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**11. CLOSE 153**

**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 28<sup>TH</sup> OCTOBER, 2002. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.00PM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

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## 1. ATTENDANCES & APOLOGIES

**PRESENT:** Crs JC Star ..... Presiding Member  
DL Needham  
WJ Kirkpatrick  
AJ Simpson  
JA Scott  
JE Price  
IJ Richards  
KR Murphy  
THJ Hoyer  
A Wigg

### APOLOGIES:

### IN ATTENDANCE:

Mr D Price ..... Chief Executive Officer  
Mr R Harris ..... Director Asset Services  
Mr A Watson ..... Director Sustainable Development  
Mr G Dougall ..... Director Corporate Services  
Mrs S Langmair ..... Minute Secretary

**GALLERY:** Nil

## 2. PUBLIC QUESTION TIME

No questions were received.

## 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

RESPONSE TO QUESTION RAISED AT 26 AUGUST 2002

Mr P.Nield Lot 1 Boomerang Road, Oldbury

Q. CRP137/03/02 (Corrected to CRP137/08/02 at OCM 23/09/02) - Item 1 - Will Council identify the ratepayers regarding the legal business?

A No for the following reasons.

1. Clause 15.11.2 (d) and 15.11.2 (eiii) of Councils Local Law relating to Standing Orders" states the following;

(d *Meetings or parts of meetings, may be closed to the public if the meeting or part of the meeting deals with legal advice obtained, or which may be obtained, by the Council and which relates to a matter to be discussed at the meeting.*

(eiii) *A matter that if disclosed would reveal information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the Council.*

2. Section 5.95 (3)(a) of the Local Government Act 1995 states that a persons right to inspect information referred to in section 5.94 of the Local Government Act 1995 does not extend to information that was considered by Council or Committee closed to members of the public.

**4. STATEMENTS, PETITIONS, MEMORIALS & DEPUTATIONS**

**5. ANNOUNCEMENTS BY PRESIDING MEMBER**

- Council will send a card of sympathy to the community members affected by the recent disaster in Bali. Cr Simpson to provide details.
- Council addresses service standards. Council has recognised that many of our residents and suppliers have concerns regarding the level of service they have received from the Shire recently. A present and future number of shortcomings have been identified within the organisation and steps are being taken to ensure that the usual high standard of service is resumed.

Population growth and development within the Shire, as well as the increasing complexities of Local Government, have combined to make it essential to implement changes. An increase in human resources, more efficient equipment and the formation of a Customer Service Pledge and Charter are amongst the measures being taken to address the situation.

- The President advised that Council was seeking any comments/concerns regarding the recent withdrawal of the weeds strategy officer from the Shire.

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

6.1 Ordinary Council Meeting 23<sup>rd</sup> September, 2002

**COUNCIL DECISION**

Moved Cr Richards seconded Cr Scott

That the minutes of the Ordinary Council Meeting held on 23<sup>rd</sup> September 2002 be confirmed.

CARRIED 10/0

## 7. REPORTS OF COMMITTEES & OFFICERS

### 7.1 Corporate Services Committee Meeting – 14<sup>th</sup> October, 2002

#### **COUNCIL DECISION**

Moved Cr Murphy seconded Cr Richards

That the minutes of the Corporate Services Committee Meeting held on 14<sup>th</sup> October 2002 be received.

CARRIED 10/0

C041/10/02 DARLING DOWNS MANAGEMENT COMMITTEE – PUBLIC LIABILITY INSURANCE REVIEW (A0038)		
Proponent	Darling Downs Management Committee	<u>In Brief</u>
Officer	G.R. Dougall – Director Corporate Services	<i>Darling Downs Management Committee to seek external public liability insurance through the Local Government Insurance Services at Council cost.</i>
Signatures - Author:		
Senior Officer:		
Date of Report	03/10/02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

#### **Background**

The Darling Downs Management Committee recently wrote to Council requesting confirmation that the Shire of Serpentine-Jarrahdale covered the activities undertaken by the volunteers of this group for public liability insurance. When discussing this situation with our insurers it appeared that there was a possibility for a “grey” area where the activity might not be covered. The “grey” area would result from determining whether the activity was approved by Council, not whether the particular activity being undertaken was covered by the policy.

#### **Comments**

The Darling Downs Management Committee was established to assist Council in maintaining the bridle trails located in that area using the funds provided to Council for such purpose. This committee has a close alliance with Council in that many of the activities undertaken by the group of volunteers would need to be undertaken by Council if the committee did not exist.

As a consequence of the advice provided back to the committee representative, members are concerned about their future existence and possible repercussions. Council has provided previous confirmation to the committee that they are covered under the Council policy, this situation has changed as a result of the insurance market now tightening it’s view of the policies provided and their protection against claims. Understandably the committee now seek some assurance from Council that this situation can be rectified.

It is recommended that the Darling Downs Management Committee be asked to complete a Community Groups Public and Products Liability Proposal form with the Local Government Insurance Services. By undertaking insurance in the name of the committee any area that may not be covered by Council’s insurance should be covered by the community group insurance, understanding that the insurer determines the acceptance of any claim. Due to the close working relationship between Council and the committee the premium cost should be covered by Council. It is estimated that the premium will cost between \$2,000 and \$2,600.

## **Sustainability Statement**

<b><u>Statutory Environment:</u></b>	Local Government Act 1995
<b><u>Policy Implications:</u></b>	No policy implications
<b><u>Financial Implications:</u></b>	Will require a financial payment of approximately \$2,000 to \$2,600
<b><u>Strategic Implications:</u></b>	No strategic implications
<b><u>Community Consultation:</u></b>	No community consultation required.
<b><u>Voting Requirements:</u></b>	<b>ABSOLUTE MAJORITY</b>

### **CRC41 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Richards seconded Cr Scott  
The Darling Downs Management Committee be asked to complete a Community Groups Public and Products Liability Proposal form with the Local Government Insurance Services.

Any cost incurred by the Committee for payment towards a premium for this insurance be reimbursed by Council.

**CARRIED 10/0 ABSOLUTE MAJORITY**

## 7.2 Asset Services – 14<sup>th</sup> October, 2002

### **COUNCIL DECISION**

Moved Cr Kirkpatrick seconded Cr Simpson  
That the minutes of the Asset Services Committee Meeting held 14<sup>th</sup> October, 2002 be received.

**CARRIED 10/0**

<b>AS019/10/02 DOLEY ROAD, BYFORD – UPGRADING REQUEST (r0179)</b>		
<b>Proponent</b>	A & YA Elek, 89 Doley Road	<b>In Brief</b> A response to requests to upgrade a portion of Doley Road, Byford to a bitumen sealed standard is considered. Bituminous surfacing is not considered appropriate.
<b>Officer</b>	Robert Harris Director Asset Services	
<b>Signatures - Author:</b>		
<b>Senior Officer:</b>		
<b>Date of Report</b>	7 October 2002	
<b>Previously</b>		
<b>Disclosure of Interest</b>		
<b>Delegation</b>	<b>Council</b>	

### **Background**

Council has received various complaints and requests over an extended time from A & Y.A. Elek of 89 Doley Road, Byford, concerning the condition and dust from Doley Road, requesting Council action to seal the road, or at least a portion of the road.

The matter was considered as part of the 2002 Principal Activities Plan and Budget process, and did not progress as the work has an extremely low priority.



At Council's invitation an offer was made that Council would consider the matter further with a 50% landowner contribution to the additional cost of sealing concurrent with scheduled gravel resurfacing. This offer was declined by Mr and Mrs Elek.

The Asset Services Committee requested a report on Doley Road improvement needs in response to a question at the September Asset Services Committee meeting from Mr Elek asking when Council intends undertaking upgrading to a sealed road.

A further letter and video has been received from Mr and Mrs Elek on this matter.

***A copy of the letter from Mr and Mrs Elek is with the attachments marked AS019/10/02. The video is available from Director of Asset Services for interested Councillors to view.***

### **Comments**

Doley Road is a north-south road connecting Orton Road and Abernethy Road east of Hopkinson road. It has a minor local access role serving abutting properties. The road is within the Byford Urban Development Area. Any improvement works on Doley Road prior to urbanization are likely to become redundant when development occurs.

Traffic volumes on Doley Road fall considerably short of minimums recommended for sealed roads by Australian road authorities which are generally in excess of 100 vehicles per day (something less may be advantageous where a high proportion of movements are commercial vehicles). The average daily traffic counts on Doley Road are 41 vehicles in 1997 and 34 in 2002 indicating low volumes with no growth.

The estimated cost to upgrade Doley Road to a narrow sealed pavement consistent with the existing southern sealed section, to and across the frontage of the Doley Road property is \$8,000. In addition to the initial capital cost, there would be an increased ongoing maintenance cost. Indicative maintenance costs for a gravel road are \$900/km per annum and for a sealed rural road \$2,100/km per annum. This arises from the high cost of periodic maintenance, resealing, shoulder sheeting and repair costs for sealed surfaces compared to routine grading and re-sheeting of gravel roads.

There are many Shire roads which are currently below the recommended construction standards of the Australian road authorities. The Asset Services Management Strategy prepared in August 2000 identified 94km of the Shire's road network as below a satisfactory standard. This does not include roads like Doley Road which fall short of the recommended warrants for upgrading. Having regard to the traffic volumes and risks prevalent on many of the Shire roads needing upgrading, those similar to Doley Road have extremely low priority.

A number of other low traffic gravel local roads across the Shire fail to meet the traffic criteria to warrant sealing such as Lightbody Road (av. 80 vehicles/day) and Boomerang Road (west) (average 30 vehicles/day). Residents abutting these roads have made similar upgrading requests to Council which have been denied on the basis of relative priority for road works funds and failure to meet the traffic warrant justifying sealing. Acceding to the request to upgrade portion of Doley Road will unquestionably result in expeditions of reviews and upgrading of other roads.

Whilst the request for Doley Road may represent a relatively small capital outlay, it would lead to greater expectations and costs elsewhere at the direct expense of far more critical road improvement needs across the Shire where the Council and road users are subjected to relatively high levels of risk due to insufficient funds being available.

The option of closing Doley Road to through traffic by constructing a cul-de-sac at the northern end or centre of the road is not considered appropriate for this situation where there is minimal through traffic and access to local abutting properties would be more difficult, it would create a need for emergency escape requirements, and would need land acquisition

and road pavement turning circles construction. This may be an option as part of longer term development in the area as urbanisation occurs. Doley Road is contemplated as being partially discontinued in the current draft Byford Structure Plan.

### **Sustainability Statement**

The provision of a sustainable road network across the Shire relies on adequate funding of improvement and maintenance needs. Redirection of limited available road funds to areas outside sound asset management practices compromises the capacity to sustain the network at a safe and effective level for the benefit of the entire community.

**Statutory Environment:** Local Government Act 1995

**Policy Implications:** Nil implications

**Financial Implications:** No financial provision is made in the current budget or Principal Activity Plan for improvement of Doley Road. Improvements would also have an ongoing additional financial cost in maintenance.

**Strategic Implications:** Bituminous surfacing low traffic gravel roads draws funding from alternate road works required to meet Council's objectives of providing "well developed, managed and maintained road networks that are sympathetic to the environment."

**Community Consultation:** Road improvement needs are a major issue raised by the community in consultation on Principal Activity Planning and Strategic Planning.

**Voting Requirements:** Normal

### **CRAS010 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Kirkpatrick seconded Cr Price A & Y.A. Elek be advised that based upon current road and transport network improvement needs, Council is unable to allocate funding to upgrade Doley Road as other priorities for limited available road funds have greater need.  
CARRIED 8/2

AS020/10/02 VEHICLE REPLACEMENT (A1103/01/17)		
Proponent	Director Asset Services	In Brief  Consent is sought for the out of budget replacement of Toyota Hilux 4 x 2 Utility SJ299 inadvertently not included in the 2002/2003 budget.
Officer	Robert Harris Director Asset Services	
Signatures - Author:		
Senior Officer:		
Date of Report	7 October 2002	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

### **Background**

The 2002-03 budget incorporates scheduled replacement of Council's light fleet vehicles at 60,000 km or 2 years (whichever is earlier). This replacement period has been assessed as achieving the most advantageous "whole of life" vehicle cost in the current motor vehicle market.

An Operations Team vehicle, Toyota Hilux utility SJ299 is approaching the 60,000km milestone and plans have been initiated for its replacement.

Whilst the replacement is scheduled and planned in Council's forward plant replacement program which is funded from Plant Reserve funds accrued from internal charges applied for Council vehicles, the replacement was inadvertently not included in the 2002-2003 budget.

Replacement outside the approved budget has no financial implications on the budget program, and requires Council approval (Local Government Act 6.8 [1][B]).

### **Comments**

The replacement of vehicle SJ299 in the 2002/2003 financial year is included in the forward Plant Replacement Schedule

Funding of the replacement in 2002/2003 has been planned in the financial plan for the Plant Reserve which funds the acquisition and replacement of plant and vehicles through internal "hire" charges in the budget which are directed to the Plant Reserve for that purpose.

Deferral of the acquisition until the next financial year would result in the vehicle reading over 80,000km before being replaced. This would necessitate additional significant maintenance to keep the vehicle operating to a safe and effective standard (eg tyres, major service, brakes, suspension) and to ensure the level of reliability required to respond to service needs.

The additional maintenance costs and the lower residual disposal value of the vehicle if held for a further period would result in overall higher capital replacement and operating costs, than if replacement occurs as intended in the Plant Replacement Schedule.

The Plant Replacement Schedule includes a \$9,000 provision for the replacement of SJ299 in 2002/2003.

### **Sustainability Statement**

The forward Plant Replacement Schedule has been developed and is routinely monitored and reviewed to ensure plant and light vehicles are replaced

### **Statutory Environment:**

Expenditure from the municipal fund not included in the annual budget requires Council authorization by Absolute

Majority in advance pursuant to S6.8(1)(b) of the Local Government Act 1995.

**Policy Implications:**

Complies with Council policy on plant and equipment replacement.

**Financial Implications:**

No implications on 2002-03 budget programs.  
Replacement of vehicle from Plant Reserve funds is in accordance with plant and equipment replacement schedule.

**Strategic Implications:**

Nil.

**Community Consultation:**

No required.

**Voting Requirements:**

**ABSOLUTE MAJORITY**

**CRAS021 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Kirkpatrick seconded Cr Richards Council authorizes expenditure not included in the 2002-2003 budget estimated at \$9,000 for the replacement of Toyota Hilux utility SJ299 with funds drawn from the Plant Replacement Reserve.  
**CARRIED 10/0 ABSOLUTE MAJORITY**

7.3 Community & Recreation Development Meeting – 14<sup>th</sup> October, 2002

Note: There were no Committee Recommendations.

7.4 Strategic Management Committee Meeting – 18<sup>th</sup> October, 2002

**COUNCIL DECISION**

Moved Cr Richards seconded Cr Price

That the minutes of the Strategic Management Committee Meeting held on 18<sup>th</sup> October, 2002 be received.

CARRIED 10/0

SM018/10/02 SOUTHERN RIVER REGIONAL CABINET VISIT 2002 (A0108-02)		
Proponent	Ministry of Premier and Cabinet	<b>In Brief</b>
Officer	D.E Price – Chief Executive Officer	Advise Council of the pending Southern River Regional Cabinet Visit and determine the Council's issues to be raised at the Regional Cabinet Breakfast Meeting on 4 November 2002 at a venue to be announced, and possibly in the afternoon to selected Ministers at the Shire Offices.
Signatures - Author:		
Senior Officer:		
Date of Report	20/09/02	
Previously	C066/12/01, SM041/01/02	
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

**Background**

The Chief Executive Officer was advised of the pending Southern River Regional Cabinet visit following a delegation by the Premiers Principal Projects Adviser and a representative from the Cabinet Services Branch in September 2002.

**Comments**

This visit will be run over two (2) days, being Sunday, 3 November and Monday, 4 November 2002.

***A copy of the draft itinerary is with the attachments marked SM018.1/10/02.***

At this stage Council needs to confirm matters, which mainly relate to the program for Monday 4 November 2002. It is intended that a breakfast will be held at a venue, still to be announced, with the Premier and his Ministers. Details on who will be invited have yet to be confirmed, however the Shire President and Chief Executive Officers invitations were verbally advised. The Chief Executive Officer also made a request to the delegation that if possible, other interested Councilors should be invited to the breakfast. This was noted and will be given due consideration when seating capacity of the venue is finalised. Further advice received from the Department of Premier and Cabinet dated 24 September 2002 refers only to an invitation to the Shire President and Chief Executive Officer.

Council needs to also give consideration to whom they wish to have attend in place of the Shire President and Deputy Shire President, who will both be in attendance at the Australian General Assembly and unavailable. Therefore, Council endorsement of in the first instance, one representative to attend the Southern River Regional Cabinet Meeting is requested.

Given the circumstances, it is appropriate to also suggest that and should anyone of the endorsed representatives (CEO and Councillor) not be able to attend or additional places become available the Chief Executive Officer may nominate a replacement or representative.

The delegation also advised that at the breakfast, it has been decided that each of the significant local authorities in the Southern River electorate will be given the opportunity to give a presentation on the achievements, major projects and future planning initiatives in the

region. The accepted format will be a nominee from each of the five (5) local governments in the electorate will present a strategic issue for three (3) minutes.

To assist Councillors the Chief Executive Officer has prepared a suggested presentation relating to the achievements, major projects and future planning initiatives as it relates to this Shire and the South East Corridor.

***This is provided for Councillors consideration at attachment SM018.2/10/02.***

A question and answer forum will also be afforded to Council's to ask questions of the Premier and or individual Ministers. If Council has any specific questions that they would like answered during the breakfast session these must be provided to the Department of Premier and Cabinet by Wednesday 23 October 2002.

Following the breakfast a community lunch is proposed to recognize the quiet achievers of our community. Council will be asked to nominate people who they feel meet this criteria. To assist in this process it is suggested that the Shire President and Deputy Shire President in consultation with Councillors nominate worthy community members upon request from the Premiers Office to attend the proposed community lunch on the 4 November 2002.

It is hoped that in the afternoon relevant Ministers may make themselves available to visit the Shire offices to discuss more specific issues with Councillors and senior staff.

To assist this process the Chief Executive Officer has provided delegation with briefing notes on the attached matters, which are currently high on Councils agenda:

1. Shire Recreation Facility
2. Jarrahdale Heritage Park
3. Tonkin Highway Extension
4. Extension of electrification of rail to Byford
5. Establishment of a high school in the Shire
6. Byford urban development
7. Australian Fine China

If Council would like to add any other issue to this list then they are encouraged to do this when considering this item to ensure that it can be referred to the Principal Projects Adviser in a timely fashion.

It is hoped that the Ministers who have responsibility for each of these issues will be able to make themselves available to discuss what the government's position is on them.

<b><u>Sustainability Statement</u></b>	Not applicable.
<b><u>Statutory Environment:</u></b>	Local Government Act 1995
<b><u>Policy Implications:</u></b>	No Policy Implications are known
<b><u>Financial Implications:</u></b>	No Financial Implications
<b><u>Strategic Implications:</u></b>	Opportunity for Council to put questions to Government, which impact on our Strategic Direction.
<b><u>Community Consultation:</u></b>	No Community Consultation required.
<b><u>Voting Requirements:</u></b>	Normal

### **Officer Recommended Resolution**

1. Council endorses the Chief Executive Officers attendance at the Southern River Regional Cabinet Meeting, and requests that he undertakes to present the achievements, major projects and future planning initiatives of Serpentine Jarrahdale Shire to Cabinet
2. Council nominates Cr ..... to attend the Southern River Regional Cabinet Meeting.
3. Council agrees that should any one of the endorsed representatives not be able to attend or additional places become available the Chief Executive Officer may nominate a replacement or additional Council representative(s).
4. Council endorses the briefing notes provided to the Principal Projects Advisor as issues of importance that Council would welcome the opportunity to discuss individually with the relevant Minister in the afternoon of the 4 November 2002.
5. Council endorses Chief Executive Officer suggested statement/question for the Shire President to raise during the breakfast meeting with Cabinet on the 4 November 2002 as provided for Councillors consideration at SM018/10/02.
6. Council agrees to the Shire President and Deputy Shire President nominating worthy community members upon request from the Premiers Office to attend the proposed Community lunch on the 4 November 2002.
7. Council extends an invitation to the relevant Ministers to visit the Shire offices in the afternoon of the 4 November 2002 to discuss more specific issues with Councillors and senior staff, in particular;
  1. Shire Recreation Facility
  2. Jarrahdale Heritage Park
  3. Tonkin Highway Extension
  4. Extension of electrification of rail to Byford
  5. Establishment of a high school in the Shire
  6. Byford urban development
  7. Australian Fine China

### **CRSM018 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Scott seconded Cr Richards that

1. Council endorses the Chief Executive Officers attendance at the Southern River Regional Cabinet Meeting.
2. Council nominates Cr Price to attend the Southern River Regional Cabinet Meeting and requests that he undertakes to present the achievements, major projects and future planning initiatives of Serpentine Jarrahdale Shire to Cabinet as per attachment SM018.2/10/02.
3. Council agrees that should any one of the endorsed representatives not be able to attend or additional places become available the Chief Executive Officer may nominate a replacement or additional Council representative(s).
4. Council endorses the briefing notes provided to the Principal Projects Advisor as issues of importance that Council would welcome the opportunity to discuss individually with the relevant Minister in the afternoon of the 4 November 2002.
5. Council endorses Chief Executive Officer suggested statement/question for the Council representative to raise during the breakfast meeting with Cabinet on the 4 November 2002 as provided for Councillors consideration at SM018/10/02.
6. Council agrees to the Shire President and Deputy Shire President nominating worthy community members upon request from the Premiers Office to attend the proposed Community lunch on the 4 November 2002.
7. Council extends an invitation to the relevant Ministers to visit the Shire offices in the afternoon of the 4 November 2002 to discuss more specific issues with Councillors and senior staff, in particular;
  1. Shire Recreation Facility
  2. Jarrahdale Heritage Park
  3. Tonkin Highway Extension
  4. Extension of electrification of rail to Byford

5. Establishment of a high school in the Shire
6. Byford urban development
7. Australian Fine China
8. Mineral sand mining

CARRIED 10/0

SM020/10/02 ANNUAL REPORT 2001/2002 (A0006)		
Proponent	Local Government Act	<b>In Brief</b>  To adopt the Annual Report for 2001/2002 and allocate surplus funds not considered as part of the budget for 2002/2003.
Officer	G R Dougall – Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	24/09/02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

### Background

In accordance with section 5.53 of the Local Government Act 1995 (the Act) 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. A report of the principal activities commenced or continued during the financial year.
4. An assessment of the local government's performance in relation to each principal activity.
5. An overview of the principal activities that are proposed to commence or to continue in the next financial year.
6. The financial report for the financial year.
7. The auditor's report for the financial year.

The Shire of Serpentine Jarrahdale Work Procedure CSWP2 provides that "Annual meetings of electors are to be held on the first Wednesday in December each year in Mundijong, commencing at 7:00pm."

By presenting the draft of the Annual Report and financial statements for Council consideration time will be available to have the document printed for the 4 December meeting.

### Comments

***Provided as attachment SM020.1/10/02 is a copy of the Annual Report to be presented to the Electors Meeting.***

This report contains information required under the Act and Regulations and general information on the projects and activities undertaken by Council over the past year, along with a brief introduction to some of the projects being undertaken in this current year. Any comments Councillors have in relation to this document can be addressed on meeting day. As mentioned above it intended to have this document printed in early November to ensure it is available for public distribution two weeks before the Electors meeting.

The Strategic Management Committee has the function of the audit committee for Council. One of the requirements of this function is to meet with the auditor to discuss any issues that Council particularly wishes to be considered during the audit process and discuss any issues raised in the audit report.



It was hoped that a partner from Grant Thornton, Sean McGurk, would be attending the meeting to answer Councillors questions on the financial statement and the overall management of financial issues by Council. Unfortunately confirmation of Mr McGurk 's attendance has not been able to be made, and subsequently the annual financial statements have not yet been finalised.

To ensure that the Annual Report as required under Section 5.53 of the Act is able to be prepared before the Annual Electors meeting, it is proposed that when the Auditors Statement has been finalised that it will be included in the Annual Report attachment marked SM020.1/10/02 and then the complete document printed. It is considered reasonable to proceed this way as Council cannot amend the Auditors Statement, but must receive it.

It is then proposed that due to the delays in finalising the Auditors Statement that this will be presented to Council for receipt in November, at which time it is hoped Mr McGurk will be in attendance. The Chief Executive Officer, Director Corporate Services and Acting Manager of Finance will be meeting with the auditors on Friday, 18 October 2002 to finalise this process. This years report also includes a sustainability statement to our community, this being the first time Council has undertaken to include such a report to its community.

The surplus cash available at the end of the year is \$347,000. This balance was not included in the budget carried forward items and now needs to be considered by Council. Provided below is an indication of where these surplus funds were generated from. This table highlights where Council has previously considered the item, if applicable, the account number and the amount either over or under expended when compared to budget.

RES	A/C	DESCRIPTION	INCOME	EXPEND	VARIANCE
		<b>RATES</b>			
c117/04/02	RAR500	Salaries		4,000	
c117/04/02	RAR122	Interim Rates	10,000		
c117/04/02	RAR137	Non Payment Penalty	25,000		
c117/04/02	RAR138	Administration Fee	4,000		
c077/01/02	RAR602	Rates Written Off		(22,000)	21,000
		<b>GENERAL PURPOSE</b>			
c117/04/02	GFI621	Bank Fees		(8,000)	
c117/04/02	GFI630	Investments	(10,000)		(18,000)
		<b>MEMBERS OF COUNCIL</b>			
		Conferences		5,000	
		Insurance		(5,000)	
c117/04/02	MOC530	Economic Development		10,000	
c117/04/02	MOC610	Members Travelling		(5,000)	
		Refreshments		5,000	
		Sitting Fees		3,000	3,000
		<b>DIRECTOR CORPORATE</b>			
c117/04/02	EMC508	Training		7,000	
c117/04/02	EMC500	Salaries		11,000	11,000
		<b>DIRECTOR SUSTAINABLE</b>			
c117/04/02	MPS500	Salaries		(3,000)	
		Training		4,000	1,000
		<b>OTHER GOVERNANCE</b>			
c117/04/02	OGC505	Staff Recruitment		(15,000)	
c117/04/02	OGC500	Salaries		(6,000)	(21,000)
		<b>FIRE/RANGERS</b>			
		Fire Breaks		5,000	
c119/04/02	FIR402	Fire Levy	6,000		
c077/01/02	PSA550	Ranger Vehicles		5,000	16,000
		<b>HEALTH</b>			
c117/04/02	HIA500	Salaries		(20,000)	
c117/04/02	SEW211	Septic Tank Fees	10,000		(10,000)
		<b>SANITATION</b>			
		Refuse Collection		16,000	
		Bin Replacements		2,500	
		Disposal Levy		4,000	
		Transfer Station		38,000	
		Rubbish Fee	13,000		
		Transfer Station Income	5,000		78,500
		<b>ENVIRONMENT</b>			
c117/04/02	ENV697	Environmental Monitoring		7,000	7,000
		<b>Carry forward balance</b>			<b>88,500</b>

RES	A/C	DESCRIPTION	INCOME	EXPEND	VARIANCE
		<b><i>brought forward</i></b>			<b>88,500</b>
		<b>TOWN PLANNING</b>			
c117/04/02	DEV500	Development Salaries		5,000	
c117/04/02	REZ540	Rezoning Advertising		4,500	
c117/04/02	PPP500	PPP Salaries		16,000	
		Planning Projects		19,000	
c117/04/02	SUB500	Sub Salaries		(4,000)	
c117/04/02	TPL175	Subdivision fees	5,000		
c117/04/02	TPL178	Development Fees	4,000		<b>49,500</b>
		<b>CEMETERIES</b>			
c117/04/02	CEM185	Jarrahdale Income	7,500		<b>7,500</b>
		<b>HALLS</b>			
c117/04/02	MUH625	Mundijong		(10,000)	
c117/04/02	BGH625	Jarrahdale		(3,000)	
		Briggs Park		(2,000)	
c117/04/02	BYH100	Byford Income	3,000		<b>(12,000)</b>
		<b>OTHER SPORT AND REC</b>			
c117/04/02	MUR730	Mundijong Reserve		(7,000)	
c117/04/02	OSR600	Hardcourt Resurfacing		10,000	
		Serpentine Sports Reserve		3,000	<b>6,000</b>
		<b>PARKS AND GARDENS</b>			
c117/04/02	PPG900	Byford Townscape		(15,000)	<b>(15,000)</b>
		<b>BUILDINGS ON RESERVE</b>			
		JHP Cottages		(10,000)	
		Leases and Rentals	14,000		<b>4,000</b>
		<b>LIBRARY</b>			
c117/04/02	LIB626	Maintenance		3,000	<b>3,000</b>
		<b>ROAD MAINT</b>			
c117/04/02	MOR805	Reseals		158,000	
c117/04/02	MOR303	Direct Grant	15,000		<b>173,000</b>
		<b>DESIGN</b>			
c117/04/02	EDT515	Stationery		2,500	
c117/04/02	EDT525	Consultants		(3,000)	<b>(500)</b>
		Plant Purchases		(5,000)	
		Transfer from Reserve	5,000		<b>0</b>
		<b>WEEDS</b>			
		Salaries		4,000	
c117/04/02	WSO550	Vehicle Expenses		4,000	<b>8,000</b>
		<b>BUILDING</b>			
c117/04/02	BUS700	Community Bus		4,000	
c077/01/02	EIF100	Extractive Industry	(10,000)		
		Building Permits	28,000		<b>22,000</b>
		<b>Grand Total</b>			<b>334,000</b>

Councillors may recall at the quarterly budget review in April 2002 that \$158,000 of the road maintenance Reseals Account was placed on hold as it was considered that other expenditures may extent passed their allocated budget amount and result in a deficit for Council. The report presented for resolution number C117/04/02 stated;

**“MOR805 RESEALS/ROAD ENHANCEMENTS**

*Budget reduced from \$458,000 to \$300,000. Surplus funds used to finance over expenditure in other areas. Any remaining surplus at year end will be placed back into this area and carried forward.”*

The funds were not carried forward as part of the budget process but left until the audit process was completed.

As can also be seen from the table presented above there was \$80,000 left over in unspent expenditure and additional income from the sanitation area. It is considered that these funds should be placed in the Waste Reserve to assist with the implementation of the new services being offered by Council.

Councillors adopted the 2002/2003 budget with a deficit of \$16,000. It is suggested that this deficit be eliminated with this surplus. When taking these changes into account a balance of \$93,000 remains in surplus, less than 1% of the total budget from 2001/2002.

It is recommended that these funds be allocated into the Investment Reserve.

<b><u>Statutory Environment:</u></b>	Local Government Act 1995
<b><u>Policy Implications:</u></b>	No policy implications
<b><u>Financial Implications:</u></b>	As per report
<b><u>Strategic Implications:</u></b>	In accordance with 1.4 and 3.5
<b><u>Community Consultation:</u></b>	In accordance with the Local Government Act 1995
<b><u>Voting Requirements:</u></b>	Normal

**Officer Recommended Resolution**

1. The contents of the Annual Report with the final Auditors statement (when available) for the period ended 30 June 2002 be accepted and printing of the report be progressed.
2. The surplus funds not accounted for in the 2002/2003 budget be allocated as follows;
  1. \$158,000 to Road Reseals MOR805
  2. \$ 80,000 be placed in the Waste Reserve
  3. \$ 16,000 be used to balance the 2002/2003 budget deficit
  4. \$ 93,000 be placed in the Investment Reserve.
3. The Auditors Statement be presented to Council in November 2002.

**CRSM020 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Kirkpatrick seconded Cr Price that

1. The contents of the Annual Report for the period ended 30 June 2002 be accepted with the following amendments:-
  - a) Delete Key Contacts and amend Corporate Structure to reflect correct terms.
  - b) Cr Richards leave of absence in December 2001 (2 apologies and 1 leave of absence).
  - c) Reference to Shire of Armadale be amended to City of Armadale.
  - d) Building service community groups be referred to in lower case.
2. The surplus funds not accounted for in the 2002/2003 budget be allocated as follows;
  1. \$158,000 to Road Reseals MOR805
  2. \$ 80,000 be placed in the Waste Reserve
  3. \$ 16,000 be used to balance the 2002/2003 budget deficit
  4. The remaining \$93,000 be allocated at the Ordinary Council Meeting following a report from the Chief Executive Officer on additional costs required to resource outstanding back log areas in the organisation.
3. The reference to 'sand mining' in the attachments be amended to read 'mineral sand mining'.

CARRIED 10/0

Note: The Officer Recommendation was amended to enable an additional report to Council on the allocation of the \$93,000 to be placed into the investment reserve and minor corrections.

SM019/10/02 PEEL SUSTAINABLE DEVELOPMENT PLAN 2020 (A0134)		
Proponent	Peel Development Commission	<b>In Brief</b> The Peel Sustainable Development Plan 2020 has been prepared as a discussion paper and is available for public comment.
Officer	Carlie Eldridge - Sustainable Development Project Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	4 October 2002	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

**Background**

The Peel Development Commission as a first step towards a Sustainable Development Plan for the region to 2020 has prepared a discussion paper on the Peel Sustainable Development Plan.

*Aim: "The aim of this discussion paper is to agree on priorities for future collaborative actions that will build on the potential of the region and address the most critical challenges, and, in the long term turn the negative tide of change in the region into positive sustainable future."*

**Comments**

A copy of the Peel Sustainable Development Plan 2020 has been circulated under separate cover.

Due to a very tight program for the implementation of the Plan comments are due by 21 October 2002.

The timing of submissions necessitates in principle approval of Council prior to a submission being finalised.

General Comments on the Peel Sustainable Development Plan 2020, which relate to the overall structure and intent of the Plan are given as well as points that relate to specific areas of the plan will be given in the Serpentine Jarrahdale Shire submission.

#### Response/General Comments

The timing of the Discussion paper firstly, does not allow sufficient time for adequate comments to be obtained, but more importantly with the release of the draft State Sustainability Strategy on the 13<sup>th</sup> September it would be timely to spend time examining the State Strategy and ensuring the Peel Strategy aligns with it. At present the current timetable, which notes the final Peel Sustainable Development Plan will be released in November, does not accommodate this.

In general the Peel strategy needs to incorporate the strategies in the draft State Sustainability Strategy that are appropriate and apply to the region, as these will be the programs supported both financially and with cooperation by the State Government. The Peel Sustainability Strategy also needs to relate to the structure of the State Sustainability Strategy for consistency and also needs to ensure integration of strategies to achieve acceptance of our regional strategy and to access programs and funding opportunities.

Indicators are set out in the Peel Sustainable Development Plan, which will allow the region to measure progress towards sustainability. These indicators need to link to the strategies proposed in the plan and to the data that is already being collected by government agencies and groups within the region. A system needs to be in place to ensure the data can be collected over the long term to measure progress for both assessing the success of strategies and also to communicate to the Peel community.

There is the opportunity at this crucial point to develop a sustainability network between local governments and State government within the peel region that work together on sustainability initiatives e.g. indicators, sustainable living guides and education programs

Heritage is not covered specifically in the discussion paper and as the region grows especially with the expansion of urban areas this will be a long-term sustainable issue.

#### Detailed Comments

Note: "Goal 2020" refers to the Report only, not timing, timing is separately referred to in the report itself).

#### **Goal 2020: A Cohesive Region Working Towards A Sustainable Future**

- The draft State Sustainability Strategy covers 'Urban and Regional Growth' the Peel Strategy needs to ensure that through this process the Peel region is identified as a defined regional area.
- The draft State Sustainability Strategy in Section 3 Sustainability and Governance- Sustainability in the Regions supports and encourages the development of regional sustainability strategies and discusses a number of opportunities at a regional level such as establishment of regional Councils of Local Government and the potential role of Regional Development Commissions in sustainability. These need to be explored more in relation to the Peel region.
- There is a need to look at generating employment within the local areas as a priority to make the region sustainable.

#### **Goal 2020: Open, Accountable and Inclusive Government**

- No specific comments

### **Goal 2020: Sustainable Land Use Planning**

- This Peel Strategy is an opportunity to create a sustainable future through a new sustainable way of planning that goes beyond protecting the environment and catering for economic growth and population needs, and creates a new future.
- The current plan states that "proactive support to subdivision design that supports energy sensitive housing design" be given as a long term priority, we should be aiming for sustainable building planning, building and construction being mainstreamed by 2020 in new developments within the region that incorporate all issues for example energy and water reduction, materials use, vegetation, transport, water sensitive urban design, social infrastructure etc. This area is covered in detail in the draft State Sustainability Strategy.
- Integration of land use planning and transport needs to be emphasized and supported in the region.

### **Goal 2020: A Growing and Diversified Economy**

- No specific comments

### **Goal 2020: A Safe, Healthy and Supportive Community**

- No specific comments

### **Goal 2020: A Valued and Protected Environment**

- No specific comments

### **Goal 2020: Efficient Inter and Intra-Regional Transport Networks**

- Support needed for provision of bus services to areas where they are not financially profitable due to smaller population. The bus services are still needed especially for young and the elderly who do not have access to vehicles.
- With the develop of the southern railway line there also needs to be support and action by the Peel Region to get bus services that link areas not directly adjacent to the rain line to create an integrated transport system.
- It is noted that there will be extension of the metropolitan train line to Byford by 2008, as this is a 2020 strategy it should also include support for extension of the train line to Serpentine to provide for areas of increasing urbanization and population.

### **Goal 2020: An Educated and Skilled Future**

- Support for a High School in the SJ Shire by 2020
- Support Integration of Education for Sustainable Development into school curriculum within the Peel region with an emphasis on issues particularly related to the region.

### **Goal 2020: Children are nurtured in a Supportive Community**

- No specific comments

### **Goal 2020: A Just Relationship with Indigenous Western Australians**

- No specific comments

### **Goal 2020: Young People in Peel have Good Prospects and a Vibrant Culture**

- No specific comments

### **Sustainability Statement**

The Peel Sustainable Development Plan 2020 if integrated with the State Sustainability Strategy provides an excellent opportunity to set a framework and priorities within the region to move towards a sustainable future.

### **Statutory Environment:**

Relates to WA State Sustainability Strategy.

### **Policy Implications:**

Sustainability will affect all council's policies.

**Financial Implications:** Strategy could provide funding opportunities and support for Shire initiatives.

**Strategic Implications:** Strategic Plan is based on the principles of sustainability and the 2020 Sustainable Development Plan provides region framework that relates and supports the direction the Shire is already undertaking.

**Community Consultation:** Community Consultation was undertaken in the preparation of Peel Sustainable Development Plan 2020 Discussion Paper.

**Voting Requirements:** Normal

### **Officer Recommended Resolution**

Council makes a submission to the Peel Sustainable Development Plan 2020 based on the Comments section of this report SM019/10/02.

#### **Discussion at Committee Meeting:**

Dorothy Lucks circulated the document Peel Sustainable Development Plan 2020.

Members of Cabinet had visited Mandurah in February and were presented with briefing papers from all over the Peel Region. The Premier and Ministers were impressed by the overall growth of the Peel Region.

Cabinet responded to these papers by requesting that a prioritisation list be formed. As a result, local member David Templeman was asked to Chair a newly formed Steering Committee.

The paper has been circulated to Councils, social, economic, environmental and aboriginal community groups.

The comments of these groups have been refined which has led to this initial document which is now available for public comment.

It is hoped that the document will act as a tool for processes to be implemented. It consists of short, medium and long term goals.

The Sustainable Development Plan links with the State Sustainability Strategy via the Steering Committee for the two being represented by similar people.

Mrs Lucks is looking for a broad response from organisations and community groups. The time frame for submissions is tight, in order to fit in with the State budgeting process.

It was suggested that the Sustainable Development Plan is also an opportunity for Council to seek some integration via our Strategic Plan.

Some suggested changes to the document are as follows:-

Page 10 - reference to Councils Green Towns Study – not referenced at back of document

Page 16 - high school is show under youth issues and should also be under the 'Education' section

Page 25 - 'business development' should include 'industry and community development'

It was noted that it is a difficult task to complete the 'Whats Next' section of the document as Cabinet have made no indication where they will go with this document.



There needs to be added emphasis on 'heritage' values throughout the Region. It should be made more prominent, enhancing these values.

Culture also needs to be capitalised on as it is the framework from which we are working.

Further comments could also be added in reference to trails development - expand and strengthen points.

**CRSM019 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Price seconded Cr Simpson that

1. Council makes a submission to the Peel Sustainable Development Plan 2020 based on the Comments section of this report SM019/10/02.
2. Any additional comments are to be provided to the Sustainable Development Project Officer by 23 October 2002.

CARRIED 10/0

Note: The Officer Recommendation was changed to allow additional comments to be made following advice from Mrs Lucks that the comment period had been extended.

SM021/10/02 INFORMATION REPORT		
Proponent	Chief Executive Officer	<b>In Brief</b>  Information Report.
Officer	D.E Price – Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	2 October 2002	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

SM021.1/10/02

**REGIONAL DEVELOPMENT SCHEME (A0923)**

Council are advised that submissions have been made to the current round of Regional Development Scheme funding for the following projects:

- a) Serpentine Jarrahdale Towns with Hearts/Community Forums Project - This funding is aimed at developing more effective communications within the Shire, increasing accessibility of information and local knowledge for community members.  
Amount applied for \$17,500
- b) Serpentine Dam Tearooms and Fine Wood Gallery - This funding is aimed at redeveloping the existing tearooms into a café and wood gallery to reinstate visitors to the Serpentine Dam and provide a high quality outlet for locally crafted wood items.  
Amount applied for \$35,000
- c) Mundijong Town Centre Revitalisation - This funding is matching funding to provide a new ablution facility in the main street of Mundijong.  
Amount applied for \$10,000
- d) Mundijong Renewable Energy Project - This is "top up" funding following last years request not being fully funded. The project aims provide a working example of alternative energy to the Shire Mundijong library. It also will be an interactive alternative energy educational experience for people who visit the library.  
Amount applied for \$7,272

- e) Bendigo Bank - Council has applied on behalf of the Bendigo Bank steering committee for matching funds of \$6,000 toward the cost of \$12,000 for a feasibility study required to validate the potential viability of a bank in Byford.  
Amount applied for \$6,000

SM021.2/10/02 SOUTH WEST FORESTS STRUCTURAL ADJUSTMENTS  
PACKAGE (RS0141/01)

- a) Serpentine Dam Tearooms and Fine Wood Gallery - This funding is aimed at redeveloping the existing tearooms into a cafe and wood gallery to reinstate visitors to the Serpentine Dam and provide a high quality outlet for locally crafted wood items.  
Amount applied for \$65,600

SM021.3/10/02 LOCAL ECONOMIC DEVELOPMENT UNIT (A0436-05)

***The minutes of the Local Economic Development Unit meeting held on 20<sup>th</sup> September 2002 are with the attachments marked SM021.3/10/02.***

SM021.4/10/02 COMMON SEAL REGISTER REPORT – AUGUST 2002 (A1128)

***The Common Seal Register Report for the month of September 2002 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the attachments marked SM021.4/10/02.***

SM021.5/10/02 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION –  
SOUTH EAST METROPOLITAN ZONE MINUTES – SEPTEMBER  
2002 (A0163-06)

***The minutes of the South East Metro Zone Meeting held on 25<sup>th</sup> September 2002 are with the attachments marked SM021.5a/10/02 and the State Council Meeting minutes of 7 August 2002 are with the attachments marked SM021.5b/10/02.***

SM021.6/10/02 COMMONWEALTH REGIONAL INFORMATION (A1030)

The Commonwealth Regional Information Directory formerly known as the Rural Book is located in the Corporate Library, this Directory provides a detailed summary of many Commonwealth Government services and programmes, including contacts for the major departments and agencies. Some of the topics include health, education, employment, transport, business and industry assistance and community assistance.

SM021.7/10/02 REGIONAL PRICES INDEX (A0213)

The Department of Local Government and Regional Development “Regional Price Index, third data collection 2000, January 2002” is located in the Corporate Library for Councillor’s information.

SM021.8/10/02 WATER CORPORATION – “A PARTNER IN SUSTAINABILITY”  
ANNUAL REPORT 2002 (A0752)

The Water Corporation’s Annual Report for the year ending 30 June 2002 is located in the Corporate Library for Councillor’s information.

SM021.9/10/02 REPORT ON THE PEEL DELEGATION TO CANBERRA – 19-22  
AUGUST 2002 (A0109-02)

***In the attachments marked SM021.9/10/02 is a summary of the notes taken by Shire President, Cr Jan Star and Chief Executive Officer, David Price on issues that were***

***discussed by the delegation that had direct relevance to the Serpentine Jarrahdale Shire.***

**CRSM021 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Price seconded Cr Needham that the Information Report to 7 October 2002 be received.  
CARRIED 10/0

SM022/10/02 PEEL DEVELOPMENT COMMISSION BOARD VACANCY (A0109-02)		
Proponent	Peel Development Commission	<b>In Brief</b>  Nominations have been invited for local government representation to the Peel Development Commission (PDC) Board closing on the 14 November 2002.
Officer	D.E Price – Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	18/10/02	
Previously	A162/04/00, SM009/08/01	
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

**Background**

In 2000 discussion between the councils of the region resulted in a majority agreement for an arrangement where representation on the PDC Board would be shared around the region.

Council resolved to follow this framework in 2001;

*“The Shire of Serpentine Jarrahdale acknowledges the suggested representation model originally proposed in February 2000, and agrees to support the implementation of it given the agreement by the majority of the councils in the region to apply it.”*

A copy of the letter from the PDC Board Chairman dated 10 April 2000 and the suggested representation model dated February 2000 was provided for Council information as an attachment (SM009.1/08/01) when the matter was last considered in August 2002.

Therefore, this year it is the turn of the Shire of Boddington for its nomination to be supported.

The Board of PDC comprises of ten members. Three are Ministerial appointments, three are designated as community representatives, and three positions are reserved for local government representatives. The tenth member is the CEO of the PDC who is ex officio a Board member.

The local government representative is then appointed by the Minister from nominations submitted by the Western Australian Local Government Association (WALGA). WALGA conducts a poll of the local governments within a region and based on that poll recommends board members to the Minister. The Minister makes the final decision about who is appointed to the Board.

**Comments**

The basis for the sharing of representation means that with five local governments in the region and only three positions in any five-year cycle each council will have a position on the Board for three years and not be directly represented for two years.

Under the arrangement commenced in 2000, the Shire of Serpentine Jarrahdale (Cr Ian Richards) and the Shire of Waroona will be the two councils not represented on the Board in 2002/2003. This year will be the turn of the Shire of Boddington to have its nominee supported by the councils of the region.

Based on Council current position Council will not be nominating a representative for 2002-2003, but when the time is appropriate support a Shire of Boddington nominee onto the Board of the Peel Development Commission

**Statutory Environment:** The Regional Development Commission boards are established pursuant to the *Regional Development Commission's Act, 1993*.

**Policy Implications:** In 2000 agreement was reached between the majority of the local governments of the Peel that representation on the PDC Board should be rotated around the local governments of the region.

**Financial Implications:** Not identified

**Strategic Implications:** The Council committed to working with the other councils of the Peel Region for the mutual benefit of all the citizens of the region.

**Community Consultation:** Not applicable

**Voting Requirements:** Normal

#### **CRSM022 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Richards seconded Cr Price that

1. The Shire of Serpentine-Jarrahdale agrees to not nominate a representative to fill the vacancy on the Peel Development Commission Board.
2. The Shire of Serpentine Jarrahdale agrees to support the appropriate local government each year as represented on the representation model originally proposed in February 2000.

CARRIED 10/0

7.5 Planning Development & Environment Meeting – 18<sup>th</sup> October, 2002

**COUNCIL DECISION**

Moved Cr Murphy seconded Cr Hoyer  
That the minutes of the Planning Development & Environment Committee Meeting held on 18<sup>th</sup> October, 2002 be received.  
CARRIED 10/0

H04/10/02 INFORMATION REPORT		<u>In Brief</u>  <i>Information report</i>
Proponent	N/A	
Officer	Joanne Abbiss	
Signatures - Author:		
Senior Officer:		
Date of Report	27.09.02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

H04.1/10/02 DELEGATED AUTHORITY – SEPTEMBER 2002 (A0039-02)

CS1 – Section 26 (effluent approvals)

Lot 3 McKay Drive, Serpentine  
Lot 309 Kargotich Road, Oakford  
Lot 51 Ditton Close, Oakford  
Lot 10 Egerton Drive, Serpentine  
Lot 534 Bruns Drive, Darling Downs  
Lot 154 Foxtan Drive, Oakford  
Lot 57 McKenna Drive, Cardup  
Lot 345 Old Dairy Court, Oakford  
Lot 351 Old Dairy Court, Oakford  
Lot 228 Lazenby Drive, Byford  
Lot 54 Ditton Road, Oakford  
Lot 32 Gibson Top, Oakford  
Lot 249 Bilya Avenue, Mardella  
Lot 507 Kellet Drive, Oakford  
Lot 10 Craddon Road, Oakford  
Lot 19 Lakeman Place, Oakford  
Lot 819 Gallagher Way, Cardup  
Lot 568 Cunningham Drive, Oakford  
Lot 111 Crossing View, Byford  
Lot 6 Craddon Road, Oakford

CS1 – Section 26 (permit to use apparatus)

Lot 4 Craddon Road  
Lot 222 Mardja Loop, Mardella  
Lot 702 Wallace Street, Mundijong  
Lot 123 Adonis Street, Mundijong  
Lot 36 Mathews Close, Serpentine  
Lot 245 Warburton Close, Byford

Exemption from Section 72(1) of Health Local Law

Lot 2 Kargotich Road, Mardella  
Lot 319 Fielder Road, Serpentine

Lot 1119 Gossage Road, Oldbury

H04.2/10/02 GENETICALLY MODIFIED CANOLA – CALL FOR COMMENT (A0966)

The Office of the Gene Technology Registrar is seeking local government comment on the protection of human health and safety and the environment with regard to the commercial release of InVigor and RoundupReady canola wherever it is suitable to grow canola in Australia. InVigor canola is genetically modified to introduce a hybrid breeding system and be tolerant to glufosinate ammonium, the active ingredient in the herbicide Liberty. RoundupReady canola is genetically modified to be tolerant to glyphosate, the active ingredient in the herbicide Roundup.

***Information on the applications is with the attachments marked H04.2/10/02.1 and H04.2/10/02.2.***

**Officer Recommended Resolution**

That Council accepts the information report for September 2002.

**CRH04 COUNCIL DECISIONS/Committee Recommended Resolution**

Moved Cr Richards seconded Cr Price

- 1 That Council accepts the information report for September 2002.
- 2 Council expresses concern to the Office of the Gene Technology Regulator at the widespread release of genetically modified canola due to the potential for gene transfer with closely related species such as wild radish (pers. comm. Nancy Millis 2002) which are established weeds within the Shire.
- 3 Council advises the Office of the Gene Technology Regulator that it does not support the introduction of herbicide resistant canola as it has not been adequately demonstrated that the application rates of herbicides decrease as a result. There is some evidence to suggest that application rates actually increase in both concentration and area and the impact of such practices on non-target species such as frogs has not been given sufficient consideration in this proposal.
- 4 Council advises the Office of the Gene Technology Regulator that any release of genetically modified canola must be subject to a legal requirement being enforced on the introducer to contain the crop within the boundaries of the lot on which the crop is released.
- 5 Council advises the Office of the Gene Technology Regulator that the widespread release of genetically modified canola does not allow for individual account to be taken of the economic implications of zones or markets reliant on genetic modification free status.

CARRIED 10/0

Note: The Officer Recommended Resolution was changed because of Councillors' concern regarding genetically modified crops.

E008/10/02 INFORMATION REPORT		
Proponent	Environmental Officer	<b>In Brief</b>  Information Report.
Officer	Dr Sue Osborne – Environmental Officer	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

E008.1/10/02 SUMMARY FROM THE ACTION LEARNING FOR THE PEEL-HARVEY SYSTEM WORKSHOP (A0309)

A summary of the proceeding of the Environmental Protection Authority Workshop on the Peel-Harvey System has been received.

The Environmental Protection Authority (EPA) is undertaking a review of the Peel-Harvey ERMP. To ensure community input into this review, a workshop was convened at Pinjarra at the beginning of May. Cr Jan Star attended and participated as Chair of the Peel-Harvey Catchment Council.

The ERMP included the requirement for integrated catchment management to improve water quality flowing into the Peel-Harvey Inlet. The effectiveness of current catchment management practices is one of the areas being reviewed by the EPA. The EPA review is expected to be finalised by the end of this calendar year.

The EPA workshop included presentations about:

- Ecosystem health and southwest estuaries
- The Peel-Harvey management strategy
- Catchment management; and,
- Implementing best farming practices

Small group workshop sessions identified the following key issues:

- Lack of a shared vision
- Decreasing water availability and increasing demand
- Community expectations for 3-day drainage resulting in increased flow and nutrient export
- The need to manage land use change
- The need for effective communication and education
- Low levels of landholder participation
- Management of external pressures; and,
- The need for community and government agency coordination

It is perhaps worth mentioning that the annual Water and Rivers Commission survey of 220 sites in this shire have revealed that 85% of these sites have higher phosphorus levels, and 75% of sites have higher nitrogen levels than those recommended in the ANZECC guidelines for freshwater ecosystems. The EPA review may highlight some shortfalls in the implementation of the ERMP and make recommendations of future integrated management initiatives.

E008.2/10/02 EXTENSION OF DECLARED PLANT MANAGEMENT SERVICES (A0366)

***A copy of the correspondence dated 11 September 2002 from the Department of Agriculture is with the attachments marked E008.2/10/02.***

E008.3/10/02 DARLING RANGE REGIONAL PARK COMMUNITY ADVISORY COMMITTEE (A0852)

***A copy of the minutes of the meeting of 25 July 2002 are with the attachments marked E008.3/10/02.***

The Darling Range Regional Park extends from Avon Valley national park in the north to Serpentine National Park in the south. Most of the Darling Range Regional Park within Serpentine Jarrahdale Shire is vested in the Conservation Commission as either State Forest or national park. There are however, some portions that are managed by the Water and Rivers Commission, Water Corporation and other Government Departments. Some areas to the north of the Shire are private land and there are some blocks around Serpentine National Park that are vested in the Shire.

Minutes from the 25<sup>th</sup> July Darling Range Regional Park Community Advisory Committee meeting have been received and are appended at the back of these agenda notes. The meeting was attended by Cr Jan Star and Acting Environmental Officer Brett Dunn. The Committee was advised of a recent coordinated effort to address the trail bike problem in and around the regional park. This effort involved the Mundijong Police, Shire Rangers and the three water catchment rangers. In all, 20 infringement notices and 30 warnings were issued, 1 drunk-driving charge was laid and 2 unregistered vehicles were identified.

The next Committee meeting was held on 19<sup>th</sup> September. This was attended by the Environmental Officer, Sue Osborne. The minutes from this meeting have yet to be received but topics discussed included:

- Rehabilitation of Ellis Brook since the wildfire last summer;
- The Committee's opposition to the proposed Belleview development;
- Visitor usage and possible path development at Byford;
- Recreational development and signage at Churchman's Brook Quarry site; and,
- Land acquisition and WA Planning Commission consideration of land subject to a calf farm development proposal near to Byford.

The next meeting will be held on 21st November at the Shire of Kalamunda.

E008.4/10/02 FOREST MANAGEMENT FOR WATER CATCHMENT (A0563)

The Water Corporation has engaged forest management consultants, State Government department experts and community peak bodies to consider forest management options to increase water catchment. One of the consultants and a Water Corporation officer visited the Shire in mid September and Cr Star and the Environmental Officer, Sue Osborne, attended a forest field trip at the end of September. Consideration and discussion focused on a proposal to establish a 2 000 hectare experiment to investigate the biodiversity, timber production and water runoff implications of thinning forest regrowth areas in the Wungong catchment.

All options for increasing water availability such as ground water pumping, desalination and forest management have environmental implications. Many of these cannot be predicted without further research. The experiment proposed in the Wungong catchment would provide answers to many environmental concerns relating to thinning forest regrowth.

It was agreed at the end of the forest field trip, that an additional excursion would be arranged to the Dwellingup region to study the outcomes of a variety of forest management



practices. This would be followed by a workshop to determine the experimental questions that need to be addressed in any forest thinning experimental trial. This information would be used to design an experiment which would then require assessment by the Environmental Protection Authority before proceeding.

#### E008.5/10/02 PERTH BIODIVERSITY – CAPACITY OF PERTH'S LOCAL GOVERNMENTS TO CONSERVE BIODIVERSITY (A0397)

In early 2002, the Perth Biodiversity Project surveyed local governments in the Perth metropolitan area to identify the work Councils are doing to conserve biodiversity, and in establishing the future needs of the local government in this area. An Executive Summary of this survey was compiled and sent to the 30 Councils involved. The Executive Summary is attached at the back of these minutes and the follow is an outline of this summary.

***A copy of the Summary is with the attachments marked E008.5/10/02.***

#### Resource Allocation

- During the period 2000/01 Perth local governments spent a total of \$5.14 million on salaries and activities relating to biodiversity conservation.
- Serpentine-Jarrahdale Shire spent \$148,000 on biodiversity conservation activities for the period 2000/01. This represents 1.73% of the Shire's total operating budget. Those Councils responsible for the management of a similar area of bushland (200-500ha) spent on average \$421,000, representing about 1.00% of their total operating budget.
- During the period 2000/01 the Serpentine-Jarrahdale Shire received no money from external grants for biodiversity conservation activities. The 5 other Councils managing a similar area of conservation lands (200-500ha) received on average \$28,590 in grant funding.
- Serpentine-Jarrahdale Shire has both an Environmental Officer and Bushcare Officer, and dedicates 1.0 full time equivalent to ongoing bush revegetation. Those 5 local governments having similar remnant vegetation (200-500ha) in local government reserves, all have an Environmental Officer and 4 have a Bushcare Officer. On average these local governments dedicated 2.64 full time employees (FTE) to on-ground bush regeneration.
- Of the 7 other local governments with similar operating budgets (between \$1-10 million), 1 has an Environmental Officer, and 1 has a Bushcare Officer. On average each dedicated 0.8 FTE's to on-ground bush regeneration.

#### Education, Awareness & Training

- The survey identified Councillors as being the key decision makers in relation to biodiversity conservation matters and found a high level of awareness of biodiversity issues among senior management.
- Councillors were identified as having the greatest direct responsibility for decision making related to biodiversity protection and management (31%), followed by parks and gardens staff (19%), senior management (16%) and Environmental Officers (16%).
- Serpentine-Jarrahdale Shire provided training related to biodiversity conservation for some of their staff. Out of the 6 local governments having a similar amount of biodiversity, 4 offered biodiversity conservation related training opportunities to some of their staff.

#### Biodiversity & Land Use Planning

- Currently 63% of Local Governments have a greening or biodiversity related plan for biodiversity areas they manage.
- One third (86,000ha) of bushland in the Perth metropolitan area is on private land, and of that 81,400ha are local biodiversity areas and 4,600ha are Bush Forever sites.

- Incentives that are being provided by Councils in the region are:
  - Free advice on land, wetland and waterway management;
  - Free seedlings for revegetation activities; and
  - Rate relief for conservation landowners.
- Of the 4 local governments with similar amounts of local biodiversity on private land as the Serpentine-Jarrahdale Shire (5000-30,000ha), 3 offer some form of incentive to private landholders.

#### Legislative & Policy Instruments for the Protection & Management of Biodiversity

- Town Planning Schemes are the primary legal mechanism applied by local governments for conserving or threatening biodiversity.
- Widely held view among local government environmental professionals that existing provisions in Town Planning Schemes are difficult to enforce and administer, and provide insufficient protection of biodiversity values.
- Currently only 8 (21%) of Councils have guidelines in place for assessing the potential impacts of development on native vegetation with biodiversity values.
- Local biodiversity on private land is the most susceptible to development pressure, and of those Councils having the greatest area (500-30,000ha) on private land, only 4 out of 10 have guidelines for assessing potential impacts of development on native vegetation.

#### Partnerships

- Local governments are becoming more aware of the need to consider biodiversity conservation beyond administrative boundaries, with 17 local governments identifying existing and potential ecological linkages that extend beyond their boundaries.
- Through the Perth Biodiversity Project Devolved Grants Program, several of the metropolitan Councils are planning and implementing joint projects to achieve regional biodiversity outcomes.
- Local governments acknowledge their role in implementing management plans for the Bush Forever sites managed or vested in local governments. However it was acknowledged by the Councils, that it was not the sole responsibility of local governments, and state funding should support their efforts and uphold their commitment to conserve regionally significant bushland.

#### E008.6/10/02 PERTH BIODIVERSITY – FUNDING OPPORTUNITY (A0397)

The Perth Biodiversity Project is a local government initiative, hosted by the WA Local Government Association and funded through the National Heritage Trust. The project aims to improve the capacity of local government to conserve biodiversity across the Perth Metropolitan region through the provision of technical and financial assistance. The Perth Biodiversity Project relates to areas of bushland, wetland and other natural areas that exist outside Bush Forever sites and CALM estate.

On the 8<sup>th</sup> July 2002, the 26 metropolitan councils that had signed a memorandum of understanding for the protection of native vegetation received certificates of acknowledgement. Successful round 1 funding applicants were also awarded their funding on that day. The Serpentine Jarrahdale Shire in partnership with the Landcare Centre, were successful with two funding applications in the first round:

- Bush restoration of Manjedal Brook Reserve; and
- Staff and Councillor training.

A works program and \$8000 budget break down has been prepared for the Manjedal Brook Project that includes:

- Weed control;
- Native vegetation replanting;
- Fauna surveys;

- Vegetation monitoring;
- Water quality monitoring; and
- The erection of a sign.

The staff and Councilor training program will involve the preparation of competency based training packages on *Native Bushland Recognition and Disturbance* and *Weed recognition and management*. This project has a budget of \$3000.

Expressions of interest for the next round of Perth Biodiversity projects closes at the end of October 2002. These expressions of interest will be assessed and if successful, full applications will be prepared by the end of December. Successful projects will be announced next February 2003. The following projects will be forwarded from this Shire as expressions of interest:

- Preparation of a regional perspective paper of native bushland and wetland reserves vested in the Shire of Serpentine Jarrahdale;
- Completion of a native vegetation strategy to be used in conjunction with the multiple-use trails and recreation plans to develop a Shire Public Open Space Strategy.
- Preparation of an outcome-based management plan for Manjedal Brook Reserve;
- Continuing on-ground environmental restoration in Manjedal Brook Reserve;
- Review and development of user-friendly bush assessment and monitoring techniques.

#### E008.7/10/02 WEST AUSTRALIAN LANDFILL SERVICES ANNUAL REPORT 2001/2002 (A0684)

The Shire has received copies of the annual report submitted by West Australian Landfill Services (WALS) which has been prepared to meet Condition G6(a)-(d) of Licence No. 7390/3 issued on 22 August 2001, by the Department of Environmental Protection.

The complete report is available in the industrial reports and proposals section in the library, but the following summarises key points in the report:

#### Pest & Vermin Control

- Landfill caps were placed over completed external profiles, and revegetated with native seed mixes of endemic species from surrounding areas. After a 12 month period seedlings have emerged and are establishing over parts of the completed landfill cap.
- In May 2002, cereal rye was planted to provide temporary cover of the landfill caps to prevent excessive soil erosion until the native species are established. The cereal rye will gradually die off over the next few years.

#### Fire Break & Details of Fires

- Firebreaks within the landfill site were cleared on 30 November 2001 and were maintained until 31 May 2002 to comply with Bushfires Act 1954.

#### Dust Suppression

- A permanently based water truck is located at the landfill site to regularly water access roads in and out of the site, to prevent off-site dust pollution.

#### Windblown Waste Management

- Mobile litter screens, a permanent 1.8 metre chainmesh fence and litter collection staff have been used to control windblown litter.

### Noise

- Two sets of readings were taken at seven different locations along the boundary fence on 7 December 2001. Testing was undertaken by Australian Environmental Laboratories, which concluded that all measurements taken were within the assigned levels for *industrial and Utility* premises as outlined in the Environmental Protection (Noise) Regulations 1997.

### Complaints

- Nineteen complaints were received during the monitoring period, which were all odour related and received solely from Pioneer Quarry in Byford. Consultation was undertaken with Pioneer Quarries, and procedures were undertaken by WASL to immediately cover all odorous waste that is delivered to the site. This has reduced the number of complaints received.

### Leachate Management

- Two sets of groundwater bores were installed to monitor potential impact on groundwater from storing leachate for evaporation. Results from undertaking this are outlined in a separate *Surface and Groundwater Monitoring Program Report*.

### Revegetation

- Transplanting of *Kingia australis* (grass trees) from landfill development areas into locations surrounding the site have been undertaken to conserve the species. Annual planting of native seedlings in chosen areas around the site is assisting in reducing the visual impact of the landfill site.

### Stormwater Discharge

- A site inspection on 8 August 2002 was undertaken by Kimseed Environmental for WALs to assess the impact of landfill activities on downstream river banks. The report compiled by Kimseed indicates that the landfill activities do not appear to be impacting on the downstream river banks. However, downstream river banks are being impacted by weeds and livestock from surrounding land management activities.

### Surface & Groundwater Monitoring Program Report

The Shire has received the bi-annual report submitted by West Australian Landfill Services (WALS), to comply with condition W4(a)-(g) of Licence No. 7390/3 issued on 22 August 2001, by the Department of Environmental Protection.

The following summarises the results of the May 2002 monitoring program:

- Complex and seasonally variable hydrogeological setting exists beneath the South Cardup Landfill site. A monitoring network of nineteen (19) groundwater bores and six (6) surface sampling locations were established to effectively monitor the range of potential pathways for groundwater.
- Groundwater level monitoring showed that seasonal effects have influenced the groundwater levels beneath the site, with levels decreasing in most bores from October 2001 to May 2002 by up to 1.975m (SL1). The May 2002 levels are slightly lower than the May 2001 levels, which can be attributed to this reduced rainfall recharge.
- Groundwater quality monitoring showed that in general, water quality has improved from October 2001, with decreased concentrations of metals and nutrients. A comparison with historical records, indicate that the seasonal influence on groundwater levels is also evident in the groundwater quality, with variation between monitoring periods.

- Some samples showed high inorganic non-metal and metals concentrations, but they do not appear to be the result of accumulation from the landfill facility. This is indicated by the already elevated background concentrations evident in the upgradient samples from bores SL6 and SL7.
- Surface water quality monitoring has shown that water quality is variable both across the site and seasonally, due to the 'source' of the water. During winter the surface water input was predominately rainfall run-off, and in some areas, groundwater seepage resulting from increased recharge to the shallow aquifers. In summer the surface water present at the sampling locations is thought to be from the neighbouring Pioneer Hardrock Quarry (possibly production run-off water).
- Concentrations detected, for example zinc, are similar between sampling locations that are upgradient and downgradient.
- Chloride concentrations were elevated in down gradient SW4 when compared to SW1 but other gradient samples, SW3 and SW5, did not display this trend.
- At SW6 concentrations were elevated, due to its location in the leachate collection sump of stage 1 of the landfill. However, the water will be contained within the collection sump until it is transferred to the evaporation ponds during the summer months or will be recycled onto the landfill.
- Testing was undertaken to assess the quality of surface water and groundwater flowing onto, and discharging from the site. The results of the May 2002 monitoring indicate no significant change for any elevated concentrations of analytes detected. Therefore based on the results of the monitoring, it would indicate that the landfill operations are not impacting on the quality of surface or groundwater at the site.
- Concentrations of all analytes in the two private bores were either less than the laboratory detection limit or were below the Department of Environmental and Water Catchment Protection (2001) Drinking Water (Health) Guidelines. Therefore it indicates that the operations at the landfill site are not impacting on the private groundwater bores.

#### E008.8/10/02 DONNYBROOK WOODCHIP PROJECT (A0636)

A report and recommendations of the Environmental Protection Authority have been received in relation to a woodchip project. WA Plantation Resources propose to develop a 1 million tonnes per annum capacity woodchip mill approximately 6km south east of Donnybrook.

Logs for the woodchips would be sourced primarily from blue-gum (*Eucalyptus globules*) plantations established on private land within a radius of about 150km from Donnybrook. Logs would be transported by truck to the mill site off the South Western Highway at Preston adjacent to the Manjimup-Bunbury Railway line. Following chipping and sorting, woodchips will be railed to the existing woodchip export facility at the Bunbury Inner Harbour.

The Environmental Protection Authority (EPA) has concluded that the proposal is capable of being managed in an environmentally acceptable manner as long as there is satisfactory implementation by the proponent of the recommended conditions.

Matters addressed in the conditions include the following:

- The proponent would be required to prepare a Traffic Management Plan in consultation with, and to the satisfaction of, Main Road WA prior to implementing the project;
- The proponent would be required to conduct further noise modeling to confirm compliance with the EPA's Criteria for noise from road transport; and,
- The proponent would be required to develop a Traffic Noise Monitoring and Management Plan prior to implementation of the project.

Details of the proposal and conditions are available in the full report a copy of which has been placed in the new *Industrial Reports and Proposals* section within the Mundijong library.

### **Officer Recommended Resolution**

The Information Report to 7 October 2002 be received.

### **CRE008 Committee Recommended Resolution**

Moved Cr seconded Cr that

1. The Information Report to 7 October 2002 be received.
2. Council enter into negotiations with the proprietors of the Cardup Landfill site to establish a small wetland below the Cardup Landfill site stocked with crustaceans and native fish that creates an opportunity for regular monitoring of water quality.

CARRIED /

Note: The Officer Recommended Resolution was altered by the addition of part 2, in recognition of commitments made by WA Landfill Services during a recent site visit by Councillors.

### **COUNCIL DECISION**

Moved Cr Hoyer seconded Cr Price that

1. The Information Report to 7 October 2002 be received.
2. Council enter into negotiations with the proprietors of the Cardup Landfill site to establish a small wetland below the Cardup Landfill site stocked with crustaceans and native fish that creates an opportunity for regular monitoring of water quality.
3. Council encourage WA Landfill to hold a public meeting with Serpentine Jarrahdale residents to inform the community on landfill operations.

CARRIED 10/0

Note: Council changed the Committee Recommendation to refer to concerns raised at a recent site visit prior to receiving their annual report.

P163/10/02 FINAL ADOPTION OF REVISED LOCAL PLANNING POLICY NO. 2 SUBDIVISION WITHIN THE BYFORD STRUCTURE PLAN AREA (A0975)		
Proponent	Shire of Serpentine-Jarrahdale	<b>In Brief</b>  Council to finally adopt revisions to Local Planning Policy No.2 – Subdivision Within the Byford Structure Plan Area following consideration of submissions made during advertising.
Officer	Andrew Watson – Director Sustainable Development	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously	P152/06/01, P149/09/02	
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

### **Background**

At its meeting of 16<sup>th</sup> September 2002 Council's Environment Planning and Development Committee, under delegated authority of Council, adopted draft Local Planning Policy No. 12 - Requirements for Detailed Area Plans for public advertising.

The draft local planning policy was advertised for twenty one (21) days in accordance with the provisions of Part IX of Town Planning Scheme No. 2.

### **Comments**

No submissions were received during the exhibition period.

### Concluding Remarks

Revised Local Planning Policy No.2 – Subdivision Within the Byford Structure Plan Area appears as part of the Officer Recommended Resolution.

### Sustainability Statement

*Does the proposal/issue enhance the environment (built and natural) or minimise environmental damage through best practice in its field?*

The purpose of the Urban Development zone is to provide for the orderly planning of large areas of land in a locally integrated manner and within a regional context, whilst retaining flexibility to review planning with changing circumstances. The zone will allow for the following:

- (a) Development of functional communities consistent with orderly and proper planning and the establishment and maintenance of an appropriate level of amenity;
- (b) Variety in the range of lot sizes and dwelling types within communities, consistent with a cohesive and attractively built environment;
- (c) Provision of retail, commercial, industrial and mixed use facilities to service the needs of residents within the communities, and integration of these facilities with social and recreational services, so as to maximise convenience;
- (d) Provision of retail, commercial, business, park and industrial facilities to provide local employment opportunities;
- (e) Provision of open space and recreation networks, appropriate community services, school sites and other recreational facilities;
- (f) Establishment of multiple use corridors for drainage, nutrient control and recreational purposes, in association with the development of communities based on the principles of water sensitive urban design;
- (g) Optimisation of convenience in respect of rail, road, cycleway and other transportation means, to and within the communities;

The above components will be facilitated by means of:

- (a) Establishment of Structure Plans to ensure that development takes place in conformity with those Plans;
- (b) Establishment of a mechanism to coordinate the provision of infrastructure for subdivision and development to and within the communities;
- (c) Establishment of an equitable method for the distribution, between owners within area, of the costs of nominated infrastructure components required for subdivision and development of the areas into communities; and
- (d) Provision of administrative procedures to ensure the expedient and successful execution of the above matters.

*Does the proposal/issue minimise resource use, eg. Energy, land, water, soil, compared to traditional development approaches?*

The Byford Structure Plan is based on the Liveable Neighbourhoods Community Code and has been adapted for local circumstances. Liveable Neighbourhoods is essentially a New Urbanist approach to urban development. Many commentators describe New Urbanism as reflecting only moderate sustainability. This is because New Urbanism does not address

issues fundamental to the sustainability of cities such as transport demand management (and other behavioural issues) and nor does it address minimisation of materials and energy usage. The Byford Structure Plan does, however, represent an improvement in urban sustainability compared to traditional suburban development.

*Does the proposal/issue use locally available or produced resources?*

This issue is not discussed in planning work to date. Given that many of the resource inputs to urban development are what are described as basic raw materials, and being materials which have a low value but relatively high transport cost component, it would be anticipated that many such material inputs will be sourced from as close to the Structure Plan area as possible.

*Will the proposal/issue be economically viable in a way that incorporates its external costs?*

The external costs of land development include such things as road accident costs, air pollution, noise pollution and travelling time costs. The indirect costs of land development include such things as emergency services, general municipal services and social services such as health and education. There is relatively strong evidence that development in inner and middle areas of a city generates lower external and indirect costs than development in outer areas. This is largely a result of higher population densities, availability of existing infrastructure and the contiguous nature of development. The *Future Perth* project makes the following comments about the cost subsidisation of urban development:

*“Most Australian cities exist within a strong development culture which presses for expansion of urban areas on a subsidized basis. This practice does not allow for the internalisation of environmental and social costs into property prices and values and, accordingly, these costs must be borne by the community.”*

*Is the proposal/issue designed to be socially and environmentally responsible through building up the community and enabling full participation in its implementation?*

Urban development at Byford is still in the planning stage. There has been significant community consultation through the 1994 Green Towns Study and preparation of the Draft Byford Structure Plan itself. To a lesser extent opportunity for community consultation was also provided when Amendment No. 69 to Town Planning Scheme No. 2 was prepared and prior to this when alterations to the Metropolitan Region Scheme were put in place in 1996 for the Byford and Mundijong urban cells. Going forward, the community of Byford will be given the opportunity to participate in the preparation of a Detailed Area Plan for the existing Byford town site. For the proposed greenfield's components of the Byford Structure Plan, enabling full participation in its implementation is more problematic because the future community of Byford (west of the highway) haven't yet made the decision to live in the area.

*Does the proposal/issue disadvantage any social groups?*

Planning for Byford as represented by work carried out to date does not inherently disadvantage any social group.

Two of the stated purposes of the Urban Development zone are to allow for:

- Variety in the range of lot sizes and dwelling types within communities, consistent with a cohesive and attractively built environment;
- Provision of open space and recreation networks, appropriate community services, school sites and other recreational facilities;

These requirements inherently provide for opportunities for minority groups not necessarily provided within the existing town of Byford. Given that the Byford Structure Plan covers a



substantial development area, and the level of the plan detail is therefore necessarily broad, it is anticipated that detailed area plans and a suite of Council policies that necessarily accompany urban development will impact on this issue.

*Does the proposal/issue create long term employment or economic benefit to current and future residents of the shire?*

Two of the stated purposes of the Urban Development zone are to allow for:

- Provision of retail, commercial, industrial and mixed use facilities to service the needs of residents within the communities, and integration of these facilities with social and recreational services, so as to maximise convenience; and
- Provision of retail, commercial, business park and industrial facilities to provide local employment opportunities.

The Byford Structure Plan addresses these issues in accordance with current policy and practice. It is not anticipated that a substantial reduction in journeys to work outside the Shire will result from implementation of the Byford Structure Plan.

**Statutory Environment:** Town Planning and Development Act 1928 (as amended)  
Town Planning Scheme No. 2  
Draft Byford Structure Plan

**Policy Implications:** Revision of existing local planning policy.

**Financial Implications:** The preparation of a Detailed Area Plan for the existing Byford townsite is budgeted for the 2002/2003 financial year. An amount of \$30,000 is included within PPP525.

**Strategic Implications:** The specific issue of provision of subdivision within Byford relates to strategy 1.2 of Key Result Area People and Community in Council's Strategic Plan, which is:

*“Plan and develop towns based on compatible mixed uses, local employment opportunities, and walkable neighbourhoods clustered in order to minimise car dependency.”*

**Community Consultation:** Town Planning Scheme No. 2 provides the following process for consultation in the adoption of a local planning policy:

A Local Planning Policy shall become operative only after the following procedures have been completed:-

- a) The Council having prepared and adopted a draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected, the subject and nature of the Policy and in what form and during what period (being not less than 21 days) submissions may be made.*
- b) The Council shall review the draft Policy in the light of any submissions made and shall then*

*resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.*

- c) *Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.*
- d) *Where, in the opinion of the Council, the provisions of any Policy affects the interests of the WA Planning Commission, a copy of the policy shall be forwarded to the Commission*
- e) *The Council shall keep copies of any Policy with the Scheme documents for public inspection during normal office hours.*
- f) *Any amendment or addition to a Policy shall follow the procedures set out in a) to d) above.*

**Voting Requirements:**

Normal

**CRP163 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Needham seconded Cr Price that

- A. Council, pursuant to Part 9 of the Shire of Serpentine-Jarrahdale Town Planning Scheme No.2 resolves to adopt revised Local Planning Policy No.2 – Subdivision Within the Byford Structure Plan Area without alterations as follows in accordance with clause 9.3 (b) of Town Planning Scheme No. 2:

**LPP2 SUBDIVISION WITHIN THE BYFORD STRUCTURE PLAN AREA (A0975)**

Adopted 18 June 2001

Revised (Date to be inserted)

**Policy Objective**

To outline Council's position on subdivision within the Byford Structure Plan Area.

**Background**

**Subdivision/Amalgamation Referrals**

The Western Australian Planning Commission is the consent authority for subdivision/amalgamation applications. Section 24 of the *Town Planning and Development Act 1928* (as amended) (the Act) provides the Commission with the discretion to refer applications for subdivision/amalgamation to any local authority, Government Department or public body where the Commission is of the view that the application will have an impact on the powers or functions of that authority, department or body.

**Town Planning Scheme No. 2**

Clause 5.18.1.1 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 provides:

*5.18.1.1 The local government requires a Structure Plan for a Development Area, or for any particular part or parts of a Development Area, before recommending subdivision or approving development of land within the Development Area.*

This clause has the effect of prohibiting Council from dealing with referrals of subdivision/amalgamation from the WA Planning Commission for land within the Urban Development zone. Council is obliged to recommend to the Commission that such applications be refused until such time as a Structure Plan is approved.

#### Draft Byford Structure Plan

At its meeting of 22<sup>nd</sup> January 2001 Council adopted the proposed Byford Structure Plan for referral to the WA Planning Commission for final approval.

On 18<sup>th</sup> July 2001 Council was advised that the Planning Commission had, subject to a number of changes, adopted the proposed Byford Structure Plan as a “draft”. In terms of the process set down in Town Planning Scheme No. 2 for the approval of a structure plan, there is no such thing as approval of a “draft” structure plan. The Planning Commission has simply given an indication, albeit a very clear one, that they will approve the proposed Byford Structure Plan, but with some significant changes.

The most significant criteria for finalisation of the Draft Byford Structure Plan is consideration, by Council and the Commission, “of matters arising from finalisation of the Byford Urban Water Management Strategy”.

#### Byford Urban Water Management Strategy

Council has appointed PPK Infrastructure and Environmental to prepare an urban water management strategy for the Byford urban development area. This is in recognition of the significant constraint drainage is likely to have on development across the whole Byford urban area. The nature of the drainage issue, which relates to the nature of the site, requires an integrated solution across the whole area, rather than being left to subdividers to deal with on a subdivision by subdivision basis.

#### Detailed Area Plans

Clause 5.18.5.1(a) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 provides:

- “5.18.5.1(a) (i)            *The local government or the Commission may, by notice in writing, require a person to prepare and submit to the local government a detailed area plan within the time specified in the notice.*
- (ii)                    *A person may prepare and submit to the local government a detailed area plan.”*

Clause 5.18.5.1 goes on to establish the requirements for Detailed Area Plans.

The Draft Byford Structure Plan recognises the importance of preparing detailed area plans to “enhance, elaborate and expand on the details or provisions contained in a Structure Plan”. In this respect the Draft Byford Structure Plan goes on to state:

*“Given that the Byford Structure Plan covers a substantial development area, and the level of the plan detail is therefore necessarily broad, Council under most circumstances will require the preparation of a detailed Area Plan for each precinct, prior to considering any subdivision or development proposals.”*

Local Planning Policy No.2 – Subdivision Within the Byford Structure Plan Area, as adopted on 18<sup>th</sup> June 2001, enunciates Council’s requirement that a Detailed Area Plan be prepared for any precinct within the Byford Structure Plan Area before Council will consider any subdivision/amalgamation referral.

Preparation of a Detailed Area Plan is the responsibility of landowners within each precinct identified in the Draft Byford Structure Plan. Council however, recognises that given the fragmented ownership within the existing Byford town site, it is unlikely that any landowner/owners will obtain sufficient benefit to warrant preparation of a Detailed Area Plan. Consequently, Council has budgeted to prepare a Detailed Area Plan for the existing Byford town site in the 2002/2003 financial year.

The WA Planning Commission has supported Council's view that detailed area plans are required prior to subdivision in Byford (including the existing town site) in making the following comments in relation to a revised subdivision plan within the Structure Plan Area (WAPC115582):

*".....additional detailed studies and arrangements for service infrastructure will be put in place once the draft Byford Structure plan has been finalised. Any further more intensive subdivision will require connection to reticulated sewerage, consistency with detailed area plans, and contributions for infrastructure as required for each particular Precinct identified by the Structure Plan."*

### **The Policy**

1. Clause 5.18.1.1 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 requires that a Structure Plan be finalised for the Byford Urban Development Area prior to recommending subdivision/amalgamation applications in response to referrals from the WA Planning Commission.
2. Council will not recommend support to the WA Planning Commission for any subdivision proposal within the Byford Structure Plan area unless a Detailed Area Plan has been prepared for the particular precinct identified by the Byford Structure Plan in which the land the subject of a subdivision/amalgamation referral is located.
3. The Draft Byford Structure Plan includes a number of areas identified as "Rural Residential". This Policy does not apply to an area identified as "Rural Residential" in the Draft Byford Structure Plan provided that a planning scheme amendment has been progressed in respect of such land to remove it from the Urban Development zone and consequently, the Byford Structure Plan Area.

Attachment 1 shows the Byford Structure Plan Area (To be inserted).

Attachment 2 shows the proposed precincts within the Byford Structure Plan (subject to finalisation of drainage catchments as part of the Byford Urban Water Management Strategy) (To be inserted).

- B. Council, in accordance with clause 9.3 (d) of Town Planning Scheme No. 2 refers a copy of revised Local Planning Policy No.2 – Subdivision Within the Byford Structure Plan Area to the WA Planning Commission.

CARRIED 10/0

P164/10/02 PROPOSED REVISED SUBDIVISION PLAN – PT LOT 118 SOUTH CRESCENT, BYFORD (S119482)		
Proponent	Dykstra & Associates	<b>In Brief</b>  Council to consider a revised proposal to subdivide the above lot into two (2) allotments.  It is recommended that the application be refused for reasons explained herein.
Officer	David Spencer – Senior Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	10 September 2002	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

Owner: B Bosma  
 Owner's Address: 142 Evelyn Street, Mundijong  
 Applicant: Dykstra & Associates  
 Applicant's Address: Unit 6, 2954 Albany Highway, Kelmscott  
 Date of Receipt: 30 August 2002  
 Advertised: Not applicable  
 Submissions: Not applicable  
 Lot Area: 2568m<sup>2</sup>  
 L.A Zoning: Urban Development  
 MRS Zoning: Urban  
 Byford Structure Plan: Residential (R20)  
 Rural Strategy Policy Area: Not applicable  
 Rural Strategy Overlay: Not applicable  
 Municipal Inventory: Not applicable  
 Townscape/  
 Heritage Precinct: Not applicable  
 Bush Forever: Not applicable  
 Date of Inspection: 9 September 2002

### **Background**

The Shire's Development Control Unit (DCU) previously considered an application to subdivide Pt Lot 118 South Crescent, Byford, into three (3) allotments, at its meeting held 18 July 2002 where it was resolved to refuse the proposal for the following reasons:

1. Approval of the subject lot would set an undesirable precedent for the further subdivision of surrounding lots.
2. The subject and surrounding land requires comprehensive planning in accordance with the requirements of the Shire of Serpentine-Jarrahdale Town Planning Scheme No.2 via an approved structure plan and approval to the subdivision would be premature and may prejudice the overall planning for the area.

The proponent has provided the following additional information in support of the revised proposal:

*"... as the Byford Structure Plan has not been adopted, and may in fact be some time away from final adoption, this revised plan envisages subdivision into two lots, which complies with the current "Urban Development" zoning of the property under the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2. Under this zoning, where no residential density code area is depicted on the Scheme Map, residential development shall typically be in accordance with the R10 density code, which allows for subdivision to a minimum lot size of 1000m<sup>2</sup>.*

*The enclosed revised plan of subdivision does not compromise any future structure planning or detailed area planning of the precinct and in fact, is designed in such a way as to allow further logical subdivision in accordance with the Byford Structure Plan when it is adopted in the future.”*

**A copy of the revised plan of subdivision is with the attachments marked P164.1/10/02.**

### **Comments**

#### **Town Planning Scheme No.2 (TPS 2) Requirements**

The subject land is zoned ‘Urban Development’ under Council’s TPS 2. As such, Clause 5.18.1.1 states the following:

*“The local government requires a Structure Plan for a Development Area, or for any particular part or parts of a Development Area, before recommending subdivision or approving development of land within the Development Area.”*

The WA Planning Commission has not finally endorsed the Draft Byford Structure Plan. A Detailed Area Plan has also not been submitted for the locality. In accordance with this Scheme requirement it is therefore recommended that Council not support the proposed subdivision until the Structure Plan has been finally adopted.

#### **Revised Local Planning Policy 2 - Subdivision Within the Draft Byford Structure Plan Area**

*“Where Council receives a referral from the Western Australian Planning Commission or a request from developers or owners of a property within the Byford Structure Plan Area for subdivision within the Byford Structure Plan Area the following shall apply:*

- 1. The Council will not consider any application for subdivision in the Byford Structure Plan area unless a Detailed Area Plan is carried out for the precinct(s) that the subject lot falls within”.*

#### **Draft Byford Urban Stormwater Management Strategy**

The subject land lies within Catchment 3F3 of the Byford Urban Stormwater Management Strategy. The strategy makes the following comment in regards to the applicable catchment area:

*“Development unlikely to occur to density described in Structure Plan, therefore basin not required”.*

This statement is rather speculative and as the Strategy is yet to be finalised, some changes are probable. It is therefore recommended that the Strategy and Draft Byford Structure Plan be finalised by the Council and the WAPC before recommending support for any subdivision proposals.

#### **WA Planning Commission Development Control 2.3 (3.6) – Development of Public Open Space**

The Byford Structure Plan has not yet been finalised and as such, issues such as public open space provision have yet to be finalised.

### **Conclusion**

In view of the above, it is recommended that Council advise the WA Planning Commission that it does not support a revised subdivision application for Pt Lot 118 South Crescent, Byford, for the following reasons:

1. Approval of the subject lot would set an undesirable precedent for the further subdivision of surrounding lots; and
2. The subject and surrounding land requires comprehensive planning in accordance with the requirements of the Shire of Serpentine-Jarrahdale Town Planning Scheme No.2 via an approved structure plan and approval to the subdivision would be premature and may prejudice the overall planning for the area.

### **Sustainability Statement**

*Does the proposal/issue enhance the environment (built and natural) or minimise environmental damage through best practice in its field?*

The proposal seeks to retain the existing residence. The proposed subdivision is considered to be minor in nature and for this reason is unlikely to impact upon the environment in terms of environmental damage.

*Does the proposal/issue minimise resource use, eg. Energy, land, water, soil, compared to traditional development approaches?*

Not relevant to the subdivision proposal.

*Does the proposal/issue use locally available or produced resources?*

Not relevant to the subdivision proposal.

*Will the proposal/issue be economically viable in a way that incorporates its external costs?*

There will be a requirement for the subdivider to pay common infrastructure costs.

*Is the proposal/issue designed to be socially and environmentally responsible through building up the community and enabling full participation in its implementation?*

The proposed subdivision is premature in that structure planning for the Byford Urban Development area has yet to be completed.

*Does the proposal/issue disadvantage any social groups?*

If subdivision proposal is supported by the WA Planning Commission this may lead to a precedent being set for further subdivision of the Byford Urban Development zone.

*Does the proposal/issue create long term employment or economic benefit to current and future residents of the shire?*

Not relevant to the subdivision proposal.

### **Statutory Environment:**

Town Planning and Development Act 1928  
Town Planning Scheme No. 2  
Scheme Amendment No. 69  
Draft Byford Structure Plan

### **Policy Implications:**

Local Planning Policy No. 2

### **Financial Implications:**

Developer contributions for common infrastructure will be required to be made to Council if subdivision is approved by the WA Planning Commission.

### **Strategic Implications:**

Further fragmentation of lots within this locality is not supported until the Byford Structure Plan is finalised.

**Community Consultation:** Community consultation as a result of this application is not required.

**Voting Requirements:** Normal

**Officer Recommended Resolution**

Council advises the WA Planning Commission that it does not support a revised application dated 28 August 2002 for the subdivision of Pt Lot 118 South Crescent, Byford, for the following reasons:

1. Council is constrained by Clause 5.18.1.1 of Council's Town Planning Scheme No. 2 in which a Structure Plan for a Development Area is required before Council can recommend subdivision of land within the Development Area.
2. Subdivision of the subject land is premature until planning issues (including agreement to an overall road pattern, the allocation of land for recreation and other public uses, provision of essential infrastructure such as drainage and effluent disposal and equitable arrangements for developer contributions) are resolved, via a suitable structure plan for the development of Byford town site.
3. Proposed subdivision of the subject land would create an undesirable precedent for the further subdivision of the undeveloped superblocks in the immediate area, which is not appropriate in the absence of structure planning referred to above.
4. Common Infrastructure costings have yet to be determined by Council for the Byford Structure Plan area.

**CRP164 Committee Recommended Resolution**

A. Council advises the WA Planning Commission that it does not support a revised application dated 28 August 2002 for the subdivision of Pt Lot 118 South Crescent, Byford, for the following reason:

1. Council is constrained by Clause 5.18.1.1. of Council's Town Planning Scheme No. 2 in which a Structure Plan for a Development Area is required before Council can recommend subdivision of land within the Development Area.

B. The WA Planning Commission is advised that with respect to the application to subdivide Pt Lot 118 South Crescent, Byford in accordance with a revised application dated 28 August 2002:

1. It is not considered that subdivision of the subject land will adversely affect agreement to an overall road pattern, the allocation of land for recreation and other public uses or provision of essential infrastructure such as effluent disposal as the surrounding area is predominantly developed and the subject land is connected to reticulated sewerage.
2. It is not considered that subdivision of the subject land would create an undesirable precedent for the further subdivision of the undeveloped superblocks in the immediate area as the surrounding area is predominantly developed and / or not connected to reticulated sewerage.
3. Common infrastructure costings have yet to be determined by Council for the Byford Structure Plan area and equitable arrangements for developer contributions are still to be resolved, via a suitable structure plan for the development of the Byford town site and the completion of the Byford Urban Storm Water Strategy. In the event of an approval prior to the creation of a Development Contribution Plan the Owner must make other arrangements satisfactory to the Council with respect to the Owner's contribution towards the provision of Infrastructure in the Development Contribution area.



Note: The Officer Recommended Resolution was altered to reflect the conditions under which Council would be prepared to see the subdivision proceed.

### **COUNCIL DECISION**

Moved Cr Richards seconded Cr Scott

Council advises the WA Planning Commission that it does not support a revised application dated 28 August 2002 for the subdivision of Pt Lot 118 South Crescent, Byford, for the following reasons:

1. Council is constrained by Clause 5.18.1.1 of Council's Town Planning Scheme No. 2 in which a Structure Plan for a Development Area is required before Council can recommend subdivision of land within the Development Area.
2. Subdivision of the subject land is premature until planning issues (including agreement to an overall road pattern, the allocation of land for recreation and other public uses, provision of essential infrastructure such as drainage and effluent disposal and equitable arrangements for developer contributions) are resolved, via a suitable structure plan for the development of Byford town site.
3. Proposed subdivision of the subject land would create an undesirable precedent for the further subdivision of the undeveloped superblocks in the immediate area, which is not appropriate in the absence of structure planning referred to above.
4. Common Infrastructure costings have yet to be determined by Council for the Byford Structure Plan area.

CARRIED 8/2

Note: The Committee Recommendation was changed because Council detailed area plan is most important and this will be substantially completed this financial year.

P156/10/02 RETROSPECTIVE AND PROSPECTIVE PLANNING APPROVAL - PROPOSED PLANTING OF PAULOWNIA TREES – LOT 506 CRADDON ROAD, OAKFORD (P01795)		
Proponent	R T & M K Depiazzi	<b>In Brief</b>  It is recommended that retrospective and prospective planning approval be granted for the planting of Paulownia trees on Lot 506 Craddon Road, Oakford subject to conditions.
Officer	Michael Davis – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	24 September 2002	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

Owner:	R T & M K Depiazzi
Owner's Address:	48 Craddon Road, Oakford
Applicant:	R T & M K Depiazzi
Applicant's Address:	48 Craddon Road, Oakford
Date of Receipt:	21 <sup>st</sup> May 2002
Advertised:	Application referred to adjoining landowners
Submissions:	Nil
Lot Area:	2.5128 ha.
L.A Zoning:	Special Rural
MRS Zoning:	Rural
Byford Structure Plan:	Not applicable
Rural Strategy Policy Area:	Rural Living B
Rural Strategy Overlay:	Not applicable
Municipal Inventory:	Not applicable
Townscape/Heritage Precinct:	Not applicable
Bush Forever:	Nil

Date of Inspection: 18 June 2002

### **Background**

Council to consider an application for the planting of Paulownia trees and retrospective approval for existing Paulownia Trees on Lot 506 Craddon Road, Oakford. It is recommended that the application be conditionally approved.

The Paulownia tree is a deciduous tree. The tree is renowned for its ability to grow quickly and establish a thick canopy of leaves within a short period. Due to this, the tree with leaves as large as a metre wide is considered an invasive weed outside its native country - China ([www.paulownia.org](http://www.paulownia.org)). The plant is highly prized for its easily worked wood.

***A copy of the Plans is with the attachments marked P156.1/10/02.***

### **Comments**

#### **Proposal**

The application seeks retrospective planning approval for an existing area of Paulownia Trees, which covers a total area of 3360 m<sup>2</sup> (80m X 42m) as well as additional planting which is proposed to cover an area of 1050 m<sup>2</sup> (50m X 21m).

#### **Town Planning Scheme No.2**

The subject land is zoned 'Special Rural' under Council's Scheme. The planting of plantation trees is considered a 'Use Not Listed' under Council's Town Planning Scheme No.2 and therefore requires the specific approval of Council. It is considered that the use of the land for the planting of Paulownia Trees will be consistent with the objectives of the 'Special Rural' Zone.

The application for the planting of plantation trees is retrospective, as the planting has already occurred.

#### **Retrospective Planning Approval**

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

*8.2 Development which was unlawfully commenced shall not be rendered lawful by the occurrence of any subsequent event except the granting of planning approval and the continuation of the development unlawfully commenced shall be deemed to be lawful development upon the granting of planning approval.”*

It is recommended that retrospective planning approval be issued for the planting of Paulownia trees in accordance with clause 8.1 of Council's Scheme.

#### **Rural Strategy - Rural Living B**

The subject land is located within the Rural Living B Policy Area of the Shire's Rural Strategy.

The relevant policy objective of the Rural Living B Policy Area is identified below:

*“To provide for the enhancement of landscape and natural values, and to establish managed areas within developments that may perform such roles as:*

- *buffers between rural and urban areas;*

- *nutrient removal from urban runoff;*
- *vegetation establishment and management;*
- *integrating vegetation networks (i.e. fauna movement corridors);*
- *reduction of surface stormwater flows from urban areas.”*

The proposed planting of Paulownia trees is consistent with the above objectives of the Rural Living B Policy Area.

#### Existing vegetation

A large portion of the block is cleared of native vegetation. However, there is some existing remnant native vegetation towards the back of the block. It is recommended that no clearing of the existing vegetation occur as a result of any additional planting of Paulownia trees.

#### Statement of Planning Policy No.2 (SPP No.2)

The planting of Paulownia trees falls under the definition of ‘Intensive Agriculture’ within the context of SPP No.2. The following policy provision of SPP No.2 applies to the subject proposal:

*“5.3 Land used for intensive agriculture, which is likely to drain towards the Peel-Harvey Estuarine System shall be managed to reduce or eliminate nutrient export from the land”.*

It is recommended that a condition of approval require the proponent to prepare and submit a Nutrient Management Plan that details how nutrient input will be managed.

#### Community and Government Consultation

Two residents contacted the Shire via telephone communication in response to Council’s referral letter stating that they have no objections to the planting of the trees.

The Water and Rivers Commission provided the following comments in respect of the subject application:

*“The Water and Rivers Commission (WRC) has assessed the above proposal and advises that while no objections are raised, the following advice is provided:*

- 1. The proponent has not provided details regarding nutrient and irrigation requirements for the proposed tree-lot. In the absence of this information, it is not possible to determine the acceptability of the proposal in relation to potential nutrient management issues.*
- 2. The proponent should be required to prepare and implement a Nutrient and Irrigation Management Plan for the proposal, based on WRC guidelines”.*

It is recommended, given the above advice, that a condition of approval will require the proponent to submit and implement a Nutrient and Irrigation Management Plan.

#### Conclusion

The planning application for the planting of Paulownia trees on Lot 506 Craddon Road, Oakford is in part retrospective, as the planting has already occurred. In view of the above rationale, it is recommended that Council grant retrospective and prospective planning approval for the planting of Paulownia trees on the subject land.

### **Sustainability Statement**

*Does the proposal/issue enhance the environment (built and natural) or minimise environmental damage through best practice in its field?*

The planting of Paulownia trees may enhance the visual amenity of the block, however the trees are not native and may spread throughout the area as weeds if not properly controlled. This may have a negative impact on the surrounding native vegetation.

*Does the proposal/issue minimise resource use, eg. Energy, land, water, soil, compared to traditional development approaches?*

The Paulownia plant is generally fast growing and doesn't require significant nutrient input.

*Does the proposal/issue use locally available or produced resources?*

Not applicable to the application for the planting of Paulownia trees.

*Will the proposal/issue be economically viable in a way that incorporates its external costs?*

The proposal for the planting of Paulownia trees will be economically viable in a way that incorporates its external costs.

*Is the proposal/issue designed to be socially and environmentally responsible through building up the community and enabling full participation in its implementation?*

The application has been referred to surrounding landowners for comment. Two (2) 'No Objection' telephone calls were received.

*Does the proposal/issue disadvantage any social groups?*

The application for the planting of Paulownia Trees will not disadvantage any social groups.

*Does the proposal/issue create long term employment or economic benefit to current and future residents of the shire?*

The planting of Paulownia trees will not create long term employment or economic benefit to current and future residents of the Shire.

### **Statutory Environment:**

Town Planning and Development Act 1928, Town Planning Scheme No.2 (Clause 8.1 of Town Planning Scheme No.2 relating to the issue of retrospective planning approval).

### **Policy Implications:**

Statement of Planning Policy No.2

### **Financial Implications:**

There will be no direct financial implications to Council as a result of this application.

### **Strategic Implications:**

This proposal relates to Strategy 2.1 of Key Result Area – Environmental in Councils Strategic Plan, which is:

*“Encourage best practice environmental management”.*

### **Community Consultation:**

Application referred to adjoining landowners. 2 'no objections' received by phone. No written objections were received during the advertising period.

**Voting Requirements:** Normal

**CRP156 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Murphy seconded Cr Richards that

- A. Council, in accordance with Clause 3.2.5(a) of Town Planning Scheme No. 2 determines that the planting of plantation trees is a use consistent with the objectives of the Special Rural Zone.
- B. Council, pursuant to Clause 8.1 of Town Planning Scheme No.2, approves a retrospective and prospective planning application dated the 20<sup>th</sup> May 2002 for the planting of Paulownia trees on Lot 506 Craddon Road, Oakford subject to the following conditions:
  - 1. The growing of Paulownia trees is not to occur outside the area designated on the revised plan for planting dated the 15<sup>th</sup> July 2002. The total area approved for the purposes of planting Paulownia trees shall be limited to 4 410m<sup>2</sup>;
  - 2. Clearing of existing native vegetation is not permitted without separate approval being granted from Council;
  - 3. The proponent shall prepare and implement a Nutrient and Irrigation Management Plan to the satisfaction of Council. The Nutrient and Irrigation Management Plan shall be submitted to Council by the 30 November 2002.

Advice Note:

- 1. Separate approval may be required from the Water and Rivers Commission to obtain a bore licence.

CARRIED 10/0

P157/10/02 PROPOSED SIX NEW POULTRY SHEDS AND DECOMMISSIONING OF SEVEN EXISTING POULTRY SHEDS – LOT 717 BOOMERANG ROAD, OLDBURY (P01542)		<b>In Brief</b>  It is recommended that an application for the expansion of an existing poultry farm on Lot 717 Boomerang Road, Oldbury be conditionally approved.
Proponent	G J Oliver	
Officer	Michael Davis – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	13 <sup>th</sup> June 2002	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

Owner: Henmart Pty Ltd  
 Owner's Address: PO Box 444, North Fremantle  
 Applicant: G.J. Oliver  
 Applicant's Address: 1/21 McCabe Street, North Fremantle  
 Date of Receipt: 22<sup>nd</sup> May 2002  
 Advertised: Application referred to adjoining landowners, Department of Environment, Water and Catchment Protection for comment  
 Submissions: 1 letter of 'Support', 8 letters of 'Objection', 2 letters of 'No Objection and comments from Department of Environment, Water and Catchment Protection were received.  
 Lot Area: 18.5321 ha.  
 L.A Zoning: Rural  
 MRS Zoning: Rural  
 Byford Structure Plan: Not applicable

Rural Strategy Policy Area:	Rural
Rural Strategy Overlay:	Not applicable
Municipal Inventory:	Not applicable
Townscape/Heritage Precinct:	Not applicable
Bush Forever:	Lot contains "Other native vegetation"
Date of Inspection:	25 September 2002

### **Background**

The proponent has provided the following information in support of the application, which has been summarised under sub-headings:

#### **Existing Land Use**

*"Since 1979, the subject land has been used as [a] poultry farm, with operations only scaling down within the past two years in order to prepare for this proposed upgrade".*

#### **Surrounding Land Uses**

*"Adjoining lots are used for a variety of rural pursuits including broadacre rural grazing and bushland occupying land to the north and west. Land to the south is also used for some grazing, but also accommodates some rural residences and a rose garden nursery. Land to the west is used for horse agistment/equestrian uses, tree and lawn farming and farming machinery sales".*

#### **Vegetation**

*"The subject land has been cleared in the past for poultry farm activities. The sites proposed for shed construction and internal roads have been specifically selected due to or no remnant vegetation in these areas. Strategic tree planting has occurred along the road frontage and proposed sheds E and F will be screened by the presence of existing vegetation".*

***A copy of the Aerial Photograph for remnant vegetation location is with the attachments marked P157.1/10/02.***

#### **Servicing**

*"Lot 717 has direct frontage and access to Boomerang Road which connects to King Road and has links to significant regional roads (ie. Thomas and Mundijong Roads) thereby providing the site with major links within the locality and wider region.*

*It is noteworthy that currently, the subject land obtains its access from Boomerang Road from five (5) different entry points...This proposal aims to reduce these entry points from the existing five (5) down to two (2), neither of which would present any adverse impact on nearby dwellings".*

#### **The Proposal**

*"Succinctly, this application proposes the construction of six (6) poultry sheds and the progressive decommissioning of the existing seven (7) sheds. The proposed tunnel ventilated climate controlled sheds can hold approximately 60 000 birds. Three new sheds with a total capacity of 180 000 birds are to be constructed as a first stage with provision for a further three 60 000 bird sheds to allow for future expansion, reflecting the current demand for growing birds which is increasing throughout Western Australia. It is envisaged that two existing poultry sheds will be decommissioned as each new shed is built".*

## Design and Layout

**A copy of the Development Plan is with the attachments marked P157.2/10/02.**

### Building

*“As evidenced from the attached plans, the poultry sheds proposed through this Development Application are the most modern available. These new tunnel ventilated sheds provide optimum performance via control of the internal environment. Further, these proposed 150 x 20 m sheds present minimal external environmental impact in terms of reduced odours and noise.*

**A copy of the Elevation Drawing is with the attachments marked P157.3/10/02.**

### Poultry Farm Activity

*“The operation of the poultry farm will be of the highest standards, as required by Industry Code of Practice. The proposed shed floors will be covered in a deep dry litter of 10 – 15 cms of sawdust or shavings, which will be cleaned out regularly and taken off site. Used litter will not be stored on site and dead birds are to be removed daily (except weekends) by contractors.*

### Landscaping

*“The landowners have previously undertaken tree planting along the road frontage to mitigate any possible visual impact. Further, new vegetation is proposed in the area between Boomerang Road and existing sheds 4, 5 and 6. These vegetation buffers will be enhanced and maintained to ensure adequate visual screening from surrounding land”.*

### Potential Offsite Impacts

#### *“Odour*

*As mentioned...any potential odours will be mitigated by the proposed sheds location more central to the site, as well as the fact that the new sheds will be tunnel ventilated (meaning litter will be kept dry). Four of the sheds will ventilate towards each other within the property...Sheds E and F will ventilate to the east but there is a vegetated buffer area...”*

#### *Noise*

*There are instances where the Local Authority may request a noise assessment of the proposed activity to be provided in support of a development application for a poultry farm. In this particular instance a noise assessment is considered not to be of any benefit for the following reasons: -*

- i) a poultry farm already exists on the property;*
- ii) the replacement poultry sheds are far superior in terms of containing potential noise and will therefore enable decommissioning of the old technology sheds;*
- iii) the replacement sheds comply with all relevant setback requirements under the various policies and codes; and*
- iv) it would be impossible to measure noise from a development that has not yet been undertaken”.*

#### *Dust*

*Any potential dust creation will be accounted for by the use of deep dry litter within the sheds...Internally, trucks will utilise internal service road comprised of limestone which will prevent loose dust being brought into the air.”*

### Nutrient Management

*“The existing poultry farm as well as the proposed new sheds, involve management practices where nutrient run off is contained, with the dry litter being totally removed off site on a regular basis”.*

*“Given that the property is not stocked or grazed, there is no nutrient loss from animals on the land (as would be the case for adjoining land). Silt traps will also be installed to contain wash-down water and thereby ensure that no nutrients enter the ground”.*

### Impact on Water Resources

*“The existing poultry farm has a licence to draw groundwater from existing bores on the property. Any additional water required to service the new sheds will be subject to the limits under the current licence, or may require a revised licence capacity”.*

### Conclusion

*“Careful planning for the proposed development has been implemented to ensure minimal impact while at the same time allowing for the efficient operation of the farm. In effect on completion, the visual and environmental impact will be considerably less than the existing facility. This will be achieved by siting the farm further away from the boundaries to make use of the slope of the land to create a natural buffer and the use of low visual impact materials in construction. Revegetation to enhance the natural landscape and also increase screening, will further complement the site.*

*The proposed development will result in a model showcase farm using world class leading edge technology and will significantly represent the poultry industry in the Serpentine Jarrahdale Shire.”*

### Comments

#### Town Planning Scheme No.2

The subject land is located within the ‘Rural’ Zone under Council’s Town Planning Scheme No.2. The Scheme states the following in respect to the ‘Rural’ Zone:

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

A Poultry Farm is an “AA” Use in the Rural Zone. Council may permit the use at its discretion.

#### Rural Strategy

The subject land is located within the Rural Policy Area under the Shire’s Rural Strategy. The following policy objectives relate to the use of the land:

*“R 1. To retain and maintain the productive capacity of land and agricultural enterprise in close proximity to Perth and its markets;*

*R 2. To encourage, provide opportunities for, and control over, a mosaic of productive agricultural land uses”.*

The proposed extension to the poultry farm would comply with the objectives of the Rural Policy Area.

#### Rural Strategy Review

The Rural Strategy Review mentions the following in regard to Poultry Farms:



*“Council acknowledges the importance of an economically viable agricultural sector based on the principles of sustainable development. Council also recognises the poultry industry plays an important role in the maintenance of economically viable agricultural sector.”*

*“Proposed poultry farms outside the preferred area for future poultry farms would be considered on their merits, in accordance with the Poultry Farms Statement of Planning Policy, the Poultry Policy Overlay to be developed on the basis of these requirements, and the existing provisions of Council’s Rural Strategy (incl. Planning Guidelines for Nutrient Management).”*

*“All applications for poultry development to be accompanied by a noise modelling assessment report and include any noise attenuation measures recommended in such report.”*

A noise modelling report has not been submitted to Council with the subject application. The applicant has addressed this issue above under the heading of “Potential Offsite Impacts”. It is acknowledged that the poultry farm is currently not running and therefore a Noise Modelling Report cannot be produced. It is recommended a Noise Modelling Report be requested as a condition of approval.

#### Statement of Planning Policy No.5 (SPP No.5)

The primary objectives of the policy are:

- *“to ensure that new poultry farms are established in location suitable to their operational requirements;*
- *to minimise the impact of poultry farms on residential, rural-residential and other potentially incompatible uses;*
- *to protect the interests of existing poultry farms in the face of encroaching development;*  
*and*
- *to encourage the relocation of poultry farms on land required for residential or rural-residential development”.*

*“Applications to expand existing poultry farms located in a rural zone which is not identified for short or medium-term urban or rural-residential development may be permitted.”*

The application is for the expansion of a poultry farm located on rural land not identified for future urban or rural-residential development.

*“New sheds on an existing poultry farm should be no closer than 100 metres from the poultry farm boundary (unless the nearby land does not contain an existing or proposed use sensitive to poultry farm operations, in which case the Commission could require a lesser setback distance). In cases where there is an existing shed located closer than 100 metres from a poultry farm boundary a new shed should generally be located no closer than the existing shed from that boundary. In making its determination the Commission will consider the Environmental Code of Practice: Poultry Industry (Department of Environment Protection).”*

The application proposes new sheds within 100 metres of lot boundaries. The application has subsequently been referred to the WA Planning Commission for separate approval. Proposed new sheds (A-D) would also be located closer than the existing sheds in terms of the northern property boundary, which is 60 metres away. However, it is argued that the use of the land adjoining the northern boundary of the subject land would not be impacted by poultry farm operations, as the adjoining land is primarily used for grazing of animals.

Further, there is an existing residence located more than 100 metres from Proposed Shed B.

The following requirement should also be noted:

*“A sign indicating the type of operation, hours of operation and possibility of undesirable environmental impacts on the surrounding areas should be required as a condition of approval to expand”.*

A condition of approval of this application will require a sign that would satisfy the above requirements.

#### Environmental Protection Authority (EPA) Code of Practice

The EPA requires the following in relation to setback distances for new poultry sheds:

*“Planning authorities should require new poultry sheds to be a minimum distance of:*

- a) 500 metres from an urban residential zone;
- b) 300 metres from a rural residential zone with lots of 4 ha or less;
- c) 100 metres from any single dwelling outside the poultry farm boundaries;
- d) 50 metres from any road frontage; and
- e) 30 metres from any side or rear boundary”.

The application for the proposed six new poultry sheds complies with the above setback requirements.

#### Department of Environmental Protection (DEP) Guidelines

The DEP have guidelines pertaining to the management and operation of poultry farms with particular reference to the management of manure and poultry litter. The document states the following:

*“Farm management should take all practical action in order to maintain litter in a dry friable condition. Such action may include the rotary hoeing of litter in breeder sheds or the covering of litter with fresh litter materials”.*

The following are DEP guidelines for the disposal of dead birds and unhatched eggs:

- A. *Dead birds or chickens should be removed from the sheds or brooders daily.*
- B. *Carcasses and unhatched eggs should be stored in a suitable container until disposal.*
- C. *Carcasses and unhatched eggs should be disposed of by incineration, by rendering at a byproduct plant or by any other procedure approved by the Environmental Protection Authority and the local authority”.*

The applicant has stated that the proposed shed floors will be covered in a deep dry litter, which will be cleaned out regularly and taken off site. Dead birds are proposed to be removed daily (except weekends).

#### Poultry Policy Overlay

The subject land is not located within the preferred area for future poultry farms identified under Council’s Poultry Policy Overlay. The Policy states the following:

*“All applications for poultry development within the Poultry Policy Overlay – Preferred Area for Future Poultry Farms (Plan 1) and/or on lot sizes less than 40 hectares will be determined by Council as “SA” uses under the provisions of Town Planning Scheme No.2”.*

The application has been processed as an “SA” Use and as such the application is required to be referred to surrounding landowners for comment.

### Statement of Planning Policy No.2 (SPP No.2)

SPP No.2 states the following in relation to intensive agriculture:

*“Works approvals and licences will be required from the EPA where the proposal has a wastewater discharge...”*

Consequently the application has been referred to the Department of Environment, Water and Catchment Protection.

### Comments received from Department of Environment, Water and Catchment Protection

The Department of Environment, Water and Catchment Protection has provided the following comments on the proposed development:

*“The subject is within the Peel-Harvey Catchment. This catchment is protected by Statement of Planning Policy No.2 and the draft environmental (Peel Harvey Estuarine System) Policy 1992...The use and development of land within these areas must comply with these policies which provide a set of guiding principles for planning and management of landuse and development within the Peel Inlet and Harvey Estuary”.*

*“The proposal area abuts an area of dampland that is protected under the Environmental Protection (Swan Coastal Plain Lakes) Policy 1992. This policy prohibits the filling, excavation, and mining; discharging or disposal of effluent; alterations to water levels or drainage of water into or out of the lake”.*

*“Considering the environmental significance of the area, nutrient export is of concern at this site. Therefore the Commission recommends that the following conditions be applied to the expansion of the poultry farm operations:*

- *There should be a separation of 50m from the edge of the wetland dependant vegetation and the start of any development;*
- *All poultry sheds, feed stores, sawdust holding areas and waste holding areas should be constructed so that their base is located with a minimum of 1m clearance to the highest water table (Average Annual Maximum Groundwater Level AAMGL);*
- *The floors of the poultry shed should be constructed from materials that make it easy to maintain hygienic conditions within the shed and periodically remove litter from the shed. The floor construction should prevent leaching of contaminants into groundwater. This operation has proposed sealed concrete floors which is acceptable;*
- *All solid wastes (including poultry litter and spilt feed) should be contained in weather-proof conditions until removed from the site for disposal at an approved facility;*
- *Dead birds should not be buried on site. The proposal states that dead birds are removed daily by contractors. This is acceptable;*
- *Shed wash waters should be kept to a minimum. The proposal states that wash-waters will be drained via culverts and disposed of into soakwells. The Commission strongly recommends that these waste waters be disposed of by solar evaporation in a pond with low permeability lining...;*
- *The proposal is located in a proclaimed area under the Rights in Water and Irrigation Act (1914). Licensing in these areas is an option available to the Water and Rivers Commission to manage water required for commercial purposes. A permit is another tool used for managing alterations to a watercourse (this includes dams). The issue of a licence is not guaranteed and the applicant may need to supply additional information on the impacts of the proposal on the environment and other water users. If a licence is issued it will contain a number of conditions including the quantity of water that can be pumped annually”.*

It is recommended that Points 1, 4, 5 and 6 be included as conditions and Point 7 be included as an advice note to the applicant.

### Boomerang Road

Boomerang is currently an unsealed road. Due to the increase in traffic demand that would be created as a result of the poultry farm operations, it is recommended that the applicant be required to contribute 50 percent to the upgrading and sealing of Boomerang Road from King Road to the western most access to the property

### Public Comment

One letter of 'Support', eight letters of 'Objection', two letters of 'No Objection' were received in respect to the proposed extension/upgrade of the existing poultry farm.

The following objections and concerns were raised:

1. The expansion would give rise to increased commercial traffic. This will ruin the road surface quickly. Boomerang Road is not suitable for heavy traffic;
2. The trucks currently come at night. The expansion would mean increased traffic nightly;
3. The existing smell emanating from the poultry farm is bad enough. An increase in poultry numbers would increase the smell impact;
4. Concern that the number of poultry proposed in these new sheds will ultimately be 3 times the current number of 120 000 birds;
5. Concerns with current noise, smell and fly issues;
6. Applicants do not live in the Shire and the profits generated from the business are spent 'elsewhere';
7. Want some assurance that the traffic will be managed and timed to reduce the impact to the area;
8. It is suggested that the trucks enter/exit the property direct from King Road;
9. Concern that the applicant is an absentee landlord and the profits generated from the business would be spent outside the Shire. It is argued that this contributes to "unsustainable development";
10. No specific date is given for the decommissioning of the existing sheds;
11. It is argued that green colourbond would be more appropriate than non-reflective off white colourbond panels;
12. Concerns regarding the discharge of waste water into soak wells will have an impact on ground water in the area;
13. Concern that the proposal will increase the Phosphorus level in the water table;
14. Concerns that the shed ventilation will increase dust and fallout on the surrounding properties.

The above concerns and objections are addressed below:

1. The applicant proposes to reduce the existing 5 exits on Boomerang Road down to two exits. It is also intended the applicant contribute to an upgrading of the road. This will reduce the traffic impact on Boomerang Road arising from the development.
2. The proposal is to decommission the existing sheds and replace those sheds with new sheds. The applicant suggests that the main vehicle movement would occur every 6 weeks. This is not considered unreasonable in a rural zoned area;
3. It is acknowledged that the proposal would allow for an increase in poultry stock numbers, however, the new sheds are designed to limit odour and noise impacts, which would compensate for the increase in activity;
4. The increase of the capacity of the farm from 120 000 birds to a potential capacity 320 000 may have the potential to increase the impact of the farm on the surrounding land. The new climate controlled sheds will minimise the impact. Conditions that require screening and proper management of the farm activities will be placed on the approval in order to provide some control over the potential impacts;
5. The poultry farm operator may be living outside the Shire but the business has the potential to generate employment within the Shire;

6. The applicant proposes to decommission 2 of the existing sheds after each new shed is constructed;
7. It is not considered that off-white colourbond will have a significant impact on surrounded land if the sheds are appropriately screened through conditioning of the approval;
8. Because litter is removed from the site and sheds swept, wash water contains minimal nutrient loads.

It is considered that the above concerns can be adequately addressed through placing appropriate conditions on the approval.

### Environment

The proposed poultry sheds will not involve any significant clearing, if any, of native vegetation on the property. The proponent has proposed and should be required to plant native vegetation in order to screen the proposed poultry sheds. Used litter and dead birds will be removed daily except weekends, and the new environment controlled sheds will minimise any noise and odour impact generated from the poultry farm activities on the subject land.

There will not be any significant nutrient impact on the groundwater as a condition will require wastewater to be directed to a low permeable pond and then be disposed of via evaporation.

### Emergency Management

There are 5 usable entrances/exits to the subject property, which have the potential to provide emergency access to the subject property. The proposed extension to the shed will not have any direct emergency management implications.

### Conclusion

It is believed that the above issues and concerns can be addressed through the appropriate conditioning of the approval. It is recommended that the application for the extension to the proposed poultry farm extension on Lot 717 Boomerang Road, Oldbury be conditionally approved.

### **Sustainability Statement**

*Does the proposal/issue enhance the environment (built and natural) or minimise environmental damage through best practice in its field?*

The proposed development involves the replacement of the existing outdated poultry farm sheds with the new environment controlled sheds, which are in accordance with the Poultry Industry standards of best practice. The applicant has not proposed any additional screening of vegetation and as such a condition of approval will require additional screening to occur.

*Does the proposal/issue minimise resource use, eg. Energy, land, water, soil, compared to traditional development approaches?*

The extension to the poultry farm may require an increase in ground water usage. Any increase in the use of the bore outside current licensing limits, will require an application to the Water and Rivers Commission to extend those limits.

*Does the proposal/issue use locally available or produced resources?*

It is uncertain whether the proposed sheds will be constructed from locally available resources.

*Will the proposal/issue be economically viable in a way that incorporates its external costs?*

The poultry farm has the potential to provide local employment to the Shire. Road upgrade is required to ensure that the road is able to be maintained to a sustainable standard for users. The proposal will be economically viable in a way that incorporates its external costs. However, if the applicant is living outside the Shire and spending outside the Shire, the development could be considered less sustainable.

*Is the proposal/issue designed to be socially and environmentally responsible through building up the community and enabling full participation in its implementation?*

The application was referred to surrounding landowners for comment. Concerns and issues raised by the community are addressed through the appropriate conditioning of the development.

*Does the proposal/issue disadvantage any social groups?*

The application for the extension of the poultry farm does not directly impact on any particular social group.

*Does the proposal/issue create long term employment or economic benefit to current and future residents of the shire?*

The proposal has the potential to generate long term employment within the Shire and also may provide the Shire with an economic benefit, as it is a local business.

**Statutory Environment:**

Town Planning and Development Act 1928, Town Planning Scheme No.2

**Policy Implications:**

Extensions greater than 100 metres square and requires separate determination by the WA Planning Commission as per Statement of Planning Policy No.11, Poultry Policy Overlay, Statement of Planning Policy No.2, Statement of Planning Policy No.5, Draft Environmental (Peel Harvey Estuarine System) Policy 1992

**Financial Implications:**

The extension/upgrade of the poultry farm may increase the revenue produced by the local poultry farm.

In relation to Condition 6 below, Council will require a fifty (50) percent monetary contribution towards the cost of upgrading Boomerang Road. Councils contribution to these works is unbudgeted.

**Strategic Implications:**

This proposal relates to Strategy 1.4 of Key Result Area – People and Community in Council's Strategic Plan, which is:

*“Strengthen community groups and promote meaningful community input into Council decision”.*

And Strategy 2.1, which is:

*“Encourage best practice environmental management”.*

And Strategy 3.5, which is:

*“Support the development of an Enterprise Culture”.*

**Community Consultation:**

Application referred to surrounding landowners, WA Planning Commission and Department of Environment, Water and Catchment Protection for comment.

**Voting Requirements:**

Normal

**Officer Recommended Resolution**

Council approves an application dated the 22 May 2002 and revised plan thereto for the extension of an existing broiler farm subject to the following conditions:

1. A building licence being obtained prior to the commencement of development;
2. There shall be a separation of 50m from the edge of the wetland dependant vegetation and the start of any development;
3. All solid wastes (including poultry litter and spilt feed) should be contained in weather-proof conditions (on a covered hardstand) until removed from the site for disposal at an approved facility;
4. Dead birds should not be buried on site.
5. Shed wash waters should be kept to a minimum. The waste water is to be disposed of by solar evaporation in a pond with low permeability lining;
6. Prior to the issue of a Building Licence the proponent shall pay to the Council a contribution toward the upgrading and bituminous surfacing of Boomerang Road between King Road and the western access to the premises equal to 50% of the estimated cost of investigation, design and construction as determined by Councils Director Asset Services.
7. The applicant shall construct the two proposed access crossings servicing the property with a pavement strength and asphalt surface able to safely accommodate the turning movements of the largest design vehicle intended to access the property.
8. Screening of the eastern and southern boundaries to be in accordance with Council's Landscaping and Revegetation Policy to the satisfaction of Council. Landscaping to be implemented by 30 September 2003 and from thereon suitably maintained to Council's satisfaction;
9. A Noise Modelling Report be submitted to the satisfaction of Council within 90 days of commencement of operation of Stage 1 of the poultry farm. In this respect, written notification is to be provided to Council upon commencement of operations;
10. Notices indicating the type of operation, hours of operation and potential impacts of the poultry farm operation to be displayed adjacent to the usable entrances to the farm in accordance with the Western Australian Planning Commission's Statement of Planning Policy No.5 - Poultry Farms Policy, to the satisfaction of Council;
11. A separate application will need to be submitted for any proposed signage for the poultry farm (except that referred to in condition 10 above);
12. Existing sheds to be decommissioned in accordance with the details provided in the application. All existing poultry sheds are to be removed off-site immediately after demolition of the structures has been completed;
13. A demolition licence being made to Council for the demolition and removal of the existing poultry sheds;
14. All practicable measures being taken to ensure that commercial vehicle transport occurs during daylight hours;
15. An odour profile report to be submitted by the applicant for approval of Council prior to beginning new shed and shed extension operations, which satisfactorily demonstrates through modelling of odour movement that there will be no amplification of adverse odour impact on neighbouring residences with the proposed development. In this respect, written notification is to be provided to Council upon commencement of operations;
16. Provision of a static water supply to the satisfaction of Council's Fire and Emergency Services Officer.

Advice Notes:

1. In relation to Condition 6, Council requires a fifty (50) percent monetary contribution towards the cost of upgrading Boomerang Road.
2. Separate approval may need to be obtained from the Water and Rivers Commission for a bore licence.
3. A works approval or licence may need to be obtained from the Environmental Protection Authority for the poultry farm development.
4. Noxious weeds to be removed in accordance with Council's brochure titled "*Weed It Out*".

**CRP157 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Wigg seconded Cr Simpson that Council approves an application dated the 22 May 2002 and revised plan thereto for the extension of an existing broiler farm subject to the following conditions:

1. A building licence being obtained prior to the commencement of development;
2. There shall be a separation of 50m from the edge of the wetland dependant vegetation and the start of any development;
3. All solid wastes (including poultry litter and spilt feed) should be contained in weather-proof conditions (on a covered hardstand) until removed from the site for disposal at an approved facility;
4. Dead birds should not be buried on site.
5. Shed wash waters should be kept to a minimum. The waste water is to be disposed of by solar evaporation in a pond with low permeability lining;
6. Prior to the issue of a Building Licence the proponent shall pay to the Council a contribution toward the upgrading and bituminous surfacing of Boomerang Road between King Road and the western access to the premises equal to 50% of the estimated cost of investigation, design and construction as determined by Councils Director Asset Services.
7. The applicant shall construct access crossings servicing the property with a pavement strength and asphalt surface able to safely accommodate the turning movements of the largest design vehicle intended to access the property.
8. Screening of the eastern and southern boundaries to be in accordance with Council's Landscaping and Revegetation Policy to the satisfaction of Council. Landscaping to be implemented by 30 September 2003 and from thereon suitably maintained to Council's satisfaction;
9. A noise modeling report to be submitted by the applicant for approval of Council prior to beginning new shed and shed extension operations, which satisfactorily demonstrates through modelling of noise that there will be no amplification of adverse noise impact on neighbouring residences with the proposed development. In this respect, written notification is to be provided to Council upon commencement of operations;
10. Notices indicating the type of operation, hours of operation and potential impacts of the poultry farm operation to be displayed adjacent to the usable entrances to the farm in accordance with the Western Australian Planning Commission's Statement of Planning Policy No.5 - Poultry Farms Policy, to the satisfaction of Council;
11. A separate application will need to be submitted for any proposed signage for the poultry farm (except that referred to in condition 10 above);
12. Existing sheds to be decommissioned in accordance with the details provided in the application. All existing poultry sheds are to be removed off-site immediately after commissioning of sheds 1, 2 and 3;
13. A demolition licence application being made to Council for the demolition and removal of the existing poultry sheds;
14. All practicable measures being taken to ensure that commercial vehicle transport occurs during daylight hours including delivery of feed and collection of birds;
15. An odour profile report to be submitted by the applicant for approval of Council prior to beginning new shed and shed extension operations, which satisfactorily



- demonstrates through modelling of odour movement that there will be no amplification of adverse odour impact on neighbouring residences with the proposed development. In this respect, written notification is to be provided to Council upon commencement of operations;
16. Provision of a static water supply to the satisfaction of Council's Fire and Emergency Services Officer.

Advice Notes:

1. In relation to Condition 6, Council requires a fifty (50) percent monetary contribution towards the cost of upgrading Boomerang Road.
2. Separate approval may need to be obtained from the Water and Rivers Commission for a bore licence.
3. A works approval or licence may need to be obtained from the Environmental Protection Authority for the poultry farm development.
4. Noxious weeds to be removed in accordance with Council's brochure titled "*Weed It Out*".
5. In relation to condition 6, nothing in the condition prohibits further rationalisation of access points in conjunction with construction of an internal loop road to minimise the length of Boomerang Road to be upgraded.
6. By the end of the construction of the third shed, all old sheds must be removed.

CARRIED 10/0

Note: The Officer Recommended Resolution was altered to clarify road upgrading requirements and the timing of removal of existing sheds.

P158/10/02 PROPOSED GREENHOUSE – LOT 7 TUART ROAD, OAKFORD (P00941)		
Proponent	Tony Ierace	<b>In Brief</b> That Council approves an application dated the 9 July 2002 for a Greenhouse on Lot 7 Tuart Road, Oakford subject to conditions.
Officer	Michael Davis – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	10/09/02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

Owner:	Tony Ierace
Owner's Address:	37 Tuart Road, Oakford
Applicant:	Tony Ierace
Applicant's Address:	37 Tuart Road, Oakford
Date of Receipt:	10 July 2002
Advertised:	Application advertised to government agencies and surrounding land owners for comment
Submissions:	2 letters of 'No Objection' received
Lot Area:	4.0519ha
L.A. Zoning:	Rural
MRS Zoning:	Rural
Byford Structure Plan:	Not applicable
Rural Strategy Policy Area:	Rural Policy Area
Rural Strategy Overlay:	Not applicable
Municipal Inventory:	Not applicable
Townscape/Heritage Precinct:	Not applicable
Bush Forever:	Nil
Date of Inspection:	18 September 2002

## **Background**

The proponent has provided the following information in support of the application for a greenhouse on Lot 7 Tuart Road, Oakford.

*“Mr Ierace is planning to develop cucumber production in 6 greenhouses, each measuring 10 m x 27 m, on the above property which is within the Jandakot Water Protection Area. The production method to be used is hydroponics using recirculating nutrient solutions. This means all fertilizers will be completely contained within the greenhouse system, and there will be minimal discharge into the environment”.*

*“We calculate...that the nutrient solution will need to be replaced every 4 weeks in summer and every 6 weeks in winter.*

*The annual fertilizer use for the operation will be around 500 Kg per annum and will consist of high grade mineral salts, mostly calcium nitrate, potassium nitrate, monopotassium phosphate and magnesium sulfate, with smaller amounts of ammonium nitrate, potassium phosphate and trace elements. Because a recirculating hydroponic system will be used, virtually all of this fertilizer will be converted into plant biomass.*

*Periodically water will be discharged to waste from the hydroponic system. The volume of discharge will be approximately 12 m<sup>2</sup> per month during summer, 8 m<sup>2</sup> per month during spring and autumn and 5m<sup>2</sup> per month during winter. The reason for discharge is to remove salt (mostly sodium chloride) from the growing system”.*

*“The proposed method of discharge is to reticulate the waste onto lawns and garden beds surrounding the two houses already on the property. As the lawns and gardens get little other fertilizer, this will provide an effective nutrient scrubbing system.*

*Using this production system, we do not envisage any adverse impacts on the groundwater. The amount of water and fertilizer to be employed is modest and is used with very high efficiency, so compared to conventional vegetable production, the risk of contaminating the external environment is dramatically reduced. We believe a Nutrient and irrigation Management Plan is not appropriate for this type of horticultural development”.*

***A copy of the plans is with the attachments marked P158.1/10/02.***

## **Comments**

### **Town Planning Scheme No.2**

The subject land is zoned ‘Rural’ under Council’s Town Planning Scheme No.2. The objective of the ‘Rural ‘ Zone is identified below.

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

The proposed greenhouse would comply with the intent and objectives of the ‘Rural’ Zone.

### **Rural Strategy**

The subject land is located within the Rural Policy Area of the Shire’s Rural Strategy. The following Rural Policy Objectives relate to the proposed greenhouse:

- “R1. To retain and maintain the productive capacity of land and agricultural enterprise in close proximity to Perth and its markets;*
- R2. To encourage, provide opportunities for, and control over, a mosaic of productive agricultural land uses”.*

The proposed greenhouse would be in accordance with the above policy objectives.

#### Statement of Planning Policy No.2 (SPP No.2)

The subject land is located within the Peel-Harvey Catchments Area. SPP No.2 states the following in respect of intensive agriculture:

*“Generally only land on the foothills of the Darling Scarp or deep yellow Spearwood soils on the Western edge of the catchment have suitable qualities to sustain intensive agriculture apart from such uses which rely on hydroponics and thereby do not result in contamination of groundwater or surface drainage...”*

The application for a greenhouse proposes to use a hydroponic setup, which will limit the potential for the contamination of groundwater and as such may be permitted within the Peel-Harvey Catchment Area.

#### Building Setbacks

The proposed greenhouse will be setback five (5) metres from the side boundary. Council's Building Info Note requires a 10 metre setback distance from the side boundary and a 20 metre setback distance from the front and rear boundary.

The property adjoining the subject land has an existing greenhouse within five metres of the side boundary.

It is recommended that the greenhouse be setback five metres from the side boundary. See Community Consultation section for more information.

#### Wastewater

The wastewater is proposed to be dispensed into a polycarbonate soak well tub. The wastewater will then be spread over the garden area on the lot.

#### Clarification

The proponent suggests that six (6) greenhouses are proposed in the text submitted as a part of the application. However, the applicant has submitted an amended plan which identifies one (1) proposed greenhouse.

As a point of clarification, Council approval of the application would be in accordance with the most recently submitted plan, which proposes only one (1) greenhouse.

#### Community Consultation

Two letters of “No Objection” were received. An adjoining landowner to the subject property sent one of the letters. This land adjoining the subject property has a greenhouse located approximately five metres from the boundary adjoining the subject property.

As a result of the “No Objection”, it is recommended the proposed greenhouse be approved with a five (5) metre setback from the side boundary.

#### Environment

The proposed greenhouse will not involve the clearing of any vegetation. The proposed greenhouse will not involve excessive application of nutrients, so groundwater contamination will be minimal.

### Emergency Management

The proposed greenhouse will not have a direct impact on emergency management or emergency access to the area.

### Sustainability Statement

*Does the proposal/issue enhance the environment (built and natural) or minimise environmental damage through best practice in its field?*

A hydroponic horticultural set up involves significantly less nutrient input than a standard horticulture development. The proposed greenhouse will not involve the clearing of any existing native vegetation. The application for a greenhouse does not propose the planting of native vegetation for screening purposes.

*Does the proposal/issue minimise resource use, eg. Energy, land, water, soil, compared to traditional development approaches?*

The application for a hydroponic horticulture development will minimise nutrient input which may impact on groundwater. A significant amount of water will need to be used for the growing of the vegetables, however, this water will be dispensed into a soak well tub and then spread over the existing garden on the subject land.

*Does the proposal/issue use locally available or produced resources?*

It is uncertain whether the proposed greenhouse will be constructed from locally available resources however, the development itself, if approved, will produce vegetables, which are grown locally.

*Will the proposal/issue be economically viable in a way that incorporates its external costs?*

The proposed greenhouse will be economically viable in a way that incorporates its external costs. The application is for a local business that will generate employment and income within the Shire.

*Is the proposal/issue designed to be socially and environmentally responsible through building up the community and enabling full participation in its implementation?*

The application for a greenhouse has been referred to surrounding landowners for comment in accordance with the provisions of Council's Town Planning Scheme No.2.

*Does the proposal/issue disadvantage any social groups?*

The proposed greenhouse will not disadvantage any social groups.

*Does the proposal/issue create long term employment or economic benefit to current and future residents of the shire?*

The proposed greenhouse will have the opportunity to create long term employment and economic benefit to current and future residents of the Shire.

### Statutory Environment:

Town Planning and Development Act 1928, Town Planning Scheme No.2

### Policy Implications:

Statement of Planning Policy No.2

### Financial Implications:

There will be no direct financial implications to Council as a result of this application

**Strategic Implications:** This proposal relates to Strategy 2.1 of Key Result Area – Environmental in Council’s Strategic Plan, which is:

*“Encourage best practice environmental management”*

**Community Consultation:** Application referred to surrounding landowners and pertinent government agencies for comment

**Voting Requirements:** Normal

**CRP158 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Murphy seconded Cr Hoyer that Council approves an application dated 9 July 2002 for a Greenhouse on Lot 7 Tuart Road, Oakford subject to the following conditions:

1. A building licence be obtained prior to the commencement of development.
2. No retail sales are to be carried out from the site without the separate approval of Council. Wholesale only shall be permitted from the subject property.
3. Landscaping along the northern boundary to be carried out in accordance with Councils Landscaping and Revegetation Policy (PS03). Landscaping to be implemented by 30 September 2003 and from thereon suitably maintained to Council’s satisfaction.
4. Provision of a static water supply to the satisfaction of Council’s Fire and Emergency Services Officer.
5. This approval is for one (1) greenhouses only in accordance with the submitted plan. Any further development will require separate approval from Council.
6. The proponent shall prepare and implement a Nutrient and Irrigation Management Plan to the satisfaction of Council. The Nutrient and Irrigation Management Plan shall be submitted to Council by 30 November 2002.
7. All drainage, nutrient management and irrigation shall be in accordance with the plan approved by Council at condition 6 above.

Advice Notes:

1. Storage of chemicals on site is to be in accordance with the Department of Minerals and Energy guidelines.

CARRIED 10/0

P159/10/02 PROPOSED EXTRACTIVE INDUSTRY LICENCE – LOT 4 KING ROAD, OLDBURY (P00068/01)		
Proponent	CSR Readymix	<b>In Brief</b>  Purpose of report is for Council to consider an application for an extractive industry licence at Lot 4 King Road, Oldbury.  It is recommended that a licence be granted for the subject lot until the end of December 2003.
Officer	David Spencer – Senior Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	26 September 2002	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

Owner: A Cumming  
 Owner's Address: Lot 5 King Road, Oldbury  
 Applicant: CSR Readymix  
 Applicant's Address: 75 Canning Highway, Victoria Park  
 Date of Receipt: 26 July 2002  
 Advertised: Yes  
 Submissions: Yes. Five (5) submissions received.  
 Lot Area: 14.25 hectares  
 L.A Zoning: Rural  
 MRS Zoning: Rural  
 Byford Structure Plan: Not applicable  
 Rural Strategy Policy Area: Rural Policy Area  
 Rural Strategy Overlay: Not applicable  
 Municipal Inventory: Not applicable  
 Townscape/  
 Heritage Precinct: Not applicable  
 Bush Forever: Lot 5 adjoining subject site contains important existing remnant vegetation  
 Date of Inspection: 18 & 19 September 2002

### **Background**

The purpose of the report is to consider a request by CSR Readymix to operate an extractive industry to remove sand from Lot 4 King Road, Oldbury.

The previous extractive industry licence expired 31 December 2001. The proponent failed to renew this licence at the end of 2001 and therefore needs to apply for a new licence prior to operations re-commencing.

### **February 2000**

In February 2000 the WA Planning Commission issued a five (5) year planning approval to extract sand for the subject land, subject to the following conditions:

- “1. The excavation operations hereby granted are for a limited period of five years from the date of this approval.
2. The development, operation and rehabilitation of the quarry to be in accordance with the “Environmental Management of Quarries” published by the Department of Minerals and Energy 1994 and to the satisfaction of the Shire of Serpentine-Jarrahdale.
3. Compliance with the Water and Rivers Commission “Water Quality Protection Notes Extractive Industry” February 1999.”

## February 2002

Council in February 2002 advised the applicant that the extractive industry licence for Lot 4 expired on 31 December 2001 and indicated that once a licence had expired for a lot and no renewal application had been lodged with Council prior to that licence expiring, that a new extractive industry licence must be obtained.

## July 2002

An application was received from CSR Readymix for a new extractive industry licence for the subject land.

## Comments

### Public and Government Agency Consultation

The proposal was advertised in accordance with requirements of Clause 2.2 of the Shire's Extractive Industry Local Law in view of the expiry of the previous extractive industry licence. As such, residents located within a 500 metre radius of the proposed extraction site were advised in writing of the proposal and invited to comment within 21 days. Government agencies were also advised of the proposal and requested to lodge comments to the Shire. Two (2) signs were erected on-site by the proponent during advertising.

At the conclusion of the advertising period a total of five (5) submissions were received which comprised four (4) in favour and one (1) opposed to the proposed development. A summary of submissions received is included within the Schedule of Submissions table.

### Site Inspection

A site inspection was undertaken of the subject land by Council's Environmental Officer and Senior Planner on 18 September 2002. The following information was observed on-site at the inspection:

- The site has been unworked for approximately nine (9) months, since the extractive industry licence expired in 2001.
- The white sand on the subject land will be excavated first, which is more valuable than the yellow sand. The yellow sand will only be extracted when there is enough demand for the filling sand.
- Approximately 100,000m<sup>3</sup> of sand is proposed to be removed from the site per annum depending on demand for white sand.
- Sand extraction will occur first along the western boundary (location of 'spur' section), then proceed in a northerly direction.
- Vehicular access to the pit will be via King Road. It was also indicated that in the near future (as the need arises), an internal access road to the pit would be created at the front of the property rather than access being obtained from the rear of the pit.
- No further extraction of sand will occur at the eastern end of the pit (marked on the staging plan as the "rehabilitated" area).
- The "rehabilitated" area mentioned above, has been poorly revegetated by previous operators with weeds evident.

### Comments from Environmental Officer

The Shire's Environmental Officer makes the following comments in relation to the proposal:

*"The site has not been operating for some time but recent clearing was evident. Approximately five (5) metres of native banksia woodland had been cleared along the northern boundary. Regrowth along this clearing was weed infested. Both the extent of regrowth and discussions with the Readymix staff indicated that the clearing had been undertaken within the last 12 months. This clearing is contrary to Condition 4 of the previous*

*license which stated that “a 20 metre vegetation buffer is to be maintained on the north and east boundaries of the pit.*

*This clearing has increased the risk of weed and dieback infestation in the very valuable banksia woodland on Lot 5.*

*A second area on the western side of the pit has also been cleared within 12 months. What was left was banksia woodland with degraded groundcover. It is likely that the cleared area had similar vegetation cover.*

*The site map provided by the proponent indicated an area, which had been rehabilitated. However, there was no evidence of rehabilitation work. Weed control was needed in several locations within the lot. Some piles of rubble including bitumen had been left and were weed covered. An old fuel tank was evident. It has no bunds and needs to be removed or managed appropriately.*

*The site map was inadequate showing very little detail and indicating that mining would extend into Lot 5.”*

#### Extractive Industry Licence Proposal

The proponent has submitted an excavation management plan with the licence application, which also included a rehabilitation plan, staging plan and a groundwater level report.

The information provided by the proponent is summarized below:

#### Proposal

It is anticipated that extraction of the sand resource may take up to 3 years. Lot 4 will be rehabilitated to natural bushland after quarrying and fenced to exclude stock.

#### Planned Excavation

The main sand resource is yellow goethite stained silica sand, which varies in grade vertically and horizontally. The planned excavation method will be to continue the excavation from Lot 4 southwards into the adjacent Cook Industries sand quarry.

***A copy of the accompanying site plan/staging plan is with the attachments marked P159.1/10/02.***

The excavation will be carried out in an “inside-out” method. A 10 metre wide buffer of natural ground and vegetation is left on the western perimeter of the resource and a 20 metre buffer on the north and eastern lot boundaries. This reduces any possibility of the extraction being visible from outside the property.

Excavation will proceed progressively and will be followed by ongoing rehabilitation following the removal of the sand reserves. The planned excavation will move north from Lot 4 towards Lot 5.

#### The steps in the excavation plan area

The upper 100mm topsoil will be scraped off and taken directly to an area being rehabilitated. Where possible, top soil will not be stored in stockpiles because this reduces the viability of soil micro-organisms and stored seed.

A screening plant may be used to remove root material in the sand. This will be a portable screening plant for which all the necessary licences will be obtained from the Department of Environmental Protection. Any screen will be located on the floor of the excavation, below the natural ground level.



The floor level will be completed to an average RL of 21 metres.

### Machinery and Equipment

It is planned that a portable site office or caravan will be required when the site is operational. A portable toilet will be used during these periods. This equipment will be removed when the site is inactive. If required a portable screening plant maybe used. A licence will be obtained from the Department of Environmental Protection for this plant. A front loader will be used to extract the sand and load trucks.

Equipment to be used on site include:

- One loader
- A bull dozer or excavator may be used on occasions for reforming the land surface, moving fill and during land clearing
- Water tanker as required for dust suppression
- Portable screening plant if required
- Site office
- Portable toilet system

### Water Usage

Little water will be required on the site apart from watering the access road for dust suppression. Water will be drawn from scheme supplies and brought to the site as required.

### Access

Access will be via a single limestone road, which enters the property at the north west corner and turns northward then easterly to enter the pit in the middle of the extractive area. This will enable loading from the existing working faces to occur.

Current access and transport routes to the quarry will be maintained. Traffic currently enters to and from King Road and this entrance will be continued during the excavation of Lot 4. The entrance on King Road has already been asphalt sealed by CSR Readymix as part of its previous operations on Lot 4.

### Noise

Sand excavation is a relatively quiet activity. No blasting, crushing or rock breaking activities occur. The quarry would range form 250m to 550m to the nearest residence. It is not anticipated that noise from the development will cause any problems off site.

### Dust

Dust will be managed by watering of the access roads as required during dry periods.

### Water Quality

Sand excavation is one of the few activities permitted on shallow ground water areas such as the Jandakot and Gngarra Water Mounds.

Mapping by the Water and Rivers Commission in Perths Groundwater Atlas shows the highest groundwater levels at 20 metres AHD. The groundwater resource is not extracted for public drinking water, as occurs in the Jandakot and Gngarra Water Mounds.

### Rehabilitation Objectives

- Restore the land surface to a profile visually consistent with the surrounding land and compatible with the rural use of the land

- Rehabilitate the land to natural bushland

### Rehabilitation Process

The surface will be recontoured to the proposed undulating land form, at an average elevation of AHD 21 metres, using the remaining yellow sand.

Where available, 100mm of top soil will then be directly transferred from an area being cleared and spread over the overburden.

Areas being rehabilitated will be seeded in late autumn at a rate of 2kg/hectare with a mixture of native species known to be successful in sand rehabilitation. Leguminous seed will be scarified or pre treated as necessary.

Trees will be planted from the list below during June-July at a density of 1 000 stems/ha and treated with 50g fertilizer tablet placed next to each plant. Tube plants are spaced at 3 metre intervals and consist of a mixture of trees and shrubs.

### Weeds

Control of major perennial weeds will be undertaken for the first 2-3 years in the rehabilitation, either by hand removal or spot spraying, depending on abundance and species of weed. If the rehabilitation establishes without major weed competition and begins to dominate the site, the potential for weed reinvasion is reduced.

CSR and the landowner have adopted the “no net loss” principle to clearing in the catchment, and have gone further to propose an increase in rehabilitation back to natural bushland.

The approval for Lot 4 requires two rehabilitation prescriptions:

- A pasture prescription for approximately 3ha of an old excavation area where no fresh topsoil is available and
- A bushland prescription for almost 6ha where current excavation are proceeding

CSR and the landowner are committed to rehabilitate all of lot 4 as natural bushland – increasing deep rooted, perennial vegetation in the catchment by 3ha.

### Sustainable Development Comments

The application submitted to Council requests approval for an extractive industry licence to remove sand from Lot 4 King Road, Oldbury. The proposal is submitted in view of the previous licence expiring at the end of December 2001.

The proposal was advertised in accordance with Clause 2.2 of Council's Extractive Industry Local Law (1999). It is considered that the applicant complied with requirements set out in the said Clause.

The section of sand between Lot 422 and Lot 4 King Road has been an ongoing issue for a number of years. It is considered appropriate that the “mow-hawk” be removed from between the two (2) properties. The pits should both be excavated to an appropriate level and rehabilitated accordingly.

It is evident that clearing of vegetation has taken place within 20 metres of the northern property boundary in the last 12 months. It is therefore recommended that this area be reinstated with locally native vegetation to the satisfaction of Council.

In view of the foregoing, it is recommended that an extractive industry licence be granted for the extraction of sand from Lot 4 King Road, Oldbury, until the end of December 2003 subject to the imposition of conditions.

### **Sustainability Statement**

*Does the proposal/issue enhance the environment (built and natural) or minimise environmental damage through best practice in its field?*

The proponent has provided the Shire with an Excavation Management Plan, which addresses ways in which operations carried out on the subject land, will assist in managing potential environmental impacts. Some of these include; dust, noise, water quality, rehabilitation and weeds.

*Does the proposal/issue minimise resource use, eg. Energy, land, water, soil, compared to traditional development approaches?*

Refer to comments made above and the proponents Excavation Management Plan (comments herein), submitted with the licence application.

*Does the proposal/issue use locally available or produced resources?*

Excavation works carried out on Lot 4 will predominantly involve the extraction of white sand with some yellow sand extracted for filling purposes when the need arises.

*Will the proposal/issue be economically viable in a way that incorporates its external costs?*

CSR Readymix anticipate to secure the tender for the Tonkin Highway extension which will mean that extraction rates from the subject site may increase in the future under subsequent extractive industry licences.

*Is the proposal/issue designed to be socially and environmentally responsible through building up the community and enabling full participation in its implementation?*

The proposal has involved extensive community consultation through referral letters, advertisements placed in the local newspaper and signs placed on-site. Government agencies were also consulted through the advertising period.

*Does the proposal/issue disadvantage any social groups?*

It is considered that there will be negligible impacts upon landowners and social groups residing in close proximity to the excavation site as a result of operations carried out on the subject property.

*Does the proposal/issue create long term employment or economic benefit to current and future residents of the shire?*

The proposed extractive industry may employ staff from the local area.

### **Statutory Environment:**

Town Planning Scheme No. 2  
Local Government Act 1995  
Mining Act 1978  
Soil and Land Conservation Regulations 1992  
Environmental Protection Act 1986  
Shire of Serpentine-Jarrahdale Extractive Industry  
Local Law

### **Policy Implications:**

Rural Strategy

**Financial Implications:** There are no financial implications associated with this proposal.

**Strategic Implications:** Strategy 2.1 of Council's Strategic Plan (2001-2005) is pertinent to this proposal:

*"Encourage best practice environmental management"*

**Community Consultation:** Proposal referred to surrounding/affected landowners, as well as relevant government agencies. Five (5) submissions were received.

**Voting Requirements:** Normal

### **CRP159 Committee/Officer Recommended Resolution**

Council, pursuant to the Shire of Serpentine-Jarrahdale Extractive Industry Local Law, issue an extractive industry licence for extraction of sand from Lot 4 King Road, Oldbury, for the period ending 31 December 2003, subject to the following conditions:

1. Compliance with the Shire of Serpentine-Jarrahdale Extractive Industry Local Law, Mines Act and Regulations, Town Planning Scheme No. 2 requirements, Department of Environment Water and Catchment Protection, Department for Conservation and Land Management, Department for Planning and Infrastructure, Main Roads WA and management reports from the applicant and other relevant government agencies.
2. Submission of cross-section drawings of the excavation site depicting the excavation and rehabilitation areas within the various stages.
3. Approval from Agriculture WA is required for the clearing of existing remnant vegetation 1.0 hectare or greater on the subject site.
4. Control dust and noise to acceptable levels.
5. The eastern portion of the pit is to be the first stage of works, as depicted on the approved plan, and rehabilitation carried out here first using the topsoil removed from the second stage.
6. A rehabilitation plan is to be agreed to by the Shire prior to commencement of mining and rehabilitation activities.
  - a) A minimum of six (6) hectares of the Lot 4 to be revegetated to local native bushland and fenced to prevent stock from damaging the rehabilitated areas.
  - b) The pasture areas include perennial grasses and clover with fenced clumps of native trees.
  - c) The plan is to include success criteria to guarantee abundance and diversity of species at one, two and three years after rehabilitation is completed.
  - d) Species diversity to exceed 20 species per 100m<sup>2</sup>.
  - e) Rehabilitation screening along King Road is to be significantly established before commencing removal of the western face of the pit.
  - f) A buffer of native vegetation be maintained in situ around the northern and eastern boundaries and that this be reinstated where clearing has taken place.
  - g) Rehabilitation of the area east of the existing pit site marked on the approved plan as "Previously Rehabilitated".
7. A weed control program to be provided to Council for approval by 30 November 2002 and implemented to the satisfaction of Council.
8. Applicant to lodge with Council an annual report on-site performance in respect to conditions attached to the licence and operation of the site by 30 November 2002.
9. Applicant to prepare an Environmental Management System (EMS), which addresses potential environmental risks, associated with the mining and rehabilitation operations. This plan is to include management targets, methods used to ensure that operations adhere to management targets and operational procedures for instances when targets are not adhered to. As part of the EMS, a list of chemicals (including fuel and other petroleum products) used and/or stored on site to be

- provided along with a description of precautionary management practices to be used in order to minimise environmental risks, monitor management operations and address incidents. The risk of fire, excessive noise, dust, neighbourhood complaints, weeds and dieback should all be addressed in the EMS.
10. Applicant to lodge a bond/bank guarantee (at the rate of \$10,000 per hectare), with Council by 30 November 2002 for the rehabilitation and reinstatement of the site.
  11. In consultation with the adjoining landowner the spur section between Lot 4 and Lot 422 King Road is to be removed to a height of two (2) metres above maximum anticipated groundwater level. A plan showing the existing and proposed land contours of the section are to be submitted to Council for approval before extraction from this section commences.
  12. Payment to Council of an annual Extractive Industry Licence Renewal fee each calendar year in accordance with Council's Extractive Industry Local law.

Advice Notes:

1. Relative to Condition 6 above, the rehabilitation plan is to include:
  - a) current and final contours;
  - b) the stages of excavation and rehabilitation with approximate dates;
  - c) the locations of rehabilitated native vegetation and pasture;
  - d) preparatory and ongoing weeds management;
  - e) how any face is to be made safe and batters sloped;
  - f) the method by which top soil is to be replaced and revegetated;
  - g) the numbers and types of trees, shrubs and groundcover plants to be planted and other landscaping features to be developed;
  - h) how rehabilitated areas are to be maintained; and
  - i) the program for the removal of buildings, plant, waste and final site clean up.
2. Management and excavation of the site shall be in accordance with the "Environmental Management of Quarries" Department of Minerals and Energy 1994.
3. Compliance with the Water and Rivers Commission "Water Quality Protection Notes Extractive Industries" February 1999.
4. Any necessary licences/approvals in relation to the extractive industry to be obtained from the Department of Environment Water and Catchment Protection.

### **COUNCIL DECISION**

Moved Cr Wigg seconded Cr Simpson that Council, pursuant to the Shire of Serpentine-Jarrahdale Extractive Industry Local Law, issue an extractive industry licence for extraction of sand from Lot 4 King Road, Oldbury, for the period ending 31 December 2003, subject to the following conditions:

1. Compliance with the Shire of Serpentine-Jarrahdale Extractive Industry Local Law, Mines Act and Regulations, Town Planning Scheme No. 2 requirements, Department of Environment Water and Catchment Protection, Department for Conservation and Land Management, Department for Planning and Infrastructure, Main Roads WA and management reports from the applicant and other relevant government agencies.
2. Submission of cross-section drawings of the excavation site depicting the excavation and rehabilitation areas within the various stages.
3. Approval from Agriculture WA is required for the clearing of existing remnant vegetation 1.0 hectare or greater on the subject site.
4. Control dust and noise to acceptable levels.
5. The eastern portion of the pit is to be the first stage of works, as depicted on the approved plan, and rehabilitation carried out here first using the topsoil removed from the second stage.
6. A rehabilitation plan is to be agreed to by the Shire prior to commencement of mining and rehabilitation activities.
  - a) A minimum of six (6) hectares of the Lot 4 to be revegetated to local native vegetation and fenced to prevent stock from damaging the rehabilitated areas.

- b) The pasture areas include deep rooted perennial grasses with fenced clumps of native trees.
  - c) The plan is to include success criteria to guarantee abundance and diversity of species at one, two and three years after rehabilitation is completed.
  - d) Species diversity to exceed 20 species per 100m<sup>2</sup>.
  - e) Rehabilitation screening along King Road is to be significantly established before commencing removal of the western face of the pit.
  - f) A buffer of native vegetation be maintained in situ around the northern and eastern boundaries and that this be reinstated where clearing has taken place.
  - g) Rehabilitation of the area east of the existing pit site marked on the approved plan as “Previously Rehabilitated”.
7. A weed control program to be provided to Council for approval by 30 November 2002 and implemented to the satisfaction of Council.
  8. Applicant to lodge with Council an annual report on-site performance in respect to conditions attached to the licence and operation of the site by 30 November 2002.
  9. Applicant to prepare an Environmental Management System (EMS), which addresses potential environmental risks, associated with the mining and rehabilitation operations. This plan is to include management targets, methods used to ensure that operations adhere to management targets and operational procedures for instances when targets are not adhered to. As part of the EMS, a list of chemicals (including fuel and other petroleum products) used and/or stored on site to be provided along with a description of precautionary management practices to be used in order to minimise environmental risks, monitor management operations and address incidents. The risk of fire, excessive noise, dust, neighbourhood complaints, weeds and dieback should all be addressed in the EMS.
  10. Applicant to lodge a bond/bank guarantee (at the rate of \$10,000 per hectare), with Council by 30 November 2002 for the rehabilitation and reinstatement of the site.
  11. In consultation with the adjoining landowner the spur section between Lot 4 and Lot 422 King Road is to be removed to a height of two (2) metres above maximum anticipated groundwater level. A plan showing the existing and proposed land contours of the section are to be submitted to Council for approval before extraction from this section commences.
  12. Payment to Council of an annual Extractive Industry Licence Renewal fee each calendar year in accordance with Council’s Extractive Industry Local law.

Advice Notes:

1. Relative to Condition 6 above, the rehabilitation plan is to include:
  - a) current and final contours;
  - b) the stages of excavation and rehabilitation with approximate dates;
  - c) the locations of rehabilitated native vegetation and pasture;
  - d) preparatory and ongoing weeds management;
  - e) how any face is to be made safe and batters sloped;
  - f) the method by which top soil is to be replaced and revegetated;
  - g) the numbers and types of trees, shrubs and groundcover plants to be planted and other landscaping features to be developed;
  - h) how rehabilitated areas are to be maintained; and
  - i) the program for the removal of buildings, plant, waste and final site clean up.
2. Management and excavation of the site shall be in accordance with the “Environmental Management of Quarries” Department of Minerals and Energy 1994.
3. Compliance with the Water and Rivers Commission “Water Quality Protection Notes Extractive Industries” February 1999.
4. Any necessary licences/approvals in relation to the extractive industry to be obtained from the Department of Environment Water and Catchment Protection.

CARRIED 10/0

Note: The Committee Recommended Resolution was amended in parts 6a and 6b to better reflect local conditions.

P160/10/02 PROPOSED HOLDING BAY FOR LANDSCAPING BUSINESS - LOT 11 BULLOCK DRIVE, OAKFORD (P05109)		
Proponent	B & M Gledich	<b>In Brief</b>  Application is for a holding bay for a landscaping contractors' business. It is recommended that the application be conditionally approved
Officer	Lilia Palermo – Planning Officer	
Signatures – Author:		
Senior Officer:		
Date of Report	24 <sup>th</sup> September 2002	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

Owner: B & L Gledich  
 Owner's Address: 3 Shamrock Way, Huntingdale  
 Applicant: As above  
 Applicant's Address: As above  
 Date of Receipt: 16<sup>th</sup> August 2002  
 Advertised: To adjoining landowners from 29/08/02 to 20/09/02  
 Submissions: Three (3) submissions received  
 Lot Area: 2.0 ha  
 L.A Zoning: Rural Living A  
 MRS Zoning: Rural  
 Byford Structure Plan: N/A  
 Rural Strategy Policy Area: Interim Rural  
 Rural Strategy Overlay: Peel –Harvey Coastal Catchment  
 Municipal Inventory: N/A  
 Townscape/Heritage Precinct: N/A  
 Bush Forever: N/A  
 Date of Inspection: 15<sup>th</sup> September 2002

**Background**

The applicant has submitted a letter in support of the application, which states the following:

*“We will require a holding bay for plants, which will be for our landscaping business. The holding bay will be run of bore water and we will also be putting down builder grade plastic down to keep the weeds under control. We would also like to put a small hot house of 5 X 5 metres to propagate plants and trees for the property. This will be built with a wooden frame.*

*We run a small Landscaping Business from home and the holding bay is required so we can load up with plants for our jobs, as we require them. We run as a sole trader so we do not have any staff.*

*The days and hours of operation will be 5 days a week. The hours will be just loading up in the morning with the stock required for the day and then leave for the job site and will return in the evening, so there will be very small hours for the home.*

***A copy of the location plan of the proposed Holding Bay is with attachments marked P160.1/10/02.***

**Comments**

Town Planning Scheme No.2

The subject property is zoned Rural Living A under the Shire's Town Planning Scheme No.2 (TPS 2).

Proposed development – “Holding Bay For Landscaping Business” is in accordance with the definition of “Rural Use” in the TPS No.2, which is as follows:

*“Rural Use – means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith:*

- a) *The growing of vegetables, fruit, cereals, or food crops except for domestic purposes;*
- b) *The rearing or agistment of goats, sheep, cattle, or beasts of burden;*
- c) *The stabling, agistment or training of horses, or other ungulates;*
- d) *The growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial or industrial gardens;*
- e) *The sale of produce grown solely on the lot”.*

In accordance with the provisions of the TPS No.2 for the subject land a Rural Use is an “AA” use, which means that it may be permitted at the discretion of Council.

The following is stated in regards to assessing applications for discretionary uses within the subject area in the Appendix 4A – Rural Living A Zone of the TPS No. 2:

*“In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management shall only permit such uses when it is satisfied following consultation with government agencies that the land use does not involve excessive nutrient application or clearing of land”.*

There is no clearing of land being proposed as part of the application for the holding bay for plants. The requirement outlined in the *Planning Guidelines for Nutrient Management* indicates that all the applications for intensive agricultural development within the Peel – Harvey Catchment should demonstrate that nutrient export would be kept to a minimum.

Further the following is stated in the Guidelines in regards to assessing intensive agriculture applications within the Peel – Harvey Catchment:

- *Conditions will be applied to reduce the potential for nutrient export;*
- *The Council will be conservative in its assessment of applications;*
- *Approvals are issued to the lot;*
- *Planning approval may be refused at the renewal date as a result of:*
  - *Poor management of the animals, soil, vegetation or waters on the lot;*
  - *Unacceptable nutrient discharge from the lot;*
  - *Failure to comply with the conditions attached to the approval.*

The proposal was advertised to the surrounding property owners. Three submissions were received; one of the submissions stated an objection to the proposal. Some comments received during the advertising period, indicated that the surrounding property owners do not object to the proposal, providing that the proposed small scale landscaping business does not expand in the future and turn into a plant nursery, which would negatively affect the amenity of the surrounding Rural Living properties. The following concerns were expressed in the letter of objection received by Council:

- The proposed development will be messy and unsightly;
- The indicated that he will remove the native plants planted by the developer on the subject property;
- The applicant indicated that he will be using the detention basin on the property for growing yabbies;
- Potential future developments on the subject property associated with the proposed business such as: storage of various equipment, shade - cloth structures, obtrusive signs, etc, will be not aesthetically pleasing and will affect the neighbouring properties.



It is recommended that a condition be included as part of the approval for the proposed landscaping business requiring the applicant to store all the materials and equipment (if any) associated with the business in the storage shed. This would ensure that the outlook of the subject property is not messy and unsightly and the visual amenity of the neighbouring properties is not affected by the proposal.

The applicant did not indicate in the application that any vegetation on the subject property would be removed or that the detention basin will be used for any business purposes. Such proposals would be subject to a separate application for Planning Consent and would be assessed in accordance with the requirements of the Shire's Town Planning Scheme, all the relevant Council's Policies and other Government Departments' comments and/or requirements.

The applicant is applying for establishment of a 500m<sup>2</sup> holding bay for potted plants and a 5 x 5m<sup>2</sup> hot – house. There are no proposals for building any shade - cloth structures or signage on the property. Recommended conditions of approval specify exactly what is being approved. Any proposals for expansion of the business or signage on the subject property would subject to a separate application.

### Environmental Considerations

The proposed holding bay for a landscaping business is a relatively small development. The applicant specified that all the potted trees, shrubs and other landscaping plants will be stored within the proposed holding bay until the plants are required for the landscaping jobs. The applicant indicated that the plants would be watered using bore on the property.

In order to reduce nutrient export into the groundwater and off site it is recommended to require that the applicant only use slow release fertilizer for all the potted trees and shrubs.

All the tree planting areas and planting areas around the detention basin on the property shall be maintained by the applicant. Trees and shrubs within the tree planting areas as marked on the Subdivision Guide Plan for the estate would help to reduce the export of nutrients off site.

It is recommended to require the applicant to submit a Nutrients and Water Management Plan to Council as a condition of planning consent. The Management Plan would be assessed by the Environmental Officer to ensure that the management practices proposed and the nutrient export from the subject property, associated with the proposed landscaping business, are in accordance with the Planning Guidelines For Nutrient Management outlined in Rural Strategy 1994 and other relevant Government Agencies' Policies and Guidelines.

### Conclusion

All the concerns expressed in the submissions received during the advertising period can be addressed by Council by imposing appropriate conditions of approval. In view of the foregoing, it is recommended that the proposal to establish a landscaping business which would incorporate a 500m<sup>2</sup> holding bay for potted plants and a 5x5m hot – house be approved subject to conditions.

### Sustainability Statement

*Does the proposal/issue enhance the environment (built and natural) or minimise environmental damage through best practice in its field?*

The recommended conditions of approval are aimed at reducing any potential environmental damage that may be caused by the proposed development.

*Does the proposal/issue minimise resource use, eg. Energy, land, water, soil, compared to traditional development approaches?*

The applicant is required to submit a Nutrient and Water Management Plan to ensure that the proposed development does not adversely affect the environment and water required for irrigation of the proposed holding bay for potted plants is used wisely.

*Does the proposal/issue use locally available or produced resources?*

Not applicable.

*Will the proposal/issue be economically viable in a way that incorporates its external costs?*

Not applicable.

*Is the proposal/issue designed to be socially and environmentally responsible through building up the community and enabling full participation in its implementation?*

The proposal was advertised to the surrounding property owners. All the property owners who could have been potentially affected by the proposal were given an opportunity to provide their comments to Council.

*Does the proposal/issue disadvantage any social groups?*

The proposal does not disadvantage any social groups.

*Does the proposal/issue create long-term employment or economic benefit to current and future residents of the shire?*

The proposal to establish a small scale landscaping business has a potential to create a long-term employment for the applicant who will be a future resident in the Shire.

**Statutory Environment:** Town Planning and Development Act 1928  
Shire of Serpentine - Jarrahdale Town Planning Scheme No. 2

**Policy Implications:** Rural Strategy 1994 as amended  
State Planning Policy No. 2 – Peel Harvey Coastal Catchment

**Financial Implications:** Nil

**Strategic Implications:** The proposal to establish a landscaping business on the subject property relates to strategy 2.1 of the Environmental key Result Area in Council's Strategic Plan:

*“Encourage best practice Environmental Management”.*

**Community Consultation:** Advertised to surrounding property owners. Three submissions received.

**Voting Requirements:** Normal

**CRP160 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Murphy seconded Cr Hoyer that Council approves an application dated 4 August 2002 for the establishment of a Landscaping Business, which includes a holding bay for potted plants and a 5x5m hot house, on Lot 11 Bullock Drive subject to the following conditions:

1. A building licence be obtained for the proposed 5x5m hothouse prior to commencement of development;
2. Applicant to submit a Plan for screen planting around the proposed 5x5m hot house in accordance with Local Planning Policy No.4 prior to issuing a building licence;
3. Holding bay for potted plants to be no larger than 500m<sup>2</sup>;
4. No retail sales are permitted on site;
5. Business shall not involve use of a vehicle more than 3.5 tonne tare weight.
6. Hours of operation to be Monday to Friday 7am to 6pm inclusive, unless prior approval is sought from Council;
7. Use of animal manure for potted plants is prohibited;
8. No equipment or materials associated with the proposed landscaping business to be stored outside;
9. Storage of fertiliser shall be in accordance with the Shire of Serpentine – Jarrahdale Health Local Law 1999 Part 5 (56) – “Storage and Dispatch of Artificial Fertiliser”
10. No staff other than the members of the applicant’s family be are to be employed on site, unless prior approval is sought from Council;
11. Applicant to submit a Nutrient and Water Management Plan to Council for approval prior to commencement of development. Once approved the plan is to be implemented;
12. The use is not to cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, vapour, steam, soot, ash, dust, grit, oil liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding on or the land on which the business is conducted.

Advice Notes:

1. Any signage on the property would subject to a separate application for Planning Consent.
2. Any proposals for expansion of the business would be subject to a separate application for Planning Consent.

CARRIED 10/0

P168/10/02 PROPOSED AMENDMENT NO. 108 – REZONING FROM “RURAL” TO “FARMLET” – PT LOT 2 KARGOTICH ROAD, MUNDIJONG (P01502/01)		
Proponent	Gray & Lewis Planning Consultants	<b>In Brief</b>  The purpose of this report is to re-consider initiating a rezoning of Pt Lot 2 Kargotich Road, Mundijong, from “Rural” to “Farmlet”, to facilitate creation of 32 lots of minimum size of 4 ha.  It is recommended that the amendment be initiated.
Officer	David Spencer – Senior Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	25 September 2002	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

Owner: Mundijong Nominees Pty Ltd  
 Owner’s Address: Lot 6 Scott Road, Mundijong  
 Applicant: Gray & Lewis Planning Consultants  
 Applicant’s Address: Suite 3, 2 Hardy Street, South Perth  
 Date of Receipt: 10 November 1999  
 Advertised: Amendment not yet initiated  
 Submissions: Not applicable.  
 Lot Area: 151.29 hectares  
 L.A Zoning: Rural  
 MRS Zoning: Rural  
 Byford Structure Plan: Not applicable  
 Rural Strategy Policy Area: Rural Policy Area  
 Rural Strategy Overlay: Not applicable  
 Municipal Inventory: Not applicable  
 Townscape/  
 Heritage Precinct: Not applicable  
 Bush Forever: Not applicable  
 Date of Inspection: 14 August 2002

### **Background**

Council at its meeting held 25 March 2002 considered the rezoning application and resolved the following:

#### **“CRP122 COUNCIL DECISION**

*Moved Cr Murphy seconded Cr Kirkpatrick that Council defers assessment of proposed Amendment No. 108 to Town Planning Scheme No. 2 and the applicant be requested to address the following:-*

1. *Retention of vegetation in the Leipold Road reserve without the need for battle axe lots at the northern end of the land.*
2. *Extension of construction of internal subdivisional road east through to boundary of the subject land to provide future connectivity to adjoining land (Lot 3).*
3. *Nomination of revegetation areas (local species) on subdivision guide plan at the rate of 25% on each proposed lot at 600 stems per hectare and planted prior to clearance of subdivision in accordance with Council’s Guidelines for Nutrient Management. In accordance with the guidelines, revegetation is also required in drainage corridors and basins, public reserves and road sides.*
4. *Strategic firebreak arrangements/emergency access ways and provisions with respect to static water supply and fire management issues are to be provided to the satisfaction/specification of Council as a part of the fire management plan which is to be completed prior to subdivision clearance;*

5. *A minor realignment of Sparkman Road Reserve is required to protect existing remnant vegetation.*
  6. *A multiple use path to be depicted on the Subdivision Guide Plan must service the rear of all lots with the preferred location of access being off the road and not adjacent to the road reserve due to:-*
    - *Conflict with other road users*
    - *Safety of trail users*
  7. *Alternative effluent disposal systems are required capable of phosphorus retention.*
  8. *Potable water supply shall be provided by roof collection and storage of not less than 90 000 litre capacity.*
  9. *Building envelopes and effluent disposal locations to be identified by survey and to be located to minimise clearing of vegetation to the satisfaction of the local authority.*
  10. *Inclusion of Lots 6 and 9 Scott Road in the amendment.*
- CARRIED 9/0**

*Note: The Committee Recommended Resolution was altered in Point 4 by removing reference to the officer.”*

The matter was again considered by Council at it's meeting of 23 September 2002 which it was resolved:

**“CRP151 COUNCIL DECISION/Committee Recommended Resolution**

*That item P151/09/02 be deferred as the applicant was not in attendance for his delegation.*  
**CARRIED BY EN BLOC RESOLUTION NO 05/09**

*Note: The Officer Recommended Resolution was altered to reflect the non-attendance of the applicant who had organized a delegation to explain the proposal”*

Council Officers have met with the applicant on numerous occasions in an attempt to resolve issues of concern held by the Shire in respect to the design of the Subdivision Guide Plan. These issues are discussed in more detail within the Comments section of this report.

***A copy of the accompanying Subdivision Guide Plan is with the attachments marked P168.1/10/02.***

**Comments**

The applicant has amended the Subdivision Guide Plan and Scheme Amendment documents in order to address the above issues contained within Council's resolution. The applicant has also provided written information in support of the Amendment. The following comments are made in respect to the applicants supporting information:

1. The remnant vegetation in Leipold Road reserve is proposed to be retained by leaving the road unconstructed. The reserve may also function as a drainage corridor.  
A cul-de-sac is proposed to provide access to Lots 4 and 5 (as opposed to the battle-axe configuration). It is also proposed to link the two cul-de-sacs with a ten metre wide emergency access/multiple use trail.
2. Extension of the internal subdivision road through to the boundary of proposed Lot 3 has been provided, although the applicant has shifted the internal road further to the south for reasons relating to the multiple use trail connections as discussed below.
3. The applicant has placed a notation in respect to the nomination of revegetation areas at the rate of 25% on each proposed lot at 600 stems per hectare, on the Subdivision Guide Plan. The specific revegetation areas on each lot and planting within multiple use corridors may be shown on a more detailed Landscape Plan and Schedule of Landscaping that will be prepared at the subdivision application stage.

- Notwithstanding the above, the applicant will need to include an additional notation on the subdivision guide plan stating that nomination of revegetation areas shall be in accordance with Council's Guidelines for Nutrient Management. Further, in accordance with the guidelines, revegetation is also required in drainage corridors and basins, public reserves and road sides.
4. The requirement relating to the preparation of a Fire Management Plan at the subdivision stage has been included in the Special Provisions (No. 6) for this Amendment.
  5. Applicant proposes to shift the southern entry road approximately 250 metres to the north, opposite the existing drainage culvert outfall under Kargotich Road. Further to this, Sparkman Road may remain unconstructed with remnant vegetation retained. A multiple use trail could meander within Sparkman Road reserve.  
Relative to the above, the multi-use trail should be extended from Sparkman Road to the first internal subdivisional road. This will mean that the southern-most cul-de-sac will need to be extended in a southerly direction to Sparkman Road. This would enable a future road connection to the lots located to the south of the amendment area.
  6. A multiple use path has been provided at the rear of the majority of lots where practicable. In areas where it is not feasible or considered desirable to locate a multi-use path at the rear of lots (such as those properties backing onto Kargotich Road and under power transmission lines), the applicant has located the multi-use path at the front of the lot, within a wider 25 metre road reserve.
  7. The requirement relating to alternative effluent disposal systems has been incorporated into the Special Provisions (No. 2) for Amendment No. 108.
  8. The requirement relating to the provision of a potable water supply by roof collection and storage of not less than 90,000 litre capacity is a standard provision of TPS 2 under clause 5.13 in respect to the Farmlot zone. Therefore, it is considered unnecessary to duplicate this requirement as a Special Provision.
  9. The requirement for building envelopes have been nominated on the Subdivision Guide Plan in areas that will require minimal clearing. The building envelopes and effluent disposal areas will be identified by survey at the subdivision stage.  
In addition to the above, a notation will need to be included on the subdivision guide plan stating that the location of building envelopes is nominal and shall be used as a guide only and is subject to further survey at the subdivision stage.
  10. Lot 6 and Lot 9 Scott Road have been incorporated into the Amendment area.
  11. The Scheme Amendment number has been altered to reflect No. 108.

### Conclusion

Amendment No. 108 proposes to rezone the subject land from 'Rural' to 'Farmlot' zone, with the creation of 32 lots with a minimum size of 4 hectares.

The Amendment proposal was included for support in Council's Rural Strategy review and the land capability study concludes that the subject land is capable of being subdivided into lots of 2 and 4 hectares.

It is considered that the applicant has adequately addressed outstanding issues mentioned within this report. The Amendment is therefore recommended for initiation by Council.

### **Sustainability Statement**

*Does the proposal/issue enhance the environment (built and natural) or minimise environmental damage through best practice in its field?*

Closure of Leipold Road will ensure that existing remnant vegetation is retained.

Change in land use on the subject land from cattle grazing to 'Farmlot' is likely to reduce the level of phosphorous leaving the site.

The Rural Strategy states that the Farmlet Policy Area provides a transitional zone between urban and rural areas where environmental values and their management become a focus and where a role may be performed in controlling drainage and removing nutrients exported from urban areas 'off-site'.

*Does the proposal/issue minimise resource use, eg. Energy, land, water, soil, compared to traditional development approaches?*

Land within the amendment application area may be drained utilising existing drainage lines with the incorporation of appropriate detention basins.

*Does the proposal/issue use locally available or produced resources?*

Yes. Revegetation of subject land will utilise locally native species.  
The future construction of dwellings and buildings to be placed within future proposed lots.

*Will the proposal/issue be economically viable in a way that incorporates its external costs?*

Not applicable.

*Is the proposal/issue designed to be socially and environmentally responsible through building up the community and enabling full participation in its implementation?*

The local and wider community will be advised of the Amendment proposal if rezoning is initiated by Council. Landowners potentially affected by the proposal will be invited to lodge a submission to the Shire.

*Does the proposal/issue disadvantage any social groups?*

It is considered that social groups will not be adversely impacted by the proposed amendment.

*Does the proposal/issue create long term employment or economic benefit to current and future residents of the shire?*

The future keeping of horses on the subject land may create opportunities for employment for people associated with the equine industry.

**Statutory Environment:** Town Planning and Development Act 1928 (as amended)  
Town Planning Scheme No. 2

**Policy Implications:** Rural Strategy 1994 (as amended)

**Financial Implications:** Nil.

**Strategic Implications:** The Amendment proposal represents expansion of the Farmlet Policy Area west of the Mundijong townsite.

Strategy 2.1 of the Shire's Strategic Plan (2001-2005) states:

*"Encourage best practice environmental management."*

**Community Consultation:** Public and government agency consultation will be conducted if the Amendment is initiated by Council.

**Voting Requirements:** Normal

### **Officer Recommended Resolution**

Council, pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to initiate an amendment to the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 by rezoning Pt Lot 2 Kargotich Road, Mundijong, from “Rural” to “Farmlet” zone subject to:

- A. The following modifications being effected to the subdivision guide plan:
1. Deletion of one (1) building envelope from proposed Lot 9;
  2. A notation to be included on the subdivision guide plan stating that the location of building envelopes is nominal and shall be used as a guide only and is subject to further survey at the subdivision stage;
  3. An additional notation to be included on the subdivision guide plan stating that nomination of revegetation areas shall be in accordance with Council’s Guidelines for Nutrient Management. Further, in accordance with the guidelines, revegetation is also required in drainage corridors and basins, public reserves and road sides;
  4. The southern-most cul-de-sac to be extended in a southerly direction to Sparkman Road. This would enable a future road connection to the lots located to the south of the amendment area;
  5. Relative to 4 above, the multi-use trail is to be extended from Sparkman Road to the first internal subdivisional road;
  6. The multi-use trail to be extended along the entire length of Scott Road within the amendment area.
- B. The consultant preparing formal scheme amendment maps with the amendment to include the following Special Provisions and any other deemed appropriate by Council:
1. Within the Rural Living A zone the following land uses are permitted, or are permitted at the discretion of the Council.  
  
Use classes permitted (P)  
Single House  
Public Recreation  
Public Utility  
  
Discretionary Uses (AA)  
Ancillary Accommodation  
Home Occupation  
Rural Use/Intensive Agriculture  
Stables  
  
All other uses are prohibited.  
  
In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management contained in the Shire of Serpentine-Jarrahdale Rural Strategy shall only permit such uses when it is satisfied following consultation with Government agencies that the land use does not involve excessive nutrient application or clearing of land.
  2. No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste water treatment system as approved by the Health Department of WA with an adequate phosphorous retention capacity, as determined by the Department of Environmental Protection, and with the base of the system or the modified irrigation area being the required distance above the highest known water table.
  3. No indigenous vegetation and trees shall be destroyed or cleared except, but subject to the developer of the estate/landowner obtaining the prior consent of



- the Council in writing, where such vegetation is dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems, driveways and/or to accommodate the discretionary uses identified under Provision 1.
4. The subdivider shall, in accordance with the endorsed Subdivision Guide Plan and the Schedule of Landscaping for this estate plant indigenous trees and shrubs of a species and at a density and distribution to the satisfaction of the Council prior to the transfer of a lot(s) to a new owner.
  5. The subdivider shall either maintain the trees and shrubs planted until the land is sold, or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the Council.
  6. The subdivider shall prepare and implement a Fire Management Plan that identifies and implements the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary, to the specification and satisfaction of the local authority and the Bush Fires Board of WA.
  7. Notwithstanding the obligations of the subdivider under Clause 5.13.7e of the Scheme the subdivider shall drain the land and provide detention areas in accordance with a Drainage Concept Plan provided prior to the commencement of the on-ground-works. Those easements and reserves required by Council or Water Corporation shall be provided to the Council or Water Corporation at the time of subdivision to provide for the ongoing maintenance of the drainage system components.
  8. At the time of the building application for each lot a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained, and proposals for tree planting and maintenance.
  9. The keeping of horses, sheep, goats, cattle or other grazing animals, where permitted, shall be subject to the prior, written approval of Council. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture WA for the application pasture types. Vegetation planted by the developer, and remnant vegetation must be fenced from grazing livestock in order to protect vegetation.
  10. Notwithstanding the controls specified by Provision 1, development and use of the land is subject to the provisions of the Water Authority of Western Australia By-Laws applying to underground water supply and pollution control.

#### Discussion at Committee Meeting

Geoff Lewis displayed a plan of the proposal and there was general discussion in relation to this.

**CRP168 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Hoyer seconded Cr Scott that Council, pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to initiate an amendment to the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 by rezoning Pt Lot 2 Kargotich Road, Mundijong, from “Rural” to “Farmlet” zone subject to:

A. The following modifications being effected to the subdivision guide plan:

1. Deletion of one (1) building envelope from proposed Lot 9;
2. A notation to be included on the subdivision guide plan stating that the location of building envelopes is nominal and shall be used as a guide only and is subject to further survey at the subdivision stage;
3. An additional notation to be included on the subdivision guide plan stating that nomination of revegetation areas shall be in accordance with Council's Guidelines for Nutrient Management. Further, in accordance with the guidelines, revegetation is also required in drainage corridors and basins, public reserves and road sides;
4. The southern-most cul-de-sac to be extended in a southerly direction to Sparkman Road. This would enable a future road connection to the lots located to the south of the amendment area;
5. Relative to 4 above, the multi-use trail is to be extended from Sparkman Road to the first internal subdivisional road;
6. The multi-use trail to be extended along the entire length of Scott Road within the amendment area.

B. The consultant preparing formal scheme amendment maps with the amendment to include the following Special Provisions and any other deemed appropriate by Council:

1. Within the Farmlet zone the following land uses are permitted, or are permitted at the discretion of the Council.

Use classes permitted (P)

Single House  
Public Recreation  
Public Utility

Discretionary Uses (AA)

Ancillary Accommodation  
Home Occupation  
Rural Use  
Stables

All other uses are prohibited.

In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management contained in the Shire of Serpentine-Jarrahdale Rural Strategy shall only permit such uses when it is satisfied following consultation with Government agencies that the land use does not involve excessive nutrient application or clearing of land.

2. No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste water treatment system as approved by the Health Department of WA with an adequate phosphorous retention capacity, as determined by the Department of Environmental Protection, and with the base of the system or the modified irrigation area being the required distance above the highest known water table.

3. No indigenous vegetation and trees shall be destroyed or cleared except, but subject to the developer of the estate/landowner obtaining the prior consent of the Council in writing, where such vegetation is dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems, driveways and/or to accommodate the discretionary uses identified under Provision 1.
4. The subdivider shall, in accordance with the endorsed Subdivision Guide Plan and the Schedule of Landscaping for this estate plant indigenous trees and shrubs of a species and at a density and distribution to the satisfaction of the Council prior to the transfer of a lot(s) to a new owner.
5. The subdivider shall either maintain the trees and shrubs planted until the land is sold, or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the Council.
6. The subdivider shall prepare and implement a Fire Management Plan that identifies and implements the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary, to the specification and satisfaction of the local authority and the Bush Fires Board of WA.
7. Notwithstanding the obligations of the subdivider under Clause 5.13.7e of the Scheme the subdivider shall drain the land and provide detention areas in accordance with a Drainage Concept Plan provided prior to the commencement of the on-ground-works. Those easements and reserves required by Council or Water Corporation shall be provided to the Council or Water Corporation at the time of subdivision to provide for the ongoing maintenance of the drainage system components.
8. At the time of the building application for each lot a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained, and proposals for tree planting and maintenance.
9. The keeping of horses, sheep, goats, cattle or other grazing animals, where permitted, shall be subject to the prior, written approval of Council. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture WA for the application pasture types. Vegetation planted by the developer, and remnant vegetation must be fenced from grazing livestock in order to protect vegetation.
10. Notwithstanding the controls specified by Provision 1, development and use of the land is subject to the provisions of the Water Authority of Western Australia By-Laws applying to underground water supply and pollution control.

CARRIED 10/0

Note: The Officer Recommended Resolution was altered to correct two typographical errors in Part B 1.

P166/10/02 PROPOSED DETAILED AREA PLAN (DAP) – PT LOT 3 AND LOT 68 SOUTH WESTERN HIGHWAY (P00367)		
Proponent	Gray & Lewis Planning Consultants	<b>In Brief</b>  Application is for a Detailed Area Plan (DAP) within the Byford Structure Plan area for Pt Lot 3 and Lot 68 South Western Highway, Byford.  It is recommended that the proposal be refused for reasons outlined in the Officer's report.
Officer	David Spencer – Senior Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	24 September 2002	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

Owner: Pt Lot 3: RC Vlam  
Lot 68: P Gangemi

Owner's Address: Pt Lot 3: Lot 102 Lakey Street, Southern River  
Lot 68: Lot 68 South Western Highway, Byford

Applicant: Gray & Lewis Planning Consultants  
Applicant's Address: Suite 5, 2 Hardy Street, South Perth

Date of Receipt: 6 June 2002

Advertised: Proposal not advertised

Submissions: Not applicable

Lot Area: Lot 3: 5.39 ha  
Lot 68: 6.36 ha

L.A Zoning: Urban Development

MRS Zoning: Urban

Byford Structure Plan: Residential (R20)

Rural Strategy Policy Area: Excluded

Rural Strategy Overlay: Landscape Protection Policy Area

Municipal Inventory: Not applicable

Townscape/  
Heritage Precinct: Not applicable

Bush Forever: Not applicable

Date of Inspection: 14 August 2002

## **Background**

### **Subdivision Proposal - July 2000**

Council at its meeting held 31 July 2000 resolved the following in respect to an application made to subdivide Lot 68 South Western Highway, Byford:

### **"CRP252 Council Decision/Officer/Committee Recommended Resolution**

*Moved Cr Kirkpatrick seconded Cr Richards*

- A. *That Council recommends to the WA Planning Commission to refuse the proposed subdivision of Lot 68 South Western Highway, Byford, for the following reasons:*
1. *A Detailed Area Plan has not been submitted as required by Council under Clause 5.18.5.1(a) of Amendment No. 69 to Town Planning Scheme No. 2;*
  2. *The application is a considerable deviation from the proposed Byford Structure Plan currently being advertised in terms of public open space location/allocation and suggested lot density (including Group housing lots) for the subject land;*
- B. *That the applicant submit a Detailed Area Plan of Precinct 10 (as identified in the Byford Structure Plan) for Local Authority Approval, prior to such subdivision type as proposed being further contemplated."*

*CARRIED 7/0*

The applicant has since submitted a Detailed Area Plan (DAP), which is the subject of this report to Council for consideration.

The subdivision application (WAPC Ref No. 111781) is yet to be determined by the WA Planning Commission for the principal reasons mentioned above.

June 2001

At its meeting held 18 June 2001, Council's Planning Development and Environment Committee, under delegation from Council, adopted Local Planning Policy No. 2, where it was resolved:

*"Moved Cr Star, seconded Cr Murphy that Council pursuant to Part 9 of the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, resolved to adopt Local Planning Policy No. 2- Subdivisions within the Byford Structure Plan Area as follows:*

**LOCAL PLANNING POLICY NO.2 – SUBDIVISION WITHIN THE BYFORD STRUCTURE PLAN AREA**

*Policy Objective*

*To outline Council's position on subdivision within the Byford Structure Plan Area.*

*The Policy*

*Where Council receives a referral from the Western Australian Planning Commission or a request from developers or owners of a property within the Byford Structure Plan Area for subdivision within the Byford Structure Plan Area the following shall apply:*

- 1. The Council will not consider any application for subdivision in the Byford Structure Plan area unless a Detailed Area Plan is carried out for the precinct(s) that the subject lot falls within.*
- 2. The Council will only consider subdivision of lots within the Byford Structure Plan without Detailed Area Plans being previously carried out for the precinct, if they are those five lots zoned 'Rural Living A' fronting Larsen Road on the northern side.*

*Attachment 1 shows the Byford Structure Plan Area.*

*Attachment 2 shows the precincts within the Byford Structure Plan.*

*CARRIED 4/0*

September 2002

At its meeting held 23 September 2002, Council's Planning Development and Environment Committee resolved to initiate a Local Planning Policy relating to Detailed Area Plans and advertise draft Local Planning Policy No. 12 for public comment. Details of this resolution and Policy are addressed further in this report.

**Comments**

**Detailed Area Plan (DAP) Proposal**

The proponent has submitted two (2) DAP's for Pt Lot 3 and Lot 68 South Western Highway.

The DAP's are identical except for a variation in the density code in the area adjacent to George Street. The base density code is R20, however, due to the siting of a future proposed railway station adjacent to the site, there is considered to be a need to identify the

potential for higher density development fronting George Street in accordance with WA Planning Commission policy.

***A copy of the Overall Detailed Area Plan (DAP) is with the attachments marked P166.1/10/02.***

#### Option 1

The first alternative option is based upon a split R20/R40 density code without rear laneways. The lots could initially be developed to R20 density and later redeveloped for grouped housing at R40 density.

***A copy of the Modified Subdivision Plan – Option 1 is with the attachments marked P166.2/10/02.***

#### Option 2

The second alternate option proposes a density coding of R40 of the block fronting George Street with the introduction of rear laneways to allow the creation of 250m<sup>2</sup> green title lots.

***A copy of the Modified Subdivision Plan – Option 2 is with the attachments marked P166.3/10/02.***

Other than the variation in residential densities and the existing service station site (proposed to be upgraded), it is not envisaged that any other mixed use or commercial activities would be justified.

The proponent in support of the proposal submits the following information:

#### *“Public Open Space*

*Provision of an area of 3 000m<sup>2</sup> of public open space in accordance with Western Australian Planning Commission resolution on Draft Byford Structure plan.*

#### *Drainage*

*Provision of a drainage detention basin (2,000m<sup>2</sup> land area 1 800m<sup>3</sup> storage volume) located in the north west corner of Lot 3 in accordance with the Draft Byford Stormwater Management Strategy.*

#### *R40 Site*

*The ‘spot’ R40 site on the previous plan has been removed and the area redistributed evenly into the adjoining R20 lots.*

#### *Road Network*

##### *South Western Highway*

*South Western Highway is a Primary Regional Road. Any upgrading will be the responsibility of the State – not a cost contributed to under the Scheme.*

*Vehicular access to South Western Highway will not be permitted and this is achieved by the creation of a 0.1 metre PAW and uniform fencing.*

##### *Thomas Road*

*Thomas Road is classified as ‘Other Regional Road’ under the Metropolitan Region Scheme. Any grading of Thomas Road will become a Scheme cost*

### George Street

*Each landowner shall be responsible in conjunction with the Shire of Serpentine-Jarrahdale for the upgrading of the portion of George Street fronting the subject property to the satisfaction of the Council.*

### Local Roads

*The main entry roads off Thomas Road and George Street are 18 metres wide and all other internal roads (widths) are in accordance with the Western Australian Planning Commission policy. The individual subdividers of Lot 68 and Lot 3 will be responsible for the construction of the local roads.*

### Water Sensitive Design

*The land within the precinct will be developed in accordance with the Council's Water Sensitive Design Policy.*

### Reticulated Sewer

*The land shall be connected to the Water Corporation of WA reticulated sewerage system. (Trunk sewer located in Larson Road) in addition to all standard services.*

### Fill Requirements

*The land does not require fill apart from some minor reshaping to fill the existing drainage line on Lot 3 in accordance with the Byford Urban Stormwater Management Strategy.*

### Infrastructure

*Each landowner shall be responsible for the provision of service infrastructure within the respective owners property except for shared infrastructure items including the construction of the drainage detention basin on Lot 2 and the possible provision of a temporary sewer pump station. These matters will be the subject of a private landowners agreement.*

*The shortfall in the provision of a public open space will be made up by a cash lieu contribution under the scheme. A pro rata contribution in respect to the provision of a future primary school site will be made in the normal manner.*

*Given that the precinct is self contained in terms of servicing and infrastructure it is considered that no additional developer contribution be required other than those mentioned above.*

### Special Development Controls

*No special development controls or guidelines are proposed other than the relaxation of the front setback from 6.0 metres average to 3.0 metres average to allow greater building area on the lots with relatively narrow depth.*

*Building covenants relating to the materials, carports, fencing, landscaping etc may be introduced by the developer at the time of construction to maintain a high standard of development."*

### Scheme Requirements

Clause 5.18.5 of Council's Town Planning Scheme No. 2 (TPS 2) states the following in respect to Detailed Area Plans:

**"5.18.5                      Detailed area plans**

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- 5.18.5.1(a) (i) *The local government or the Commission may, by notice in writing, require a person to prepare and submit to the local government a detailed area plan within the time specified in the notice.*
- (ii) *A person may prepare and submit to the local government a detailed area plan.*
- (b) *A detailed area plan is to relate to a particular lot or lots and may be prepared and submitted:*
- (i) *to enhance, elaborate or expand on the details or provisions contained in a Proposed Structure Plan or a Structure Plan;*
- (ii) *in place of a development approval required to comply with clause 2.5 of the Residential Planning Codes; or*
- (ii) *for any other planning purpose.*
- (c) *The local government is to:*
- (i) *approve with or without conditions; or*
- (ii) *refuse to approve*
- the detailed area plan.*
- (d) *If within 60 days of receiving a detailed area plan under clause 5.18.5.1(a), or such longer period as may be agreed in writing between the person and the local government, the local government has not made one of the determinations referred to in clause 5.18.5.1 (c), the local government is deemed to have refused to approve the detailed area plan.*
- (e) *The local government is to forward a copy of the detailed area plan to the Commission within 10 days of approving the detailed area plan.*
- (f) *The local government's refusal to approve a detailed area plan under clause 5.18.5 is not a valid reason for the local government to refuse to adopt or the Commission to refuse to approve a Proposed Structure Plan under clause 5.18.3.*
- 5.18.5.2 *Unless clause 5.18.5.1(b)(ii) applies, once approved by the local government, the detailed area plan is to be used as the basis for:*
- (a) *making recommendations to the Commission on subdivision applications; and*
- (b) *determining development applications*
- with respect to the land subject to the detailed area plan.*
- 5.18.5.3 *A detailed area plan may include details as to:*
- (a) *building envelopes;*
- (b) *distribution of land uses within a lot;*
- (c) *private open space;*
- (d) *services;*
- (e) *vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;*



- (f) *the location, orientation and design of buildings and the space between buildings;*
  - (g) *advertising signs, lighting and fencing;*
  - (h) *landscaping, finished site levels and drainage;*
  - (i) *protection of sites of heritage, conservation or environmental significance;*
  - (j) *special development controls and guidelines; and*
  - (k) *such other information considered relevant by the local government.*
- 5.18.5.4 (a) *An approved detailed area plan may be modified or varied with the approval of the local government, but where there is a related Structure Plan, such modifications or variations are to conform with the intent of any related Structure Plan.*
- (b) *The local government is to forward a copy of the modification or variation to the detailed area plan to the Commission within 10 days of approving the modification or variation.*

Because the Draft Byford Structure Plan has no formal status, Council is of the view that Clause 5.4.2(a) of Town Planning Scheme No. 2 prevails. Clause 5.4.2(a) provides, in part:

*“Where no Residential Density Code area is depicted on the Scheme Map, residential development shall be in accordance with the R10 Density Code.....”*

Essentially, finalisation of a Structure Plan for a Development Area is a prerequisite for Council approval of a DAP.

#### Draft Byford Structure Plan

At its meeting held 22 January 2001, Council adopted for advertising the proposed Byford Structure Plan. In July 2001 Council was advised that the WA Planning Commission had adopted the Structure Plan as a draft subject to numerous modifications. Notwithstanding this, final endorsement of the Structure Plan by the WAPC and Council is dependent upon completion and finalisation of the Byford Urban Water Management Strategy.

Under the Byford Structure Plan the subject land is earmarked for Residential purposes with a density coding of R20 and is located within Precinct No. 10. A drainage basin is also designated on the Structure Plan over Pt Lot 3. A local park is proposed for the subject land with an approximate area of 3000m<sup>2</sup>. The WAPC have previously indicated that this would be an acceptable land area requirement for public open space. Any shortfall in POS will be subject to a cash-in-lieu payment to the Council by the subdivider.

The Byford Structure Plan also identifies a future proposed railway station located to the west of the application area. The proponent has taken into account that a railway station may be constructed at this location sometime in the future by incorporating higher densities in accordance with WAPC policy.

#### Draft Byford Urban Stormwater Management Strategy

Council has appointed PPK Infrastructure and Environmental to prepare an urban water management strategy for the Byford urban development area. Completion of the Byford Stormwater Strategy is behind schedule, with submission of a preliminary draft report due in March 2002, with a final report to be submitted end of March 2002. A preliminary draft report was submitted to Council on 8 October and is currently being reviewed.

Under the Draft Byford Urban Stormwater Management Strategy the subject land is identified as falling within the 3D3 sub-catchment area. Within this catchment area the Draft Strategy requires that 0.9 metres of fill be placed over the entire land. Notwithstanding this,

the amount of fill is subject to change and may increase when the document is finalized. Recommendations for fill are also based on the degree of infrastructure in terms of subsoil drainage.

There are also implications in terms of drainage. The Strategy requires that a drainage detention basin be provided with a basin (top water area) of 0.2 hectares and storage volume of 1,800m<sup>3</sup>.

#### Comments from Sustainable Development

The subject property is located in a prominent position being situated on the corner of Thomas Road and South Western Highway. The site is essentially the principal entry into the Byford area and should be developed with due consideration to its potential impact upon the amenity of the locality.

This is the first application submitted to Council for a detailed area plan within the Byford Structure Plan area. As such, it is important that all the requirements of Clause 5.18.5.3 are addressed within Town Planning Scheme No. 2 as well as those required by revised Local Planning Policy No. 12 which has received approval by Council to advertise for public comment.

#### Draft Local Planning Policy No. 12

Council requires any DAP submitted to it for approval to address/include details and provisions in relation to the following matters:

- a) a vision statement for the whole of the precinct;
- b) a statement of objectives for the whole of the precinct;
- c) detailed site analysis;
- d) a landscape master plan for public land throughout the whole of the precinct including:
  - finished site levels;
  - a drainage and nutrient management strategy complying with Council's adopted Urban Water Management Strategy for the Development Area;
  - integrated cycle and pedestrian paths linked to regional network;
  - domain interface between public/private domain/streetscapes (e.g. fences, setbacks. Allows for the future character of the precinct to be assessed);
  - community safety (active street frontages, lighting etc.);
- e) building envelopes;
- f) distribution of land uses within a lot;
- g) private open space including provisions relating to solar passive landscaping;
- h) services;
- i) vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;
- j) the location, orientation and design of buildings and the space between buildings;
- k) advertising signs, lighting and fencing;
- l) protection of sites of heritage, conservation or environmental significance where appropriate;
- m) development controls and guidelines relating to matters including:
  - use of energy efficient building materials and other energy efficiency measures;
  - solar orientation;
  - use of minimum R2 roof insulation;
  - use 4 or 5 star solar hot water systems rated for flexibility;
  - use of AAA rated plumbing fittings and fixtures;
  - water reuse or water tanks for irrigation;
- n) a waste management strategy to minimise construction waste to landfill;
- o) any other sustainability initiatives that an applicant wants to put forward for Council consideration.

Other issues that will require attention in terms of the submitted detailed area plan include the following:

- the inclusion of two (2) additional round-a-bouts. One on George Street at the main (central) entrance into the “estate” and another adjacent to the temporary drainage facility;
- location of swale in Thomas Road which details the width in accordance with Byford Urban Stormwater Management Strategy (subject to Main Roads WA approval);
- water sensitive urban design at a local level;
- disposal of urban stormwater on-site in line with Water Corporation recommendations;
- creation of a ‘loop road’ or pedestrian accessway abutting South Western Highway at the location of proposed Lots 28 and 44;
- complete construction of George Street;
- entry statement to the “estate” to be aesthetic with consideration for native vegetation, fencing, etc.

Notwithstanding the matter of density for the proposal, the one of the principal aspects of concern with the DAP is that requirements of Clause 5.18.5.3 of TPS 2 and draft Local Planning Policy No. 12, have not been addressed by the proponent. The purpose of the DAP is to enhance, elaborate and expand upon the details or provisions contained in the proposed Structure Plan.

The other major restriction is that structure planning for the Byford urban development area has yet to be completed. Endorsement of the Structure Plan is dependent upon finalisation of the Byford Urban Stormwater Management Strategy, which will have inherent implications in terms of the Structure Plan.

The proposal is therefore recommended for refusal for the reasons explained above and those outlined in the Officer’s Recommended Resolution.

### **Sustainability Statement**

*Does the proposal/issue enhance the environment (built and natural) or minimise environmental damage through best practice in its field?*

The proposal has the following attributes in terms of enhancing the environment and minimising environmental damage:

- Variety of lot sizes;
- Provision of local open space;
- A modified grid road network;
- Establishment and provision of on-site drainage.

*Does the proposal/issue minimise resource use, eg. Energy, land, water, soil, compared to traditional development approaches?*

The design of the Byford Structure Plan is based upon the Liveable Neighbourhoods/Community Design Codes with adaptation for local circumstances. The Structure Plan has been designed to improve urban sustainability compared to traditional approaches to land use development.

*Does the proposal/issue use locally available or produced resources?*

Use of local material inputs for the application area will be sourced from as close as possible.

*Will the proposal/issue be economically viable in a way that incorporates its external costs?*

The Byford Structure Plan area will accommodate a range of services and facilities to cater for the anticipated population growth. Infrastructure such as schools, community centres, recreation areas, shopping centres, etc will be provided within the Structure Plan area.

*Is the proposal/issue designed to be socially and environmentally responsible through building up the community and enabling full participation in its implementation?*

There has already been significant community and public consultation in respect to the Byford Structure Plan area with more consultation anticipated in the future. Referral of the DAP for the subject land to affected and nearby landowners is not required. However, the two (2) landowners affected by the proposed DAP (i.e. Pt Lot 3 and 68) will be required to comment on the proposal.

*Does the proposal/issue disadvantage any social groups?*

It is considered that the proposal does not inherently disadvantage indirectly or directly, any social group.

*Does the proposal/issue create long term employment or economic benefit to current and future residents of the shire?*

The application area will not directly create any future employment. However, there will be a range of retail, commercial, industrial and mixed use facilities provided within the Structure Plan area, which will service the needs of the local and wider community and provide employment opportunities accordingly.

**Statutory Environment:**

Town Planning and Development Act 1928 (as amended)  
Town Planning Scheme No. 2 (TPS 2)  
Amendment No. 69 to TPS 2  
Liveable Neighbourhoods/Community Design Codes  
Austroads  
Residential Planning Codes (R Codes)

**Policy Implications:**

Draft Byford Structure Plan (2000)  
Byford Urban Stormwater Management Strategy (2002)  
Shire's Rural Strategy 1994 (as amended)

**Financial Implications:**

The subdivider/developer will be responsible for payment of infrastructure contributions for the Byford Structure Plan area.

**Strategic Implications:**

Detailed Area Plan (DAP) proposes further fragmentation of lots to R20 within the northern portion of the Byford Town centre

Strategies 1.2, 1.3 and 2.1 from the Shire's Strategic Plan (2001-2005) are applicable to the proposal.

**Community Consultation:**

There are no requirements to carry out consultation with the public and/or government agencies in respect to the DAP.

Further consultation will be carried in relation to the Draft Byford Structure Plan upon completion of the Byford Urban Stormwater Strategy.

**Voting Requirements:**

Normal

### **Officer Recommended Resolution**

- A. The application for a Detailed Area Plan (DAP) submitted on 6 June 2002 for Pt Lot 3 and Lot 68 South Western Highway, Byford, be refused for the following reasons:
1. The proposal is not in accordance with Clause 5.18.1.1 of Council's Town Planning Scheme No. 2 in which a Structure Plan for a Development Area is required before recommending subdivision or approving development of land within the Development Area.
  2. The applicant has not comprehensively addressed requirements of Clause 5.18.5 of Council's Town Planning Scheme No. 2 relating to Detailed Area Plans.
  3. The applicant has not adequately addressed requirements of draft Local Planning Policy No. 12 – Requirements for Detailed Area Plans.
  4. Subdivision of the subject land is premature until planning issues (including agreement to an overall road pattern, the allocation of land for recreation and other public uses, provision of essential infrastructure such as drainage and effluent disposal and equitable arrangements for developer contributions) are resolved, via a suitable structure plan for the development of Byford townsite.
  5. Proposed subdivision of the subject land would create an undesirable precedent for the further subdivision of the undeveloped superblocs in the immediate area, which is not appropriate in the absence of structure planning referred to above.
  6. Common Infrastructure costings have yet to be determined by Council for the Byford Structure Plan area.
- B. Council presents the following conditions if the Western Australia Planning Commission (WAPC) should decide to approve the subdivision application (WAPC Ref No. 111781), prior to finalisation of the Draft Byford Structure Plan and/or approval of a Detailed Area Plan:
1. The subdivider paying a contribution to the Council towards the provision of common infrastructure for the Byford Structure Plan area. In this respect, a Bond or Bank Guarantee is to be provided by the subdivider to cover developer infrastructure contributions. The amount of which is to be negotiated with the Director Sustainable Development.
  2. Provision of at least 10% public open space within the subdivision.
  3. The detailed design, construction and landscaping of the public open space/drainage reserve(s) being to the satisfaction of the Western Australian Planning Commission.
  4. Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost and to the Council's specifications.
  5. Road reserve widths within the subdivision are to be determined by Council's Asset Services.
  6. Construction of round-a-bouts within the subdivision is to be to the specifications of Council's Asset Services Directorate.
  7. Provision of a round-a-bout on George Street at the main entrance to the subdivisional area.
  8. The full length of George Street to be constructed to an urban standard where it abuts the application area, to the satisfaction of the local authority and Western Australian Planning Commission.
  9. Land to be given up for road widening purposes for South Western Highway to the satisfaction of Main Roads WA.
  10. The provision of dual-use paths/footpaths. Dual-use path widths are to be constructed in accordance with the requirements of Bikewest and all others to a minimum of 1.2 metres.

11. A 0.1 metre wide pedestrian accessway being provided along South Western Highway in order to prevent access into the subdivision area. Such land to be shown on the Diagram or Plan of Survey as a pedestrian accessway, vested in the Crown under section 20A of the Town Planning and Development Act 1928 (as amended) and ceded free of cost and without any payment of compensation by the Crown.
12. Uniform fencing along the boundaries of all of the proposed lots abutting South Western Highway to be constructed to the satisfaction of the Western Australian Planning Commission.
13. Due to the nature of the foundation material, or prevailing high water table, each lot must be serviced by sub soil drains.
14. The land being filled and/or drained at the satisfaction of the Western Australian Planning Commission, and any easement and/or reserve necessary for the implementation thereof, being provided free of cost.
15. The applicant making arrangements with and to the satisfaction of the Water Corporation of Western Australia for the provision of reticulated water to all lots within the subdivision.
16. The applicant making arrangements with and to the satisfaction of the Water Corporation of Western Australia for the provision of reticulated sewerage to all lots within the subdivision.
17. The existing outbuildings and improvements on the subject land are to be demolished and removed.
18. Compliance with requirements of the Byford Urban Stormwater Management Strategy.
19. Street corners within the subdivision being truncated to the standard truncation of 8.5 metres.
20. The applicant providing a geotechnical report on the soil conditions of the property to the specifications of the Local Authority.
21. The land being graded and stabilized at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.
22. The land being provided with an adequate outlet drainage system at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.
23. The proposed reserve(s) shown on the plan submitted by the applicant, being shown on the Diagram or Plan of Survey as a "Reserve for Recreation" and vested in the Crown under section 20A of the Town Planning and Development Act (as amended), such land to be ceded free of cost and without any payment of compensation by the Crown.
24. The subdivider making arrangements satisfactory to the Western Australian Planning Commission to ensure that prospective purchasers of the lots created will be advised of those provisions of the Local Government's Town Planning Scheme, which relates to the land use and management of the land.
25. Measurements being taken to the satisfaction of the Western Australian Planning Commission to ensure identification and protection of any vegetation on the site worthy of retention prior to commencement of site works.
26. Provision of underground power to Western Power and Council requirements, including the provision of street lighting.

SUPPLEMENTARY REPORT (prepared by Director Sustainable Development)

The process for orderly and proper planning contemplated by Town Planning Scheme No. 2, by virtue of the amendments made to it by way of Amendment No. 69, and by the draft Byford Structure Plan, intrinsically relies on the preparation and approval of Detailed Area Plans for precincts comprising the Structure Plan Area. This is recognised in the draft structure plan, which has been adopted by the Commission, wherein it states:

*[g]iven that the Byford Structure Plan covers a substantial development area, and the level of the plan detail is therefore necessarily broad, Council under most circumstances will*

*require the preparation of a detailed Area Plan for each precinct, prior to considering any subdivision or development proposals.*

Many of the objectives of the draft Byford Structure Plan are not deliverable if a Detailed Area Plan for a precinct is not prepared, being beyond the capacity of the next significant step in the proper planning, being the process of subdivision/amalgamation.

Council is not obligated to prepare a structure plan itself, and nor is it obligated to prepare an urban water management strategy for the urban cell. Council has undertaken these significant tasks at great cost for a number of reasons including a desire to facilitate best practice urban development based on the principles of sustainable development, in recognition of the fragmented nature of land ownership in the urban cell, and in order to remove obstacles for the entry of the development industry to the urban cell in light of the complex drainage issues associated with the site. To this point in time the WA Planning Commission and the Department for Planning and Infrastructure, along with a number of other Government Agencies, have been key stakeholders in this process. The proposed Detailed Area Plan for Pt Lot 3 and Lot 68 South Western Highway simply does not reflect the nature of development contemplated by the draft Byford Structure Plan. If the WA Planning Commission proceeds to undermine Council's role in the planning process by approving WAPC Ref No. 111781 prior to the finalisation of the draft Byford Structure Plan and particularly in the absence of a satisfactory Detailed Area Plan, there is simply no other mechanism for the types of special development controls contemplated by the draft structure plan and Council's Local Planning Policy No. 12 – Requirements for Detailed Area Plans, viz:

- a) a vision statement for the whole of the precinct;
- b) a statement of objectives for the whole of the precinct;
- c) detailed site analysis;
- d) a landscape master plan for public land throughout the whole of the precinct including:
  - finished site levels;
  - a drainage and nutrient management strategy complying with Council's adopted Urban Water Management Strategy for the Development Area;
  - integrated cycle and pedestrian paths linked to regional network;
  - domain interface between public/private domain/streetscapes (eg fences, setbacks. Allows for the future character of the precinct to be assessed);
  - community safety (active street frontages, lighting etc.);
- e) building envelopes;
- f) distribution of land uses within a lot;
- g) private open space including provisions relating to solar passive landscaping;
- h) services;
- i) vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;
- j) the location, orientation and design of buildings and the space between buildings;
- k) advertising signs, lighting and fencing;
- l) protection of sites of heritage, conservation or environmental significance where appropriate;
- m) development controls and guidelines relating to matters including:
  - use of energy efficient building materials and other energy efficiency measures;
  - solar orientation;
  - use of minimum R2 roof insulation;
  - use 4 or 5 star solar hot water systems rated for flexibility;
  - use of AAA rated plumbing fittings and fixtures;
  - water reuse or water tanks for irrigation;
- n) a waste management strategy to minimise construction waste to landfill;
- o) any other sustainability initiatives that an applicant wants to put forward for Council consideration.

Many of these matters are reflected in cutting edged developments based on sustainability such as the much lauded Atwell South project but are not able to be accommodated in the planning process except through the preparation of a Detailed Area Plan.

If the applicant is dissatisfied with the approach Council has taken with respect to its decision to refuse a Detailed Area Plan for Pt Lot 3 and Lot 68 South Western Highway, Byford then clause 5.18.8 provides access to the planning appeals process.

#### Discussion at the Committee Meeting

Mr Lewis explained that this subdivision is a completely self contained parcel of land, bordered by South Western Highway, the existing subdivision to the south, George Road (to be constructed) and Thomas Road.

It has been confirmed by the Commission that 3 000m<sup>2</sup> is the requirement for public open space. PPK have identified a requirement for a drainage sump in that area.

Cost sharing contribution arrangements are yet to be discussed.

Mr Lewis stated that he would like to see some form of subdivision of land in Byford as this has not occurred for some time.

It was noted that the two issues relation to this subdivision application are the formal approval of the Byford Structure Plan and Councils formal requirements for a Detailed Area Plan.

#### CRP166 Committee Recommended Resolution

A. Council, in accordance with clause 5.18.5.1 of Town Planning Scheme No. 2, refuses the Detailed Area Plan submitted on 6 June 2002 for Pt Lot 3 and Lot 68 South Western Highway, Byford, for the following reasons:

1. The proposal is not in accordance with Clause 5.18.1.1 of Council's Town Planning Scheme No. 2 in which a Structure Plan for a Development Area is required before recommending subdivision or approving development of land within the Development Area.
2. The applicant has not comprehensively addressed requirements of Clause 5.18.5 of Council's Town Planning Scheme No. 2 relating to Detailed Area Plans.
3. The applicant has not adequately addressed requirements of draft Local Planning Policy No. 12 – Requirements for Detailed Area Plans.
4. Subdivision of the subject land is premature until planning issues (including agreement to an overall road pattern, the allocation of land for recreation and other public uses, provision of essential infrastructure such as drainage and effluent disposal and equitable arrangements for developer contributions) are resolved, via a suitable structure plan for the development of Byford townsite.
5. Proposed subdivision of the subject land would create an undesirable precedent for the further subdivision of the undeveloped superblocs in the immediate area, which is not appropriate in the absence of structure planning referred to above.
6. Common Infrastructure costings have yet to be determined by Council for the Byford Structure Plan area.

B. In respect of WAPC Ref No. 111781, Council advises the WA Planning Commission as follows:

The process for orderly and proper planning contemplated by Town Planning Scheme No. 2, by virtue of the amendments made to it by way of Amendment No. 69, and by the draft Byford Structure Plan, intrinsically relies on the preparation and approval of Detailed Area



Plans for precincts comprising the Structure Plan Area. This is recognised in the draft structure plan, which has been adopted by the Commission, wherein it states:

*[g]iven that the Byford Structure Plan covers a substantial development area, and the level of the plan detail is therefore necessarily broad, Council under most circumstances will require the preparation of a detailed Area Plan for each precinct, prior to considering any subdivision or development proposals.*

Many of the objectives of the draft Byford Structure Plan are not deliverable if a Detailed Area Plan for a precinct is not prepared, being beyond the capacity of the next significant step in the proper planning, being the process of subdivision/amalgamation.

Council is not obligated to prepare a structure plan itself, and nor is it obligated to prepare an urban water management strategy for the urban cell. Council has undertaken these significant tasks at great cost for a number of reasons including a desire to facilitate best practice urban development based on the principles of sustainable development, in recognition of the fragmented nature of land ownership in the urban cell, and in order to remove obstacles for the entry of the development industry to the urban cell in light of the complex drainage issues associated with the site. To this point in time the WA Planning Commission and the Department for Planning and Infrastructure, along with a number of other Government Agencies, have been key stakeholders in this process. The proposed Detailed Area Plan for Pt Lot 3 and Lot 68 South Western Highway simply does not reflect the nature of development contemplated by the draft Byford Structure Plan, If the WA Planning Commission proceeds to undermine Council's role in the planning process by approving WAPC Ref No. 111781 prior to the finalisation of the draft Byford Structure Plan and particularly in the absence of a satisfactory Detailed Area Plan, there is simply no other mechanism for the types of special development controls contemplated by the draft structure plan and Council's Local Planning Policy No. 12 – Requirements for Detailed Area Plans, viz:

- a) a vision statement for the whole of the precinct;
- b) a statement of objectives for the whole of the precinct;
- c) detailed site analysis;
- d) a landscape master plan for public land throughout the whole of the precinct including:
  - finished site levels;
  - a drainage and nutrient management strategy complying with Council's adopted Urban Water Management Strategy for the Development Area;
  - integrated cycle and pedestrian paths linked to regional network;
  - domain interface between public/private domain/streetscapes (eg fences, setbacks. Allows for the future character of the precinct to be assessed);
  - community safety (active street frontages, lighting etc.);
- e) building envelopes;
- f) distribution of land uses within a lot;
- g) private open space including provisions relating to solar passive landscaping;
- h) services;
- i) vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;
- j) the location, orientation and design of buildings and the space between buildings;
- k) advertising signs, lighting and fencing;
- l) protection of sites of heritage, conservation or environmental significance where appropriate;
- m) development controls and guidelines relating to matters including:
  - use of energy efficient building materials and other energy efficiency measures;
  - solar orientation;
  - use of minimum R2 roof insulation;
  - use 4 or 5 star solar hot water systems rated for flexibility;
  - use of AAA rated plumbing fittings and fixtures;

- water reuse or water tanks for irrigation;
- n) a waste management strategy to minimise construction waste to landfill;
- o) any other sustainability initiatives that an applicant wants to put forward for Council consideration.

Many of these matters are reflected in cutting edged developments based on sustainability such as the much lauded Atwell South project but are not able to be accommodated in the planning process except through the preparation of a Detailed Area Plan.

- a) If the applicant is dissatisfied with the approach Council has taken with respect to its decision to refuse a Detailed Area Plan for Pt Lot 3 and Lot 68 South Western Highway, Byford then clause 5.18.8 provides access to the planning appeals process.

Note: The Officers Recommended Resolution was changed as a consequence of considering the Supplementary Report.

Cr Richards left the meeting at 7.59pm

### **COUNCIL DECISION**

Moved Cr Murphy seconded Cr Price that

- A. Council, in accordance with clause 5.18.5.1 of Town Planning Scheme No. 2, refuses the Detailed Area Plan submitted on 6 June 2002 for Pt Lot 3 and Lot 68 South Western Highway, Byford, for the following reasons:

1. The proposal is not in accordance with Clause 5.18.1.1 of Council's Town Planning Scheme No. 2 in which a Structure Plan for a Development Area is required before recommending subdivision or approving development of land within the Development Area.
2. The applicant has not comprehensively addressed requirements of Clause 5.18.5 of Council's Town Planning Scheme No. 2 relating to Detailed Area Plans.
3. The applicant has not adequately addressed requirements of draft Local Planning Policy No. 12 – Requirements for Detailed Area Plans.
4. Subdivision of the subject land is premature until planning issues (including agreement to an overall road pattern, the allocation of land for recreation and other public uses, provision of essential infrastructure such as drainage and effluent disposal and equitable arrangements for developer contributions) are resolved, via a suitable structure plan for the development of Byford townsite.
5. Proposed subdivision of the subject land would create an undesirable precedent for the further subdivision of the undeveloped superblocks in the immediate area, which is not appropriate in the absence of structure planning referred to above.
6. Common Infrastructure costings have yet to be determined by Council for the Byford Structure Plan area.

- B. In respect of WAPC Ref No. 111781, Council advises the WA Planning Commission as follows:

The process for orderly and proper planning contemplated by Town Planning Scheme No. 2, by virtue of the amendments made to it by way of Amendment No. 69, and by the draft Byford Structure Plan, intrinsically relies on the preparation and approval of Detailed Area Plans for precincts comprising the Structure Plan Area. This is recognised in the draft structure plan, which has been adopted by the Commission, wherein it states:

*[g]iven that the Byford Structure Plan covers a substantial development area, and the level of the plan detail is therefore necessarily broad, Council under most circumstances will*

*require the preparation of a detailed Area Plan for each precinct, prior to considering any subdivision or development proposals.*

Many of the objectives of the draft Byford Structure Plan are not deliverable if a Detailed Area Plan for a precinct is not prepared, being beyond the capacity of the next significant step in the proper planning, being the process of subdivision/amalgamation.

Council is not obligated to prepare a structure plan itself, and nor is it obligated to prepare an urban water management strategy for the urban cell. Council has undertaken these significant tasks at great cost for a number of reasons including a desire to facilitate best practice urban development based on the principles of sustainable development, in recognition of the fragmented nature of land ownership in the urban cell, and in order to remove obstacles for the entry of the development industry to the urban cell in light of the complex drainage issues associated with the site. To this point in time the WA Planning Commission and the Department for Planning and Infrastructure, along with a number of other Government Agencies, have been key stakeholders in this process. The proposed Detailed Area Plan for Pt Lot 3 and Lot 68 South Western Highway simply does not reflect the nature of development contemplated by the draft Byford Structure Plan, If the WA Planning Commission proceeds to undermine Council's role in the planning process by approving WAPC Ref No. 111781 prior to the finalisation of the draft Byford Structure Plan and particularly in the absence of a satisfactory Detailed Area Plan, there is simply no other mechanism for the types of special development controls contemplated by the draft structure plan and Council's Local Planning Policy No. 12 – Requirements for Detailed Area Plans, viz:

- a) a vision statement for the whole of the precinct;
- b) a statement of objectives for the whole of the precinct;
- c) detailed site analysis;
- d) a landscape master plan for public land throughout the whole of the precinct including:
  - finished site levels;
  - a drainage and nutrient management strategy complying with Council's adopted Urban Water Management Strategy for the Development Area;
  - integrated cycle and pedestrian paths linked to regional network;
  - domain interface between public/private domain/streetscapes (eg fences, setbacks. Allows for the future character of the precinct to be assessed);
  - community safety (active street frontages, lighting etc.);
- e) building envelopes;
- f) distribution of land uses within a lot;
- g) private open space including provisions relating to solar passive landscaping;
- h) services;
- i) vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;
- j) the location, orientation and design of buildings and the space between buildings;
- k) advertising signs, lighting and fencing;
- l) protection of sites of heritage, conservation or environmental significance where appropriate;
- m) development controls and guidelines relating to matters including:
  - use of energy efficient building materials and other energy efficiency measures;
  - solar orientation;
  - use of minimum R2 roof insulation;
  - use 4 or 5 star solar hot water systems rated for flexibility;
  - use of AAA rated plumbing fittings and fixtures;
  - water reuse or water tanks for irrigation;
- n) a waste management strategy to minimise construction waste to landfill;
- o) any other sustainability initiatives that an applicant wants to put forward for Council consideration.

The Shire vehemently opposes a proposal of this scale and importance proceeding without the necessary development controls being secured by way of a detailed area plan. The Shire and the State, as outlined in the draft consultation paper entitled “The Western Australian State Sustainability Strategy” September 2002, have a social, economic and environmental responsibility to ensure that sustainable development is achieved through best practice urban design that adequately addresses the expectations and needs of existing and future residents.

Given the substantial size and key location of this proposed development, there exists a unique opportunity to create a distinctive entrance statement into the new village of Byford that demonstrates the standard of innovative design expected by the Shire for any future development within the structure plan area. Outmoded development focused on maximisation of lot yield that ignores many of the Liveable Neighbourhood design principles does not contribute to the achievement of this vision. The integration of pedestrian walkways and cycle ways and their relationship to transport infrastructure and community facilities and services cannot be ignored. Likewise, water sensitive design principles aligned to the recommendations of the draft Byford Stormwater Management Strategy must be incorporated within the controls imposed by a detailed area plan.

Many of these matters are reflected in cutting edged developments based on sustainability such as the much lauded Atwell South project but are not able to be accommodated in the planning process except through the preparation of a Detailed Area Plan.

- a) If the applicant is dissatisfied with the approach Council has taken with respect to its decision to refuse a Detailed Area Plan for Pt Lot 3 and Lot 68 South Western Highway, Byford then clause 5.18.8 provides access to the planning appeals process.

CARRIED 9/0

Cr Richards was absent and did not vote.

Note: The reason for the change to the Committee Recommended Resolution is that the Council is of the view that the resolution, although strong, should be further strengthened to reflect the Council's complete commitment to sustainable principles in future urban subdivisions.

P165/10/02 PROPOSED SUBDIVISION – LOT 1 ANKETELL ROAD, OAKFORD (S119908)		
Proponent	Dykstra & Associates	<b>In Brief</b>  Council is in receipt of a referral from the WA Planning Commission, which proposes to subdivide Lot 1 Anketell Road, Oakford, into five (5) allotments.  It is recommended that the subdivision proposal not be supported.
Officer	David Spencer – Senior Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	13 September 2002	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

Owner: P Duggan  
 Owner's Address: 493 Orton Road, Oakford  
 Applicant: Dykstra & Associates  
 Applicant's Address: Unit 6, 2954 Albany Highway, Kelmscott  
 Date of Receipt: 10 September 2002  
 Advertised: Not a statutory requirement by the Council  
 Submissions: Not applicable  
 Lot Area: 20.18 hectares  
 L.A Zoning: Rural  
 MRS Zoning: Rural  
 Byford Structure Plan: Not applicable  
 Rural Strategy Policy Area: Public Land, Parks and Recreation  
 Rural Strategy Overlay: Not applicable  
 Municipal Inventory: Not applicable  
 Townscape/  
 Heritage Precinct: Not applicable  
 Bush Forever: Part of site affected by Bush Forever Site 347  
 Date of Inspection: 12 September 2002

### **Background**

The applicant has submitted written information with the application in support of the subdivision proposal. This is reproduced in part within the Comments section below.

### **Comments**

#### **Site and Zoning Description**

Lot 1 is zoned 'Rural' under the provisions of Town Planning Scheme No. 2 (TPS 2) and 'Rural' and 'Parks and Recreation' reserve under the provision of the Metropolitan Region Scheme. The subject land has a total lot area of 20.18 hectares and has direct street frontage to Anketell Road.

The land is predominantly cleared of native vegetation with the exception of approximately 4.0 hectares of remnant bushland in the north-western corner of the site, which is affected by the 'Parks and Recreation' reservation.

#### **Applicants Town Planning Rationale**

The applicant in support of the subdivision proposal provides the following justification:

*"The attached plan of subdivision proposes the subdivision of Lot 1 into five (5) new lots of approximately 4.0 ha in size, with each new side boundary generally orientated in a north-*

south direction. All lots will have frontage to Anketell Road, thereby capitalizing on the existing infrastructure.

The lots would be regularly shaped having frontages of approximately 90m – 120m wide and building envelopes would be setback from the Western Power easement which traverses the land.

**A copy of the plan of subdivision is with the attachments marked P165.1/10/02.**

The applicant goes on to say that:

*“The subject land is zoned “Rural – Ground Water Protection” under the Metropolitan Region Scheme. As in many other instances throughout the Metropolitan Region, this zoning of the land can accommodate the proposed subdivision. This is further demonstrated by the surrounding subdivision pattern which consists predominantly of 2.0 ha – 4.0 ha rural lots in the “Rural – Groundwater Protection” zone.*

*The subject land is zoned “Rural” under the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, which generally specifies a minimum lot size of 40.0 ha. However, this prescribed lot size of 40.0 ha is clearly out of keeping with the existing subdivision pattern of this locality, which predominantly includes lots of 2.0 ha – 4.0 ha in area. Subdivision in the manner proposed will give the subject land the potential to be developed and utilized more in character with the wider surrounding area.”*

*The proposed subdivision will not set a precedent for further subdivision in the area as the subject land will be brought into keeping with the prevailing lot size within the locality (ie this is the last large rural lot remaining in a precinct of 2.0 ha – 4.0 ha lots).”*

Although Council’s TPS 2 does not prescribe any subdivision guidelines for Rural areas, the Shire’s Rural Strategy recommends a minimum lot size for new subdivision of 40 hectares. The proposed subdivision does not comply with this requirement. Due consideration will also need to be given by the WA Planning Commission in terms of the land of “Rural – Ground Water Protection.”

### Scheme Requirements

In respect to the ‘Rural’ zone, Clause 5.10.1 of Council’s Town Planning Scheme No. 2 states that:

*“The purpose and intent of the Rural zone is to allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area.”*

It may be argued that the proposed subdivision will lead to the fragmentation of the subject land and may restrict the variety of agricultural land uses that may otherwise be sustainable and productive on the land in its’ current state.

### Bush Forever Site No. 347

The north-western portion of the lot is zoned ‘Parks and Recreation’, which incorporates Bush Forever Site 347. This site, more commonly known as Wandi Nature Reserve and Anketell Road Bushland is 412.3 ha in area including open water. The majority of Wandi Nature Reserve falls within the Town of Kwinana with a small part located on the subject lot. Care, control and management of this portion of site for conservation purposes within Jandakot Regional Park is endorsed, as part of the Bush Forever documentation.

### Shire’s Rural Strategy

Lot 1 is identified within the Public Land/Parks and Recreation area of the Shire’s Rural Strategy. There are no clear and definitive guidelines applicable to this area within the

Strategy, however, a relevant objective in respect to the subdivision proposal is set out in the clause below.

Subdivision of the subject land may further restrict the productive capabilities of the land. For this reason the Rural Strategy states that:

*“... the subdivision of new lots is not supported below a minimum lot size of 40 hectares.”*

The fundamental intent of the Rural Strategy is to protect priority agricultural land from future subdivision. The applicant has not submitted reasonable justification to warrant support for the subdivision, in terms of increasing the agricultural viability of the lot.

#### Statement of Planning Policy No. 11 (SPP 11)

Clause 5.3.1 (iii) of SPP 11 states the following:

*“The Commission will only support subdivision for Rural-Residential and Rural smallholdings where the land has been appropriately zoned within the town planning scheme and the provisions of Policy No. DC 3.4 (2001) Clause 6 can be complied with.”*

In consideration of the above statement, the subject land is not appropriately zoned for Rural-Residential (Rural Living A and B, Special Rural) or Rural smallholdings (Farmlet), and therefore the WA Planning Commission are in a position to not support the proposed subdivision.

Additionally, Clause 5.4.1 of SPP 11 refers to Water Resource Areas in which public drinking water source areas including gazetted underground water pollution control areas, gazetted catchment areas and gazetted water reserves should be protected and appropriately managed to maintain the sustainability of the resource. The proposal may therefore place pressure on the land to support further subdivision and affect the groundwater protection area.

The proposed subdivision seeks endorsement by the WA Planning Commission to subdivide Lot 1 Anketell Road, from one (1) lot into five (5) lots (approximately 4.0ha each), within a Rural zone. The Shire's Rural Strategy recommends that no further subdivision be allowed that creates lots less than 40 hectares in area. A precedent may also be set if approved by the WA Planning Commission, for further applications of this nature within the Rural zone.

It is generally considered that the proposed lot sizes within the subdivision would be consistent with the prevailing lot sizes in the locality and therefore would not adversely affect the future planning for the area.

It may be also be argued, as contented by the applicant, that the proposed subdivision is in keeping with lots in the prevailing area and would result in a “round off” of this precinct.

However, in view of the above, it is recommended that Council advise the WA Planning Commission to refuse the subdivision proposal.

#### **Sustainability Statement**

*Does the proposal/issue enhance the environment (built and natural) or minimise environmental damage through best practice in its field?*

The proposal if approved by the WA Planning Commission will lead to the fragmentation of the subject land which may inevitably limit the productive capacity of the land and place increasing pressure on the land in the form of land degradation, catchment management, effluent disposal and retention of native vegetation.

*Does the proposal/issue minimise resource use, eg. Energy, land, water, soil, compared to traditional development approaches?*

The proposal if approved by the WA Planning Commission would utilise existing utility services in the area such as telecommunications, power, etc. Vehicular access to the site would be achieved from Anketell Road. Effluent disposal would be catered for via on-site disposal units and in view of the location within the Peel-Harvey Catchment, alternative treatment units would be required. Further, domestic water supply requirements would be met via on-site domestic rainwater tanks.

*Does the proposal/issue use locally available or produced resources?*

Not relevant to the subdivision proposal.

*Will the proposal/issue be economically viable in a way that incorporates its external costs?*

Not relevant to the subdivision proposal.

*Is the proposal/issue designed to be socially and environmentally responsible through building up the community and enabling full participation in its implementation?*

Community and public participation not required in regards to the subdivision proposal.

*Does the proposal/issue disadvantage any social groups?*

It is considered that social groups will not be adversely disadvantaged by the proposed subdivision if approved by the WA Planning Commission.

*Does the proposal/issue create long term employment or economic benefit to current and future residents of the shire?*

Not relevant to the subdivision proposal.

**Statutory Environment:**

Town Planning and Development Act 1928  
Town Planning Scheme No. 2

**Policy Implications:**

Statement of Planning Policy No. 11  
Shire's Rural Strategy 1994 (as amended)  
Bush Forever (Dec 2000)

**Financial Implications:**

There are no financial implications to Council associated with this proposal.

**Strategic Implications:**

Strategy 1.5 of Key Result Area (People and Community) of the Shire's Strategic Plan (2001-2005) is relevant to the proposal, which states:

*"Maintain the heritage character of the Shire and protect built and natural heritage for economic and cultural benefits."*

**Community Consultation:**

Community consultation by Council not a statutory requirement for subdivision proposals.

**Voting Requirements:**

Normal



### **Officer Recommended Resolution**

Council advises the WA Planning Commission that it does not support the proposed subdivision (WAPC Ref No. 119908), of Lot 1 Anketell Road, Oakford, for the following reasons:

1. The proposal does not comply with the Shire of Serpentine-Jarrahdale Rural Strategy 1994 (as amended), which prescribes a minimum lot size for new subdivision of 40 hectares.
2. The subject land is affected by Bush Forever Site No. 347 and the subdivision would lead to the fragmentation of the lot not under the same land tenure.
3. The proposed subdivision may create a precedent for the subdivision of rural lots within the Shire and lead to the fragmentation of land through subdivision within the Rural zone.
4. Pursuant to the Shire's Rural Strategy 1994 (as amended), the WA Planning Commission is unable to approve applications for subdivision of land that has not been appropriately zoned Rural-Residential or Rural Smallholdings.

Director Sustainable Development tabled a facsimile received from Dykstra & Associates at the committee meeting.

### **CRP165 Committee Recommended Resolution**

- A. Council advises the WA Planning Commission that it does not support the proposed subdivision (WAPC Ref No. 119908), of Lot 1 Anketell Road, Oakford, for the following reasons:
  1. The proposal does not comply with the Shire of Serpentine-Jarrahdale Rural Strategy 1994 (as amended), which prescribes a minimum lot size for new subdivision of 40 hectares.
  2. The subject land is affected by Bush Forever Site No. 347 and the subdivision would lead to the fragmentation of the lot not under the same land tenure.
  3. Pursuant to the Shire's Rural Strategy 1994 (as amended), the WA Planning Commission is unable to approve applications for subdivision of land that has not been appropriately zoned Rural-Residential or Rural Smallholdings.
- B. The proposed subdivision may create a precedent for the subdivision of rural lots within the Shire and lead to the fragmentation of land through subdivision within the Rural zone.
- C. Notwithstanding the abovementioned recommendation, the Council advises the WA Planning Commission that the subject land lies within a discrete rural precinct within the Shire which has long been recognised as a small holdings rural zoned precinct with lot sizes of predominantly 4.0ha, and hence the proposed subdivision would be consistent with the prevailing lot sizes in the locality and would not adversely affect the future planning for the area.

Note: The Officer Recommended Resolution as altered by inserting Part C at the request of the applicant.

Cr Richards returned to the meeting at 8.02pm

### **COUNCIL DECISION**

Moved Cr Price seconded Cr Murphy that

Council advises the WA Planning Commission that it does not support the proposed subdivision (WAPC Ref No. 119908), of Lot 1 Anketell Road, Oakford, for the following reasons:

1. The proposal does not comply with the Shire of Serpentine-Jarrahdale Rural Strategy 1994 (as amended), which prescribes a minimum lot size for new subdivision of 40 hectares.
2. The subject land is affected by Bush Forever Site No. 347 and the subdivision would lead to the fragmentation of the lot not under the same land tenure.
3. The proposed subdivision may create a precedent for the subdivision of rural lots within the Shire and lead to the fragmentation of land through subdivision within the Rural zone.
4. Pursuant to the Shire's Rural Strategy 1994 (as amended), the WA Planning Commission is unable to approve applications for subdivision of land that has not been appropriately zoned Rural-Residential or Rural Smallholdings.

CARRIED 6/4

Note: The committee recommendation was changed back to the officer recommendation as the Consultant on behalf of his client can make representation to the WA Planning Commission at any time.

P167/10/02 PROPOSED SUBDIVISION – PT LOT 5 KELLET DRIVE, OAKFORD (S119982)		
Proponent	Greg Rowe & Associates	<b>In Brief</b>  That Council recommends to the WA Planning Commission that an application dated the 2 August 2002 for the subdivision of Pt Lot 5 Kellet Drive, Oakford be refused.
Officer	Michael Davis – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	10/09/2002	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

Owner:	Aladdin Holdings Pty Ltd
Owner's Address:	Suite 16 88 Broadway, Nedlands
Applicant:	Greg Rowe & Associates
Applicant's Address:	24-26 Wickham Street, East Perth
Date of Receipt:	28 August 2002
Advertised:	Not applicable
Submissions:	Not applicable
Lot Area:	11.5637 ha.
L.A Zoning:	Rural Living B
MRS Zoning:	Rural
Byford Structure Plan:	Not applicable
Rural Strategy Policy Area:	Rural Living B
Rural Strategy Overlay:	Not applicable
Municipal Inventory:	Not applicable
Townscape/Heritage Precinct:	Not applicable
Bush Forever:	Nil
Date of Inspection:	25 September 2002

## **Background**

The application proposes to create five (5) lots each 2 hectares or greater in size.

The proponent has provided the following background information that relates to the application to subdivide the subject land, which has been summarised by Council's Officer into sub-headings:

### **Background**

*"We have been instructed by our Client to prepare and lodge an application to subdivide the subject site into five (5) "Rural Living" allotments, all in excess of 2 hectares in area".*

*"All of the proposed allotments contained within this subdivision application adhere to the minimum lot size of 2-hectares for the "Rural Living B" zone".*

### **Landfill Site and Associated Buffer**

*"The Armadale Waste Disposal site is located adjacent to the east of the subject site (Lot 1120 and 186). In liaising with the City of Armadale we confirm that past operations contained on Pt Lot 185, abutting the northern boundary of the subject site have ceased eliminating the buffer associated with Pt Lot 185.*

*In liaising with the Shire of Serpentine Jarrahdale we have been advised that a buffer of 350 metres is required from the "active" tip face of the landfill site to any dwelling in the immediate vicinity of the site.*

*Whilst the Shire of Serpentine Jarrahdale requests a buffer of 350 metres from the "active" tip face, we note that the Department for Environmental Protection (DEP) – Criteria for Landfill Management, has differing buffer distances associated with landfill sites governing development within the immediate vicinity.*

*The two buffers associated with landfill sites are:*

- *Primary Buffer Distance*                      150 metres
- *Secondary Buffer Distance*                500 metres

*All of the proposed allotments contain sufficient area within nominated building envelopes that are outside the extent of the 150 metre buffer zone. This allows the construction of a residential dwelling in these envelopes without the need for the prior agreement of the landfill operators.*

*The secondary buffer is an area where the potential for adverse impact is reduced both in intensity and Frequency. Given the reduced impacts within the secondary buffer, the construction of dwellings is deemed to be acceptable within this buffer area.*

*The 150-metre buffer on the submitted plan has been derived from the lot boundary of the landfill site, with the location of the "active face" not able to be accurately determined. Whilst this has been illustrated on the submitted plan it is noted that this buffer may be located further northward and/or westward dependant upon the "actual" location of the tip face and hence there would (in all practical reality) be a further reduced impact on the subject land".*

### **Proposed Lot Orientation**

*"The attached subdivision plan proposes five (5) "Rural Living" allotments, with all lots being accessible through the utilization of "battle axe" legs."*

**A copy of the plan of subdivision is with the attachments marked P167.1/10/02.**

The approved Subdivision Guide Plan shows lots that have building envelopes outside of the 350 metre tip buffer while the submitted plan shows lots that will have building envelopes located within this buffer area. The approved Subdivision Guide Plan demonstrates a superior design.

### Comments

#### Town Planning Scheme No.2

The subject land is zoned “Rural Living B” under Council’s Town Planning Scheme No.2. The Scheme states the following in respect of the “Rural Living B” zone:

*“The Rural Living B Zone is intended to cater for rural-residential development and ancillary rural related uses on a range of lots between two hectare to four hectare...”*

The proposed subdivision complies with the objectives of the “Rural Living B” zone under Council’s Scheme.

#### Shire’s Rural Strategy

The subject land is located within the Rural Living B Policy Area of the Shire’s Rural Strategy. The following guideline applies to the Rural Living Policy Area:

*“A variety of lot sizes will be supported in the range from 2 to 4 hectares, with the possibility of limited larger balance lots where capability and site constraints dictate”.*

The proposed lots are all within the above specified lot size range.

#### Statement of Planning Policy No.11 (SPP 11)

SPP No.11 states:

*“The Commission will only support subdivision for Rural-Residential and Rural Smallholdings where the land has been appropriately zoned within the town planning scheme and the provisions of Policy No. DC 3.4 (2001) Clause 6 can be complied with”.*

SPP No.11 further states:

- “(iii) The Commission will only support subdivision for Rural-Residential and Rural Smallholdings where the land has been appropriately zoned within the town planning scheme and the provisions of Policy No. DC 3.4 (2001) Clause 6 can be complied with.*
- a) the lot size should range from 1 ha to 4 ha depending on local conditions; and*
  - b) mandatory provision of a reticulated potable water supply to an appropriate standard as determined by the licence holder.”*

The subject land is appropriately zoned for ‘Rural-Residential’ subdivision under Council’s Scheme.

The proposed lot sizes will be within the suggested range between 1 to 4 hectares.

The requirement for a reticulated potable water supply will be difficult and costly for the developer to supply and may not be a realistic requirement. Council’s Scheme requires the lots to be provided with a potable water supply to Special Rural lots. This is considered adequate from Council’s perspective.

### Amendment No. 36

The subject land was rezoned from “Rural” to “Rural Living B” under Amendment No. 36 to Council’s Town Planning Scheme No.2.

The proposed subdivision is not in accordance with the approved Subdivision Guide Plan.

***A copy of the Subdivision Guide Plan is with the attachments marked P167.2/10/02.***

The amendment document discusses that the subject land is subject to water logging.

The amendment text states the following with respect to landfill site buffers:

*“The environmental assessment undertaken in respect of the landfill site demonstrates the suitability for development of Lot 187 beyond 400m from the tip face, and provides scope for some development within 400m. In view of this, it is considered appropriate to establish a buffer area on Lot 187 that precludes residential dwellings within 350m from the landfill site. The subdivision guide plan reflects these buffer requirements”.*

The current submitted plan shows building envelopes within the 350 metre buffer, which was not considered appropriate at the time of the amendment. It is regarded that the submitted subdivision plan is not appropriate for this reason.

### Amendment No. 103

Amendment No. 103 to Councils Town Planning Scheme No.2 was adopted for final approval by the Council at its meeting held on the 26<sup>th</sup> April 2000. This amendment allowed the use and development of the subject land for the purposes of Fish Farming and the Commercial growing and farming of plants and trees while maintaining the Rural Living B Zoning applicable to the land.

The subdivision of the land would significantly reduce the ability of the subject land to be used for the purposes of fish farming and the commercial growing and farming of plants and trees.

### Local Planning Policy No.6 - Water Sensitive Design (LPP No.6)

LPP No.6 Water Sensitive Design states:

*“The key principles of Water Sensitive Design are:*

- a) a whole of catchment approach;*
- b) retention and treatment of water ‘at source’; and*
- c) use of ‘best management practices’ in a treatment train approach.”*

The subdivider has not addressed the issue of Water Sensitive Design (WSD) in the submitted Subdivision Guide Plan.

### Surrounding Land

Uncontrolled fill material, including asbestos, was discovered beneath the adjoining land west of the subject land (Lot 188 Thomas Road). This is of significant concern as the subject land is directly adjoining and some uncontrolled fill material may be located beneath the subject land. It is unable to be determined if this is the case until the land has been ripped and the topsoil removed. Further investigation would need to be carried out prior to recommending approval to the subdivision.

### Site Inspection

A site inspection was carried out on the 25 September 2002 by Council's Planning Officer, which revealed that the subject land is significantly damp with the south west portion of the lot being covered by a drainage reservoir. The land is covered in vegetation common to wetlands. Most of the vegetation is groundcover with a few trees located over the property.

The odour impact coming from the landfill site north of the property was considered minimal at the time of the inspection, however there was no wind at the time.

### Environmental Implications

The site has already been predominately cleared of native vegetation. However, the subject land is covered with low lying wetland vegetation.

### Emergency Management

A Fire Management Plan would need to be prepared and implemented if the subdivision were to be approved. The proposed four battleaxe lots is considered to be a potential hazard with regard to limited entrance/exit points from the property particularly given the proximity to the nearby landfill site.

### Conclusion

It is advised that Council recommends to the WA Planning Commission that an application dated the 2 August 2002 for the subdivision of Pt Lot 5 Kellet Drive, Oakford be refused due to the following reasons

- The proposed subdivision is not in accordance with the adopted Subdivision Guide Plan under Amendment No. 36 for the area;
- The immediate adjoining land has previously been used to dispose of unauthorised and uncontrolled fill, which may have contaminated the groundwater in the immediate area and may also be located under the subject land;
- The subdivision proposes to create lots with building envelopes within the 350 metre buffer requirement for landfill sites;
- The proposal creates battleaxe lots which is considered to be undesirable and an uncoordinated form of subdivision.

### Sustainability Statement

*Does the proposal/issue enhance the environment (built and natural) or minimise environmental damage through best practice in its field?*

The proposed subdivision would create smaller lots that may provide a greater degree of management to the subject land. However, the land is significantly wet and development of the land may not be appropriate. The adjoining lot has previously been used to dispose of uncontrolled fill, which may have contaminated the groundwater in the immediate area. Development of the subject land may not be appropriate given the history of the surrounding area without further investigations being undertaken in accordance with the Department of Environmental Protection's *Contaminated Site Management Series* of guidelines. The existing landfill site to the north of the subject land may have an odour impact on the land. Four of the five proposed lots have building envelopes within the 350 metre buffer from the Armadale Waste Disposal Site. This design is not in accordance with the approved Subdivision Guide Plan and is considered unsatisfactory.

*Does the proposal/issue minimise resource use, eg. Energy, land, water, soil, compared to traditional development approaches?*

This question is not applicable to the application for subdivision of the subject land.

*Does the proposal/issue use locally available or produced resources?*

This question is not applicable to the application for subdivision of the subject land.

*Will the proposal/issue be economically viable in a way that incorporates its external costs?*

The proposed subdivision of the subject land may be economically viable in a way that incorporates its external costs. The submitted plan of subdivision proposes to create 2 lots more than the approved Subdivision Guide Plan. However, there may be consequences and environmental implications in approving lots that have building envelopes within the 350 metre buffer from the Armadale Waste Disposal site.

*Is the proposal/issue designed to be socially and environmentally responsible through building up the community and enabling full participation in its implementation?*

The application for a subdivision does not require to be referred to the community for comment. However, given the history of the adjoining land being used for uncontrolled filling and the fact that some of the lots created would have lots within 350 metres of the Armadale Waste Disposal Site it is considered that recommending approval of the proposed subdivision would not be socially or environmentally responsible.

*Does the proposal/issue disadvantage any social groups?*

The proposed subdivision would not disadvantage and social groups.

*Does the proposal/issue create long term employment or economic benefit to current and future residents of the shire?*

The proposed subdivision would not directly create the opportunity for long term employment or economic benefit to current and future residents of the shire.

**Statutory Environment:**

Town Planning and Development Act 1928, Town Planning Scheme No.2

**Policy Implications:**

Council requires a 350 metre buffer distance be maintained between buildings and the Armadale Waste Disposal Site.

**Financial Implications:**

There will be no direct financial implications to Council as a result of this application. However, if the subdivision was approved without further investigation into the matter of contamination, there may be legal implications to Council in the future.

**Strategic Implications:**

This proposal relates to Strategy 1.2 of Key Result Area – People and Community in Council's Strategic Plan, which is:

*“Plan and develop towns based on compatible mixed uses, local employment opportunities, and walkable neighbourhoods clustered in order to minimise car dependency”*

And Strategy 1.3, which is:

*“Encourage road design that is aesthetically pleasing, safe and multifunctional”*

and Strategy 2.1, which is:

*“Encourage best practice environmental management”.*

**Community Consultation:** Not applicable

**Voting Requirements:** Normal

**CRP167 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Hoyer seconded Cr Murphy that Council recommends to the WA Planning Commission that an application dated 2 August 2002 for the subdivision of Pt Lot 5 Kellet Drive, Oakford be refused for the following reasons:

1. The proposed subdivision is not in accordance with the approved Subdivision Guide Plan under Amendment 36 for the subject land;
2. The subject lot directly adjoins Lot 188 Thomas Road, Oakford which has previously been identified as a site used to dispose of unauthorised and uncontrolled fill, which may have contaminated the groundwater in the immediate area. Subdivision of the subject land would not be appropriate given the history of the surrounding area without further investigations being undertaken in accordance with the Department of Environmental Protection’s *Contaminated Site Management Series* of guidelines;
3. The proposed Subdivision proposes to create lots which places building envelopes located within the required 350 metre buffer distance for Landfill and Waste Disposal Sites;
4. The proposal creates battle-axe access lots which is undesirable and not a coordinated form of subdivision.

CARRIED 10/0

P169/10/02 PROPOSED AMENDMENT TO TOWN PLANNING SCHEME NO.2 – MULTIPLE DWELLINGS ON RURAL LAND (A1127)		
Proponent	Shire of Serpentine-Jarrahdale	<b>In Brief</b>  The purpose of this report is to consider initiating a textual amendment with a view to amending and adding a number of clauses and definitions to Council’s Town Planning Scheme No.2 that relate to multiple dwellings on ‘Rural’ zoned land.
Officer	Michael Davis – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	24/09/02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

**Background**

Council at its meeting held on the 24<sup>th</sup> June 2002 resolved to finally adopt the subject amendment. The recommendation made by the officer was incorrect given that an amendment is required to be initiated by Council prior to final adoption of the amendment by Council.

The purpose of this report is therefore to rescind the previous resolution made by Council and adopt a new resolution seeking endorsement to “initiate” the subject amendment to Town Planning Scheme No.2.

This amendment will bring Council’s Scheme into alignment with the recently gazetted “Statement of Planning Policy No.11 – Agricultural and Rural Land Use Planning” regarding second residences on rural property.



## Comments

### Statement of Planning Policy No.11 (SPP 11)

SPP 11 has been prepared under section 5AA of the Town Planning and Development Act 1928 (as amended). The policy applies to the planning of rural and agricultural land within Western Australia.

As stated in the accompanying Council report - "Statement of Planning Policy No.11 – Agricultural and Rural Land Use Planning": -

*'Local governments must have due regard to this policy in the preparation or amendment of town planning schemes, strategies and policies, and when providing comment and advice on planning applications that deal with rural land'.*

### Multiple Dwellings within the Rural Zone

Clause 5.2.2 (vii) of the SPP No.11 states:

*"Provision in the town planning scheme to allow more than one dwelling on a lot in the "Priority Agriculture" zone will not be supported unless the additional dwelling(s) provides-*

- a) accommodation for workers employed for agricultural and intensive agricultural activities on that holding; and*
- b) the dwelling should generally be clustered in one location, to avoid future subdivision pressures and minimise constraints on adjoining land uses; and*
- c) all services to the dwellings from the lot boundary (including access roads) are shared where practicable."*

### Town Planning Scheme No.2

Currently Council's Scheme contains the following clauses relating to second dwellings on rural land:

*"5.4.3 In the Rural Zone only one dwelling unit is permitted per lot for lots up to four hectares in area and only two dwelling units per lot for lots having an area greater than four hectares and less than 50 hectares and one dwelling unit per 25 hectares or part thereof for lots having an area of 50 hectares or more. The presence of more than one dwelling unit on a lot in the Rural Zone shall not be considered by itself to be sufficient grounds for subdivision."*

The above clause permits more than one dwelling on rural lots greater than 4 hectares and less than 50 hectares and does not set any requirements on what that dwelling must be used for in relation to the uses carried out on the property. The above clause is contrary to the provisions for multiple dwellings in a 'Rural' zone as outlined in Statement of Planning Policy No.11 (SPP No.11). It is recommended that the above clause and the clause below be deleted from the Scheme and replaced with a clause that recognises the requirements of SPP No.11.

*"5.4.4 Notwithstanding the requirements of Clause 5.4.3 the Council may permit no more than two dwellings on the following rural lots:*

- 1) Lot 125 Doley Road, Byford*
- 2) Lot 126 Orton Road, Byford."*

Council's Scheme contains the following definitions relating to residences:

***"Residential Building*** – *means a building or portion of a building, together with rooms and outbuildings separate from such building and ancillary thereto; such building being used or intended, adapted or designed to be used for the purposes of human habitation Temporarily by two or more persons, or*

*Permanently by seven or more persons*

*Who do not comprise a single family; but does not include a hospital or sanatorium, a prison, a hotel, a motel, or a residential school.”*

The above use will be altered in the zoning table to require advertising of the use in the “Residential” and “Rural” zone in accordance with the ‘SA’ classification in the scheme. Currently, a “Residential Building” use is considered a discretionary or ‘AA’ use in the “Residential” and “Rural” zones.

The following definition should be deleted from the Scheme:

*“Residential Units – means the total number of residential structures, irrespective as to how such units are separately defined under the Residential Planning Codes and/or the Town Planning Scheme No.2 text that may be permitted on any one lot.”*

Currently, Council’s Scheme does not include a definition for ‘rural workers dwelling’, which will be required.

The following definitions taken from the R-Codes will also be required to be inserted into the definitions section of the Scheme:

*“**Multiple Dwelling** – means a dwelling in a group of more than one dwelling on a lot where any part of a dwelling is vertically above part of any other.”*

*“**Grouped Dwelling** – means a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise, and excludes any dwelling which is the sole dwelling on a few simple or survey strata lot.”*

*“**Dwelling** – means a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent or temporary basis by a single person, a single family, or no more than six persons who do not comprise a single family.”*

*“**Ancillary Accommodation** – means self-contained living accommodation on the same lot as a single house that may be attached or detached from the single house.”*

#### Definition for Rural Worker's Dwelling

Numerous sources including eastern states local Council’s were investigated for a definition of “Rural Workers Dwelling”.

A similar definition has been constructed for the purposes of the Shire of Serpentine-Jarrahdale. The following definition will provide a clear definition on what rural uses an occupier of a rural workers cottage must be engaged in to qualify as a rural workers cottage:

**“Rural Workers Dwelling”** means a dwelling which is on land upon which there is already erected a dwelling and which is occupied by persons engaged in occupation of any of the following uses on that same lot: Cottage Industry; Feedlot; Fish Farming; Horticultural Pursuit; Pig Farming; Poultry Farming; Rural Industry or Rural Use.

The above definition shall be inserted into the definition section of the scheme as well as being inserted as a ‘Use Class’ in the Scheme zoning table.

It is noted that under SPP No.11, the term farm workers accommodation includes accommodation for family members involved in the operation of the agricultural enterprise. This must be included in Council’s definition of “Rural Workers Dwelling”.

### Zoning Table

The zoning table will have to be amended to incorporate the following uses: ancillary accommodation, dwelling, multiple dwelling, grouped dwelling and rural workers dwelling. These uses will replace the current 'use class 54' of the zoning table.

### Conclusion

The recent gazettal of Statement of Planning Policy No.11 identifies restrictions to second residence on rural zoned land. Council's Scheme currently does not include these restrictions for multiple residences on rural land. It is recommended a Scheme Amendment be initiated accordingly in order to bring the scheme in line with SPP No.11 in regards to multiple dwellings on rural zoned land. The amendment should initiate the following:

1. The deletion of clause 5.4.3 and clause 5.4.4 relating to more than one dwelling on rural land;
2. Adding a clause that replaces the above clauses, which relates to restrictions for multiple dwellings on a rural zoned property in accordance with SPP11;
3. Adding a definition for Ancillary Accommodation, Dwelling, Grouped Dwelling, Multiple Dwelling and Rural Workers Dwelling to the Scheme;
4. Amending the zoning table to conform with the above by including Ancillary Accommodation, Dwelling, Grouped Dwelling, Multiple Dwelling and Rural Workers Dwelling as 'Use Classes' to the Scheme.

It is recommended that an amendment be initiated accordingly.

### Environment

The amendment will not have a direct impact on the environment.

### Emergency Management

The proposed amendment will not have a direct impact on emergency access or emergency management.

### **Sustainability Statement**

Currently, multiple residences on rural properties are being used as a reason or motive to subdivide rural zoned properties. The amendment to restrict multiple residences on rural land except in certain circumstances will prevent opportunities for further subdivision of viable agricultural land in close proximity to the Perth central area. This will prevent opportunities for subdivision, which may reduce the capacity of the land to support various extensive agricultural pursuits.

*Does the proposal/issue enhance the environment (built and natural) or minimise environmental damage through best practice in its field?*

The proposed amendment will not have a direct impact on the environment.

*Does the proposal/issue minimise resource use, eg. Energy, land, water, soil, compared to traditional development approaches?*

The proposed amendment will provide additional control over the approval for multiple residences on rural land. Multiple residences in the past have been used as a reason for subdivision of rural land. The proposed amendment will provide additional controls and prevention measures over the fragmentation of agricultural land, which is considered a valuable resource.

*Does the proposal/issue use locally available or produced resources?*

Not applicable for proposed amendment application.

*Will the proposal/issue be economically viable in a way that incorporates its external costs?*

The proposed amendment will not have a direct economic impact on Council. The proposed amendment will provide additional restrictions on multiple residences in a rural zone, which may have an economic impact on the community.

*Is the proposal/issue designed to be socially and environmentally responsible through building up the community and enabling full participation in its implementation?*

The proposed amendment has not been advertised at this stage of the amendment process. The amendment is required to be advertised to the community and pertinent government agencies once Council has initiated the amendment.

*Does the proposal/issue disadvantage any social groups?*

The amendment may disadvantage various social groups such as extended families who want to occupy a rural property. However, BP1 - Ancillary Accommodation Policy would allow for opportunities for an ancillary accommodation on rural land.

*Does the proposal/issue create long term employment or economic benefit to current and future residents of the shire?*

The proposed amendment is not intended to inhibit the construction of multiple residences for the purpose of a rural workers dwelling. Thus the proposed amendment will not directly impact on long term employment generated within the Shire.

**Statutory Environment:** Town Planning and Development Act 1928, Town Planning Scheme No.2, Statement of Planning Policy No.11 – Agricultural and Rural Land Use Planning

**Policy Implications:** Statement of Planning Policy No.11 – Agricultural and Rural Land Use Planning; BP1 – Ancillary Accommodation Policy, BP5 – Dwelling (Additional Accommodation) Rural Areas

**Financial Implications:** There will be no direct financial implications to Council as a result of this amendment

**Strategic Implications:** This amendment relates to Strategy 3.3 of Key Result Area – Economic Development in Council's Strategic Plan, which is:

*“Develop the potential of agricultural diversity and value adding”.*

**Community Consultation:** Not applicable at this stage of the amendment process

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

**CRP169a COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Hoyer seconded Crs Price, Scott & Murphy that Council seeks to rescind Part A of motion P150/06/02 of the 24 June 2002.  
CARRIED 10/0

### **CRP169b COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Needham seconded Crs Hoyer, Scott & Murphy that the Planning Development and Environment Committee recommend to Council that Part A of resolution P150/06/02 be rescinded.

CARRIED 10/0 **ABSOLUTE MAJORITY**

### **CRP169c COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Murphy seconded Crs Price that Council, pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), resolves to initiate an amendment to the Shire of Serpentine Jarrahdale Town Planning Scheme No.2 as follows:

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)

SHIRE OF SERPENTINE-JARRAHDAL

TOWN PLANNING SCHEME NO.2

The Shire of Serpentine-Jarrahdale under and by virtue of the powers conferred upon it in that behalf of the Town planning and Development Act 1928 (as amended), hereby amends the above Town Planning Scheme by:

1. Deleting clause 5.4.3 and clause 5.4.4 relating to more than one dwelling on rural land.
2. Adding clause 5.10.3 Multiple dwellings within the Rural Zone

#### 5.10.3 Multiple dwellings within the Rural Zone

- (i) In the Rural Zone only one dwelling unit is permitted per lot for lots up to four hectares in area.
- (ii) For lots having an area greater than four hectares in the Rural Zone, an application for more than one dwelling on a lot in the "Rural Zone" will not be supported unless the additional dwelling(s) provides -
  - (a) accommodation for workers employed for agricultural and intensive agricultural activities on that holding in accordance with Council's definition for "Rural Workers Dwelling"; and
  - (b) the dwellings should generally be clustered in one location, to avoid future subdivision pressure and minimise constraints on adjoining uses; and
  - (c) all services to the dwellings from the lot boundary (including access roads) are shared where practicable.

3. Adding the following definitions to the Scheme as follows:

**Ancillary Accommodation** – means self-contained living accommodation on the same lot as a single house that may be attached or detached from the single house.

**Dwelling** – means a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent or temporary basis by a single person, a single family, or no more than six persons who do not comprise a single family.

**Grouped Dwelling** – means a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except

where special conditions of landscape or topography dictate otherwise, and excludes any dwelling which is the sole dwelling on a few simple or survey strata lot.

**Multiple Dwelling** – means a dwelling in a group of more than one dwelling on a lot where any part of a dwelling is vertically above part of any other.

Rural Workers Dwelling – means a dwelling:

- a) which is on land upon which there is already erected a dwelling and which is occupied by persons engaged in occupation of any of the following uses on that same lot: Cottage Industry; Feedlot; Fish Farming; Horticultural Pursuit; Pig Farming; Poultry Farming; Rural Industry or Rural Use; and
- b) which can also accommodate family members involved in the operation of the agricultural enterprise on that land.

4. Amend Table 1 – Zoning Table by:

(i) Deleting ‘Use Class 54’ as follows:

*’54. Residential:*

- a) Single*
- b) Attached*
- c) Grouped’*

(ii) Including the following ‘Use Classes’ in alphabetical and sequential number order and re-number the existing ‘Use Classes’ accordingly:

Residential:

- a) Ancillary Accommodation
- b) Dwelling
- c) Grouped
- d) Multiple

Rural Workers Dwelling

5. Including the following ‘Use Symbols’ in Table 1 – Zoning Table against the listed ‘Use Classes’ below:

USE CLASSES	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
54. Residential:															
(a) Ancillary Accommodation	AA P					AA P	AA P	AA P							
(b) Dwelling	AA														
(c) Grouped	SA														
(d) Multiple Dwelling															
59. Rural Workers Dwelling								IP							

**TABLE I - ZONING TABLE**

KEY TO COLUMNS

1. Residential	6. Special Residential	11. Rural Living B
2. Commercial	7. Special Rural	12. Farmlet
3. Showroom/Warehouse	8. Rural	13. Conservation Zone

4. Light Industry	9. Special Use	14. Agriculture Protection
5. General Industry	10. Rural Living A	15. Urban Development

6. Altering the “Residential Building” ‘Use Symbol’ in Table 1 - zoning table:

From ‘AA’ use in the “Residential” and “Rural” zones to ‘SA’ in the “Residential” and “Rural” zones as follows:

USE CLASSES	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
55. Residential Building	SA							SA							

### TABLE I - ZONING TABLE

#### KEY TO COLUMNS

1. Residential	6. Special Residential	11. Rural Living B
2. Commercial	7. Special Rural	12. Farmlet
3. Showroom/Warehouse	8. Rural	13. Conservation Zone
4. Light Industry	9. Special Use	14. Agriculture Protection
5. General Industry	10. Rural Living A	15. Urban Development

CARRIED 10/0 **ABSOLUTE MAJORITY**

P171/10/02 APPEAL BY BRISTILE AGAINST EXTRACTIVE INDUSTRY LICENCE RENEWAL (P01498/01) <b>CONFIDENTIAL ITEM</b>		
Proponent	Director Sustainable Development	<b>In Brief</b> The purpose of this report is to update Council on the decision of the Local Court in relation to Council's refusal of an extractive industry licence application in respect of Lot 737 Firns Road, Serpentine.
Officer	A. Watson – Director Sustainable Development	
Signatures - Author:		
Senior Officer:		
Date of Report	2 October 2002	
Previously	P359/06/98, P030/08/99, P095/11/99, 9.1/12/99, P132/01/00, P163/02/00, P181/04/00, P215/06/00, P256/07/00, P257/07/00, P054/11/01, P137/08/02	
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

### **CRP171 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Hoyer seconded Cr Kirkpatrick that Council receives and notes the report on the decision of Magistrate Boothman in the matter of Bristile Limited -v- Shire of Serpentine Jarrahdale and the analysis by McLeods of the decision.

CARRIED 10/0

P172/10/02 PROPOSED PARKING OF COMMERCIAL VEHICLE AND TRAILERS – LOT 251 WRIGHT ROAD, MARDELLA (P05670/01)		
Proponent	B & V Montgomery	<b>In Brief</b>  That Council authority approves an application dated 1 October 2002 for the parking of a commercial vehicle and trailers on Lot 251 Wright Road, Mardella subject to conditions.
Officer	Michael Davis – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	7 October 2002	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

Owner: B & V Montgomery  
 Owner's Address: 2 Bampton Way, Warnbro  
 Applicant: B & V Montgomery  
 Applicant's Address: 2 Bampton Way, Warnbro  
 Date of Receipt: 2 October 2002  
 Advertised: Not applicable  
 Submissions: Not applicable  
 Lot Area: 8960 m2  
 L.A Zoning: Urban Development  
 MRS Zoning: Urban  
 Byford Structure Plan: Not applicable  
 Rural Strategy Policy Area: Not applicable  
 Rural Strategy Overlay: Not applicable  
 Municipal Inventory: Not applicable  
 Townscape/Heritage Precinct: Not applicable  
 Bush Forever: Nil  
 Date of Inspection: 8 October 2002

### **Background**

#### **Amendment No.72**

Amendment No.72 to Council's Town Planning Scheme No.2 rezoned the subject land from 'Rural' to 'Special Residential' in 1996. Notwithstanding this, Amendment No.69, rezoned the subject land from "Special Residential" to 'Urban Development in 2000. Amendment No.72 contained the following 'Development Standards' that related to the subject land prior to the further rezoning of the land to 'Urban Development'. However, the 'Development Standards' should be taken into consideration when assessing the application as they define the previous development standards that existed for the area. The 'Development Standards' are as follows:

- *'Setbacks – mainly ensuring land within 30 metres of the front boundary is used for residential purposes, unless otherwise specified.*
- *Stormwater drainage – to be disposed of on site.*
- *Residence to be established prior to light industrial use'.*

The above guidelines are considered to be relevant to the subject land as the lot sizes are currently in accordance with the 'Special Residential' zoning. It is considered that points two and three above are relevant to the proposed parking of a commercial vehicle. It is recommended that points two and three above be imposed as conditions of approval. It is considered point 1 above is not relevant to the proposed development as a 'R10' Residential Design Code is applicable to the 'Urban Development' zone, which specifies setback requirements.



### Application

Council has received an application to park a commercial vehicle on Lot 251 Wright Road, Mardella. The applicant has provided Council with the following information in respect of the subject application:

*“We are seeking a permit to park a 1996 model Kenworth prime mover along with one or two trailers maximum, which will be registered in my name. We will do our best to screen the parking area from the road with trees and shrubs in the short term and in 12 to 24 months they will be housed in a shed, subject to shire approval and finances. The truck will only be coming and going once a day as I am a sub contractor and a lot of my work is away. We have no intention to use the lot as a depot, it will only be used for parking purposes only. We have made an offer on Lot 251 subject to shire approval of parking and the offer stands for 14 days”.*

### Site and Surrounding Land Use Description

The subject lot and surrounding lots are currently vacant land. The area has been subdivided into approximately 8000 square metre lots. Landscaping has been planted around the lot boundaries as a condition of subdivision. The subject land is currently undeveloped, in that no buildings or other construction has occurred on the land.

### Comments

#### Town Planning Scheme No.2

The subject land is located within the ‘Urban Development’ Zone under Council’s Town Planning Scheme No.2. The following is stated within Council’s Scheme in relation to the ‘Urban Development’ Zone:

*“The purpose of the Urban Development zone is to provide for the orderly planning of large areas of land in a locally integrated manner and within a regional context, whilst retaining flexibility to review planning with changing circumstances. The zone will allow for the following:*

*Provision of retail, commercial, industrial and mixed use facilities to service the needs of residents within the communities, and integration of these facilities with social and recreational services, so as to maximise convenience”.*

The subject land is currently vacant land. It is recommended a condition be placed on the approval that requires the applicant to lodge a Building Application for the construction of a dwelling within 12 months of the approval date for the parking of a commercial vehicle.

### Vehicle Dimensions

The approximate dimensions of the commercial vehicle are as follows:

- Width 2.4m
- Height 4.2m
- Length 6.5m
- Length of truck & trailer 19m

### Parking of Commercial Vehicles

The subject land is located within the ‘Urban Development’ and may be subdivided/zoned for residential development in the future. Council’s Town Planning Scheme No.2 states the following in respect of the parking of commercial vehicles in a residential zone:

#### “5.5.4 Parking of Commercial Vehicles

*No commercial vehicle shall be parked on any land in the Scheme area otherwise than in accordance with the provisions of Table 1 - Zoning Table and the provisions of this Scheme for planning consent.*

5.5.5 *Notwithstanding the generality of the preceding subclause, the Council shall not grant its approval for parking of a commercial vehicle on a lot used for residential purposes, or on a lot where any adjoining lot is used for residential purposes unless:*

(a) *provision is made for the vehicle to be housed in a garage, or parked behind the building line;*

(b) *the vehicle together with its load does not exceed the following dimensions and mass:*

<i>width</i>	<i>2.5m</i>
<i>height</i>	<i>4.3m</i>
<i>length</i>	<i>12.5m rigid truck or trailer</i>
	<i>19.0m articulated vehicle</i>

*maximum mass including load 42.5 tonnes*

(c) *in the Council’s opinion the parking of the vehicle will not prejudicially affect the amenity of the neighbourhood due to emission of light, noise, vibration, smell, fumes, smoke or dust.*

(d) *the vehicle is predominantly used by a person who is an occupier of a dwelling on the lot where the vehicle is parked, as an essential part of the lawful occupation or business of that person...”*

The application does not propose any specific measures to house the commercial vehicle. It is recommended that a condition be placed on the approval that requires the applicant to house the commercial vehicle.

The vehicle, together with its load, complies with the abovementioned scheme requirements for the maximum dimension of a commercial vehicle in a residential zone.

It is recommended that art C of the abovementioned Clause be included as a condition of approval.

#### Commercial Vehicle

The following definition of a Commercial Vehicle is included in Council’s Scheme:

*“means a vehicle whether licensed or not which is used or designed for use for business, trade or commercial purposes or in conjunction with a business, trade or profession, and without limiting the generality of the foregoing includes any van, truck, trailer, tractor and any attachment to any of them or any article designed to be an attachment to any of them, and any bus or any other passenger vehicle, or any earth moving machine whether self propelled or not, but the term shall not include a vehicle designed for use as a passenger car or trailer or other thing most commonly used as an attachment to a passenger car, or a van, utility or a light truck which is rated by the manufacturer as being suitable to carry loads of not more than three (3) tonnes”.*

The prime mover along with two trailers would not comply with the above definition of a commercial vehicle. It is recommended only one (1) truck and one (1) trailer be approved as part of the application.

### Crossover

It is recommended that the applicant be made to seal and maintain the driveway/crossover from Wright Road onto the property in order to provide adequate access to the property that can cope with the use of a commercial vehicle. This is a standard Council requirement for all applications for the parking of commercial vehicles and is intended to minimise damage to Council's road infrastructure.

### Screening

Vegetation screening has already been planted along the front and side boundaries of the subject property as a condition of a previous subdivision for the subject land.

### Environment

The proposed parking of a commercial vehicle will not involve the clearing of any native vegetation. It is considered from a planning perspective that the parking of a commercial vehicle on the subject land would have a minimal impact on the surrounding land uses in the area.

### Emergency Management

The proposed parking of a commercial vehicle will not have a direct impact on emergency vehicle access or emergency management.

### Sustainable Development Comments

Currently, a Structure Plan does not exist for the Mundijong Townsite Area, which would normally provide an overall plan and guidance for development and subdivision of the area. However, it is considered from a planning perspective, that the proposed parking of a commercial vehicle would not have a negative impact on the surrounding land. It is noted that just south of the subject land is an estate, which allows for 'light industry' uses to be located along side residential development on the subject land.

### **Sustainability Statement**

*Does the proposal/issue enhance the environment (built and natural) or minimise environmental damage through best practice in its field?*

The application for the parking of a commercial vehicle does not propose any specific measures to enhance the environment or minimise environmental damage.

*Does the proposal/issue minimise resource use, eg. Energy, land, water, soil, compared to traditional development approaches?*

The application for the parking of a commercial vehicle does not propose any specific measures that will minimise resource use.

*Does the proposal/issue use locally available or produced resources?*

The commercial vehicle will be used in the operation of a local business within the Shire.

*Will the proposal/issue be economically viable in a way that incorporates its external costs?*

The proposed commercial vehicle will be economically viable in a way that incorporates its external costs.

*Is the proposal/issue designed to be socially and environmentally responsible through building up the community and enabling full participation in its implementation?*

The application for the parking of a commercial vehicle does not require referral to surrounding landowners for comment as it complies with Council requirements.

*Does the proposal/issue disadvantage any social groups?*

It is considered that the application for the parking of a commercial vehicle does will not disadvantage any social groups.

*Does the proposal/issue create long term employment or economic benefit to current and future residents of the shire?*

The commercial vehicle will be used in the operation of a locally run business. The application for the parking of a commercial vehicle will create long term employment and economic benefit to residents within the Shire.

**Statutory Environment:** Town Planning and Development Act 1928, Town Planning Scheme No.2

**Policy Implications:** Not applicable

**Financial Implications:** There will be no direct financial implications to Council as a result of this application

**Strategic Implications:** This proposal relates to Strategy 1.2 of Key Result Area – People and Community in the Shire’s Strategic Plan, which is:

*“Plan and develop towns based on compatible mixed uses, local employment opportunities, and walkable neighbourhoods clustered in order to minimise car dependency”.*

**Community Consultation:** Not applicable

**Voting Requirements:** ABSOLUTE MAJORITY

**Officer Recommended Resolution**

Council approves an application dated 1 October 2002 for the parking of a commercial vehicle on Lot 251 Wright Road, Mardella subject to the following conditions:

1. The parking of one (1) commercial vehicle and one (1) trailer only on the subject land.
2. The applicant is to provide and maintain a sealed crossover from Wright Road to the property boundary.
3. Stormwater drainage is to be disposed of on site.
4. Residence to be constructed and occupied prior to the land being used for the parking of a commercial vehicle.
5. The commercial vehicle and trailer are to be parked behind the setback line of the residence and/or housed within a garage.
6. Occupier of residence shall be the owner/operator of the commercial vehicle.

Advice Notes:

1. The use is not to cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, vapour, steam, soot, ash, dust, grit, oil liquid wastes or waste products

- or the unsightly appearance of the dwelling house or domestic outbuilding on or the land on which the business is conducted.
2. If in the opinion of the Council such use is causing a nuisance or annoyance to owners or occupiers of land in the neighbourhood, the Council may withdraw its approval and after such withdrawal, no person shall upon the subject land carry on the use of Commercial Vehicle Parking unless a further approval to do so is granted by the Council.
  3. Relative to Condition 1 above, this approval does not constitute approval as a Transport Depot.

**CRP172 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Murphy seconded Cr Hoyer that delegated authority PS-4 - Development Issues within the Urban Development Zone, to the Chief Executive Officer, be amended by adding "7. Commercial Vehicle Parking where no objections from adjoining landowners have been received."

**CARRIED 10/0 ABSOLUTE MAJORITY**

Note: The Officer Recommended Resolution was altered because this report was received late by the Committee. The committee felt that as Council often get requests for parking of commercial vehicles on properties and to continue to deal with "one off" applications was not necessary, therefore existing Delegation PS-4 was recommended to Council to be amended. This matter may be dealt with under delegation following Councils decision.

**8. MOTION OF WHICH NOTICE HAS BEEN GIVEN**

**9. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING:**

**COUNCIL DECISION**

Moved Cr Price seconded Cr Needham  
That item SM032/10/02 be dealt with as an item of new business of an urgent nature  
CARRIED 10/0

SM023/10/02 RESOURCING REQUIREMENTS AND REVIEW OF WORKFLOW/ DISTRIBUTION (A0924/03)		
Proponent	Strategic Management Committee	<b><u>In Brief</u></b>
Officer	D.E Price – Chief Executive Officer	<i>Submission to Council for additional resources to deal with projects which have been delayed as a result of staff shortages and to deal with short term additional needs, as well as a review of each Directorates workflow / distribution.</i>
Signatures - Author:		
Senior Officer:		
Date of Report	23-10-02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

**Background**

At the 21 October 2002 Strategic Management Committee, the Committee after considering item SM020/10/02 “Annual report 2001/2002” and the allocation of the surplus funding requested the following;

*“The remaining \$93,000 be allocated at the Ordinary Council meeting following a report from the Chief Executive Officer on additional costs required to resource outstanding backlog areas in the organisation.”*

**Comments**

The recommendations of the People Plan have been implemented in accordance with the timeline and structural change proposals. This has resulted in a number of new appointments being made and the restructure of other positions to focus on the areas of need and Councils forward direction.

Provisions have also been made for new and improved plant and equipment. This has included the new computer and telephone systems, which have been installed to allow greater efficiencies. Whilst there have been difficulties in the implementation process, the benefit of these improvement will shortly be achieved.

Whilst every endeavour has been made to monitor and manage the pace of change to ensure it is linked to resources, workload capacity and employee acceptance, it is fair to say that staff changes and delays in being able to get staff to fill vacant positions has significantly contributed to additional workload on staff.

The support from the Strategic Management Committee in providing the opportunity to the Chief Executive Officer to seek additional resourcing to deal with the short-term backlog issues across the organisation is very appreciated. As a result of the Strategic Management Committee direction to the Chief Executive Officer, each Directorate has been requested to provide an itemised and costed report, which accurately reflects the level of additional resourcing currently required to address the backlog areas in the organization to the Chief

Executive Officer. These resourcing needs have been summarised below under the relevant Directorate, with the aim of achieving firstly short term results, but just as importantly medium to long term results.

### 1.Short Term

- Address the immediate backlog issues.

### 2. Medium to Long Term

- Ensure that sustainable outcomes are put in place to reduce the likely hood of this situation occurring to such an extent in the future.

The following backlog areas have been identified across the organization;

## Asset Services

### 1. Urban subdivision infrastructure construction requirements/standards

#### Actions

Investigate/recommend base standard documents	
Assess base document alterations to S-J requirements	
Modify base/prepare and compile S-J document	\$4800

### 2. Infrastructure Risk Management Plan

#### Actions

Develop inspection regime/intervention levels/response plan...	
Develop electronic forms for inspection, records, action	
Develop inspection sheets for roads & data fields, reserves and data fields	
Develop inspection sheets for plant and equipment and other assets	\$5500

### 3. Workflow and Process Review

#### Actions

Assessment and review	
Modifications and documentation	\$4400

## Corporate Services

### 1. Finance

#### Actions

Implement rates and property structure within new local government software	\$5,700
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### **Actions**

Update Reserves Register	\$4,560
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## **2. Workflow and Process Review**

### **Actions**

Assessment and review	
Modifications and documentation	\$4400

## **Sustainable Development**

### **1. Fast Track Simple Development Applications**

#### **Actions**

Assessment of simple Development applications	\$7920
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### **2. Fast Track Simple Building Applications**

#### **Actions**

Administrative support associated with assessment of simple building applications – 8 months @ 0.4 FTE	\$9000
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### **3. Workflow and Process Review**

#### **Actions**

Assessment and review	
Modifications and documentation	\$1400

(The 2002/2003 budget has already included \$3,000 to assist in a review of workflow and processes in the Sustainable Development area, therefore only \$1,400 is required to “match” funds requested in Asset and Corporate Services, who are unfunded in the budget.)

## **Sustainability Statement**

The immediate issue of dealing with backlog needs across the organization needs to be done in a way which also ensures that sustainable best practices are put in place. To ensure that the resourcing which Council is being requested to support delivers not only a short term but a more sustainable medium to long term outcome, which reduces the likelihood of this situation occurring to such an extent in the future, will require Workflow and Process Reviews by the relevant service teams.

It is proposed that this will cover:

- Briefing, staff consultation, workflow and process assessment
- Options, development, consultation and review
- Report and revised structure / processes documentation



This may also involve key staff being given the opportunity to visit or partner with other local government organisations both intra and interstate in a bid to seek to learn better practices if it is felt that the organisation and community will benefit.

**Statutory Environment:** Local Government Act 1995

**Policy Implications:** No Policy Implications

**Financial Implications:** As per recommendation

**Strategic Implications:** Council is seeking to provide improved service levels to enable the more effective and efficient delivery of services to the community as defined in the key result areas of the 2001-2005 Strategic Plan. It is proposed that the short and medium to long term strategies outlined in this report will better facilitate this.

**Community Consultation:** Not applicable

**Voting Requirements:** Normal

### **COUNCIL DECISION/Officer Recommended Resolution**

Moved Cr Kirkpatrick seconded Cr Price

1) Council agrees to allocate the remaining \$93,000 surplus funds as detailed in the October Strategic Management Committee Report SM020/10/02 as follows;

**A) Asset Services - \$14,700 (Acct DAS 502)**

1. Urban subdivision infrastructure construction requirements/standards - \$4,800
2. Infrastructure Risk Management Plan - \$5,500
3. Workflow and Process Review \$4,400

**B) Corporate Services - \$14,660 (Acct DCS 502)**

1. Finance - \$10,260
2. Workflow and Process Review -\$4,400

**C) Sustainable Development - \$19,020 (Acct DSD 502)**

1. Fast Track Simple Development Applications - \$7,920
2. Fast Track Simple Building Applications - \$9,700
3. Workflow and Process Review -\$1,400

2) The remaining \$44,620 is placed into the Investment Reserve.

CARRIED 10/0

## **9.1 INCLUDING CHIEF EXECUTIVE OFFICER/OFFICER REPORTS**

## 9.2 COUNCILLORS QUESTIONS

C050/10/02 CR PRICE – REQUEST FOR LEAVE OF ABSENCE (A0024)		
Proponent	Cr J Price	<u>In Brief</u>  <i>Councillor Price seeks leave of absence from Council/Committee meetings for the period 6-28.12.02.</i>
Officer		
Signatures - Author:		
Senior Officer:		
Date of Report	28.10.2002	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

### COUNCIL DECISION

Moved Cr Richards seconded Cr Needham  
That Cr Price request for leave of absence from 6/12-28/12/02 be granted.  
CARRIED 10/0

C051/10/02 CR RICHARDS – REQUEST FOR LEAVE OF ABSENCE (A0024)		
Proponent	Cr I Richards	<u>In Brief</u>  <i>Councillor Richards seeks leave of absence from Council/Committee meetings for the period 29<sup>th</sup> November 2002 to 2<sup>nd</sup> December 2002.</i>
Officer		
Signatures - Author:		
Senior Officer:		
Date of Report	28.10.2002	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

### COUNCIL DECISION

Moved Cr Simpson seconded Cr Wigg  
That Cr Richards request for leave of absence from 29/11/02 to 2/12/02 be granted.  
CARRIED 10/0

## 10. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY

### 10.1 Corporate Services

C040/10/02 COUNCIL MEETINGS AND SERVICES OVER CHRISTMAS & NEW YEAR PERIOD (A0023-02)		
Proponent	D.E. Price – Chief Executive Officer	<u>In Brief</u>  <i>Confirm the schedule for Committee/Council meetings and operating arrangements for the Council administration in Mundijong and Byford over the Christmas period.</i>
Officer	D.E. Price – Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	18.09.2002	
Previously	A64 (25.10.99), C071/10/00, C038/10/01	
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM065/05/02</b>	

### CRC40 COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Richards seconded Cr Kirkpatrick:

Council agrees to the following meeting and administrative arrangements over the month of December 2002 and January 2003;

1. The meetings for December 2002 remain unchanged and in accordance with what has previously been advertised.
2. The Committee and Council meetings for January 2003 be advertised as per the following;
  - 13-01-03 Corporate Services, Asset Services, Community & Recreation Development
  - 20-01-03 Strategic Management, Planning Development & Environment
  - 28-01-03 Ordinary Council Meeting (note: Mon 27 January is P/H)
3. The Mundijong Library is to be closed on Monday the 23 December 2002 and the Mundijong Administration Office and Library will be closed at noon on Christmas Eve (24.12.2002) and on the Christmas and New Year Public holiday(s).
4. Byford Office will be closed over the Christmas and New Year period from the close of business on Friday 20 December 2002 with it reopening for business on Monday 6th January 2003. This is to be advertised and the office is well signed to indicate that the Mundijong Office is open for business to ensure our customers experience minimal inconvenience.
5. On the 23<sup>rd</sup> December 2002 and over the Christmas New Year period as per previous years it will again be the responsibility of the Chief Executive Officer, or the Acting Chief Executive Officer where applicable to ensure that staff coverage is adequate over these periods at the Mundijong Administration Office and Library

CARRIED 5/0

C042/10/02 INVESTMENT POLICY REVIEW (A1048/05)		
Proponent	G R Dougall – Director Corporate Services	<u>In Brief</u> <i>To review the delegated responsibility provided under this policy.</i>
Officer	G R Dougall – Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	07/10/02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM065/05/02</b>	

**CRC42 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Murphy seconded Cr Kirkpatrick:

The Investment Policy of the Shire of Serpentine-Jarrahdale be amended to reflect delegation responsibilities only to the Chief Executive Officer to the amount of \$500,000 and that this delegation be excluded for investments made under sections 11.9 and 11.10.

CARRIED 5/0

C043/10/02 SEPTEMBER 2002 QUARTERLY BUDGET REVIEW (A1049)		
Proponent	Local Government Act 1995	<u>In Brief</u> <i>To receive the first quarter financial report in accordance with the Local Government Act 1995.</i>
Officer	G.R. Dougall – Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	04/10/02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM065/05/02</b>	

**CRC43 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Richards seconded Cr Murphy:

The Financial Report for the period ended 30 September 2002 be received.

CARRIED 5/0

C044/10/02 GRANTS COMMISSION SUBMISSION (A0025)		
Proponent	Local Government Grants Commission	<b>In Brief</b> <i>To undertake a discussion paper to present to the WA Grants Commission during their visit in early 2003.</i>
Officer	G R Dougall – Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	09/10/02	
Previously	C143/06/02	
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM065/05/02</b>	

#### **CRC44 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Richards seconded Cr Murphy:

Council accept the invitation for an on site visit from the Western Australian Grants Commission, when received, and a discussion paper be drafted to present a background only of the Shire of Serpentine-Jarrahdale to the Commission representatives in attendance.  
CARRIED 5/0

C045/10/02 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent	Director Corporate Services	<b>In Brief</b> <i>To confirm the creditor payments made during September</i>
Officer	P.I. Igglesden – Finance Officer	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM065/05/02</b>	

#### **CRC45 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Richards seconded Cr Murphy:

Council notes the payments authorised and made by the Chief Executive Officer, exercising his delegated authority and detailed in the list of invoices for the month of September, presented to the Corporate Services Committee and to Council, per the summaries set out above include Creditors yet to be paid and in accordance with the Local Government (Financial Management) Regulations 1996.  
CARRIED 5/0

C046/10/02 DEBTOR ACCOUNTS WITH A BALANCE IN EXCESS OF \$1,000 (A0917)		
Proponent	Director Corporate Services	<u>In Brief</u>  <i>To receive the statement of debtors over \$1,000 as at 30 September 2002</i>
Officer	P.I. Igglesden – Finance Officer	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM065/05/02</b>	

**CRC46 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Murphy seconded Cr Needham:

Council receive and note the report on Debtors accounts with a balance in excess of \$1,000 outstanding for 90 days or greater as at 30 September 2002.

CARRIED 5/0

C047/10/02 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)		
Proponent	Director Corporate Services	<u>In Brief</u>  <i>To receive the sundry debtor balances as at 30 September 2002</i>
Officer	P.I. Igglesden – Finance Officer	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM065/05/02</b>	

**CRC47 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Richards seconded Cr Kirkpatrick:

Council receive and note the report on Sundry Debtor Outstanding Accounts as at 30 September 2002.

CARRIED 5/0

C048/10/02 RATE DEBTORS REPORT (A0917)		
Proponent	Director Corporate Services	<u>In Brief</u>  <i>To receive the rates report as at 30 September 2002.</i>
Officer	Evan Parker – Senior Rates Officer	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM065/05/02</b>	

**CRC48 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Richards seconded Cr Murphy:

Council receive and note the report the Rate Debtors accounts as at 30 September 2002.

CARRIED 5/0

C049/10/02 INFORMATION REPORT		
Proponent	Director Corporate Services	<b>In Brief</b>  <i>To receive the information report to 30 September 2002</i>
Officer	Various	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM065/05/02</b>	

### **CRC49 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Richards seconded Cr Needham:  
The information report to 30 September 2002 be received.  
CARRIED 5/0

#### 10.2 Asset Services

AS016/10/02 LONG VEHICLE PERMIT APPLICATION – EAST END JARRAHDAL ROAD (R0002-02/A0512-02)		
Proponent	COP Transport (Colli & Sons)	<b>In Brief</b>  An application for consent to operate permit vehicles on the east end of Jarrahdale Road in connection with timber haulage is considered. Conditional consent is recommended.
Officer	Robert Harris Director Asset Services	
Signatures - Author:		
Senior Officer:		
Date of Report	2 October 2002	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee in accordance with resolution SM065/05/02</b>	

### **CRAS016 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Simpson seconded Cr Richards COP Transport be granted consent to operate long vehicles up to 25 metre length on Jarrahdale Road between Frollett Road and Albany Highway to haul timber subject to the following conditions:-

- The issue of a permit by Main Roads Heavy Vehicle Operations Department.
- The consent being for the period 1 December 2002 to 31 January 2003 only or as further extended in writing.
- The hours of operation being restricted to daylight hours Monday to Friday.
- The registration numbers of vehicles and trailers being provided to the Council prior to operations commencing.

CARRIED 5/0

AS017/10/02 TENDER RFTC01/2002-03 KERB SIDE GREENWASTE COLLECTION (A1137/01)		
Proponent	Shire of Serpentine Jarrahdale	In Brief Council is requested to approve the selected tenderer for the Green Waste Collection Service for the period 4 <sup>th</sup> November 2002 to 5 <sup>th</sup> December 2002.
Officer	Paul Bachman Contract Administration Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	26 September 2002	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee in accordance with resolution SM065/05/02</b>	

**CRAS017 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Richards seconded Cr Simpson the tender submitted by D & M Waste Services for the Greenwaste Collection Service C01/2002-03 for the tendered sum of \$36,300.00 (GST inclusive) be accepted.

CARRIED 5/0

AS018/10/02 PERTH BICYCLE NETWORK GRANT FUNDING (A0360)		
Proponent	Director Asset Services	In Brief Advice received of grant funding allocated to the Council for dual use paths requires adjustment to Council's 2002-03 paths program to utilize grant funds.
Officer	Robert Harris Director Asset Services	
Signatures - Author:		
Senior Officer:		
Date of Report	7 October 2002	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee in accordance with resolution SM065/05/02</b>	

**CRAS018 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Simpson seconded Cr Scott the 2002-03 budget allocation of \$100,000 for paths construction (COR901) be directed to the following projects to allow grant funds of \$47,278 under the Perth Bicycle Network Grant Funding Program to be received:-

Road	Intersections To/From
Soldiers Road	Mead to Bateman
Blytheswood Ave	South West. Hwy to South Cr
Lefroy St	Wellard to Karnup
Nettleton Rd	Old Brickworks to South West. Hwy
Leslie St	Hall to Hardey
Hardy Rd	Leslie to Richardson

CARRIED 5/0



<b>AS021/10/02 INFORMATION REPORT</b>			
Proponent	Director Asset Services		
Officer	Various	Date of Report	Various
Signatures	Author: Senior Officer		
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Committee in accordance with resolution SM065/05/02</b>		

**CRAS021 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Simpson seconded Cr Richards that the information report to the 30 September 2002 be received.

CARRIED 5/0

10.3 Community & Recreation Development

<b>CRD04/10/02 COMMUNITY SPORT &amp; RECREATION FACILITIES FUND (CSRFF) (A0141-02)</b>		
Proponent	Council and Serpentine Foothills Polocrosse Club	<b><u>In Brief</u></b>  Council is asked to prioritise funding applications being submitted under the Community Sport & Recreation Facilities Fund
Officer	Carole McKee - Community Development Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	3.10.02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	Committee – in accordance with resolution SM065/05/02	

**COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Needham seconded Cr Wigg that Council indicates its level of support and order of priority for each of the October 2002 CSRFF submissions as follows. Costs exclusive of GST are in brackets.

Organisation	Project	Project Cost \$	CSRFF Grant Sought	Applicant Contribution	Other Contributions	Level Of Support	Priority
Shire	District Recreation Facility – stage 1	\$4,942,299 (\$4,492,000)	\$1,647,433 (\$1,496,667)	\$2,530,000 (\$2,300,000)	\$764,866 (\$695,333)	High	1
Serpentine Foothills Polocrosse Club	Additional Horse Yards	\$11,772 (\$11,034)	\$3,781 (\$3,437)	\$7,441 (\$7,097)	\$500 (\$550)	Medium/ High	2

CARRIED 4/0

CRD05/10/02 INFORMATION REPORT		
Proponent		<u>In Brief</u>  Information Report
Officer	Carole McKee - Community Development Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	04.10.02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee – in accordance with resolution SM065/05/02</b>	

**COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Wigg seconded Cr Scott that Council accepts the August/September 2002 Information Report.  
CARRIED 4/0

10.4 Building Services

B10/10/02 COMPLAINT REGARDING ROCK RETAINING STRUCTURE – LOT 889 BEENYUP ROAD, BYFORD (P01053)		
Proponent	Shane Easton	<u>In Brief</u>  Council is requested to consider a complaint regarding a rock retaining structure constructed on Lot 889 Beenyup Road, Byford to determine whether a notice to remove/modify the structure is warranted. It is recommended that a notice is not served.
Officer	Wayne Chant - Principal Building Surveyor	
Signatures - Author:		
Senior Officer:		
Date of Report	2.10.02	
Previously	N/A	
Disclosure of Interest		
<b>Delegation</b>	<u>Committee – in accordance with resolution SM065/05/02</u>	

**COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Murphy seconded Cr Hoyer that Council accepts the construction of the stone pitching on Lot 889 Beenyup Road, Byford subject to the owners of Lot 889 carrying out the following works:

- 1 Removal and re-laying of the stone pitching at the lower end of the driveway on Lot 889 so that it does not encroach onto Lot 888.
- 2 Removal of 500mm of soil from the highest section of driveway on Lot 889 so that no loose soil or rocks can fall or wash onto Lot 888.
- 3 The stone pitching be planted out with native plants so that the stone pitching is screened from view on Lot 888 before June 2003.
- 4 The driveway surface on Lot 889 is contoured to prevent stormwater flowing over the edge of the stone pitching onto Lot 888 before June 2003.

Note: The timing of removal of material referred to in 1 and 2 above is a civil matter between the two parties.

CARRIED 5/0

NB: The complainant facsimiled a request for the withdrawal of this item, which was tabled, but the Committee decided to go ahead and make a Decision.

<b>B11/10/02 INFORMATION REPORT</b>		
Proponent	N/A	<b>In Brief</b>  <i>Information report</i>
Officer	Wayne Chant - Principal Building Surveyor	
Signatures - Author:		
Senior Officer:		
Date of Report	02.10.02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee – in accordance with resolution SM065/05/02</b>	

**COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Murphy seconded Cr Hoyer that Council accepts the September 2002 Information Report.  
CARRIED 5/0

10.5 Health Services

Note: Nil items dealt with under Committee Delegation.

10.6 Planning Development & Environment

<b>E007/10/02 TRAINING OPPORTUNITY FOR COUNCILLORS AND COMMUNITY VOLUNTEER (A0153)</b>		
Proponent	Shire of Serpentine-Jarrahdale	<b>In Brief</b>  Council has been invited to nominate Councillors and members of the community to attend an environmental management course entitled <i>Catchments, Corridors and Coasts</i> .
Officer	Dr Sue Osborne - Environmental Officer	
Signatures – Author:		
Senior Officer:		
Date of Report	2 <sup>nd</sup> October 2002	
Previously	Not applicable	
Disclosure of Interest		
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM065/05/02</b>	

**Officer Recommended Resolution**

Following a call for expressions of interest from the public to attend the Catchments Corridors and Coasts course, the Presiding Member and Presiding Officer of the Planning Development and Environment Committee are authorised to select community attendees for the course.

**CRE007 COMMITTEE DECISION**

Moved Cr Star, seconded Cr Hoyer that following a call for expressions of interest from the public to attend the Catchments Corridors and Coasts course, the Presiding Member and Presiding Officer of the Planning Development and Environment Committee are authorised to select community attendees for the course in liaison with the Landcare Centre.  
CARRIED 5/0

Note: The Officer Recommended Resolution was altered to include reference to the Landcare Centre, which is implicit in the report. The Presiding Officer did not consider this to be a significant alteration to the Officer Recommended Resolution.

P161/10/02 FINAL ADOPTION OF LOCAL PLANNING POLICY NO. 12 - REQUIREMENTS FOR DETAILED AREA PLANS (A1133)		
Proponent	Shire of Serpentine-Jarrahdale	<b>In Brief</b>  Council to finally adopt a Local Planning Policy No.12 – Requirements for Detailed Area Plans following consideration of submissions made during advertising.
Officer	Andrew Watson – Director Sustainable Development	
Signatures - Author:		
Senior Officer:		
Date of Report	6/9/02	
Previously	P155/09/02	
Disclosure of Interest		
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM065/05/02</b>	

### Officer Recommended Resolution

Council, pursuant to Part 9 of the Shire of Serpentine-Jarrahdale Town Planning Scheme No.2 resolves to adopt Local Planning Policy No.12 – Requirements for Detailed Area Plans without alterations as follows, in accordance with clause 9.3 (b) of Town Planning Scheme No. 2:

### **LPP12 REQUIREMENTS FOR DETAILED AREA PLANS**

Adopted (Date to be inserted)

### **Policy Objective**

To outline Council's requirements for the preparation of Detailed Area Plans

### **Background**

#### Structure Plan Required Before Consideration of a Detailed Area Plan

Clause 5.18.1.1 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 provides:

*5.18.1.1 The local government requires a Structure Plan for a Development Area, or for any particular part or parts of a Development Area, before recommending subdivision or approving development of land within the Development Area.*

This clause has the effect of prohibiting Council for dealing with referrals of subdivision/amalgamation from the WA Planning Commission by recommending to the Commission that they be approved until such time as a Structure Plan is approved.

Finalisation of a Structure Plan for a Development Area is a prerequisite for Council approval of a Detailed Area Plan.

#### Detailed Area Plans

Clause 5.18.5.1(a) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 provides:

- 5.18.5.1(a) (i) *The local government or the Commission may, by notice in writing, require a person to prepare and submit to the local government a detailed area plan within the time specified in the notice.*
- (ii) *A person may prepare and submit to the local government a detailed area plan.”*

The Draft Byford Structure Plan recognises the importance of preparing detailed area plans to “enhance, elaborate and expand on the details or provisions contained ion a Structure Plan”. In this respect the Draft Byford Structure Plan goes on to state:

*“Given that the Byford Structure Plan covers a substantial development area, and the level of the plan detail is therefore necessarily broad, Council under most circumstances will require the preparation of a detailed Area Plan for each precinct, prior to considering any subdivision or development proposals.”*

Local Planning Policy No.2 – Subdivision Within the Byford Structure Plan Area, as adopted on 18th June 2001, enunciates Council’s requirement that a Detailed Area Plan be prepared for any precinct within the Byford Structure Plan Area before Council will consider any subdivision/amalgamation referral.

Preparation of a Detailed Area Plan is the responsibility of landowners within each precinct identified in the Draft Byford Structure Plan. Council however, recognises that given the fragmented ownership within the existing Byford town site, it is unlikely that any landowner/owners will obtain sufficient benefit to warrant preparation of a Detailed Area Plan. Consequently, Council has budgeted to prepare a Detailed Area Plan for the existing Byford town site in the 2002/2003 financial year.

The WA Planning Commission has supported Council’s view that detailed area plans are required prior to subdivision in Byford (including the existing town site) in making the following comments in relation to a revised subdivision plan within the Structure Plan Area (WAPC 115582):

*“.....additional detailed studies and arrangements for service infrastructure will be put in place once the draft Byford Structure plan has been finalised. Any further more intensive subdivision will require connection to reticulated sewerage, consistency with detailed area plans, and contributions for infrastructure as required for each particular Precinct identified by the Structure Plan.”*

### **Policy Statement**

1. Clause 5.18.5.1(a) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 allows Council to require that a Detailed Area Plan be finalised for any precinct within the Byford Structure Plan Area before Council will consider any subdivision/amalgamation referrals from the WA Planning Commission.
2. Council will not recommend support to the WA Planning Commission for any subdivision proposal within the Byford Structure Plan area unless a Detailed Area Plan has been prepared for the particular precinct identified by the Byford Structure Plan in which the land the subject of a subdivision/amalgamation referral is located.
3. Clause 5.18.5.3 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 sets out the matters which a detailed area plan may include details. Clause 5.18.5.3 also allows Council to require that a detailed area plan includes “such other information considered relevant by the local government”.
4. Council requires any detailed area plan submitted to it for approval, or required by Notice to be submitted to it for approval, to address/include details and provisions in relation to the following matters:
  - a) a vision statement for the whole of the precinct;
  - b) a statement of objectives for the whole of the precinct;

- c) detailed site analysis;
- d) a landscape master plan for public land throughout the whole of the precinct including:
  - finished site levels;
  - a drainage and nutrient management strategy complying with Council's adopted Urban Water Management Strategy for the Development Area;
  - integrated cycle and pedestrian paths linked to regional network;
  - domain interface between public/private domain/streetscapes (eg fences, setbacks. Allows for the future character of the precinct to be assessed);
  - community safety (active street frontages, lighting etc.);
- e) building envelopes;
- f) distribution of land uses within a lot;
- g) private open space including provisions relating to solar passive landscaping;
- h) services;
- i) vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;
- j) the location, orientation and design of buildings and the space between buildings;
- k) advertising signs, lighting and fencing;
- l) protection of sites of heritage, conservation or environmental significance where appropriate;
- m) development controls and guidelines relating to matters including:
  - use of energy efficient building materials and other energy efficiency measures;
  - solar orientation;
  - use of minimum R2 roof insulation;
  - use 4 or 5 star solar hot water systems rated for flexibility;
  - use of AAA rated plumbing fittings and fixtures;
  - water reuse or water tanks for irrigation;
- n) a waste management strategy to minimise construction waste to landfill;
- o) any other sustainability initiatives that an applicant wants to put forward for Council consideration.

### **CRP161 COMMITTEE DECISION**

Moved Cr Hoyer, seconded Cr Murphy that Council, pursuant to Part 9 of the Shire of Serpentine-Jarrahdale Town Planning Scheme No.2 resolves to adopt Local Planning Policy No.12 – Requirements for Detailed Area Plans without alterations as follows, in accordance with clause 9.3 (b) of Town Planning Scheme No. 2:

### **LPP12 REQUIREMENTS FOR DETAILED AREA PLANS**

Adopted (Date to be inserted)

#### **Policy Objective**

To outline Council's requirements for the preparation of Detailed Area Plans

#### **Background**

##### **Structure Plan Required Before Consideration of a Detailed Area Plan**

Clause 5.18.1.1 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 provides:

*5.18.1.1 The local government requires a Structure Plan for a Development Area, or for any particular part or parts of a Development Area, before recommending subdivision or approving development of land within the Development Area.*

This clause has the effect of prohibiting Council from dealing with referrals of subdivision/amalgamation from the WA Planning Commission by recommending to the Commission other than that they not be approved until such time as a Structure Plan is approved.

Finalisation of a Structure Plan for a Development Area is a prerequisite for Council approval of a Detailed Area Plan.

#### Detailed Area Plans

Clause 5.18.5.1(a) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 provides:

- 5.18.5.1(a)
- (i) *The local government or the Commission may, by notice in writing, require a person to prepare and submit to the local government a detailed area plan within the time specified in the notice.*
  - (ii) *A person may prepare and submit to the local government a detailed area plan.”*

The Draft Byford Structure Plan recognises the importance of preparing detailed area plans to “enhance, elaborate and expand on the details or provisions contained ion a Structure Plan”. In this respect the Draft Byford Structure Plan goes on to state:

*“Given that the Byford Structure Plan covers a substantial development area, and the level of the plan detail is therefore necessarily broad, Council under most circumstances will require the preparation of a detailed Area Plan for each precinct, prior to considering any subdivision or development proposals.”*

Local Planning Policy No.2 – Subdivision Within the Byford Structure Plan Area, as adopted on 18th June 2001, enunciates Council’s requirement that a Detailed Area Plan be prepared for any precinct within the Byford Structure Plan Area before Council will consider any subdivision/amalgamation referral.

Preparation of a Detailed Area Plan is the responsibility of landowners within each precinct identified in the Draft Byford Structure Plan. Council however, recognises that given the fragmented ownership within the existing Byford town site, it is unlikely that any landowner/owners will obtain sufficient benefit to warrant preparation of a Detailed Area Plan. Consequently, Council has budgeted to prepare a Detailed Area Plan for the existing Byford town site in the 2002/2003 financial year.

The WA Planning Commission has supported Council’s view that detailed area plans are required prior to subdivision in Byford (including the existing town site) in making the following comments in relation to a revised subdivision plan within the Structure Plan Area (WAPC 115582):

*“.....additional detailed studies and arrangements for service infrastructure will be put in place once the draft Byford Structure plan has been finalised. Any further more intensive subdivision will require connection to reticulated sewerage, consistency with detailed area plans, and contributions for infrastructure as required for each particular Precinct identified by the Structure Plan.”*

#### **Policy Statement**

1. Clause 5.18.5.1(a) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 allows Council to require that a Detailed Area Plan be finalised for any precinct within the Byford Structure Plan Area before Council will consider any subdivision/amalgamation referrals from the WA Planning Commission.
2. Council will not recommend support to the WA Planning Commission for any subdivision proposal within the Byford Structure Plan area unless a Detailed Area

- Plan has been prepared for the particular precinct identified by the Byford Structure Plan in which the land the subject of a subdivision/amalgamation referral is located.
3. Clause 5.18.5.3 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 sets out the matters which a detailed area plan may include details. Clause 5.18.5.3 also allows Council to require that a detailed area plan includes “such other information considered relevant by the local government”.
  4. Council requires any detailed area plan submitted to it for approval, or required by Notice to be submitted to it for approval, to address/include details and provisions in relation to the following matters:
    - a) a vision statement for the whole of the precinct;
    - b) a statement of objectives for the whole of the precinct;
    - c) detailed site analysis;
    - d) a landscape master plan for public land throughout the whole of the precinct including:
      - finished site levels;
      - a drainage and nutrient management strategy complying with Council’s adopted Urban Water Management Strategy for the Development Area;
      - integrated cycle and pedestrian paths linked to regional network;
      - domain interface between public/private domain/streetscapes (eg fences, setbacks. Allows for the future character of the precinct to be assessed);
      - community safety (active street frontages, lighting etc);
      - street trees
    - e) building envelopes;
    - f) distribution of land uses within a lot;
    - g) private open space including provisions relating to solar passive landscaping;
    - h) services;
    - i) vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;
    - j) the location, orientation and design of buildings and the space between buildings;
    - k) advertising signs, lighting and fencing;
    - l) protection of sites of heritage, conservation or environmental significance where appropriate;
    - m) development controls and guidelines relating to matters including:
      - use of energy efficient building materials and other energy efficiency measures;
      - solar orientation;
      - use of minimum R2 roof insulation;
      - use 4 or 5 star solar hot water systems rated for flexibility;
      - use of AAA rated plumbing fittings and fixtures;
      - water reuse or water tanks for irrigation;
    - n) a waste management strategy to minimise construction waste to landfill;
    - o) any other sustainability initiatives that an applicant wants to put forward for Council consideration.

CARRIED 5/0

Note: The Officer Recommended Resolution was altered by correcting typographical errors in the background of the policy and adding “street trees” under 4(d). The Presiding Officer did not consider these changes substantially altered the Officer Recommended Resolution.



P162/10/02 FINAL ADOPTION OF LOCAL PLANNING POLICY NO.10 – MCNEIL GROVE DESIGN GUIDELINES (A1129)		
Proponent	Shire of Serpentine-Jarrahdale	<b>In Brief</b>  Council to finally adopt a Local Planning Policy No.10 – McNeil Grove Design Guidelines following consideration of submissions made during advertising.
Officer	Andrew Watson – Director Sustainable Development	
Signatures - Author:		
Senior Officer:		
Date of Report	29 July 2002	
Previously	P147/09/02	
Disclosure of Interest		
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM065/05/02</b>	

### **CRP162 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Hoyer, seconded Cr Scott that Council, pursuant to Part 9 of the Shire of Serpentine-Jarrahdale Town Planning Scheme No.2 adopts Local Planning Policy No.10 – McNeil Grove Design Guidelines, as altered, as follows in accordance with clause 9.3 (b) of Town Planning Scheme No. 2:

#### LPP10 DRAFT LOCAL PLANNING POLICY NO.10 – Mc NEIL GROVE DESIGN GUIDELINES

### **1.0 APPLICATION**

The McNeil Grove Design Guidelines apply to Lots 113 - 132 McNeil Grove, Jarrahdale (inclusive) (the policy area).

These Design Guidelines are prepared to assist Council dealing with development within the McNeil Grove locality which forms part of the Jarrahdale Townscape Policy Precinct as established by clause 5.16 – *Jarrahdale Heritage and Townscape Policy Precincts* of Town Planning Scheme No. 2. Where appropriate the Residential Planning Codes (1991) apply.

These Design Guidelines are intended to create a continuous residential streetscape of uniform character and indicate the desired form and nature of development.

The development control provisions of these guidelines will be given full regard by Council and any development application to depart from these provisions will require full and substantial justification and approval of the Council.

### **2.0 OBJECTIVES**

#### **2.1 Primary Objective**

The following primary objective for the Jarrahdale Heritage and Townscape Policy Precincts is included in Town Planning Scheme No. 2:

Council's objective, recognising the Precincts' historic and townscape significance, is to ensure retention of the character of the Precincts as a whole and the buildings within the Precincts.

#### **2.2 Secondary Objectives**

The following secondary objectives for the Jarrahdale Heritage and Townscape Policy Precincts are included in Town Planning Scheme No. 2:

- a) To retain the historic timber town characteristics (1870-1910)
- b) To reserve, protect and enhance buildings, structures and physical features which have been identified as having cultural heritage significance in terms of aesthetic, historic, scientific or social factors
- c) To preserve the form and design of existing buildings and facades, and encourage restoration
- d) To provide control over signs and ancillary design features to ensure compatibility with the historic theme
- e) To generally follow the Jarrahdale Townscape Study 1991 (Hocking and Associates) recommendations when considering applications for tourism and related facilities

### **3.0 DEVELOPMENT CONTROL**

#### **3.1 Development Requiring Council Approval**

Development within the policy area requires the written planning consent of Council. Development for the purposes of this policy includes, but is not necessarily limited to, the following:-

- a) Demolition or removal of buildings
- b) Works, which affect the external appearance of a building
- c) Construction of additions and outbuildings
- d) Erection of a fence or a wall
- e) Development of new buildings
- f) Significant landscaping

#### **3.2 Information to be lodged with planning application**

A planning application must be lodged for all developments, including dwellings and outbuildings, in the policy area. The following additional information must be lodged with your planning application:

- A planting schedule detailing the provision of landscaping. Council's PS03 – Landscape and Revegetation Policy may be of assistance when gathering this information;
- A schedule outlining colours and finishes of external materials and detailed written information addressing those issues raised in 3.3 and 3.4 below.

#### **3.3 Matters Required to be Considered By Council Arising From Town Planning Scheme No. 2**

When considering applications for development in the Jarrahdale Townscape policy Precinct, Town Planning Scheme No. 2 requires that Council shall take into account the following:

- a) A building on a lot abutting the Heritage Precinct shall demonstrate architectural design detail, which reflects the scale, style and spatial arrangements of existing buildings in the Heritage Precinct;
- b) Existing vegetation and natural land form feature should be retained to the fullest extent possible. Replanting of local native vegetation is to be encouraged;
- c) Use of earthy colours and materials of low reflective quality for walls and roofs is to be encouraged;
- d) Site disturbance should be minimised. Cut and fill should be discouraged;
- e) Utilisation of solar energy is to be encouraged. Improvements in thermal comfort and reduced cooling and heating costs can occur through careful orientation and siting of buildings achieved by design of windows, verandahs and material choice; and

- f) Fencing – shaped post and rail, with or without cyclone mesh wire, or timber pickets is recommended.

### **3.4 Additional Matters to be Considered By Council**

#### **3.4.1 Setbacks**

- a) All dwellings should be set back at the front boundary in line with adjoining dwellings or where there are none, then the front setback shall comply with the R12.5 setback requirements in the Residential Planning Codes.
- b) Secondary street setbacks to a dwelling shall be no less than three metres from the street alignment.

#### **3.4.2 Alterations and Additions**

- a) Additions and alterations should be carried out in sympathy with the character, scale, form and material of timber workers cottages.
- b) Attention should be given to retaining the integrity of existing dwellings, particularly the front façade, by siting additions to the side or rear and taking into account the shape and heights of windows, roof pitches and verandah details

#### **3.4.3 Roofs**

- a) Roofing of new dwellings should comprise metal deck sheeting at pitches of 22 to 45 degrees and follow simple rectangular shapes with gable ends. Verandahs may have a minimum pitch of 10 degrees.
- b) Second storey roof lines should not dominate the street frontage of buildings.
- c) Roof materials may include concrete or clay tiles, colorbond or slate. Zinalume or finished steel is not permitted.

#### **3.4.4 Verandahs/Window Canopies**

- a) Most existing building feature verandahs and window canopies should use the same materials and the same pitch as the main roof.
- b) Existing front verandahs should not be enclosed, except with temporary sunshade, windbreak or woven materials.

#### **3.4.5 Windows and Doors**

- a) Windows and doors, particularly those that face the street, should maintain a simple rectangular and vertical configuration in accordance with the traditional style of the timber workers cottages.
- b) Where timber is not used, the surrounds should be appropriately coloured.
- c) Front doors and windows should address the main street or facades should be designed so that there are no large expanses of blank walls facing the main street.

#### **3.4.6 Front Fences**

- a) Fencing in front of the building line should be both low (0.8m to 1.1m) and open and be constructed of open timber picket or post and rail fencing.

- b) Secondary street fencing shall conform with the above requirements.

#### **3.4.7 Sheds/Outbuildings**

- a) Outbuildings should be set back behind the main building and, in all instances, be behind the building line and, as far as possible, screened from the main street frontage.
- b) The use of materials, colour and design for compatibility with the main building will be encouraged.
- c) Attached garages and carports should be sympathetic to the design of the main building, particularly in terms of roof pitch, height and use of materials and should not be located forward of the building line.

#### **3.4.8 Materials**

- a) Preference will be given to the use of framed and timber clad construction of the like. Where masonry is used the predominant colours should be of a brown or red hue. Note: Masonry includes brickwork face or rendered, rammed earth and stone.

#### **3.4.9 Colour**

- a) Where timber is to be painted, the predominant colours should be in a range between a tan or brown, through to green. White may also be used.
- b) Accent colours may be white, or close analogous colours, or complimentary colours to the predominant colour.
- c) Roof colours should be ochres, mute greens and reds, light grey/green, olive.

#### **3.4.10 Signage**

- a) Signage within the Precinct areas is controlled/regulated under Local Planning Policy No.5 – *Control of Advertisements*.

#### **3.4.11 Sustainable Timber Products**

- a) Council encourages the use of timber products produced from sustainably managed forests in preference to rainforest or old growth native forests.

#### **3.4.12 Solar Orientation**

- a) Where possible house design should be oriented to receive the maximum amount of northern winter sun whilst at the same time preserving the solar access to adjoining properties.
- b) Attention should be given to the orientation of windows to capture prevailing breezes and to provide shade with devices such as awnings, eaves or pergolas, or with deciduous trees where appropriate

#### **3.4.13 Solar Collectors**

Preference is given to solar collectors being located so as not to be visible from the street. However, it is recognised that in order to obtain the most effective orientation for a collector, this may not always be possible. Where a solar collector is visible from the street, the storage tank should be located so as not to be visible from the street.

### 3.4.14 TV Antennas, Satellite Dishes and Radio Masts

TV antennas are to be located within the roof space wherever reception permits. If this is not possible antennas should be located where they are not visible from the street. Satellite dishes and radio masts require planning approval of Council and should be located where they can be adequately screened.

### 3.5 Notice Procedure

Council will notify all landowners to which this Local Planning Policy applies of any development application received for works on any land to which the policy applies in accordance with Clause 6.3.1(a) of Town Planning Scheme No. 2.

### 4.0 VARIATION IN STANDARDS

Consideration may be granted to variation of standards where it can be demonstrated to Council's satisfaction by way of a comprehensive written statement outlining how the proposal meets the objectives of these guidelines.

CARRIED 5/0

P170/10/02 INFORMATION REPORT			
Proponent	Director Sustainable Development		<b>In Brief</b>  Information Report.
Officer	Lisa Fletcher – Support Officer Sustainable Development		
Signatures - Author:			
Senior Officer:			
Date of Report			
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM065/05/02</b>		

### CRP170 COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Hoyer, seconded Cr Murphy that the Information Report to 10 October 2002 be received.

CARRIED 5/0

### 11. CLOSE

There being no further business the meeting closed at 8.26pm.