter could be refused under delegation with no further cost.

Appeal rights are available to applicants regardless of whether the application is refused by Council or under delegation.

#### **Statutory Environment:**

Local Government Act 1995  
Town Planning Scheme No. 2

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

There are a number of existing policies that make reference to individual notices of delegated authority.

#### **Financial Implications:**

Operational efficiencies can be achieved with the minor revision of DS-08.

#### **Strategic Implications:**

The revised DS-08 relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
OUR COUNCIL AT WORK	Leadership	1	Leadership throughout the organization	Elected members and staff have ownership and are accountable for decisions that are made.
		2		Our structure, processes, systems and policies are aligned with the Plan for the Future.
		3		Our structure, processes, systems and policies are based on the "keep it simple" principle.
		9		All decisions by staff and elected members are evidence based, open and transparent.
	Customer and Market Focus	52	Gaining and using knowledge of customers	Align systems and processes to meet customer needs.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
			and markets	

**Community Consultation:**

Required: No.

**Comment:**

The current DS-08 enables officers to determine whether a submission lodged on a planning proposal represents a valid planning objection related specifically to the application. Where a valid planning objection is received, current DS-08 requires the matter to be referred to Committee for determination.

The current wording of DS-08 requires a planning application that is not consistent with planning policy and therefore not capable of approval to be referred to Committee for refusal if a valid planning application is received. In this instance, costs are incurred by Council, in terms of officer time for writing a report and elected members' time to review and consider the matter. Unnecessary costs are also incurred by applicants, who are charged additional fees when matters are referred to Committee for determination. Where a decision to refuse is consistent with planning policy and any objections received, costs would not be incurred if the matter could be refused under delegation.

The revised DS-08 separates guidance for the delegation of authority to approve or refuse applications for planning consent. Guidance to approve applications remains as per the existing delegation. However, the need to refer applications to Committee where an objection is received is not required for decisions under delegation to refuse, as such a decision would be consistent with the views of the community raised in any objections received.

Any application that is considered under delegated authority will be reported to Council through the normal reporting procedures, on a monthly basis. Any refusal of an application for planning consent under delegation would be subject to appeal rights, as per all determination on applications for planning consent under TPS2.

**Voting Requirements:** Absolute Majority

*Community Planning Officer left the meeting at 9.28pm*  
*Acting Manger Community Development left the meeting at 9.29pm*

**SD060/12/10 COUNCIL DECISION / Committee/Officer Recommended Resolution:**

**Moved Cr Harris, seconded Cr Hoyer**  
**That Council:**

- A. In accordance with section 5.42 of the Local Government Act 1995, authorises and grants delegation of authority, powers and duties as listed and detailed in attachment SD060.1/12/10 and entitled DS-08 Determination of applications for planning consent.**
- B. Updates the delegated authority register accordingly.**

**CARRIED 7/2**

SD061/12/10 OFFICER ATTENDANCE AT INTERSTATE CONFERENCE (A0032)		
Proponent:	NA	In Brief  For Council to approve the attendance of a Senior Planner to the National Planning Congress in Hobart between 6 and 9 March 2011.
Owner:	NA	
Author:	Simon Wilkes – Executive Manager Planning	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	2 November 2010	
Previously	NA	
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 next twelve (12) months represent an exciting and challenging period for the Shire's planning staff. Planning reform is occurring at both State and Federal Government levels. The Shire is progressing a significant policy development program and seeking to finalise a number of major projects. Customer service for planning matters is an area that has been identified that potentially offers significant opportunities for improvement. Lifting the profile of planning, both as a core Council business and as a profession, is going to be critical for the Shire's future.

Attendance by an officer of the Shire at the 2011 National Planning Congress is expected to assist with the professional development of the officer, the planning team and the organisation more broadly. Accordingly, approval from Council for the attendance of an officer at the National Planning Congress is sought.

### **Sustainability Statement**

***Economic Benefits:*** The outcomes of the congress will provide the officer with the latest insight into the role that the planning profession plays in confronting the many challenges in the contemporary world. This can pay dividends in the form of better social, environmental and economic outcomes for the Shire as an organisation and the community as a whole.

***Social and Environmental Responsibility:*** This request is designed to be socially responsible through equipping the officer with the latest skills and knowledge to conduct their role in a best practice manner.

**Statutory Environment:** Not Applicable

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

Approval of attendance by officers at congresses which involve interstate travel, where not specifically identified in the budget, is required from Council in accordance with Council work procedure CSWP25 – Council Training, Development and Conference Attendance.

**Financial Implications:** Registration, accommodation and flight costs will amount to approximately \$3,000.00. This will be funded from the

allocated training budget for the Statutory Planning Team (account code TPL508).

### **Strategic Implications:**

This proposal relates to the following Focus Areas:-

<b>Vision Category</b>	<b>Focus Area</b>	<b>Objective Number</b>	<b>Objective Summary</b>	<b>Objective</b>
<b>OUR COUNCIL AT WORK</b>				
	<b>Leadership</b>			
		11		The Shire will further establish itself as an innovative leader.
	<b>Strategy and Planning</b>			
		27	Strategic Direction	Prepare effectively for future development.
		28		Position the Shire to be responsive and resilient to changes in State or Federal policy direction.
	<b>Success and Sustainability</b>			
		42		Position the Shire to be responsive and resilient to changes in State or Federal policy direction.
		43		Develop a clear, robust, well researched evidence base which demonstrates our uniqueness and sustainability.
		44		Address the barriers to doing business in a positive way.
	<b>Knowledge and Information</b>			
		49	Creating value through applying knowledge	Ensure evidence based decision making
		50		Improve service delivery through the application of knowledge.
		51		Critically examine the efficiency and effectiveness of service delivery
	<b>Customer and Market Focus</b>			
		53		Improve the communication and sharing of information internally.
		54		Improve the communication and sharing of information externally.
		55		Improve the accessibility of Shire services.
		60	Customer perception of value	Address the barriers to doing business in a positive way.
		63		Strive to continually improve customer satisfaction and stakeholder relationships.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		74	Building Organisational Capability through People	Invest in HR.
		76		Staff are equipped to fulfil their role.
	<b>Process Management, Improvement and Innovation</b>			
		83		Invest in the development of flexible and adaptable systems and processes to improve efficiencies and costs
		87		Improve ownership, co-ordination and co-operation on cross functional projects
		89	Process Improvement and Innovation	Build staff confidence and give them the licence to drive change
		90		Ensure that bureaucratic governance systems do not reduce the creative energy of staff and elected members.
		91		Fully utilise the skills and knowledge of elected members and staff
		92		Achieve outcomes whilst minimising use of Council resources.
		94	Process Outputs	Ensure sufficient oversight of projects and programs by senior management and adequate staff training and tools.
		95		Actively pursue the learning experiences of other high and hyper growth Councils.

### **Community Consultation**

Required: No

### **Comment**

The 2011 National Planning Congress will seek to look outside the profession and present a lively and informative expose of the way planners engage with the world and how the world perceives planning. The title 'Critical Mass' symbolises some serious soul searching for the profession as well as the need to create effective partnerships to make the changes needed.

The outcome will be new insights and perspectives on the various roles that the myriad of professionals, the community and the media think about planning and planners, thereby assisting us to adapt and reinvent the way we engage in tackling the diverse problems we face as a profession and as a broad community.

The congress addresses a number of topical issues which are based on the themes of Thinking Planning, Living Planning and Working Planning.

### Thinking Planning

Thinking planning is aimed at providing an insight into how the planning profession and its practice are perceived as part of society and our culture. It will examine how leading thinkers, academics, commentators, artists and the media see planning and how they portray it through their work. In addition it will attempt to answer the following questions:

- How is planning dealt with in the media?
- What images do we as a society have of planning and planners?
- How do planners respond to the 'image of the profession'?
- What can planners learn from listening and watching the way issues are dealt with by other sectors of the community and the shapers of public opinion?

### Working Planning

Working planning will seek to explore the relationship of the planning profession with a variety of other professions operating across the broad field of built environment, and social, economic and cultural development. This sub-theme is about collaboration, cooperation and partnerships as well confrontation, "silo thinking" and single issue approaches to problems.

Working planning is focused on seeking the views and experiences of other professionals such as architects, engineers, economists, social scientists, developers, decision makers and other stakeholders who work with or engage planners on projects.

### Living Planning

Living planning provides the platform to critically consider the products of planners' work by seeking the views of the "consumers" of planning in the broadest sense. Those who live with the consequences of planning both positive and negative are a rich source of advice on how we can do things better. Living planning is about listening to the communities, industries, farmers, workers, residents and others who work, live and play within the environment that is to a greater or lesser extent the output of the planning processes.

Living planning will ask the hard questions about what we produce as planners and how we might better respond to the needs of those we are essentially planning for.

### Conclusion

The conference provides the opportunity for both planners and the planning profession to reinvent the way they engage in tackling the diverse problems they face as a profession and as a broad community. It is important to take advantage of the huge information exchange and the invaluable networking opportunities afforded by the planning industry's major annual event to help to create effective partnerships to make the changes needed.

### **Voting Requirements:                      Simple Majority.**

#### Officer Recommended Resolution:

That Council approves the attendance of Senior Planner, Mr M Daymond, at the National Planning Congress to be held in Hobart from 6 to 9 March 2011.

#### Committee Recommended Resolution:

That Council approves the attendance of Senior Planner, Mr M Daymond and one other, at the National Planning Congress to be held in Hobart from 6 to 9 March 2011.

Committee Note: The Officers Recommended Resolution was changed as Councillors felt that the conference was worthy of having two Shire officers attend instead of just one.

Supplementary Information

Council Work Procedure CSWP25 - Council Training, Development and Conference Attendance currently requires Council to endorse the attendance of staff at interstate conferences where it has not been specifically allocated within the budget. It is recommended that the work procedure be altered to state that staff attendance at interstate conferences shall be at the discretion of the CEO within budget.

It is also recommended that the second attendee recommended by Committee come from the Strategic Planning team so that both planning areas within Council have the benefit of the knowledge gained from the conference.

**SD061/12/10 COUNCIL DECISION / Alternate Officer Recommended Resolution**

**Moved Cr Brown, seconded Cr Hoyer**

- 1. That Council approves the attendance of Senior Planner, Mr M Daymond and a strategic planner, at the National Planning Congress to be held in Hobart from 6th to 9<sup>th</sup> March 2011.**
  
- 2. Council authorises the removal from Council Work Procedure CSP25 the requirement for staff attendance at interstate conferences needing to be endorsed by Council where it has not been specifically allocated within the budget. The work procedure is to be amended to state that staff attendance at interstate conferences shall be at the discretion of the CEO within budget and reported to Council on the Chief Executive Information report.**

**CARRIED 9/0**

<b>SD062/12/10 PROPOSED COVERED HORSE ARENA – LOT 69 (62) LEAVER WAY, CARDUP (P01842/03)</b>		
<b>Proponent:</b>	Neil & Wendy Cumming	In Brief  The applicant seeks planning approval for development of a roof cover for a horse arena. It is recommended that the application be conditionally approved.
<b>Owner:</b>	As above	
<b>Author:</b>	Helen Maruta – Planning Officer	
<b>Senior Officer:</b>	Brad Gleeson – Director Development Services	
<b>Date of Report</b>	18 November 2010	
<b>Previously</b>	SD036/10/10	
<b>Disclosure of Interest</b>	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: 24 May 2010  
 Advertised: Yes  
 Submissions: Yes  
 Lot Area: 1.99 hectares  
 L.A Zoning: Special Rural

MRS Zoning: Rural  
Date of Inspection: 16 September 2010

## **Background**

### **Proposal**

An application has been lodged for the construction of a roofed cover to a proposed horse arena on Lot 69 Leaver Way, Cardup. The proposed structure is located outside the building envelope with reduced side and rear setbacks. The subject land contains an existing dwelling, shed and stable block all with zincalume roofs. The structure is proposed to be constructed entirely out of zincalume to be in keeping with existing buildings on the property.

The cover is proposed to be 20 metres wide and 60 metres long in size (1200m<sup>2</sup>) with a post height of 5 metres and an apex height of 7.13 metres. The covered arena which is proposed to be predominantly all open will be setback one (1) metre from the rear boundary and one metre (1) from the western neighbouring property. The applicant provided information that the covered arena (for private rural use), will enable their horses, to be worked on in all weather conditions.

***A location plan, aerial photograph, elevations and site plans are with the attachments marked [SD062.1/12/10](#).***

### **Ordinary Council Meeting – October 2010**

At the Ordinary Council meeting held 25 October 2010, a resolution was passed to defer consideration of this matter as Council required greater clarity regarding the issues of setbacks and associated amenity and policy impacts.

The proposal is now presented to Council for consideration.

### **Variations requested**

The application seeks a variation with regards to the construction of a roofed arena located outside the building envelope with reduced rear and side setbacks.

### **Sustainability Statement**

<b>Sustainable Element</b>	<b>Comment</b>
Is there remnant native vegetation on site or adjoining verge?	Yes. The subject lot contains mature remnant vegetation. Remnant vegetation on the site consists of several Eucalyptus rudis spread across the property.
Is remnant native vegetation to be retained or removed as a result of this proposal?	No. The original location proposed by the applicant will not result in the removal of any vegetation. The officer recommended location will result in removal of mature remnant vegetation.

Sustainable Element	Comment
Is additional vegetation required to screen or ameliorate the bulk of the proposed development?	Yes. A site visit confirmed that whilst the northern portion of the arena (being the long side of the arena) will be well screened by the existing mature and semi mature vegetation along the Water Corporation drain, vegetation screening cannot occur along the western neighbouring property boundary to reduce the visual impacts. A landscaping condition has been included in the report as a condition of approval.
Will the requested variation have an adverse effect on streetscape or the character and amenity of the locality?	The proposed structure is not likely to be visible at all from the streetscape as it will be located to the rear of the subject property. Existing trees along the Water Corporation drain are considered to provide adequate screening of the structure from the properties across this drain. The structure is likely to have an adverse impact on the amenity of the adjoining landowner if it is located one metre from the boundary. A facility of this nature needs to be managed carefully to ensure that its operation does not adversely impact on the amenity of neighbouring properties (i.e. dust, odour, flies, and appearance).
Will the requested variation have an adverse effect on visual amenity of neighbouring properties due to bulk and scale, appearance or materials?	<p>Yes. If the proposal is to be located one metre from the western boundary it is considered to have adverse visual impacts and associated drainage problems due to the size of the roof cover and its close proximity to the neighbours' paddocks. Management of storm water is considered very crucial and is likely to be an issue due to the one metre setback. The applicant provided additional information that they were prepared put in a rain water tank to capture stormwater, however, no size of the proposed water tank was specified. It is considered that the officer recommended location of 10 metres from the side boundary (including a landscaping condition) will reduce the effect on the visual amenity and possible stormwater issues of the neighbour.</p> <p>The applicant also indicated that painting the zincalume roof or use of colorbond material for the roof could be done if required, but stated that it was considered not their best option.</p>

Sustainable Element	Comment
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?	The applicant provided information that they were prepared to put in a rain water tank to capture storm water.

**Statutory Environment:** Planning and Development Act 2005  
Town Planning Scheme No. 2 (TPS 2)

**Policy/Work Procedure Implications:** Local Planning Policy No.17 – *Residential and Incidental Development within Serpentine Jarrahdale Shire* (LPP 17)  
Residential Design Codes (R-Codes)

**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				
	Landscape	1	Safeguard	Restore and preserve the visual amenity of our landscapes.
BUILT ENVIRONMENT	Land Use Planning			
		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 one (1) letter of no objection and one (1) letter of objection was received.

Affected Property	Summary of Submission	Officer Comment

Affected Property	Summary of Submission	Officer Comment
<b>A173326</b>	Submitter has no objection to the proposed development provided water off roof is properly drained into gully at rear of property or into a tank.	Comments noted.
<b>A173305</b>	<p>Given the slope that exists with the proposed arena cover being 1 metre from the fence line (as there is a creek behind the fence) a significant retaining wall would need to be built to prevent material washing down into the creek.</p> <p>There are catchment dams on all the properties that border this creek with the intended purpose of filtering animal manures and associated nutrients from washing into the Peel catchment area.</p> <p>I believe that the intended site is not suitable due to the environmental considerations mentioned above.</p> <p>As the property already has an arena, I don't understand why this isn't the logical site to be covered? Has anyone questioned why the existing arena isn't suitable?</p>	<p>There is an existing Water Corporation drain at the rear of the property. The application was referred to Water Corporation who in this report have viewed the plans. No drainage from the property is permitted to enter into the drain.</p> <p>Comments noted.</p> <p>Comments noted.</p> <p>The existing arena being located at the front of the property would be visible from the streetscape if it were to be covered.</p>

### **External Government Agency Comments**

The application was referred to Water Corporation as the subject site abuts the Water Corporation drain. Their advice was as follows:

#### Drainage

*The subject area falls within the Oaklands Drainage Catchment in the Mundijong Drainage District, which is a rural drainage system. The Oaklands Drain Sub – section K runs along the northern boundary of the subject land. Rural drains are not designated 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 makes this physically possible.*

#### General comments

*The building application will require Water Corporation Building Services approval prior to commencement of works. Headwork contributions and fees may be required to be paid prior to approval being issued.*

### **Planning Assessment:**

#### LPP 17

Table 3.1 contained within the LPP 17 stipulates setbacks for dwellings, outbuildings, swimming pools, water tanks and other incidental structures such as carports, patios, gazebos and verandas for example. Officers have considered the proposed structure as an 'incidental structure'.

### Policy Requirements

Policy Requirement	Required	Proposed	Comments (Complies/Variation Supported/Condition Required)
<u>Setbacks</u>	<u>Minimum</u>		
Primary Street	20 metres	160 metres	Complies
Rear	20 metres	1 metre	Variation – not supported
Side	10 metres	1 metre	Variation – not supported

Table 3.2 within LPP 17 specifies the maximum floor areas, wall height and roof heights for 'outbuildings'. An 'outbuilding' under the R-Codes is defined as "an enclosed non habitable structure that is detached from any dwelling". As the proposed cover for the horse arena is not enclosed, it is not defined as an 'outbuilding'. As such the requirements under table 3.2 within LPP 17, relating to floor areas and maximum heights, cannot be applied to this application.

However, due regard still must be given to the impact that a structure with a proposed roof area of 1200m<sup>2</sup> will have on the surrounding locality.

### COMMENT

#### Proposal

The applicant has submitted the following summary of the proposal:

- *We plan to erect a 60 metre by 20 metre arena cover at the aforementioned address. The arena cover will be no higher than a normal shed or stable typically found in the area so will not protrude above the height of other buildings in the surrounds, the highest point of the roof being approximately 7 metres.*
- *The cover will not be visible from the road or from neighbours' homes, but for one. The surrounding vegetation provides screening on most sides. The affected neighbour has approached me as regards my plans and welcomes such an equestrian facility in the area.*
- *An arena cannot fit into our building envelope and a full size arena is in fact often difficult to position on any property. We are fortunate that a full size arena fits conveniently on the site and that the reduced set back affects only one neighbour, the neighbour previously mentioned who has no objection to this development but looks forward to it.*
- *Such an equestrian facility raises the profile of the property and increases property value, a knock-on effect of this investment into our property should be felt beneficially by local home-owners, as with other increases in investment into our properties.*
- *We are prepared to put a rain water tank in to collect water from the roof of the arena.*
- *We are prepared to either paint or order the roof in colorbond if required. A note here that we would rather not as all buildings on our property have a zincalume roof and we would like it to be in keeping. We realise that it can be reflective initially but it*

*fades very quickly and blends beautifully. Also there is limited visibility of the roof in question from anyone.*

- *We cannot re-site the proposed position of the arena without compromising well-established trees on our property. We do not wish to fell any of these trees and the lack of offset would affect only one neighbour who has verbally indicated his acceptance of the arena positioning to us.*

### Previous Applications

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

Property Address	Size of property	Size of Arena (m <sup>2</sup> )	Side Setbacks	Rear Setbacks	Outcome	Date Approved
Lot 281 (Reserve 46398) Gossage Road, Cardup	3.5ha	25mx60m	10 metres	100 metres	Approved	25/05/09 (Council)
Lot 62 (102) Blair Road, Oakford	2.04ha	60mx20m	15 metres	95 metres	Approved	03/03/07 (Council)
Lot 13 Dairy Link, Mardella.	4.08 ha	60mx20m	70 metres	90 metres	Approved	16/03/10 (Council)

Records indicate that the Shire has three existing covered horse arenas listed above, all of which have been approved in recent times. Experience from these arenas indicates and identifies drainage issues (relating to stormwater collected from the roof) and visual amenity impacts as significant areas of concern that need to be adequately addressed and continuously monitored by the applicant. The size of arena covers requires that stormwater be suitably catered for on site to prevent direct discharge onto adjoining properties or into existing drainage lines. The applicant has submitted limited information to the Shire to adequately demonstrate how storm water from the proposed roofed structure will be catered for on site.

### Officer Comment

In view of the information provided by the proponent, officers have considered that the measures, outlined by the proponent regarding stormwater management and reduction of visual impacts, to be unsatisfactory and inadequate at this stage. The applicants have not specified the capacity of the proposed rain water tank and therefore officers are unable to determine if it would have the capacity to capture and store water collected by the combined roof space on the property.

It is also considered that the location of the structure outside the building envelope with reduced side and rear setbacks of 1 metre (in lieu of 10 and 20 metres respectively) would result in adverse visual impacts and likely to affect the amenity of the neighbouring properties. In addition, a structure at only 1 metre from the respective boundaries may set a precedent for similar applications in the future.

### **The applicant submitted the following supplementary information:**

At the Ordinary Council Meeting on 27 October 2010, the applicant submitted a public statement detailed below with the aim of addressing officers concerns that have been raised in the previous report.

“This proposal is for a 60 metre by 20 metre roof on an arena. It is very difficult to site a 60 x 20 metre arena on most properties and we have put much thought and

planning into the proposed site for this development. This site represents the most well screened site (by vegetation), is well removed from surrounding houses (further away from homes than all existing arenas on the street) and so will lead to less impact on homes that may arise from the arena. The 60 metre length fits into the paddock at the proposed site – if moved closer to the house it would result in the removal of vegetation and hence screening and as the paddock narrows to the south the arena would no longer fit into the paddock. To maintain comfort of our neighbour upon whose boundary we wish this development to be, the arena should be sited where proposed to maintain distance and screening. The arena cover is a roof, not walls and so the trees provide the perfect screen for it. If increased setbacks were called for there would be a removal of well established vegetation, the arena would be closer to both our home and the neighbour's home and would be visible to both, two paddocks would be impacted and hence use of the property severely impacted. The land comprising the setback would be wasted land and difficult to maintain. This land currently is heavy clay and very difficult to keep in condition. To place the arena roof in this site would have no impact on views and would enhance fire prevention as arenas provide nothing flammable and are an effective fire break.

#### Effect on Streetscape Character and Amenity Of Locality

The proposed roof on this arena is surrounded by vegetation – to the North by vegetation planted by us on the drain via our community group (there is a large buffer zone to the North) and to the South by well-established trees. These trees would screen it from the street and from the neighbour on the Western boundary whose home is to the South / South West of the site. An arena is in keeping with current use of land in our area and would increase the value of our home and hopefully have a beneficial knock-on effect to neighbouring property values. Using this proposed new arena would be better for the neighbour than the current arena, which is also on his boundary and much closer to his home.

#### Visual Amenity of Neighbouring Properties

This arena is not visible from the neighbour's home in the proposed site. If it were a setback from the boundary it would necessitate removal of trees and would then have a visual impact on the neighbour to the West. The proposed site is close to the drain where all water currently naturally drains from our properties. We would however be prepared to install a rainwater tank to prevent some of this water from entering the drain and use it for irrigation. There would never be run off to a neighbour's property because the land falls to the drain. As indicated in previous statement we could consider a colourbond roof if it were a condition of this proposal but feel it would be a shame. We have an Australian home with limestone walls and zincalume roof and out stable and shed roofs are all zincalume. Our neighbour has a substantially sized roof (visible on the attached aerial photograph) also of zincalume. It is in keeping with the history and character of the area.

#### Stormwater

Currently all stormwater falls to the drain to the north of the properties. We are happy to install a rainwater tank and prevent some of this flow to use for irrigation. The four properties adjacent to and including our property do not have catchment dams, all stormwater falling on the paddocks drain into the common drain. Should a 60m x 20m roof be placed on the property boundary, any water draining off this roof would be clean rainwater and thus should not have any adverse environmental effect in the common drain.

#### Summary

This arena is not enclosed – it is a roof. The arena is in an isolated well-screened position and in that position has the least impact possible on any neighbour than in any other site. We are looking for assistance in progressing this application and to that end have agreed to catching water that currently runs straight into drain and using it for irrigation. We have agreed that the roof could be colourbond although we think that would be a terrible shame as zincalume is much more in keeping with the character of our property – of which we are very proud and keep to a high standard. In regards to setbacks, we urge Council to consider that there are no walls involved here, that this arena is fire-retardant, that it is isolated because of that lack of setback and is also well screened only because of that lack of setback.

### Officer Comment

Officers have considered the submission presented by the applicant and assessed the proposal against the issues that were raised by Council regarding setbacks and associated amenity and policy impacts.

The proposed side and rear setback of 1.0 metre does not comply with the Shire's LPP 17 which stipulates a 10.0 metre side setback and 20.0 metre rear setback within the Special Rural zone. A structure of this size would have an adverse impact on the amenity of the adjoining landowner being viewed from the neighbour's paddocks. Approval of the proposal in its proposed location is likely to establish an undesirable precedent for other future applications in the Shire.

Officers have however, considered two options (discussed below) regarding the location of the arena. However, both options will inevitably result in the removal of trees if the location of the arena were to achieve a minimal side setback from the neighbouring property.

***An aerial photograph showing the officer recommended proposed location of the horse arena, option one (1) and option two (2) are with the attachments marked [SD062.2/12/10](#).***

### Option number one (1)

The proposal will be setback ten (10) metres from the rear and side boundaries. This option will comply with the side setback requirements stipulated in the Shire's LPP 17 for incidental structures. A reduced rear setback of 10 metres is considered reasonable bearing in mind the fact that the property abuts a Water Corporation drain containing reasonably mature vegetation screening properties on the adjoining rear boundary. One tree to be removed on the western boundary has been substantially pruned and it is anticipated not to have any effect regarding the visual amenity of this neighbour.

### Option number two (2)

The proposal will be setback twenty (20) metres from the rear and ten (10) metres for the side. This option certainly complies with the setback requirements stipulated in this Shire's LPP 17 for incidental structures.

### Conclusion

Horse arenas are common on most properties in keeping with the equestrian lifestyle in this locality. Whilst covering of arenas would enable horse riding activities to be carried out in all weather conditions, careful consideration has to be given to the general amenity issues and management of storm water. The proposal has been carefully considered on its individual merit and officers are of the view that it is likely to impact on the general amenity of neighbouring property owners. In addition, the applicant has not adequately demonstrated

how stormwater will be managed on site. It is likely, therefore, to establish an undesirable precedent for other future applications in the Shire.

Officers have also considered the submission presented by the applicant and guided by the provisions listed under LPP 17, are still not in support of the original proposed location, (the cover being located one metre from the rear and side setback based on the reasons outlined in the initial report). In view of the issues outlined by the applicant, in the report presented to Council it is evident that option 2 would not be the applicant's desirable outcome. Based on the reasons outlined in the report, officers would recommend conditional planning approval of option one (1) above.

**Voting Requirements:** Simple Majority

**Committee/Officer Recommended Resolution:**

The application for approval to commence development for the construction of a covered horse arena on Lot 69 (62) Leaver Way, Cardup be approved subject to the following conditions:

1. The proposed covered horse arena to be setback ten (10) metres from the side and rear boundary.
2. Roofing materials are to be in earthy or bushland tones. Zinalume, white or off-white colours are not permitted. A schedule of colours and materials is to be submitted to the satisfaction of the Director Development Services prior to the commencement of site works.
3. A Stormwater Management Plan is required to be submitted and approved by the Director Engineering prior to the commencement of site works. This plan may include the provision of rain water tanks to collect stormwater from the roof. Once approved, the Stormwater Management Plan shall be implemented in its entirety.
4. All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is prohibited.
5. A Landscape and Vegetation Management Plan shall be submitted to the Shire and approved prior to the commencement of site works.
6. 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.
7. The use/development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, odour, dust, light spill or waste products and shall be managed to the satisfaction of the Director Development Services.
8. The horse arena cover is not to be used for any commercial activities unless the prior written approval of the Shire is obtained.

**Advice Note:**

1. A building licence is required to be issued prior to commencement of development including earthworks.
2. The Water Corporation advises that the building application will require Water Corporation Building Services approval prior to the commencement of works. Headwork contributions and fees may be required to be paid prior to approval being issued.

**SD062/12/10 COUNCIL DECISION:****Moved Cr Brown, seconded Cr Lowry**

The application for approval to commence development for the construction of a covered horse arena on Lot 69 (62) Leaver Way, Cardup be approved subject to the following conditions:

1. The proposed covered horse arena to be setback ten (10) metres from the side and rear boundary.
2. A Stormwater Management Plan is required to be submitted and approved by the Director Engineering prior to the commencement of site works. This plan may include the provision of rain water tanks to collect stormwater from the roof. Once approved, the Stormwater Management Plan shall be implemented in its entirety.
3. All storm water to be disposed of within the property. Direct disposal of storm water onto the road, neighbouring properties, watercourses and drainage lines is prohibited.
4. A Landscape and Vegetation Management Plan shall be submitted to the Shire and approved prior to the commencement of site works.
5. 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.
6. The use/development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, odour, dust, light spill or waste products and shall be managed to the satisfaction of the Director Development Services.
7. The horse arena cover is not to be used for any commercial activities unless the prior written approval of the Shire is obtained.

**CARRIED 7/2**

**Advice Note:**

1. A building licence is required to be issued prior to commencement of development including earthworks.
2. The Water Corporation advises that the building application will require Water Corporation Building Services approval prior to the commencement of works. Headwork contributions and fees may be required to be paid prior to approval being issued.

**Council Note:** Item 2 was removed from the Committee/Officer Recommended Resolution.

SD063/12/10 PROPOSED OVERHEIGHT AND OVERSIZE SHED LOT 17 MAXWELL STREET, SERPENTINE (P01943/01)		
Proponent:	Coastline Sheds	In Brief  Application for the construction of oversize outbuilding in Serpentine town site. Approval subject to conditions is recommended.
Owner:	KV Cochrane	
Officer:	Casey Rose - Planning Assistant	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	17 November 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>	

Date of Receipt:	20 September 2010
Lot Area:	2028m <sup>2</sup>
MRS Zoning:	Urban
TPS Zoning:	Residential R10
Use Class & Permissibility:	Single Residence – incidental development (P use)
Rural Strategy Policy Area:	Town and Village Urban

### **Background**

An application was received for a Colorbond shed with a length and width of 15.2m by 7.5m. The land is zoned Residential R10 and is located within the general vicinity of the Serpentine town site area. Two small dwellings exist on the property, one aged approximately 80 years old which is very dilapidated, uninhabitable and currently being utilised for storage due to the absence of any other outbuilding.

The older dwelling is not listed on Council's Municipal Inventory or the State's Heritage Register. The proposed shed will provide an opportunity for the current owner to remove the derelict cottage and erect a new building for domestic storage.

***The location, site, floor and elevation plans and an aerial photo are with attachments marked***

***The location, site, floor and elevation plans and an aerial photo are with attachments marked [SD063.1/12/10](#).***

### **Variations requested**

The floor area for the proposed new shed will total floor area being 114m<sup>2</sup> in lieu of 60m<sup>2</sup> as allowable under the Residential Design Codes of Western Australia. The shed also proposes a wall height of 3m in lieu of 2.4m as required under the R-Codes and Council's Local Planning Policy (LPP) 17.

### **Sustainability Statement – Outbuildings**

Sustainable Element	Comment
Is there remnant native vegetation on site or adjoining verge?	The property does not contain any protected or native species.

Is remnant native vegetation to be retained or removed as a result of this proposal?	No remnant or native vegetation will be removed, only exotic (pest) species which have self seeded in parts of the backyard
Is additional vegetation required to screen or ameliorate the bulk of the proposed development?	Unlikely. The proposed outbuilding will be appropriately located to the rear of the lot.
Will the requested variation have an adverse effect on streetscape or the character and amenity of the locality?	No. The proposal will be consistent with nearby properties.
Will the requested variation have an adverse effect on visual amenity of neighbouring properties due to bulk and scale, appearance or materials?	No the outbuilding would be suitably placed in the rear corner of the residential property.
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?	The outbuilding is consistent with residential and incidental development and would not require unique water detention.

**Statutory Environment:**

Planning and Development Act 2005  
Town Planning Scheme No. 2  
Residential Design Codes of Western Australia

**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	
<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		Establish increased levels of natural vegetation in urban and rural environments.	
		7	Manage	Facilitate sustainable agricultural practices.	
		<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.
	<b>BUILT ENVIRONMENT</b>		<b>Land Use</b>		

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
	<b>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.
		14		Encourage built form that positively contributes to streetscape amenity.
		15		Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.

### **Community Consultation:**

Required - Yes

No objections received.

### **Planning Assessment:**

#### **Policy Requirements**

LPP17 Residential and Incidental Development.

Policy Requirement	Required	Proposed	Comments (Complies/Variation Supported/Condition Required)
Setbacks Primary Street Rear Side	Behind front setback 1.5m 1m	54m 1m 1.5m	Complies Variation. Supported Complies
Floor Area (combined total floor area of all outbuildings)	Max. 60m <sup>2</sup>	114m <sup>2</sup>	Variation. Supported
Wall Height	Max. 2.4m	3.05m	Variation – supported.
Roof Height	Max. 3.3m	3.6m	Variation. Supported

Under the Residential Design Codes of Western Australia, an R10 property would be required to meet the incidental development criteria as per other higher densities such as R20-R80. In this instance, the property is zoned R10 which would normally allow for an average lot size of 1000m<sup>2</sup> however due to the lack of reticulated water available, the minimum lot size is 2000m<sup>2</sup>.

For an average 2000m<sup>2</sup> size residential lot this would typically give a density code of R5. If the property was zoned R5 then under Council's LPP17, this would afford an outbuilding of 100m<sup>2</sup>. Based on the zoning and land size comparison, up to 120m<sup>2</sup> of total outbuilding floor area would be reasonable for a property of 2000m<sup>2</sup>.

### **Options:**

There are primarily two options available to Council in considering the proposal:  
(1) to approve the application, with or without conditions; and

(2) to refuse the application.

Should the applicant be aggrieved by a determination by Council, including a refusal determination or approval conditions, the applicant could lodge an application for review with the State Administrative Tribunal.

### Conclusion

It is considered the proposed outbuilding will provide a more structurally sound and appropriate alternative for storage other than the dilapidated cottage currently being used. This will allow the landowner to commence cleaning up and restoration of the property.

**Voting Requirements:** Simple Majority

### **Officer Recommended Resolution:**

**That the application for approval to commence development for an oversized outbuilding on Lot 17 Maxwell Street, Serpentine be approved subject to the following conditions:**

- 1. All existing native trees on the subject lot and adjacent road verge shall be retained and shall be protected from damage prior to and during construction unless subject to an exemption provided within Town Planning Scheme No. 2 or the specific written approval of the Shire has been obtained for tree removal either through this planning approval or separately.**
- 2. All storm water to be disposed of within the property. This shall be achieved by either soakwells or spoon drains or the use of storm water retention/re-use methods such as rainwater tanks or the grading of hardstand areas to lawns and garden beds. Direct disposal of storm water onto the road, neighbouring properties, watercourses or public drainage lines is not permitted.**

### **Advice Note**

- 1. The outbuilding 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.**
- 2. A building licence is required to be issued prior to the commencement of development including earthworks.**

### **New Motion**

**Moved Cr Brown**

**That the application for approval to commence development for an oversized outbuilding on Lot 17 Maxwell Street, Serpentine be refused.**

### **COUNCIL DECISION**

**Moved Cr Buttfield, seconded Cr Brown**

**That Councillors adjourn the meeting at 9.44pm**

**CARRIED 9/0**

### **COUNCIL DECISION**

**Moved Cr Hoyer, seconded Cr Harris**

**The Councillors resume the meeting at 9.51pm**

**CARRIED 8/0**

**Cr Lowry was not present and did not vote**

**Cr Brown withdrew her motion**

*Cr Lowry returned to chambers at 9.53pm*

**SD063/12/10 COUNCIL DECISION / Officer Recommended Resolution:**

**Moved Cr Brown, seconded Cr Randall**

**That the application for approval to commence development for an oversized outbuilding on Lot 17 Maxwell Street, Serpentine be approved subject to the following conditions:**

- 1. All existing native trees on the subject lot and adjacent road verge shall be retained and shall be protected from damage prior to and during construction unless subject to an exemption provided within Town Planning Scheme No. 2 or the specific written approval of the Shire has been obtained for tree removal either through this planning approval or separately.**
- 2. All storm water to be disposed of within the property. This shall be achieved by either soakwells or spoon drains or the use of storm water retention/re-use methods such as rainwater tanks or the grading of hardstand areas to lawns and garden beds. Direct disposal of storm water onto the road, neighbouring properties, watercourses or public drainage lines is not permitted.**

**CARRIED 9/0**

**Advice Note**

- 1. The outbuilding 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.**
- 2. A building licence is required to be issued prior to the commencement of development including earthworks.**

**Supplementary Information**

A site inspection confirmed the presence of several other derelict structures such as an old barn and outdoor ablution block as depicted on the aerial photo. In addition to these structures depicted, there is a large carport comprising gable roof and flat patio adjoining the dwelling but it is open on all sides and provides parking for two domestic vehicles. As the carport structure is open sided this does not contribute to the overall floor area of outbuildings. The derelict barn will be replaced with the positioning of the new shed and the old dwelling will also be removed.

CGAM026/12/10		FORWARD CAPITAL WORKS PLAN 2010/11 TO 2014/15 (A0119 )	
Proponent:	Serpentine Jarrahdale Shire	In Brief  To Adopt the Forward Capital Works Plan 2010/11 to 2014/15.	
Owner:	Not Applicable		
Author:	Executive Manager Finance Services/ Director Corporate Services		
Senior Officer:	Chief Executive Officer		
Date of Report	29 November 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>Council</b>		

### **Background**

Council received \$35,000 from the Country Local Government Fund (CLGF) to assist in preparing a five year forward capital works plan, support capacity building, and improve the financial sustainability through improved strategic and asset management planning.

The forward capital works plan must address the following;

1. Infrastructure items only, not plant and equipment
2. Infrastructure should be owned by the Council
3. Expenditure for five years, commencing 2010/11
4. Be approved by Council

The following documents were used as references when the plan was prepared;

1. Community Facilities and Services Plan (CFSP)
2. Engineering Services Priority Roads Report
3. Footpath Improvement Program

***A copy of the forward capital works plan 2010/11 to 2014/15 is with attachments marked [CGAM026.1/12/10](#) (E10/6158).***

### **Sustainability Statement**

***Effect on Environment:*** All infrastructure items outlined in the plan will aim to enhance the environment (built and natural)

Biodiversity:

- protection of indigenous flora and fauna
- site disturbance- cut and fill management to minimise impacts

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

- minimise use of fertilisers and other contaminants
- maximum infiltration of water on site

Heritage and Culture: All heritage and cultural issues will be addressed before any construction/refurbishment has taken place

**Resource Implications:**

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

Land: minimise use of vegetated land to protect biodiversity

Waste: Minimise waste in the process which would go to landfill, recycling and reuse of waste

**Use of Local, Renewable or Recycled Resources:** Where possible, locally available or produced resources will be used.

**Economic Viability:** All ongoing costs of proposed infrastructure are also identified in the plan. Ensuring buildings are properly maintained and there are adequate funds set aside for maintenance will reduce future costs for council.

**Economic Benefits:** The plan provides economic benefits to the community through a number of outcomes, such as employment creation, tourism generator, provide local resources where otherwise not available.

**Social – Quality of Life:** The plan improves the quality of life for the community through the following;

Planning/Subdivisions: Public open space with amenities, good design for crime prevention, retention of existing vegetation, and a better access to services eg local shops, public transport, noise.

Assets: quality of roads, lighting for safety, water sensitive urban design, pedestrian footpaths, trails, and cycleways.

Finance: In the proposed risk assessment of each infrastructure item if grant funds are not approved then where identified, projects will be postponed, to avoid residents having to pay for these items. The plan heavily relies on external funding to achieve all infrastructure items in the plan to be achieved.

**Social and Environmental Responsibility:** The plan is designed to be socially and environmentally responsible through building up the community and enabling full participation in its implementation. Through the Community Facilities and Services Plan, the community was consulted, and infrastructure identified which was included in this plan.

Council is aware that relationships with other funding bodies are imperative when implementing this plan.

**Social Diversity:** The plan caters for all sectors of society, for example, diverse housing stock, disabled access to all facilities, and caters for all groups, which includes, seniors, youth, and families.

**Statutory Environment:**

The forward capital works plan will form part of the Plan for the Future. There are no statutory requirements for Council to adopt the forward capital works plan, however there are statutory requirements for the Plan for the Future, which includes a community consultation component. It is a condition of Council receiving the funding under the Royalties for Regions program that this forward capital works plan be adopted by Council by the 31 December 2010.

**Policy/Work Procedure Implications:**

There are no work procedure/policy implications directly related to this issue.

**Financial Implications:**

There are financial implications for Council related to this forward capital works plan. Part two of the report outlines the projects that municipal funds will be used to either fully fund or part fund these projects. The funds identified as municipal funding have been incorporated into the Plan for the Future, and are subject to review as part of the budget deliberations each financial year.

In addition, The Plan for the Future, incorporating the forward capital works plan will be reviewed every two years in accordance with the Local Government Act.

**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>			
		1	Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.
		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.
		13	Buildings	Ensure the Shire's rural character is sensitively integrated into urban and rural villages.
		14		Encourage built form that positively contributes to streetscape amenity.
		15		Ensure that all buildings incorporate principles of environmentally sustainable design, suitable for our specific climate and location.
		16		Enable built form that accommodates a range of business and family circumstances and needs.
		17		Preserve, enhance and recognise heritage

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				values within the built form.
		18		Invest upfront in the creation of vibrant, interactive public places and spaces that demonstrate the type of development envisaged by the community.
		19		Plan for the creation and preservation of iconic buildings and places that add to our sense of identity.
		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.
		24	Transport	Ensure safe and efficient freight and transport linkages within the Shire and region.
		25		Ensure future public transport needs and infrastructure are incorporated into the land use planning process within the Shire and region.
		26	General	Facilitate the development of a variety of well planned and connected activity centres and corridors.
		27		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.
		31		Encourage innovative solutions, technology and design.
	<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.
		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.
		36		Preserve the amenity and biodiversity of scenic drives and flora roads and create further interest through the incorporation of public art.
		37		Develop and adequately fund a functional road network and bridges based on the level of service set by Council.
		38		Ensure that bridge and road network planning and development considers community safety and emergency management.
		39	Water	Minimise the use of piped and artificial

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
			Management	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.
		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.
		51		Encourage the innovative incorporation of rain, roof, vertical and hanging gardens in activity centres to increase the level of amenity, educational opportunities and 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.
		56		Continue to work with funding agencies to secure grants for projects.
		57		Develop and support key sponsorship programs for community and Council projects.
		58		Celebrate awards and achievements with partners to promote our vision.
<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.
		6	Restore	Establish increased levels of natural vegetation in urban and rural environments.
		12	Biodiversity	Prevent the further loss of "local natural areas"
	<b>Integrated Water Cycle Management</b>			
		16	Quantity	Promote and implement water conservation and reuse.
		18		Identify and implement opportunities for

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				detention and storage of stormwater.
		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.
	<b>Energy</b>			
		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>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.
		2		Our structure, processes, systems and policies are aligned with the Plan for the Future.
		3		Our structure, processes, systems and policies are based on the “keep it simple” principle.
		4		We are realistic about our capacity to deliver.
		7		Elected members and staff have a clear understanding of their roles and responsibilities.
		8		Elected members provide a clear and consistent strategic direction.
		9		All decisions by staff and elected members are evidence based, open and transparent.
		10		The elected members and staff operate from a common understanding of sustainability.
		11		The Shire will further establish itself as an innovative leader.
	<b>Strategy and Planning</b>			
		27	Strategic Direction	Prepare effectively for future development.
		28		Position the Shire to be responsive and resilient to changes in State or Federal policy direction.
		29		Create innovative solutions and manage responsibly to aid our long term financial sustainability.
		30		Consider the regional delivery of services in

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				the acquisition of compatible infrastructure and assets.
	<b>Success and Sustainability</b>			
		38	Achieving Sustainability	Ensure that elected members and staff are outcome focussed.
		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 cognisant of being a hyper-growth council.
		42		Position the Shire to be responsive and resilient to changes in State or Federal policy direction.
		43		Develop a clear, robust, well researched evidence base which demonstrates our uniqueness and sustainability.
		44		Address the barriers to doing business in a positive way.
	<b>Knowledge and Information</b>			
		45	Generating , collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.
		46		Understand current and future costs of service delivery.
		69	A Great Place to Work	Retain 'funky', fun, flexible, friendly, family feeling at the workplace.
		70		Accommodate a diversity of people and work habits
<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.
		3		Enable the provision of a range of facilities and services for families and children.
		4		Monitor and respond to the changing needs of our ageing population.
		5	Happy	Promote respect, responsibility and resilience in our community.
		6		Improve access and inclusion for all.
		7		Encourage, support and celebrate volunteerism.
		10		Understand and respond to the needs of our youth.
		11		Actively engage youth in local decision making.
		12		Encourage youth participation in community activities, groups and networks.
		13	Safe	Achieve a high level of community safety
		14		Develop and implement crime prevention

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
				strategies.
	<b>Relationships</b>			
		15	Encourage	Foster positive working relationships with and between volunteers.
		16		Encourage intergenerational interactions and activities.
		17		Create opportunities to identify and address social isolation.
		18		Identify opportunities for people to work together for their mutual benefit.
		19	Empower	Grow and sustain our strong community spirit.
		20		Develop a skilled, self determining community who participate in shaping the future and own and drive the changes that occur.
		21		Empower people to represent their community of interest.
		22		Achieve a sense of belonging through active networks and community groups.
		23		Build strong relationships that are resilient to the pressures and challenges of growth and “breaking new ground”.
		24		Foster ownership and commitment within partnerships in order to achieve shared visions.
		25		Enable inclusive, accessible and appropriate communications.
		26	Celebrate	Acknowledge, utilise and celebrate the distinctiveness and diversity of our community.
		27		Actively engage, and value the contribution of all stakeholders in better decision making.
		28		Engage existing and new residents in sharing neighbourly and community values.
	<b>Places</b>			
		29	Vibrant	Create vibrant urban and rural villages.
		30		Develop well connected neighbourhood hubs and activity centres.
		31		Build the community’s capacity to create vibrant places through activities and events.
		32		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
		34		Enable a diverse range of places that accommodate a variety of active and passive recreational pursuits.
		35		Recognise the significance of prosperous businesses and groups in activating places and contributing to community safety.
		36		Plan and develop safe communities and places.
		37	Innovative	Promote and encourage the development of affordable and appropriate lifelong living environments.
		38		Facilitate the establishment of educational places that offer a range of lifelong learning opportunities.
		39		Enable and develop sustainable, multipurpose facilities where duplication is minimised.
		40		Encourage the use of the arts to express our cultural identity.

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		41	Distinctive	Recognise, preserve and enhance the distinct characteristics of each locality.
		42		Foster the sense of belonging and pride of place in our community.
		43		Acknowledge and accommodate diversity and multicultural interests in our places.

**Community Consultation:**

Required: No

**Comment:**

There are three parts to the forward capital works plan;

1. Opening statement, which includes an overview of the Shire.
2. Financial Tables which includes;
  - a) Grouping of infrastructure into asset categories
  - b) Details whether it's a creation or renewal of asset
  - c) Whole of life costing, annual expenditure and revenue sources
  - d) Municipal funding gap on all projects
3. Project information which includes;
  - a) Background of infrastructure item
  - b) Risk assessment addressing scenarios where one or more funding sources for a project is cancelled, postponed, or reduced
  - c) Alignment with the Plan for The Future (Council's strategic plan)

The following tables are a summary of the forward capital works plan;

<b>Buildings</b>	<b>2010/2011</b>	<b>2011/2012</b>	<b>2012/2013</b>	<b>2013/2014</b>	<b>2014/2015</b>
<b>Total Cost</b>	441,900	2,589,000	5,775,000	3,235,000	9,135,000
Total Life Cycle Cost*	606,288	6,844,020	10,935,500	6,560,300	15,470,300
<b>Funding Sources;</b>					
CLGF	320,000	585,000	1,086,000	730,000	481,000
Other Funding	121,900	674,000	3,554,000	1,625,000	7,554,000
Municipal	0	1,330,000	1,135,000	880,000	1,100,000

<b>Roads</b>	<b>2010/2011</b>	<b>2011/2012</b>	<b>2012/2013</b>	<b>2013/2014</b>	<b>2014/2015</b>
<b>Total Cost</b>	1,800,000	2,764,000	3,650,000	2,400,000	2,400,000
Total Life Cycle Cost*	3,941,631	5,264,981	7,343,445	6,642,418	5,371,657
<b>Funding Sources;</b>					
CLGF	0	150,000	150,000	150,000	0
Other Funding	1,205,335	2,095,707	2,733,667	1,183,667	1,750,000
Municipal	594,665	518,293	766,333	1,066,333	650,000

<b>Parks and Gardens</b>	<b>2010/2011</b>	<b>2011/2012</b>	<b>2012/2013</b>	<b>2013/2014</b>	<b>2014/2015</b>
<b>Total Cost</b>	409,552	280,000	200,000	200,000	200,000
Total Life Cycle Cost*	536,403	386,400	276,000	276,000	276,000

<b>Funding Sources;</b>					
CLGF	350,000	80,000	0	0	0
Other Funding	59,552	200,000	200,000	200,000	200,000
Municipal	0	0	0	0	0

<b>Footpaths</b>	<b>2010/2011</b>	<b>2011/2012</b>	<b>2012/2013</b>	<b>2013/2014</b>	<b>2014/2015</b>
<b>Total Cost</b>	160,000	270,000	74,000	116,000	280,000
Total Life Cycle Cost*	208.320	878.040	251.748	412.032	994.560
<b>Funding Sources;</b>					
CLGF	160,000	0	0	0	0
Other Funding	0	135,000	37,000	58,000	140,000
Municipal	0	135,000	37,000	58,000	140,000

<b>Other Infrastructure</b>	<b>2010/2011</b>	<b>2011/2012</b>	<b>2012/2013</b>	<b>2013/2014</b>	<b>2014/2015</b>
<b>Total Cost</b>	128,000	0	0	0	0
Total Life Cycle Cost*	168,200	0	0	0	0
<b>Funding Sources;</b>					
CLGF	0	0	0	0	0
Other Funding	128,000	0	0	0	0
Municipal	0	0	0	0	0

\*Note: Life Cycle costs are defined as the cost of the asset over the life of the asset (ie depreciation) and all maintenance costs associated with that asset over its life.

The forward capital works plan has been incorporated into the Plan for the Future, which will be presented to Council in the following months.

The projects outlined in the plan may be subject to change due to a change in Council priorities, cost escalations, and/or community needs. Shire officers have received comments from the Department of Regional Development and Lands, in which, they have recommended including more proposed projects funded through Country Local Government Fund. It has been advised that it will be difficult to add projects in the future, keeping in mind that a review of the forward capital works plan must be performed every three years, so any new capital works projects can be included at the review, being in the 2012/13 financial year.

**Voting Requirements:**

**ABSOLUTE MAJORITY**

**CGAM026/12/10 COUNCIL DECISION / Committee/Officer Recommended Resolution:**

**Moved Cr Brown, seconded Cr Hoyer  
That Council adopts the Forward Capital Works Plan 2010/11 to 2014/15.  
CARRIED 9/0**

CGAM027/12/10		APPROVAL OF SERPENTINE JARRAHDAL SHIRE ASBESTOS MANAGEMENT PLAN (A0596)
Proponent:	Not Applicable	In Brief  Council is requested to endorse the Asbestos Management Plan which is required in terms of the Code of Practice for the Management and Control of Asbestos in Workplaces.
Owner:	Not Applicable	
Author:	Uwe Striepe – Executive Manager Engineering	
Senior Officer:	Richard Gorbunow – Director Engineering	
Date of Report	19 November 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	
<b>Delegation</b>	<b>Council</b>	

### **Background**

Worksafe (the Western Australian State Government agency responsible for the administration of the Occupational Safety and Health Act 1984), issued an improvement notice to the Shire on 12 July 2010. In terms of the notice, the Shire was in contravention of Reg. 4.43 of the Occupational Safety and Health Regulations 1996, in that the Shire needed to conduct an audit, by a suitably qualified person, of all Shire workplaces to see whether there was any asbestos containing material (ACM) in them.

The improvement notice requested the following remedies:

*Ensure the identification and risk assessment of ACM as per parts 9 and 10 of [NOSH:2018 (2005)].*

The Director Engineering Services requested quotations from specialist consulting firms qualified to assist with the actions required in order for the Shire to comply with the improvement notice. The best quote was received from WA Building Codes Consultancy and they have been appointed to do the asbestos audit on the Shire's buildings.

In terms of the Code of Practice for the Management and Control of Asbestos in Workplaces the Shire also needs to adopt an Asbestos Management Plan.

***A copy of the proposed asbestos management plan is with attachments marked [CGAM027.1/12/10 \(E10/5811\)](#).***

### **Sustainability Statement**

***Effect on Environment:*** The Asbestos Management Plan aims to limit or eradicate the ACM contained in council buildings and thereby reduce/ eliminate release of harmful fibres.

***Economic Viability:*** The cost of implementing the Asbestos Management Plan will be ongoing until all ACM have been eradicated.

***Social – Quality of Life:*** The Asbestos Management Plan sets out what needs to be done to limit the harmful effects of ACM contained in Council buildings and thereby improves the quality of life of members of the community and Shire employees

### **Statutory Environment:**

The Code of Practice for the Management and Control of Asbestos in work places [National Occupational Health and Safety Commission (NOHSC): 2018 (2005)] requires Council to endorse an Asbestos Management Plan.

**Policy/Work Procedure Implications:**

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

**Financial Implications:**

Payment to WA Building Codes Consultancy for the audit has been sourced from the maintenance budget for buildings. No further expenditure is anticipated until the asbestos audit is reviewed on 15 November 2011.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
<b>BUILT ENVIRONMENT</b>	<b>Infrastructure</b>			
		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>PEOPLE AND COMMUNITY</b>	<b>Wellbeing</b>			
		1	Healthy	Promote a wide range of opportunities to enable optimal physical and mental health.
<b>OUR COUNCIL AT WORK</b>	<b>Leadership</b>			
		3		Our structure, processes, systems and policies are based on the "keep it simple" principle.
	<b>Strategy and Planning</b>			
		28		Position the Shire to be responsive and resilient to changes in State or Federal policy direction.
		32		Prioritise and integrate the financial implications of policy and strategy into the fully costed Plan for the Future.
	<b>Knowledge and Information</b>			
		48		Develop systems for data capture and analysis.
		49	Creating value through applying knowledge	Ensure evidence based decision making

**Community Consultation:**

Not required

**Comment:**

WA Building Codes Consultancy have completed the asbestos audit on the Shire's buildings as in terms of the Code of Practice for the Management and Control of Asbestos in Workplaces. The results of the ACM audit indicate that in terms of the present rating of ACM

in Council's buildings, only monitoring is required at this stage. All that remains is for Council to adopt the Asbestos Management Plan which is to be reviewed annually.

Training for two Council Officials in Asbestos Management is required. Adequate funds exist in the current training budget.

**Voting Requirements:** Simple Majority

**CGAM027/12/10 COUNCIL DECISION/Committee Decision/Officer Recommended Resolution:**

**Moved Cr Petersen, seconded Cr Lowry  
That Council endorse the asbestos management plan in attachment  
CGAM027.1/12/10.  
CARRIED 9/0**

CGAM028/12/10		AMENDMENT OF BUILT ENVIRONMENT POLICY NO. G914 LOCALITY FUNDING FOR TOWNSCAPE PROJECTS. (A1631)
Proponent:	Serpentine Jarrahdale Shire	In Brief  1) Council is requested to approve the transfer of accumulated reserve funds across the respective Locality Funding Program accounts and to create a new Serpentine Jarrahdale Shire Townscape Funding account.  2) Final adoption of amended Council Policy No. G914 Locality Funding for Townscape Projects.  3) To nominate a Councillor from each ward to serve on the Locality Funding Program Working Group.
Owner:	Not Applicable	
Author:	Heleen Muller – Senior Strategic Planner	
Senior Officer:	Suzette van Aswegen - Director Strategic Community Planning	
Date of Report	11 November 2010	
Previously	24 September 2010 SD054/10/09	
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>	

### **Background**

Council initiated the Locality Funding Program which allocates funds to various localities, namely Oakford, Byford, Mundijong, Serpentine, Jarrahdale and Keysbrook. Currently the nominal provision is \$35 000 per annum per locality and the said six localities have accumulated reserve funds in the respective accounts.

Council informally expressed a desire to amend the Policy after various discussions at Policy Forum and an amended policy was prepared. The intent of this agenda item is to request the transfer of accumulated reserve funds to create a Serpentine Jarrahdale Shire Townscape Funding account, to adopt the amended policy and nominate four (4) Councillors to represent the existing wards on the Locality Funding Program Working Group. The Locality Funding Program Working Group will assess applications received for Locality Funding.

***A copy of the amended Council Policy No. G914 Locality Funding for Townscape Projects is with attachments marked [CGAM028.1/12/10](#) (IN10/17709).***

### **Sustainability Statement**

**Effect on Environment:** The policy will enable a positive visual and aesthetic impact on all six localities. The potential projects may enhance the Shire's natural environment in line with the Shire's Plan for the Future vision.

**Resource Implications:** Additional officer time across a number of teams will be allocated to the Locality Funding Program.

**Use of Local, Renewable or Recycled Resources:** The use of resources may include local, renewable or recycled resources.

**Economic Viability:** The policy seeks to ensure that all projects result in a safe, accessible and inviting visual enhancement to each locality's built environment, resulting in attracting more visitors and increased prospects of economic viability.

By having a clear policy framework in place, the preparation of proposals (by applicants) and the assessment of applications (by Council) will be more efficient and effective, reducing financial risk to the different parties involved. Funding will be allocated annually as part of the Shire's budgetary process. An accumulation limit will be applied to each locality based on its population category.

**Economic Benefits:** The policy seeks to provide more opportunities to enhance the townscape qualities of recreation spaces and provide general beautification of the townscapes within the Shire. The policy will enable seed funding and leveraging to attract further funds to beautify the six localities'.

**Social – Quality of Life:** The policy seeks to recognise the community's need to have an aesthetically pleasing environment within which to live, work, recreate and relax. Funding will be allocated to projects which may have a high benefit to the built environment and make public places more aesthetically pleasing.

**Social and Environmental Responsibility:** The policy seeks to ensure that the determination of developments within Shire localities' takes into consideration the need for townscape enhancement whilst also enhancing the environment through landscaping.

**Social Diversity:** The policy seeks to recognise social diversity and improve living, working or visiting the Shire by allocating seed funding to stimulate townscape enhancement. The use of public art will be encouraged to express the local flavour of each locality, in accordance with place making principles.

**Statutory Environment:**

Local Government Act 1995, Section 6.8 1(b).

- a) Advertising required in accordance with the Local Government Act 1995;
- b) Approval requires an absolute majority of the council to vote in support of the recommendation.

Locality Funding Policy G914

**Policy/Work Procedure Implications:**

Work procedure will be adapted in accordance with the revised Policy.

**Financial Implications:**

An annual funding allocation will be considered as part of the Shire's budgetary process.

**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.	
		6		Establish increased levels of natural vegetation in urban and rural environments.	
		10		Promote and develop appropriate tourism, recreation and educational opportunities.	
		25		Facilitate and encourage the preservation, management and restoration of natural water systems.	
	<b>Climate Change</b>	30		Minimise resource use	
<b>BUILT ENVIRONMENT</b>	<b>Land Use Planning</b>	1	Rural Villages	Preserve the distinct character and lifestyle of our rural villages and sensitively plan for their growth.	
		2		Ensure land use planning accommodates a vibrant and diverse range of activities and employment opportunities.	
		9	Rural Land	Ensure the built form complements and enhances the rural environment.	
		14		Encourage built form that positively contributes to streetscape amenity.	
		17		Preserve, enhance and recognise heritage values within the built form.	
		19		Plan for the creation and preservation of iconic buildings and places that add to our sense of identity.	
		29		Plan and develop community gardens.	
		31		Encourage innovative solutions, technology and design.	
		<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.
			36		Preserve the amenity and biodiversity of scenic drives and flora roads and create further interest through the incorporation of public art.
	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.	
	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>SUSTAINABLE ECONOMIC GROWTH</b>	<b>Industry Development</b>	9		Develop and maintain our heritage assets to encourage visitors.	
	<b>Industry Assistance</b>	26		Facilitate the development of consistent appropriate and informative signage throughout the Shire.	
<b>PEOPLE AND COMMUNITY</b>	<b>Wellbeing</b>	2		Promote a variety of recreation and leisure activities.	
		3		Enable the provision of a range of facilities and services for families and children.	
		4		Monitor and respond to the changing needs of our ageing population.	
		6		Improve access and inclusion for all.	
		7		Encourage, support and celebrate volunteerism.	
		8		Foster lifelong learning opportunities	
		<b>Relationships</b>	16		Encourage intergenerational interactions and activities.
			17		Create opportunities to identify and address social isolation.
			22		Achieve a sense of belonging through active networks and community groups.
			26	Celebrate	Acknowledge, utilise and celebrate the distinctiveness and diversity of our community.
	<b>Places</b>	32		Ensure community spaces and places are accessible and inviting.	

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
		34		Enable a diverse range of places that accommodate a variety of active and passive recreational pursuits.
		40		Encourage the use of the arts to express our cultural identity.
		41	Distinctive	Recognise, preserve and enhance the distinct characteristics of each locality.
		42		Foster the sense of belonging and pride of place in our community.
		43		Acknowledge and accommodate diversity and multicultural interests in our places.
<b>OUR COUNCIL AT WORK</b>	<b>Leadership</b>	20		We invite and celebrate diversity.
	<b>Success and Sustainability</b>	47		Understand the needs of stakeholders.

### Community Consultation:

The reallocation of funding will be advertised in a local public notice. Community consultation is not required for the amendment of the Locality Funding Policy.

### Comment:

The objective of the Locality Funding Policy is to recognise the pivotal role that community groups and organizations play in developing vibrant and diverse communities and for Council to support townscape development within the Shire. Council adopted the Locality Funding Policy G914 (the Policy) on 26 October 2009.

Council has since initiated, through Policy Forum discussions, an amendment to the Policy which now aims to allocate funds to the respective localities based on the locality's classification and size. Currently the nominal provision for this program is \$35,000 per locality, per annum. The amended policy suggests the following:

<b>Locality:</b>	<b>Classification:</b>	<b>Nominal Provision/Annum</b>	<b>Accumulation Limit</b>
<i>Byford</i>	<i>Urban Village</i>	<i>\$30 000*</i>	<i>\$90 000</i>
<i>Mundijong</i>	<i>Urban Village</i>	<i>\$30 000*</i>	<i>\$90 000</i>
<i>Jarrahdale</i>	<i>Rural Village</i>	<i>\$20 000*</i>	<i>\$60 000</i>
<i>Serpentine</i>	<i>Rural Village</i>	<i>\$20 000*</i>	<i>\$60 000</i>
<i>Keysbrook</i>	<i>Rural Settlement</i>	<i>\$10 000*</i>	<i>\$30 000</i>
<i>Oakford</i>	<i>Rural Settlement (to become a Rural Village)</i>	<i>\$10 000*</i>	<i>\$30 000</i>

\*Council will determine the actual budget provisions in the annual budget process.

The current allocation of \$35 000 per locality per year will be reduced to \$30 000 per year per urban village, \$20 000 per year per rural villages and \$10 000 per year per rural settlement.

Currently there are accumulated reserve funds in the respective Locality's Reserve Funds and it is requested to transfer a component of those funds to a Serpentine Jarrahdale Shire

Townscape Funding account for the purpose of Council initiated townscape related projects in the Serpentine Jarrahdale Shire. Through the development of a policy for the Shire's Townscape Fund and future budget deliberations, Council may support an allocation to the Serpentine Jarrahdale Townscape Funding account on an annual basis.

It is also requested to reallocate \$10 000 of those funds to the newly created Community Groups Insurance Program in order for Council to assist community groups who cannot afford their own insurance or seek insurance from a peak body.

The following table summarises the proposed reallocation of funds:

<i>Locality</i>	<i>a) Reserve Fund Balance as per 2010/011 financial year</i>	<i>b) Re-allocated \$69 000 to Community Resource Centre</i>	<i>c) Recently Approved Locality Funding Applications (2010/2011)</i>	<i>d) Community Group Insurance Program</i>	<i>e) Allocation to Serpentine Jarrahdale Shire Townscape Funding Account</i>	<i>f) Current Accumulated Reserve</i>
<i>Byford</i>	<i>\$110 000</i>		<i>\$35 000</i>			<i>\$75 000</i>
<i>Mundijong</i>	<i>\$110 000</i>		<i>\$5 250</i>		<i>\$14 750</i>	<i>\$90 000</i>
<i>Jarrahdale</i>	<i>\$47 000</i>		<i>\$19 000</i>			<i>\$28 000</i>
<i>Serpentine</i>	<i>\$35 000</i>					<i>\$35 000</i>
<i>Keysbrook</i>	<i>\$110 000</i>	<i>\$35 000</i>		<i>\$10 000</i>	<i>\$35 000</i>	<i>\$30 000</i>
<i>Oakford</i>	<i>\$95 000</i>	<i>\$34 000</i>			<i>\$31 000</i>	<i>\$30 000</i>
<i>Total:</i>	<i>\$507 000</i>	<i>\$69 000</i>	<i>\$59 250</i>	<i>\$10 000</i>	<i>\$80 750</i>	<i>\$288,000</i>

a) Reserve Fund Balance:

The above table stipulates the current balance in each Locality's Reserve Fund as per the 2010/2011 financial year. This was prior to \$69,000 worth of funds being drawn down for the Community Resource Centre.

b) Reallocated \$69 000 to Telecentre:

Council previously approved the reallocation of \$69 000 (accumulated funds) to the Community Resource Centre. This report recommends the Mundijong account being replenished from accumulated funds in both the Keysbrook (\$35,000) and Oakford (\$34,000) accounts. The rationale for this being that the Community Resource Centre is not just for Mundijong, but for the Shire as a whole.

c) Recently Approved Locality Funding Applications (2010/2011):

Advertising for Locality Funding Program funds closed on 1 July 2010. Applications were assessed by the Locality Funding Program Working Group, recommended to a Council Meeting and funding was allocated to the successful applicants.

These applications have been assessed under the existing criteria. New applications for the 2011/2012 financial year will be assessed under the new criteria as determined by the revised policy.

d) Community Group Insurance:

An amount of \$10 000 (accumulated funds) is suggested to be re-allocated to the Community Group Insurance account. One of the benefits of this account is that it could assist community groups who do not have public liability insurance when they apply for Locality Funding.

e) Allocation to a Serpentine Jarrahdale Shire Townscape Funding account:

Column e) specifies the accumulated funds to be transferred to a proposed Serpentine Jarrahdale Shire Townscape Funding account, which includes \$14,750 reallocated from the Mundijong account, \$35 000 reallocated from the Keysbrook account and \$31 000 reallocated from the Oakford account.

- f) Current Accumulated Reserve:  
Column f) stipulates the total funding (after accumulated funds have be re-allocated) available in each Locality's Reserve Fund.

### **Recommendation:**

It is recommended that Council approves the amended policy, the re-allocation of accumulated reserve funds to the newly created Serpentine Jarrahdale Shire Townscape Funding account and that the Council nominate four Elected Members from different wards to represent Council on the Townscape Funding Program Working Group, which will be assessing funding applications in future.

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

#### **CGAM028/12/10 COUNCIL DECISION / Committee/Officer Recommended Resolution:**

**Moved Cr Hoyer, seconded Cr Buttfeld**

**That Council:**

- 1. Adopts the amended Council Policy G914 - Locality Funding for Townscape Projects;**
- 2. Establishes a new reserve called Serpentine Jarrahdale Shire Townscape Funding account for the purpose of Council initiated townscape related projects in the Serpentine Jarrahdale Shire.**
- 3. Amend the 2010/2011 Annual Budget as follows:**

<b>Details</b>	<b>Transfer In</b>	<b>Transfer Out</b>
<b>Serpentine Jarrahdale Shire Townscape Funding Account</b>	<b>\$80,750</b>	
<b>Mundijong Locality Funding Program Account</b>	<b>\$69,000</b>	
<b>Community Group Insurance Program Account</b>	<b>\$10,000</b>	
<b>Mundijong Locality Funding Program Account</b>		<b>\$14,750</b>
<b>Keysbrook Locality Funding Program Account</b>		<b>\$80,000</b>
<b>Oakford Locality Funding Program Account</b>		<b>\$65,000</b>
<b>Total:</b>	<b>\$159,750</b>	<b>\$159,750</b>

- 4. Advertises by way of local public notice the reallocation of funds between the Locality Funding accounts and to the Community Group Insurance Program.**
- 5. Nominates four Elected Members, Cr Hoyer, Cr Ellis, Cr Randall, Cr Buttfeld, one from each ward, to represent Council at the Locality Funding Program Working Group which will review applications received for this program.**
- 6. Council notes that a policy will be developed for the Serpentine Jarrahdale Shire Townscape Fund for Shire initiated projects.**

**CARRIED 9/0**

CGAM029/12/10 COMMUNITY GROUP INSURANCE POLICY (A1805)	
Proponent:	Serpentine Jarrahdale Shire
Owner:	Serpentine Jarrahdale Shire
Author:	Anthony Balcombe, Club Development Officer
Senior Officer:	Suzette van Aswegen, Director Strategic Community Planning
Date of Report	14 October 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	Council

### **Background**

The Community Group Insurance Program has been researched and developed over the last ten months. The program aims to provide a framework for the provision of funding to assist eligible community groups to afford Public Liability and Volunteer Workers Insurance. A policy has been developed to enable the program to be launched.

***The Draft PC101 - Serpentine Jarrahdale Shire Community Group Insurance Policy is with attachments marked [CGAM029.1/12/10](#) (TRIM Ref E10/5435).***

### **Sustainability Statement**

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

This proposal will have no negative impact on the environment.

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

The proposal aims to minimize the risks of unforeseen circumstances to community groups and also improves the financial viability of the group and its sustainability within the community.

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

The Insurance Policy will improve the economic viability of the community groups, due to a number of the community groups not being able to afford their own insurance nor seek insurance from a peak body.

The cost will be an ongoing annual budget consideration for Council, the premium being determined by the number and type of applications received each year.

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

The economic benefit of this proposal will allow community groups to attract more members to join their groups with the peace of mind that they are able to afford their insurance. The more members the community groups have, the more their positive contribution to the community as a whole.

#### ***Social – Quality of life:***

The quality of life in the Serpentine Jarrahdale Shire will improve by the increased contribution of community services through the community groups. Able to afford their insurance, these groups will gain confidence in developing their group’s contribution to the community to make it a better, sustainable place for residents.

**Social and Environmental Responsibility:**

The proposal aims to protect the members of the community groups who have a responsibility to ensure all safety regulations are being followed, as well as following the requirements of the Incorporation Act (if they are an incorporated body).

**Social Diversity:**

The proposal does not disadvantage any eligible groups. However the rationale behind the Insurance Policy states that political, single interest groups, or groups who can access insurance through their peak bodies, are not eligible to apply for the program.

**Statutory Environment**

Not applicable.

**Policy/Work Procedure Implications:**

This proposal related to a new policy which will in turn inform a work procedure, guidelines and application forms.

**Financial Implications:**

Council will be asked to consider a budget allocation as part of the annual budget process each year. To enable the Insurance Program to commence in 2010/2011, reallocation of funds is required as per the Locality Funding Program item preceding this item on the December 2010 Corporate Governance and Asset Management Agenda.

**Strategic Implications:**

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
People and community	Quality of life	1		Provide recreational opportunities within the shire
		2		Better community services
		3		Retain seniors and youth within the community
		4		Respect diversity within the community.
		5		Value and enhance the heritage character, arts and culture of the Shire.
		6		Ensure a safe and secure community.
	Social commitment	1		Encourage social commitment and self determination by the SJ community.
		2		Build key community group partnerships.
Economic	Vibrant community	1		Attract more members to community groups
		2		Community contribution
Governance	Effective program	1		Identify and implement best practice in all areas of operation.
		2		Promote best practice through demonstration and innovation
		3		Regularly update information services
		4		Harness community resources to build social capital within the Shire

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
	<b>Active partnerships</b>	1		Improve coordination between Shire, community and other partners
		2		Improve customer relations service.
	<b>Compliance to necessary legislation</b>	1		Develop a risk management plan.
		2		Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

**Community Consultation:**

Community Groups were consulted to gauge initial interest in the program which led to a number of applications being received. Community Groups will be contacted regarding future interest as part of the launch of the program for 2011/12 and beyond. Groups with applications already submitted will be further consulted to enable their participation in the program as soon as it is endorsed by Council and the one month advertising period for the reallocation of funds expires.

**Comment:**

This Insurance Policy will assist with the sustainability and the longevity of our community groups providing them with more confidence to recruit new members and sustain or grow their contribution to an even more vibrant community.

**Voting Requirements:** Simple Majority

**CGAM029/12/10 COUNCIL DECISION / Committee Decision / Officer Recommended Resolution:**

**Moved Cr Brown, seconded Cr Lowry  
That Council endorse PC101 - Serpentine Jarrahdale Shire Community Group Insurance Policy.  
CARRIED 9/0**

CGAM030/12/10		REPLACEMENT OF PLANT - MOWER (A0442)
Proponent:	Serpentine Jarrahdale Shire	In Brief  To approve the replacement of one of the Shire's mowers using the Light Fleet and Plant Acquisition Reserve Fund.
Owner:	Serpentine Jarrahdale Shire	
Author:	Uwe Striepe - Executive Manager Engineering	
Senior Officer:	Richard Gorbunow - Director Engineering	
Date of Report	9 November 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	
<b>Delegation</b>	<b>Council</b>	

## **Background**

New public open space (POS) is currently being handed over by developers to the Serpentine Jarrahdale Shire's Parks and Gardens team for maintenance. The list below indicates the areas that have already been handed over during the 2010/11 financial year:

1. Redgum Brook Estate – Fawcett Park – 1,803 m<sup>2</sup>
2. Redgum Brook Estate – Ballawarra Park – 3,879 m<sup>2</sup>
3. Redgum Brook Estate - Stage 4 Multiple Use Corridor – 30,692 m<sup>2</sup>

In addition to the above, Byford by the Scarp entry POS and Lake ( area 32,538 m<sup>2</sup>) is currently being inspected by Shire Officials as the developer maintenance period has expired. Once taken over, Shire would have accepted an additional area of 6.9 Ha during the current financial year.

A further 12 Ha of public open space will be handed over during the next few years.

Much of this (POS) has undulating terrain. Contractors currently maintaining these areas are using Triplex type mowers to mow these lawns. Triplex mowers are able to mow this type of undulating terrain whilst achieving a perfect finish. Shire officials have sought quotes from contractors to continue mowing the POS after handover but there has been no response from contractors.

It is proposed to trade in the oldest of the Shire's mowers, a Hustler Z, which is currently underutilised. In contrast, the Shire's Kubota mowers are more reliable and easier to operate than the Hustler Z.

***A copy of the quote from T-Quip for purchase of a new Toro 3100D mower and trade in valuation for Hustler Z is with attachments marked [CGAM30.1/12/10 \(IN10/17293\)](#).***

## **Sustainability Statement**

***Effect on Environment:*** Purchase of this mower will enable the Shire's Parks and Gardens section to be able to mow newly acquired POS to a high standard.

***Economic Viability:*** Future costs will be reduced as Shire will not need to outsource mowing of the new POS.

***Social – Quality of Life:*** The community will be able to enjoy the beautifully maintained lawns.

**Statutory Environment:** Council approval is required to renew plant using the plant reserve fund.

**Policy/Work Procedure Implications:** There are no work procedures/policy implications directly related to this issue.

**Financial Implications:** An amount of \$33,000 (excl GST) is required to be used from the plant reserve fund for this transaction.

**Strategic Implications:**  
This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
NATURAL	Landscape			

Vision Category	Focus Area	Objective Number	Objective Summary	Objective
<b>ENVIRONMENT</b>				
		1	Safeguard	Restore and preserve the visual amenity of our landscapes.
		3		Maximise the preservation of existing trees and vegetation.
		10		Promote and develop appropriate tourism, recreation and educational opportunities.
<b>BUILT ENVIRONMENT</b>				
	<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.
		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.
<b>PEOPLE AND COMMUNITY</b>				
	<b>Places</b>			
		33		Plan and facilitate the provision of a range of facilities and services that meet community needs
		37	Innovative	Promote and encourage the development of affordable and appropriate lifelong living environments.
<b>OUR COUNCIL AT WORK</b>				
	<b>Strategy and Planning</b>			
		27	Strategic Direction	Prepare effectively for future development.
	<b>Success and Sustainability</b>			
		39		Projects and goals are realistic and resourced.
	<b>Knowledge and Information</b>			
		45	Generating, collecting and analysing the right data to inform decision making	Ensure the full costs are known before decisions are made.
		46		Understand current and future costs of service delivery.
	<b>Process Management, Improvement and Innovation</b>			
		84		Invest and upgrade our technology to enable us to automate processes

**Community Consultation:**

Not required.

**Comment:**

It is proposed to trade in the Hustler Super Z, asset number 2364, on a Toro 3100D Sidewinder Triplex mower. Toro is a company that specializes in turf equipment. Second-hand Toro 3100D mowers of this type are in great demand and these mowers achieve the best resale value in the market. The Sidewinder feature allows for the rotating blades to adjust sideways outwards, enabling mowing around trees and other obstacles. Toro has patented this design and therefore it is only available on the Toro triplex mower.

T-Quip is the sole supplier of the Toro 3100D Sidewinder in Western Australia. Fortunately, T-Quip is a WALGA preferred supplier and therefore is able to offer the Shire a 10% discount.

New Hustler Super Z mowers are currently selling for around \$14,800 excl GST. The Shire's Hustler Super Z is approximately 3 years old. The trade in offered of \$7,923 excl GST represents more than 50% of the current new sale price and is therefore considered acceptable.

**Voting Requirements:** Absolute Majority

**CGAM30/12/10 COUNCIL DECISION / Committee/Officer Recommended Resolution:**

**Moved Cr Brown, seconded Cr Harris**

**Council amends the 2010/2011 budget to permit the expenditure of \$33,000 excl GST from the Light Fleet and Plant Acquisition Reserve Fund to purchase a Toro 3100D sidewinder mower, with Hustler Super Z asset no. 2364 as trade in.**

**CARRIED 9/0**

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

OCM026/12/10		ANNUAL REPORT 2009/2010 (A1926)
Proponent:	Serpentine Jarrahdale Shire	In Brief  It is recommended that Council accepts the 2009/2010 Shire of Serpentine Jarrahdale Annual Report.
Owner:		
Officer:	Joanne Abbiss - Chief Executive Officer	
Signatures Author:		
Senior Officer:	Not applicable	
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**

The Local Government Act 1995 (the Act) requires the Annual Report to be adopted by Council no later than 31 December after that financial year.

Local governments are to prepare an annual report for each financial year. This annual report is to contain:-

1. A report from the Mayor or President.
2. A report from the Chief Executive Officer (CEO).
3. An overview of the Plan for the Future of the district including major initiatives that are proposed to commence or to continue in the next financial year.
4. The financial report for the financial year.
5. Such information as may be prescribed in relation to payments made to employees.
6. The auditor's report for the financial year.
7. A matter on which a report must be made under section 29(2) of the Disability Services Act 1993.

### **Statutory Environment:**

Section 5.53 of the Local Government Act 1995 requires local governments to prepare an annual report for each financial year and stipulates the format of the report. Section 5.54 states that this report is to be accepted by the local government no later than 31 December each year unless the auditor's report is not available.

Section 7.2 of the Local Government Act 1995 states that *"the accounts and financial statements of a local government for each financial year are to be audited by an auditor appointed by the local government."*

Section 7.9 (1) of the Act states *"An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of the report to –"*

- a) *The Mayor or President,*
- b) *The CEO of the local government, and*
- c) *The Minister.”*

**Policy Implications:** Work Procedure WCSP2 – Elector Meetings (Annual).

**Financial Implications:** A comparison of the finalised figures for the annual report and budget brought forward figures will be undertaken and presented to the mid year budget review.

**Strategic Implications:** The Annual Report provides a comprehensive account of the Shire’s performance against its Plan for the Future 2009-2014.

### **Community Consultation:**

Section 5.55 of the Local Government Act 1995 states that “*the CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.*”

### **Comments**

The audit was undertaken during the week commencing 13 September 2010.

At the completion of the audit, UHY Haines Norton advises that there was one non-compliance issue that have been identified and that was the following;

1. When Council imposed differential rates in 2009/2010 (imposed July 2009), the rates were lower than what was advertised in the local public notice. As per the Financial Management Regulation 23(b)(ii) Council was required to include in the annual budget the reason for the differences. This has been noted by officers.

UHY Haines Norton has advised that there is one management issue in their Management Report for the financial year ended 30 June 2010. The point brought to Councils attention is below;

1. Delegations were not reviewed in the 2009/2010 financial year as per Local Government Act 1995. Shire officers are currently reviewing the delegations for the 2010/2011 financial year and this will be presented to Council within the next few months for their consideration.

The Audit Committee meeting was held on 16 November 2010 to consider the signed audit report and financial statements. The Audit Partner from UHY Haines Norton was available via telephone at this meeting to answer any Audit Committee questions in relation to the audit. The Committee’s recommendation to Council was adopted at the Ordinary Council Meeting on 22 November 2010.

### **AC007/11/10 COUNCIL DECISION:**

*Moved Cr Hoyer, seconded Cr Harris  
That Council;*

1. *Adopt the Independent Audit Report and the Concise Independent Audit Report from UHY Haines Norton for the financial year ended 30 June 2010.*
2. *Receive the Management Report.*
3. *Receive the Audited Financial Report and the Concise Audited Financial Report for the Shire of Serpentine Jarrahdale for the financial year ended 30 June 2010.*

4. *Adopt that the Annual Report will include the Concise Financial Report and will provide access to the public for the Full Financial Report in person, or via website.*  
**CARRIED 9/0**

The concise audit report and concise financial statements are included in the Annual Report.

***A copy of the Annual Report is with the electronic attachments marked [OCM026.1/12/10](#).***

In order to meet the requirements of the Local Government Act 1995, the annual electors meeting must be held within 56 days of the adoption of the annual report. Should the annual report be accepted by the Council at their meeting of 20 December 2010 the annual electors meeting would need to be held before the 14 February 2011.

It is anticipated that the annual electors meeting will be held in the Council Chambers, Shire Administration Building, 6 Paterson Street, Mundijong, on Tuesday, 8 February 2011 commencing at 7.00pm, with the planned order of business being as follows:

1. Receiving of the annual report
2. Receiving of the annual financial statements
3. Reading of the auditors' report
4. General business

The annual elector's meeting will be advertised to the community in the Examiner newspaper as well as through community notice boards in the New Year. The public will be asked to provide questions in writing at least forty-eight (48) hours before the meeting to enable questions to be answered fully and without delay.

Copies of the annual report including the financial statement for the period ending 30 June 2010 will be able to be obtained from the Shire's Administration Centre in Mundijong or by telephoning 9526 1111.

**Voting Requirements:            ABSOLUTE MAJORITY**

**OCM026/12/10 COUNCIL DECISION / Officer Recommended Resolution:**

**Moved Cr Lowry, seconded Cr Harris**

**The 2009/2010 Annual Report for the Serpentine Jarrahdale Shire as provided at Attachment OCM026.1/12/10 be accepted.**

**CARRIED 9/0**

OCM027/12/10		REQUEST FOR LEAVE OF ABSENCE – COUNCILLOR ANN-MARIE LOWRY (A0024)
Proponent	Councillor Ann-Marie Lowry	In Brief  Councillor Ann-Marie Lowry has requested a Leave of Absence from 26 December 2010 to 31 January 2011 inclusive.
Officer	Joanne Abbiss – Chief Executive Officer	
Signatures - Author:		
Senior Officer:	Not applicable	
Date of Report	9 December 2010	
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 1995	
Delegation	Council	

**OCM027/12/10 COUNCIL DECISION / Officer Recommendation:**

Moved Cr Harris, seconded Cr Buttfeld  
Council approves Leave of Absence for Councillor Ann-Marie Lowry from 26th December 2010 to 31st January 2011 inclusive.  
**CARRIED 9/0**

**10. CHIEF EXECUTIVE OFFICERS REPORT:**

OCM028/12/10		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	15 December 2010	
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>	

## OCM028.1/12/10 COMMON SEAL REGISTER REPORT – NOVEMBER 2010

The Common Seal Register Report for the month of November 2010 as per Council Policy G905 - Use of Shire of Serpentine Jarrahdale Common Seal is with the **attachments marked [OCM028.1/12/10](#)**.

## OCM028.2/12/10 POLICY FORUM – 7 December 2010

The following items were discussed at the 7 December 2010 Policy Forum:

Amended Townscape Funding Policy
Updates on: Bank Guarantees Policy; Draft Management Plan for the King Road Pony Club
Hugh Manning Tractor Museum presentation
Hall Management by Community Groups
Climate Change Policy; Climate Change Strategy;
Ward Review
Skate Park Report
The Glades Local Structure Plan
Project 28 Launch
Policy Development Process
Presentation by consultants on the proposed redevelopment of the IGA Mundijong Shop
Application for development approval – 17 Culham Vista, Byford

## OCM028.3/12/10 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) SOUTH EAST METROPOLITAN ZONE MINUTES – 24 NOVEMBER 2010 (A1164-02)

***In the attachments marked [OCM028.3/12/10 \(IN10/18690\)](#) is the minutes of the South East Metropolitan Zone Meeting held on 24 November 2010.***

OCM028.4/12/10 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION  
(WALGA) PEEL ZONE MINUTES – 25 NOVEMBER 2010 (A1164-02)

*In the attachments marked [OCM028.4/12/10](#) (IN10/18691) is the minutes of the Peel Zone Meeting held on 25 November 2010.*

OCM028.5/12/10 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION  
(WALGA) STATE COUNCIL SUMMARY MINUTES – 1 DECEMBER  
2010 (A1164-02)

*In the electronic attachments marked [OCM028.5/12/10](#) (IN10/18928) is the summary minutes of the WALGA State Council meeting held on 1 December 2010.*

OCM028.6/12/10 PROPOSED AMENDMENTS TO LOCAL GOVERNMENT ACT 1995

The Minister for Local Government has requested sector feedback on a number of proposed amendments to the Local Government Act 1995. The Western Australian Local Government Association (WALGA) has welcomed the opportunity to provide comment prior to preparation of the drafting instructions and appreciates the influence this consultation process will have in developing amendments to the Local Government Act 1995. The Association requests that the Council gives formal consideration to the following proposals and provide comment by way of a Council resolution and inform WALGA by 7 January 2011.

It is recommended that the Council support the staff recommendations and comments as detailed in *attachment* [OCM028.6/12/10](#).

**OCM028/12/10 COUNCIL DECISION / Officer Recommended Resolution:**

Moved Cr Brown, seconded Cr Harris

1. The Information Report to 17 December 2010 is received.
2. That the Council resolve to support the Staff Recommendations and Comments detailed in Attachment OCM028.6/12/10.

**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 10.03pm.

I certify that these minutes were confirmed at the  
Ordinary Council Meeting held on 24 January 2011.

.....  
Presiding Member

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

SD064/12/10 STRATEGIC COMMUNITY PLANNING INFORMATION REPORT		
Proponent:	N/A	In Brief  To receive the Information Report to 17 November 2010.
Owner:	N/A	
Author:	Various	
Senior Officer:	Suzette van Aswegen – Director Strategic Community Planning	
Date of Report	17 November 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>	

**SD064/12/10 Committee Decision/Officer Recommended Resolution:**

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

SD065/12/10 DEVELOPMENT SERVICES INFORMATION REPORT		
Proponent:	N/A	In Brief  To receive the Information Report to 17 November 2010.
Owner:	N/A	
Author:	Various	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	17 November 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>	

**SD065/12/10 Committee Decision/Officer Recommended Resolution:**

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

CGAM024/12/10 MONTHLY FINANCIAL REPORT – NOVEMBER 2010 (A0924/07)		
Proponent:	Serpentine Jarrahdale Shire	In Brief  To receive the November 2010 Monthly Financial Report.
Owner:	Not Applicable	
Author:	Kelli Hayward – Financial Accountant	
Senior Officer:	Alan Hart – Director Corporate Services	
Date of Report	November 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>	

**CGAM024/12/10 Committee Decision/Officer Recommended Resolution:**

**Moved Cr Buttfield, seconded Cr Twine**

**That Council receives the Monthly Financial Report for November 2010, in accordance with Section 6.4 of the Local Government Act 1995.**

**CARRIED 7 /0**

CGAM025/12/10 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent:	Not Applicable	In Brief  To confirm the creditor payments made during the period 21 October 2010 to 23 November 2010.
Owner:	Not Applicable	
Author:	Amber White - Finance Officer	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	23 November 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>	

**CGAM025/12/10 Committee Decision/Officer Recommended Resolution:**

**Moved Cr Harris, seconded Cr Randall**

**That Council receives the payments authorised under delegated authority and detailed in the list of invoices for period of 21 September 2010 to 20 October 2010, 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 7/0**

CGAM031/12/10		INFORMATION REPORT
Proponent:	Not Applicable	In Brief  To receive the information report to 26 October 2010.
Owner:	Not Applicable	
Author:	Various	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	25 November 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>	

**CGAM031/12/10 Committee Decision/Officer Recommended Resolution:**

**Moved Cr Twine seconded Cr Hoyer  
That the Information Report to 25 November 2010 be received.  
CARRIED 7/0**

- 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.