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**NOTE:** a) The Council Committee Minutes Item numbers may be out of sequence. Please refer to Section 10 of the Agenda – Information Report - Committee Decisions Under Delegated Authority for these items.

b) Declaration of Councillors and Officers Interest is made at the time the item is discussed.

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET MUNDIJONG ON MONDAY 22<sup>nd</sup> JULY, 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:** Mr R Harris..... Director Asset Services

### IN ATTENDANCE:

Mr D Price ..... Chief Executive Officer  
Mr S Kenworthy-Groen ..... Acting Director Asset Services  
Mr A Watson ..... Director Sustainable Development  
Mr G Dougall ..... Director Corporate Services  
Mrs S Langmair ..... Minute Secretary

**GALLERY:** 12

## 2. PUBLIC QUESTION TIME

Public Question time commenced at 7.01pm

John Sullivan, 4 Gale Court, Calista

Q Why is it necessary for Council to approve the breaches of license conditions on the lot 1 Jackson Road, Oldbury if the Minister for Planning has already over ruled the Shire's Planning conditions.

A The Presiding Member advised that this question would be taken on notice.

Mrs Nield, Lot 1 Boomerang Road

Q Relates to Lot 12 Bird Road and Lot 1 Jackson Road and to the EPA stating on the 15<sup>th</sup> August 1999 that the construction for the proposal of Lot 12 and Lot 1 Jackson Road involved the construction of the waste water treatment plant and it said or other form of onsite waste water treatment or disposal system approval is required to be gained from the Executive Director of Public Health via the Local Authority, I would like to ask if you required that at that time in 1997?

A The Presiding Member took this question on notice.

Wayne Rider, Chartered Accountant and the authorized representative of McLean Recycling Industries

Q McLean Recycling Industries Pty Ltd (MRI) asked will the Council defer consideration of the second part of our application, that is our request for permission to recommence landfilling of Lot 1 Jackson Road, given the considerable importance of

the wetland thereon, the proposed future uses of the land and the fact that the matter has been brought on very quickly, without allowing sufficient time for MRI to consult with the Bush Forever Office, the Waters and Rivers Commission and the Department of Environmental Protection.

MRI wishes to consult with these parties to put our very strong case that in fact it would be detrimental not to fill within the buffer zone, leaving it as is will allow more weeds to grow up that will adversely affect the significant wetland vegetation that we all want to protect. Landfilling will help keep these weeds down.

Finally, and most importantly, does the Council share our view that if, as part of our landfilling program, MRI were to cede the wetland area to the Crown as public parkland, thereby allowing it to come under the direct control of the Bush Forever Office and other relevant environmental bodies, that this would be in the very best interests of protecting the area.

A The Presiding Member advised that this will be considered when Council comes to this item.

Anthony Duffy, Lot 70 Boomerang Road

Q These questions have been submitted to Council and there as been no reply. Having been alerted to the possibility that the leachate drain system were not working, did the Council

(a) investigate? If so what was the outcome?

(b) Did the Council advise the Environmental Protection Agency (EPA) and Department of Environmental Protection (DEP) that you had been alerted to the possible non operational status of the leachate systems – this is in relation to Lot 1 Jackson Road and Lot 12 Bird Road

A The Director Sustainable Development advised that this matter had been previously answered in writing. The advice referred Mr Duffy to the Council Policy on the matter and advising that further information should be obtained from the Department of Environmental Protection as they are the principal body involved in these matters and Council will therefore not get involved in answering these questions.

Julie Hoey, 103 Barge Drive, Byford

Q We are seeking Council to debate and reject the approval of an office development at Lot 105 South West Highway, Byford.

Q We are seeking Council to debate and reject the conditional approval of Lot 60 Boomerang Road Oldbury, proposed stables and kennels.

A The Presiding Member confirmed with Ms Hoey that she wished to have those two items opened up for debate again? The Presiding Member acknowledged receipt of the questions and these will be discussed through the course of the meeting.

Mr Paul Nield

Q Is it appropriate for the Chief Executive Officer to accompany Councillors to Courts for their private court cases?

A The Presiding Member advised that this is appropriate.

Q What is the total amount to date that the Council have allowed to be racked up in legal costs to Edward Wallace on behalf of the Weekend examiner in the Council Defamation issues currently underway.

A The Chief Executive Officer advised that Edward Wallace were not Council's Solicitors.

Q SM081/06/02 is that a state treasury loan to upgrade Jackson Road.

A The Chief Executive Officer advised yes and the loan has been paid out.

Q Regarding comments by W Rider regarding wetlands on Lot 1 Jackson Road, can it be explained why the water level on the bush in that bushplan that was referred to is totally dry when the same bushplan 68 on Lot 2 Bird Road has half a metre of water on it? It's inappropriate to drain that important wetland.

A The Presiding Member advised that this question would be taken on notice, although it may be difficult to answer given rainfall and lots of other factors with very complex hydrology in some areas.

Public Question time concluded at 7.14pm

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

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

Statements, Petitions, Memorials and Deputations commenced at 7.15pm

Ross Infirri, Serpentine

As a part owner of Lot 833 Karnup Road in Serpentine, for which you have a subdivision application on your agenda tonight. Due to various difficult family circumstances we feel that we have no option but to apply for subdivision of our 43 hectare lot into two equal size lots. This will then enable our mother to continue living in her home on the property.

I understand that Council's Rural Strategy recommends minimum lot sizes of 40 hectares in the rural area. However, it has also been acknowledged in the report to Council that the rural land surrounding our property is already divided into predominantly 20 hectare lots. Therefore, we do not see our subdivision application setting a precedent for other rural subdivisions, but more so a rounding off of the subdivision pattern that already exists in this area.

In closing, I ask Council's support for our subdivision application or alternatively that Council provides some additional advice to the Western Australian Planning Commission acknowledging that this subdivision application is not inconsistent with the surrounding rural subdivision patterns. I thank you for your consideration.

Christine Nield

Would like to know if Council are dealing today with Lot 1 and Lot 12 and the fill they already have on those two properties and also the application to continue filling those two properties? The Presiding Member advised this was the case.

Would like to draw Councillors and Council Officers attention to some discrepancies in this report:

- In relation to the officer report, the owners address states 26 Bird Road Oldbury and this is not true. The legal address is Lot 12 Bird Road Oldbury and the postal address is 36 Bird Road Oldbury and have informed Council of this before.
- The applicant date of receipt states Clout and Associates dated 30<sup>th</sup> November 2001 is not quite correct the applicant was Mitchell Goff and Associates filed to the Shire of Serpentine Jarrahdale 13<sup>th</sup> November 2001.

- The form No 1 Town Planning Scheme No 2 application for approval to commence development was signed by Gordon McLean and submitted to the Council attention to Andrew Watson under a cover letter by Mitchell Goff and Associates dated 18/07/2001.
- Background on page 1 and I quote from the report, this application has arisen as a result of the applicant having appealed planning conditions of the Shire in relation to Lot 12 and having been granted a consent from the Minister for Planning which was Graham Kerrith at that time for filling in respects to Lot 1 and 12 possibly be due to information on plan submitted for Lot 12 also referring to Lot 1 this is not quite correct. It has arisen due to the fact that the Minister for Planning Ministerial conditions stated that the height of the fill was to be 1.3 metres with a surface covering as a growing medium for the timber plantation. He gave the Council the right to impose the conditions which were to enforce the ministerial conditions. Council have advised they did not see any reason to do so. These ministerial, when the Minister upholds an appeal on, I am led to believe and I have been informed by government authorities that the local authority are to impose those conditions. And I also note that the Minister for Environment requested from the Council with the above when she asked if you had audited this site in relation to the application for a licence for Lot 1 Jackson Road. Whether the Planning Minister, Mr Graham Kerrith on appeal gave permission for Lot 1 Jackson Road to be filled not relevant at all, he gave permission in April 1999 and you ought to be aware could not and one reason why was because the land fill, any land filling were required to be licensed before commencing and Lot 1 Jackson Road was not licensed in 1999. It did not become licensed until 13<sup>th</sup> June 2001.
- The Officers also stated quote the applicant had deleted Lot 1 from the original application approval and now seeks Council conditional approval in respect to Lot 1 via a fresh application for development approval. The Councils minutes in July 1998 do imply this to be so but it was deleted from the application for the Council at that time and in fact as follows the Council seems to have received an application for retrospective approval for Lot 1 Jackson Road in July 2001 and the documents from the Shire verify this. I have to say you the Council are fully aware that McLean Recycling Industries received a licence from the Department of Environmental Protection on the 13<sup>th</sup> July 2001 not as the officers state in their report. This was for Lot 1 Jackson Road only, Lot 12 at that time was not licensed and I understand is not licensed still today. You are fully aware that it has been said that the Director Sustainable Development had no problem with the licence being issued for Lot 1 Jackson Road. He was also aware that Planning permission had not been approved. The owner operator Mr McLean was made aware by the government that he must get permission from other authorities before commencing. You the Council continued to allow dumping of demolition waste knowing that you the Council had not given planning permission for the so called development. In fact have allowed a breach of your own town planning scheme it seems. The conditions that you now require to be installed, very good conditions, monitoring such like, were also required to be installed in 1997 when you gave planning permission. There is no question that the DEP's licence conflicted with the Council's conditions because the sawmill was not licensed by the DEP and still not today I understand. The planning officer reconfirmed this in a letter dated 28<sup>th</sup> January 1999 and those conditions for the saw mill were the conditions that you are requiring to be enforced today under this retrospective approval.
- The report states there is no objection or seems to be sustainable and we have management plans, two management plans, one for 1996 and one for 2001. I would like to say that a landfill is not sustainable, it does not sustain the environment, does not sustain health, does not out water or our land, it contaminates. The two management plans received in 1996 and 2001 these have been disregarded by the owner/operator and you are well aware of this. He has not adhered to them at all. We have no guarantee that the owner/operator will show that he is responsible, he has not done to date and some of your officers have even stated such to me and we have no guarantee from the Council that you will enforce these conditions.



Paul Nield

The Minister has told me in relation to that property that with respect to the subject of approval for the development or retrospective approval the determination lies with the local government and that the minister cannot do anything about this until there is an agreed applicant appeals to the Minister. There will be many statements of appeal going to the Minister if you approve this 200 years of pollution and she finishes off by saying that approval for unauthorised exiting development cannot be used to legitimise an illegal activity as retrospective approval can only apply to development which complies with the provisions of the scheme that is it is criminal negligence to omit to put the drainage in place. My statement regarding this article or whatever you call it carries a lot of miss-information as Councillors you have duty of care to investigate the claims on here or the innuendoes that are not correct there are many areas in this that are not there are many areas in this that are not factual including claims by the owners. They have said that surface water is uncontaminated that is not the truth, some of the highest levels of dieldrin.

Julie Hoey

We are seeking Council to debate the Planning Committee's decision to reject approval of an office development at Lot 105 South West Highway, Byford. All questions are in response to the reasons given to reject the application based on the minutes of the Planning Meeting (pages 33-36).

Council claims that this development is against the Byford Structure Plan of a town center and two neighbourhood centers. Is the Council aware that "professional" developments have been approved? ie Doctors, dental, physiotherapy, and Bea's naturopathic consulting rooms. Isn't Beau likely to eventually want to run her retail shop from the consulting rooms? It makes no sense to have tow leases running at the same time.

Also 4.1.8 of the SPP9 Metropolitan Centres Policy states, "except for designated areas, commercial developments should be located in defined centers". So why has Council approved "professional" developments?

Paragraph 4.1.11 also states "unless located in centers, retail and commercial developments along major roads will not be supported". Again a precedent has already been set. Why has Council also contradicted this statement by planning for retail and commercial development on the western side of the highway? Is Council aware that directly opposite our property on the western side of Dr's Lancee and Blaize surgery complex?

Council claims that the proposed office development can have an adverse affect for the safety of the residents in the area. If safety is a real concern, why then have previous development applications been approved? Is Council aware that our property has more than ample setback (approximately 30 metres) for numerous parking spaces and turnaround and that it has clear vision north as far back as the start of the dual carriageway at Park Road? Again a precedent has been set by many existing developments that have very limited vision. Why was safety not taken into consideration with previous developments? Is Council aware all of these properties are close to the road?

Strategy 1.2, People and Community section of the Council's Strategic Plan, "Plan and develop towns based on compatible mixed uses, local employment opportunities and walkable neighbourhoods clustered in order to minimize car dependency? Isn't an office development compatible with mixed uses, local employment opportunities and walkable neighbourhoods because of its location, 2 lots from Bea's and 5 lots from the Dental Surgery? Why was an unspecified development recently approved on the corner of Clifton Street and South West Highway and a Physiotherapist at the northern end of the highway?

If Council is concerned with the broad nature of an office development, we would be happy for Council to provide some guidelines as to what types of business are acceptable and what are not, similar to guidelines provided by other Councils such as the City of Canning.

How can Council say we are setting a precedent when a precedent for development has already been set? Many professional developments have already been approved.

We are seeking Council to debate the approval of Lot 60 Boomerang Road Oldbury, proposed stables and kennels.

All questions are in response to guidelines used in making that decision, the reference being Planning Committee Minutes (pages 63-68).

There were five objections to Council based on noise. Why then was this application conditionally approved?

Why has the Environmental Protection Authority's (EPA) recommendation that a proposed buffer zone should be 500 metres (not 50 metres from the western boundary as Council has suggested) been ignored?

Doesn't this Shire claim to be a "green" Shire?

Why then were the EPA's recommendations totally disregarded?

Isn't Council's buffer suggestion of 50 metres from the western boundary totally inadequate?

As we put in our submission to the Council, there is ample buffer at the quarantine station in Byford, yet the noise in summer is unbelievable. We would like Councillors to try and imagine living next door to a kennel complex in an area where there is little to no vegetation whatsoever, land that is also on a slope. We put to Council, the noise level would be intolerable and we feel Council would be setting themselves up for continuous trouble with constant complains from neighbours.

Why has the EPA's recommendation that this kind of approval be "more suitable to a larger size rural property" been ignored?

The EPA's approval that to have ten horses on this size property "considerably exceeds the recommended AgWA stocking rates" (they recommend five). So why has council approved ten?

How can the applicant demonstrate how land degradation be avoided if the Ag Department cannot?

Is Council aware the Alcoa railway line runs along the lower boundary of the property? Alcoa runs 10-12 trains each twenty four hour period hauling 35-70 carriages each from Pinjarra to Kwinana and return (these figures are accurate and are from the public relations department at Alcoa). We believe that the noise of the trains will set off dogs barking, making the situation even more intolerable.

Wasn't it Council's Plan to make Oldbury an "urban town"?

Statements, Petitions, Memorials and Deputations concluded at 7.35pm

**5. ANNOUNCEMENTS BY PRESIDING MEMBER**

- \* Information has been supplied to Environment Australia on Catchment Management in Serpentine Jarrahdale as part of the Peel as a case study for exhibition at WSSD at Johburg – not sure of its acceptance at this time.

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

6.1 Ordinary Council Meeting – 24<sup>th</sup> June, 2002

**COUNCIL DECISION**

Moved Cr Kirkpatrick seconded Cr Needham  
That the minutes of the Ordinary Council Meeting held on 24<sup>th</sup> June, 2002 be confirmed.  
CARRIED 10/0

## 7. REPORTS OF COMMITTEES & OFFICERS

### 7.1 Special Corporate Services Committee Meeting – 1<sup>st</sup> July, 2002

#### **COUNCIL DECISION**

Moved Cr Simpson seconded Cr Needham

That the minutes of the Special Corporate Services Committee Meeting held on 1<sup>st</sup> July, 2002 be received.

CARRIED 10/0

C001/07/02 BUDGET 2002/2003 (A1049)		
Proponent	Local Government Act 1995	<u>In Brief</u>  To recommend to Council to adopt the 2002/2003 draft budget
Officer	G.R. Dougall - Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	22/06/02	
Previously	SM054/03/02, SM062/05/02	
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

#### **Preamble**

To recommend to Council to adopt the proposed 2002/2003 statutory budget following notional advice from the Grants Commission on Thursday 27 June 2002 of Council financial assistance grants for 2002-2003.

#### **Background**

Section 6.2 of the Local Government Act 1995 requires local governments to prepare an annual budget not later than 31<sup>st</sup> August in each financial year. Each local government is to prepare and adopt the budget in the form and manner prescribed and by absolute majority.

In the preparation of the budget the local government is to have regard to the contents of the plan of principal activities accepted under section 5.58 and is to prepare a detailed estimate for the current year of;

1. The expenditure by the local government,
2. The revenue and income, independent of general rates, and
3. The amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue.

The budget is to incorporate;

1. Particulars of the estimated expenditure to be incurred by the local government;
2. Detailed information relating to the rate and service charges which will apply to land within the district, including the estimated amount to be yielded by the rate and the rate of interest to be charged by the local government on unpaid rates and service charges;
3. The fees and charges proposed to be imposed;
4. The particulars of borrowings and other financial accommodation proposed;
5. Details of the amounts to be set aside in, or used from, reserve accounts and the purpose for which they are to be used;
6. Particulars of proposed land transactions and trading undertakings; and
7. Such other matters as prescribed.

### Local Government Grant Funding

Council received advice on Thursday 27 June 2002 from the Grants Commission advising them of their 2002-2003 notional financial assistance. The grants are considered notional because the Commonwealth has yet to formally advise the Grants Commission of the level of funds to be made available to Western Australia for 2002/03. The notional grants have been calculated on the basis that this state will receive \$165.5 million. The grant pool has increased by 4.6%.

The notional grants are separated into local road funding and equalization funding. Although local governments can use both grants for any purpose, the grants are separately identified in accordance with federal legislation and the wishes of local government. Based on the preliminary advice from the Commonwealth government, the Commission will allocate \$98 million for equalisation and \$67.5 million for local roads.

The 2002-2003 notional grants Equalisation Funding allocation to the Shire of Serpentine-Jarrahdale is a 16% increase on the 2001-2002 grant. As a result GPG 142 has been increased to \$1,026,118

The 2002-2003 notional grants Local Road Funding allocation to the Shire of Serpentine-Jarrahdale is a 5.5% increase on the 2001-2002 grant. As a result GPG 143 has been increased to \$601,869

The additional funding received through the Grants Commission has been distributed within the draft 2002-2003 budget as detailed below;

Vehicle Lease MOC101 is to be transferred to reserve (\$73,780) Note - an error was found in the formula, which transferred this cash amount from MOC 101 to the Plant Replacement Reserve.

Fire Levy FIR 402 is to remain at \$60.00 per property, with VFB900 now showing a \$50,000 allocation for 50% contribution toward the Council commitment of approximately \$100,000 over two years (2002-2003 & 2003-2004).

This change to the draft 2002-2003 budget now provides a bottom line surplus of \$13,421.

### Principal Activity Plan 2002-2007

Council adopted the Plan of Principal Activities Plan (The Plan) 2002-2007 in May 2002. This established a five year financial plan for Council based on current levels of operating expenditure and expected capital works. All items provided in this plan have been included in this budget.

### Comments

***A copy of the proposed budget for 2002/2003 as a cash document is included with the attachments and marked C001.1/07/02.*** It has been prepared by the Manager of Finance in schedule format similar to the previous Local Government Accounting Directions 1986. These schedules will become notes to the budget when it is converted to Australian Accounting Standard Format required by the Act and supporting Regulations. These schedules provide all the detail of expenditure and income for the budget in cash format. The first page of the attached document is an Operating Statement showing totals of expenditure and income for each Program Title. Capital items of expenditure and income are then added along with any carried forward items to give the "bottom line".

Written explanations of the line item expenditure has been provided to assist Councillors', staff and the general public understand what is actually being considered for expenditure or received as income. This information will also remain as a note to the budget document when converted to the accrual accounting format for adoption. The income for capital items

will not be shown in the final document but are indicated in the "cash" document for reference.

### Carried Forward Items

No carry forward items have been included in this document as yet. These will be added to the final document once the close of the current financial year has taken place and accurate figures known.

### Rates

In adopting the Plan Council provided direction that the rate increase for 2002/2003 budget would be 6%.

A workshop attended by Councillors and Senior staff held on Friday 7 June 2002, recommended to the June Corporate Services Committee that the differential rates be advertised for public comment with an increase of 6% and similar increases to minimum rates. This was agreed by the Corporate Services Committee under Council delegation and has been done with the advertising period closing mid July to allow comments to be considered prior to the adoption of the budget at the Ordinary Council meeting to be held on Monday 23 July, 2002.

The rate increase reflected in the draft 2002-2003 budget is 6%. Council is required to request Ministerial approval, under section 6.33(3) of the Local Government Act 1995, for any differential rate that is more than twice the lowest differential rate prior to the adoption of the budget. If Committee recommends to accept the rates presented in this report it is intended that the Director of Corporate Services will forward a request to the Department of Local Government in accordance with this requirement and their directive in circular 18-2001. Council will also this year be offering the farmland concession and conservation zones as a rate concession, thus reducing the number of rates that are twice the lowest under section 6.33.

The rate categories requiring Ministerial approval are Mining Tenement, Historic, Public/Commercial, Special Residential Vacant, Light Industrial and Special Use 1A.

Council has received Gross Rental Values, in accordance with resolution C086/02/02, for properties previously rated on unimproved value and with a reticulated water supply provided. These values were already generated for the Water Corporation so were provided at minimal cost by the Valuer General's office. The differential rate advertisement has included a note that the areas around north east Byford, the Byford trotting complex, Darling Views Estate and Serpentine Greens will be receiving a gross rental valuation for the basis of their rates this year.

### Principal Activities

All items listed in the adopted Plan of Principal Activities 2002-2007 are included in this budget. Total cash expenditure in this budget is \$9,811,079.

#### *Fire Prevention*

The 2002-2007 Principal Activities Plan included provision in the 2002/03 financial year for the replacement of two Fast Attack fire units and the replacement and upgrading of the Byford 2.4 to a 3.4 unit. The estimated net cost to the Council of \$113,000 was intended to be substantially raised by an increase in the Council's Fire Service Charge from the existing \$60 to \$70, which over the five year term of the Principal Activities Plan was intended to raise approximately \$230,000 toward the net cost of \$318,500 for fire and emergency services plant and equipment (two-thirds).

Subsequent to adoption of the Principal Activities Plan, and during the final stage of preparation of the 2002/03 draft budget, the Minister for Fire and Emergency Services announced that the introduction of the State Fire Levy would proceed and commence for the 2003/04 financial year. The impact of this is significant on Council, as when the levy is introduced, the funding arrangements to the Shire's volunteer fire brigades includes that Fire & Emergency Services Authority have responsibility for funding 100% of the cost of providing, replacing and upgrading fire brigade vehicles, plant and equipment.

As per Council's request SM080/06/02, advice has been sought from Fire & Emergency Services Authority on the implications of deferring the scheduled plant replacements, and most particularly whether deferral will see the replacements for the 2002-2003 financial year being fully funded by Fire & Emergency Services Authority in 2003/04.

Fire & Emergency Services Authority officers have advised that Fire & Emergency Services Authority would be extremely disappointed if Councils did not proceed with plant replacements scheduled for 2002/03 in the FESA Five Year Replacement Plan (where they were funding 50% of the cost of certain plant items) and could give no undertaking that purchases not progressed as scheduled would be given future priority, and that this years needs would again be assessed on an overall State needs basis.

Written advice has been received from Fire & Emergency Services Authority confirming that of the two Fast Attacks and the Byford unit requested to be funded in 2002-2003, one Fast Attack and the Byford unit, had been successful, with the additional Fast Attack being eligible for further consideration in the next round of funding later in 2002. This clearly indicates that Fire & Emergency Services Authority are expecting Council to make a commitment under the Fire & Emergency Services Authority five-year plant replacement program.

Fire and Emergency Services have advised they would be prepared to fund the purchase of the fast attack and Byford unit this year, if Council were prepared to contribute 50% of their commitment in 2002/2003 and 50% in 2003/2004. This can be accommodated with the current fire levy not being increase, but will require a reduced fire levy in the following financial year whereby approximately \$10.00 of this Levy will be allocated for the purchase of capital equipment to meet at least, what would be the outstanding 50% contribution remaining from this years new equipment.

Fire and Emergency Services have advised that they will only be seeking 50% of their funding in the first year, the average levy would be approximately \$35. Council could raise its own levy up to \$30 allowing the average property owner to still a reduction in the proposed 2002-2003 levy.

The options available to Council are considered to be to either;

1. Proceed with the replacement of one Fast Attack and upgrading of the Byford 3.4 fire unit in accordance with the Fire & Emergency Services Authority approved grant at an estimated cost to Council of \$100,000. Council would be required to raise \$50,000 this year and \$50,000 in 2003/2004. This has now been accommodated in 2002-2003 budget whilst retaining the Fire Service Charge at \$60.00.

The State Fire Levy is to be phased in over the 2003/04 year whereby metropolitan insurance levies will continue to include a partial levy and a reduced State levy will apply Statewide. According to literature provided by FESA, in 2003/04 the State levy applicable in the Serpentine-Jarrahdale district will average \$35 and will average \$52 in 2004/05 when the full levy is in place (subject to final determination of Serpentine-Jarrahdale category). This provides opportunity for Council to limit the increase in the levy in 2002/03 and to raise additional funds in 2003/04 when the reduced State levy applies to meet any deficiency.

2. Defer the replacement of fire plant and equipment as scheduled for 2002/03 in the Principal Activities Plan, and submit a revised replacement program to Fire & Emergency Services Authority prioritizing these plant items in 2003/04. The Council's Fire Services Charge could remain at \$60. There is no guarantee of Fire & Emergency Services Authority funding in 2003/04, however there is no guarantee of funding for the balance of the forward replacement program from Fire & Emergency Services Authority even if Option 1 was taken.

If Option 1 is considered preferable and it is recommended it be made conditional upon receiving written agreement from Fire & Emergency Services Authority that Council may provide the balance of payment in the following financial year.

It should be noted there is a number of matters regarding the State levy which remain unresolved at this stage, including the extent Council's fire and emergency services activities will be funded, and the extent the Council will remain required to fund the services. Aspects such as construction of fire breaks, private property fire break inspections, hydrant maintenance and components of administrative services will not be funded by Fire & Emergency Services Authority and Council will remain required to fund these activities from its own sources. The capacity for Council to continue to have its own fire services charge or whether funding from General Revenue will be from 2003/04 is still undetermined, and will be further considered in the next 12 months before the levy's introduction.

Pages 24 to 27 of the draft budget provide the details for volunteer fire brigades, fire prevention and general emergency services. The Bushfire Service Charge remains at the advertised amount for \$60.00 per property with the differential rates advertisement

#### *Waste Management*

The draft waste budget has been developed based upon Council's waste management strategy and provides for the commencement of Council's new kerbside waste collection contract incorporating a 140 litre weekly waste collection and disposal service and a 240 litre fortnightly recyclable's collection and processing service, which comes into operation on 1<sup>st</sup> July 2002.

The balance of the draft waste budget has been prepared based on maximizing the capacity to implement other elements of Council's waste management strategy within the constraints offered by any increase in the waste service being limited to CPI increases. The draft budget proposes to increase the waste service charge to fully serviced properties from \$173 to \$178 (2.9%) and to re-introduce a waste service charge for properties not provided a weekly kerbside collection at \$55 as a contribution to transfer stations, tip rehabilitation, litter and street bin services and community recreation facilities waste services. The full kerbside service will be extended under the new contract to all but approximately 60 households, which would pay the \$55 charge.

Provision is made in the draft 2002/03 budget for upgrading one-third of Council's street and recreation facilities' litter bins to Mobile Garbage Bin (MGB) services. High profile sites will be provided decorative surrounds, other sites shall have 140 litre bin mounting posts. One-third of litter bins are being upgraded in the current year (2001/02) from savings realized during the year, and the final third are scheduled in the Principal Activities Plan (PAP) to be upgraded in 2003/04.

It is noted the use of the City of Armadale Hopkinson Road tip by ratepayers is increasing with approximately equal use being made of the Hopkinson Road and Watkins Road sites. Use of Serpentine-Jarrahdale tip passes at Hopkinson Road is expected to further increase. The City of Armadale has also increased its rates for using Serpentine-Jarrahdale passes.

The draft budget has provided for the Watkins Road transfer station to continue as it presently operates (Saturday, Sunday, Monday and Public Holidays) and for a single concurrent kerbside green waste/junk collection to all properties to be undertaken in approximately October – November 2002.



At the Asset Services Committee held on 10 June 2002 members requested that options for modified opening hours for the Watkins Road transfer station, numbers of waste disposal passes issued and for household kerbside green waste and junk collections be prepared and presented for consideration as part of the draft budget deliberations.

The following options have been prepared for Council consideration. The options have been developed based on estimations of the likely quantities of junk and green waste/time required for household collections, and on estimated impacts of varying the open hours of the waste transfer station. Accurate forward estimates will only be achievable in the light of actual experience and could be markedly at variance to estimates.

<b>OPTION 1 Included in draft 2002/03 waste services budget</b>	
<ul style="list-style-type: none"> <li>▪ Watkins Road transfer station remains open as current (Sat, Sun, Mon, P/Hols)</li> <li>▪ Full service households 2 passes, no kerbside service households 4 passes.</li> <li>▪ One annual concurrent junk and green waste kerbside collection to all households.</li> <li>▪ Waste charges \$178 full service, \$55 part service.</li> </ul>	<p><b>NOTES:</b> Tip passes reduced as alternate kerbside junk/green waste collection provided give equal access – enhanced for some households. Reduced tip passes issued generates savings (est. \$32,000) allowing kerbside junk/green waste collection. Concurrent junk/green waste collection separated but share resources to reduce cost.</p>
<b>OPTION 2 Continuance current waste disposal arrangements</b>	
<ul style="list-style-type: none"> <li>▪ Watkins Road transfer station remains open as current (Sat, Sun, Mon, P/Hols)</li> <li>▪ Full service households 4 passes, no kerbside service households 4 passes.</li> <li>▪ No kerbside junk/green waste collections.</li> <li>▪ Waste charges \$178 full service, \$55 part service.</li> </ul>	<p><b>NOTES:</b> Continuance of existing transfer station/tip pass arrangements. Does not advance objective/community aspiration for kerbside junk/green waste collections.</p>
<b>OPTION 3</b>	
<ul style="list-style-type: none"> <li>▪ Watkins Road transfer station open times reduced to two days weekly (Sat, Sun, plus Monday public holidays excluding Monday Christmas)</li> <li>▪ Full service households 2 passes, no kerbside service households 4 passes.</li> <li>▪ One annual junk collection service to all households</li> <li>▪ One annual green waste collection service to all households.</li> <li>▪ Waste charges \$178 full service, \$55 part service.</li> </ul>	<p><b>NOTES:</b> Reduced transfer station open hours reduces operating costs (est. saving \$8,000). Some reduction in tip service level to some households. Some waste diverted to Armadale where handling costs to S-J Council are lower (est. saving \$4,000). Conduct of junk and green waste at different times improves service to householders, but incurs additional costs compared (est. additional cost \$12,000) to concurrent collection per Option 1.</p>

<b>OPTION 4</b>	
<ul style="list-style-type: none"> <li>▪ Watkins Road transfer station open times reduced to one day weekly (Sat or Sun)</li> <li>▪ Full service households 2 passes, no kerbside service households 2 passes.</li> <li>▪ Two annual concurrent junk and hard waste kerbside collection to all households.</li> <li>▪ Waste charges \$178 full service, \$55 part service.</li> </ul>	<p><b>NOTES:</b> Reduced transfer station open hours reduces operating costs (est. savings \$10,000 p.a.) Some further reduction in tip service level to some households. Additional waste diverted to Armadale where handling costs to S-J Council are lower (est. savings \$6,000). Conduct of two concurrent junk and green waste collections improves service to all households. Cost of second annual collection less than initial annual collection (Est. cost \$36,000).</p>
<b>OPTION 5</b>	
<ul style="list-style-type: none"> <li>▪ Watkins Road transfer station closed.</li> <li>▪ Full service households 2 passes, no kerbside service households 2 passes (redeemable at Armadale only).</li> <li>▪ Two annual junk collection services to all households.</li> <li>▪ Two annual green waste collection services to all households.</li> <li>▪ Waste charges \$178 full service, \$55 part service.</li> </ul>	<p><b>NOTES:</b> Nil operating costs for transfer station. Reduced tip service to households – particularly southern half of Council. Increased use/cost of Keysbrook transfer station will occur. Additional waste diverted to Armadale with lower handling costs to S-J Council. Conduct of 4 separate collections (2 junk, 2 green waste) provides high level of service to all households (Est. cost \$82,000).</p>
<b>OPTION 6</b>	
<ul style="list-style-type: none"> <li>▪ Watkins Road transfer station closed.</li> <li>▪ No tip passes.</li> <li>▪ Two annual junk collection services to all households.</li> <li>▪ Two annual green waste collection services to all households.</li> <li>▪ Waste charges reduced to \$168 (\$10 reduction) full service, \$0 part service.</li> </ul>	<p><b>NOTES:</b> Reduced tip service to households – particularly southern half of Shire. Increased use/cost of Keysbrook transfer station will occur. Waste to Armadale at householders cost. Increased risk of dumping in district. Conduct of 4 separate collections (2 junk, 2 green waste) provides high level of service to all households (Est. cost \$82,000). Reduction in service charge achieved.</p>

On the basis of Council's objective of extending and enhancing its waste management service without an increase in the waste service charge (beyond CPI) Options 1 and 3 are considered the most preferred, optimising access to the Watkins Road transfer station and introduction of household junk and green waste collections. Adoption of one of these options for 2002/03 would enable the cost/benefit of the junk and green waste collections to be assessed and the number of collections and opening times of the transfer station to be further reviewed in one year.

The sanitation expenditure is provided on pages 35 to 36 in the draft budget document.

### *Protection of the Environment*

This principal activity is located on page 37 of the budget. The Budget includes the extra provision for an Executive Officer and will include any carryover of the Regional Energy Project.

### *Town Planning*

Planning expenditure is located on pages 39 to 40 of the draft budget. This area will include the Byford Detailed Area design, commencement of the review of the Town Planning Scheme and the consideration of a pre-feasibility land demonstration in Byford.

### *Jarrahdale Heritage Park*

Expenditure in this area is shown on pages 43 and 46 of the draft budget.

### *Asset Acquisition and Replacement*

The lease of computer equipment is located on page 17 of the draft budget document with other plant acquisitions found on pages 25 and 52. It is recommended that the plant replacement reserve be renamed the Plant Acquisition Reserve to ensure the use of the reserve complies with its particular use. Other fleet vehicle purchases are found under the program they generally come from.

### *Recreation and Culture*

The activities within the Plan under this area have been included as provided. The allocations are provided as follows;

1.	Sports Hardcourt Resurfacing – page 43 account OSR600	\$ 35,000
2.	Serpentine Community Facility – page 46 account SCF625	\$ 10,000
3.	Trails Maintenance – page 44 account BRT730	\$ 15,000
4.	Trails Construction – page 44 account BRT731	\$ 25,000
5.	Byford Townscape – page 45 account PPG900	\$ 90,000
6.	Mundijong Changerooms– page 46 account MFC625	\$ 10,000
7.	S-J Recreation Centre – page 43 account OSR903 and OSR603	\$600,000
8.	Mundijong Multi purpose Facility – page 9 account CEO560	\$ 15,000
9.	Equine Officer – page 43 account OSR602	\$ 20,000
10.	Serpentine Playground Equipment – page 46 account PPG700	\$ 15,000

### *Road Asset Management*

All allocations are presented in the budget as proposed under the adopted Plan. The allocations for these activities are allocated on pages 49 to 52 of the draft budget.

### Reserve Funds

The main reserve funds to be provided for in this budget is the Fleet and Plant Acquisition Reserve, the Investment Reserve and the Community Facility Reserve.

Cr Richards left the Chambers at 10:02am and returned at 10:05am

### Staffing

As per the People Plan adopted by Council in February 2002 the following new positions have been included with this budget document. Manager Customer Relations, Customer Relations Officer, Sustainable Development Project Officer, Contract Administration Officer, Trainee Health Officer (.04 fte) and Reserves Management Officer.

An \$18 per week general allocation has been made in accordance with the announcement of the 2002 safety net review and the increased 1% Superannuation contribution Council is required to pay as of 1 July 2002-2003.

### Loans

The budget has provision for \$300,000 to assist with the commencement of the Recreation Centre Construction.

### Service Charges

The only Service Charge applied by Council under section 6.38 of the Local Government Act 1995 is a Bushfire Service Charge to recover the provision of six volunteer bush fire brigades. This levy is set at \$60.00 per property and recovers a total of approximately \$273,000. Volunteers owning property in the district may request to be refunded this levy once they volunteer more than 20 hours of service each year.

### Fees and Charges

Fees and Charges will generally remain the same as the previous year. Cemetery fees are to be increased by 3%, rubbish fees have increased in accordance with City of Armadale prices and the new waste contract. The community bus fee has been increased by 30% in line with the cost of the new bus. Fees for some planning documents have also increased. **A copy of the schedule of fees and charges is included with the attachments and marked C001.2/07/02** and is to be adopted by Council.

### Meeting Attendance Fee

Section 5.99 of the Local Government Act 1995 provides that Council may decide to pay a prescribed annual fee to Councillors instead of paying a set meeting attendance fee for each meeting. Regulation 34 of the Local Government (Administration) Regulations 1996 provide the fee be set between \$2,000 and \$6,000 per year per councillor and between \$5,000 and \$12,000 per year for the President.

Last year Council chose to set an annual fee. The councillor fee was set at \$4,000 and President fee was set at \$10,000. The President is also entitled to an entertainment allowance, this was included with the annual fee last year.

The budget document presented today has not made any allowance for changes in the annual fees set last year.

The recommendations provided below are based on the requirements of the Local Government Act 1995 when adopting the budget. The year to date figures provided in the budget are for the period ended 29<sup>th</sup> June 2001.

**Statutory Environment:** Local Government Act 1995 and supporting Regulations.

**Policy Implications:** No Policy Implications.

**Financial Implications:** The statutory budget directly affects all financial implications for the 2002/2003 financial year. Any additions to this budget after adoption will only be identified at quarterly budget reviews.

**Strategic Implications:** The adoption of this budget will assist Council in achieving its strategic goals.

**Community Consultation:** Council has advertised the Plan of Principal Activities and intention to differential rate in accordance with the Act.

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

**Officer Recommended Resolutions**

1. In accordance with section 6.36 of the Local Government Act 1995, and subject to the public consultation period being finalised and Ministerial approval being granted, the following differential rates be imposed in the 2002/2003 statutory budget:

2000/2001	PROPOSED 2001/2001		
DIFFERENTIAL RATE	GRV RATE IN \$	UV RATE IN \$	MIN RATE
Rural Living - Special Rural		0.006281	591
Rural Living AB Farmlet			
Rural		0.00540176	591
Residential	0.081524		480
Residential Vacant	0.20425		500
Commercial	0.046629		550
Public Purposes		0.0064861	591
Public/Commercial	0.18696		480
Historic	0.1457		480
Special Use - 1B	0.07992		1300
Special Residential	0.07674		550
Special Residential Vacant	0.199185		550
Showroom/Warehouse	0.084495		550
Light Industrial	0.131319		550
Forest Lease		0.0051866	480
Units- Rowley Rd	0.0818214		400
Caravan Parks	0.071345		5000
Special Use - 1A	0.123196		5000
Intensive Farming Rural		0.0063091	591
Mining Tenement		0.01037	689
Light Industry/Residential Comp		0.0084275	591
Specified Area Rate - Chstnuts Estate		0.0013027	0

**2. Rate Concessions**

Rate Concession of 31% be applied to rural rate category properties satisfying the Farmland Concession criteria.

Rate Concession of 50% be applied to rural rate category properties satisfying the Conservation Concession Criteria under the 1994 Rural Strategy.

**3. Discount on Rates**

Council grants a 3% discount on rate payments fully paid before the 35<sup>th</sup> day from date of issue for the 2002/2003 financial year.

**4. Service Charge**

A Bushfire Levy Service Charge of \$60.00 per property be imposed in the 2002/2003 statutory budget in accordance with section 6.38 of the Local Government Act 1995.

Council approve the continuation of a reduced Bushfire Levy in 2003/2004 to fund 50% of the capital purchase of the Byford 3.4 Fire Unit, one fast attack and any other

permitted areas under the Local Government act 1995 that are not covered under the State Governments Emergency Services Levy.

**5. Fees and Charges**

The fees and charges provided within the 2002/2003 statutory budget be adopted.

**6. Due dates for rate instalment payments**

The due dates for rate instalment payments for the 2002/2003 statutory budget be:

1 <sup>st</sup> Instalment	6 <sup>th</sup> September 2002
2 <sup>nd</sup> instalment	8 <sup>th</sup> November 2002
3 <sup>rd</sup> Instalment	10 <sup>th</sup> January 2003
4 <sup>th</sup> Instalment	7 <sup>th</sup> March 2003

**7. Interest rates and administration charge for instalment payments**

An administration charge of \$5.00 be applied to instalment payments and an interest charge of 5.5% be applied in the 2002/2003 statutory budget.

**8. Accrual of interest on overdue rates**

Penalty interest of 11% per annum be applied to overdue rates in the 2002/2003 statutory budget.

**9. Accrual of interest on outstanding debtors**

Interest of 11% per annum be applied to overdue debtors in the 2002/2003 statutory budget.

**10. Fees, expenses and allowances for Council members**

The fees, expenses and annual allowances to be paid to members of Council in the 2002/2003 statutory budget be as follows:

Presidents Annual Sitting Fee	\$10,000
Councillor Annual Sitting Fee (per councillor)	\$ 4,000
Reimbursement of Telecommunications	\$ 1,560
Reimbursement of Travel Allowance (Total)	\$ 9,500

**11. 2002/2003 Budget**

The 2002/2003 Municipal Budget, as presented, be adopted.

**12. Ministerial Approval for Differential Rate**

The Chief Executive Officer seeks Ministerial approval for the adopted differential rates subject to any public submissions received during the advertising period.

### **Committee/Officer Recommended Resolutions**

1. In accordance with section 6.36 of the Local Government Act 1995, and subject to the public consultation period being finalised and Ministerial approval being granted, the following differential rates be imposed in the 2002/2003 statutory budget:

2000/2001	PROPOSED 2001/2001		
DIFFERENTIAL RATE	GRV RATE IN \$	UV RATE IN \$	MIN RATE
Rural Living - Special Rural		0.006281	591
Rural Living AB			
Farmlet			
Rural		0.00540176	591
Residential	0.081524		480
Residential Vacant	0.20425		500
Commercial	0.046629		550
Public Purposes		0.0064861	591
Public/Commercial	0.18696		480
Historic	0.1457		480
Special Use - 1B	0.07992		1300
Special Residential	0.07674		550
Special Residential Vacant	0.199185		550
Showroom/Warehouse	0.084495		550
Light Industrial	0.131319		550
Forest Lease		0.0051866	480
Units- Rowley Rd	0.0818214		400
Caravan Parks	0.071345		5000
Special Use - 1A	0.123196		5000
Intensive Farming Rural		0.0063091	591
Mining Tenement		0.01037	689
Light Industry/Residential Comp		0.0084275	591
Specified Area Rate - Chstnuts Estate		0.0013027	0

### **2. Rate Concessions**

Rate Concession of 31% be applied to rural rate category properties satisfying the Farmland Concession criteria.

Rate Concession of 50% be applied to rural rate category properties satisfying the Conservation Concession Criteria under the 1994 Rural Strategy.

### **3. Discount on Rates**

Council grants a 3% discount on rate payments fully paid before the 35<sup>th</sup> day from date of issue for the 2002/2003 financial year.

### **4. Service Charge**

A Bushfire Levy Service Charge of \$60.00 per property be imposed in the 2002/2003 statutory budget in accordance with section 6.38 of the Local Government Act 1995.

Council approve the continuation of a reduced Bushfire Levy in 2003/2004 to fund 50% of the capital purchase of the Byford 3.4 Fire Unit, one fast attack and any other permitted areas under the Local Government act 1995 that are not covered under the State Governments Emergency Services Levy.

## 5. Fees and Charges

The fees and charges provided within the 2002/2003 statutory budget be adopted with Option 3 below being the agreed Waste Management Strategy and fees and charges for 2002-2003.

<b>OPTION 3</b>	
<ul style="list-style-type: none"> <li>▪ Watkins Road transfer station open times reduced to two days weekly (Sat, Sun, plus Monday public holidays excluding Christmas Monday)</li> <li>▪ Full service households 2 passes, no kerbside service households 4 passes.</li> <li>▪ One annual junk collection service to all households</li> <li>▪ One annual green waste collection service to all households.</li> <li>▪ Waste charges \$178 full service, \$55 part service.</li> </ul>	<p><b>NOTES:</b> Reduced transfer station open hours reduces operating costs (est. saving \$8,000). Some reduction in tip service level to some households. Some waste diverted to Armadale where handling costs to S-J Council are lower (est. saving \$4,000). Conduct of junk and green waste at different times improves service to householders, but incurs additional costs compared (est. additional cost \$12,000) to concurrent collection per Option 1.</p>

## 6. Due dates for rate instalment payments

The due dates for rate instalment payments for the 2002/2003 statutory budget be:

1 <sup>st</sup> Instalment	6 <sup>th</sup> September 2002
2 <sup>nd</sup> instalment	8 <sup>th</sup> November 2002
3 <sup>rd</sup> Instalment	10 <sup>th</sup> January 2003
4 <sup>th</sup> Instalment	7 <sup>th</sup> March 2003

## 7. Interest rates and administration charge for instalment payments

An administration charge of \$5.00 be applied to instalment payments and an interest charge of 5.5% be applied in the 2002/2003 statutory budget.

## 8. Accrual of interest on overdue rates

Penalty interest of 11% per annum be applied to overdue rates in the 2002/2003 statutory budget.

## 9. Accrual of interest on outstanding debtors

Interest of 11% per annum be applied to overdue debtors in the 2002/2003 statutory budget.

## 10. Fees, expenses and allowances for Council members

The fees, expenses and annual allowances to be paid to members of Council in the 2002/2003 statutory budget be as follows:

Presidents Annual Sitting Fee	\$10,000
Councillor Annual Sitting Fee (per councillor)	\$ 5,000
Reimbursement of Telecommunications	\$ 1,500
Reimbursement of Travel Allowance (Total)	\$ 9,500



**11. 2002/2003 Budget**

The 2002/2003 Municipal Budget, as presented, be adopted.

**12. Ministerial Approval for Differential Rate**

The Chief Executive Officer seeks Ministerial approval for the adopted differential rates subject to any public submissions received during the advertising period.

**13. Shire President's Mobile Phone Bill**

The Shire President's mobile phone account be transferred to the Shire and paid 100% by the Shire and Policy CSP4 is amended to reflect this payment.

Note: The Committee changed the Officer's Recommendation 5 to select an option for Waste Management Services, recommendation 10 was changed so that sitting fees for Councillors only for 2002/2003 increase from \$4,000 to \$5,000 each, and recommendation 13 was added to enable Council Policy CSP4 to be amended to cover the annual cost of a mobile phone for the Shire President.

**Supplementary Information:**

The budget has now been converted to comply with the requirements of the Australian Accounting Standards and Local Government Act 1995. This is the format which Council must adopt to comply with these requirements.

The following adjustments are suggested and are reflected in the alternative officer recommendation provided below, since the Special Corporate Services Committee meeting held on 1<sup>st</sup> July, 2002:

- An extra item has been added to the Fees and Charges to allow Council to seek subdivision contributions for fire fighting equipment in accordance with the provisions provided by the Western Australian Planning Commission in 2001.
- The rate in the dollar charges for residential vacant properties has been adjusted and the minimum rate increased to \$550.00. This adjustment was made as a result of the additional residential vacant properties resulting from the change of valuation base of some properties around Byford and Serpentine from unimproved value to gross rental value. The rate in the dollar for mining tenements has also been reduced to ensure that it is no more than twice the lowest differential rate. This has not affected the rates collected as all these properties are on minimum rate. A gross rental valuation rate in the dollar has also been added for light industrial/residential composite rate in the dollars due to properties in that area being changed from an unimproved value to a gross rental value. This rate in the dollar is the same as other light industrial properties in the Shire.
- The request has been forwarded to the Minister for Local Government and Regional Development for approval of Council Differential Rate Categories. This approval should be provided by 22<sup>nd</sup> July, 2002.
- No submissions were received as a result of the Differential Rate Advertisement placed in accordance with the Local Government Act 1995.
- Carryovers have now also been added to the schedules. Where carryovers have been added a note has been placed in the comments page in **bold text**.

**CRC001 COUNCIL DECISION/ALTERNATIVE OFFICER RECOMMENDATION**

Moved Cr Simpson seconded Cr Richards

- In accordance with section 6.36 of the Local Government Act 1995, and subject to the public consultation period being finalised and Ministerial approval being granted, the following differential rates be imposed in the 2002/2003 statutory budget:

2000/2001	PROPOSED 2001/2001		
DIFFERENTIAL RATE	GRV RATE IN \$	UV RATE IN \$	MIN RATE
Rural Living - Special Rural Rural Living AB Farmlet		0.006281	591
Rural		0.00540176	591
Residential	0.081524		480
Residential Vacant	0.14368		550
Commercial	0.046629		550
Public Purposes		0.0064861	591
Public/Commercial	0.18696		480
Historic	0.1457		480
Special Use - 1B	0.07992		1300
Special Residential	0.07674		550
Special Residential Vacant	0.199185		550
Showroom/Warehouse	0.084495		550
Light Industrial	0.131319		550
Forest Lease		0.0051866	480
Units- Rowley Rd	0.0818214		400
Caravan Parks	0.071345		5000
Special Use - 1A	0.123196		5000
Intensive Farming Rural		0.0063091	591
Mining Tenement		0.0125	689
Light Industry/Residential Comp	0.131319		591
Specified Area Rate - Chstnuts Estate		0.0013027	0

**2. Rate Concessions**

Rate Concession of 31% be applied to rural rate category properties satisfying the Farmland Concession criteria.

Rate Concession of 50% be applied to rural rate category properties satisfying the Conservation Concession Criteria under the 1994 Rural Strategy.

**3. Discount on Rates**

Council grants a 3% discount on rate payments fully paid before the 35<sup>th</sup> day from date of issue for the 2002/2003 financial year.

**4. Service Charge**

A Bushfire Levy Service Charge of \$60.00 per property be imposed in the 2002/2003 statutory budget in accordance with section 6.38 of the Local Government Act 1995.

Council approve the continuation of a reduced Bushfire Levy in 2003/2004 to fund 50% of the capital purchase of the Byford 3.4 Fire Unit, one fast attack and any other permitted areas under the Local Government act 1995 that are not covered under the State Governments Emergency Services Levy.

## 5. Fees and Charges

The fees and charges provided within the 2002/2003 statutory budget be adopted with Option 3 below being the agreed Waste Management Strategy and fees and charges for 2002-2003.

### OPTION 3

<ul style="list-style-type: none"> <li>▪ Watkins Road transfer station open times reduced to two days weekly (Sat, Sun, plus Monday public holidays excluding Christmas Monday)</li> <li>▪ Full service households 2 passes, no kerbside service households 4 passes.</li> <li>▪ One annual junk collection service to all households</li> <li>▪ One annual green waste collection service to all households.</li> <li>▪ Waste charges \$178 full service, \$55 part service.</li> </ul>	<p><b>NOTES:</b> Reduced transfer station open hours reduces operating costs (est. saving \$8,000). Some reduction in tip service level to some households. Some waste diverted to Armadale where handling costs to S-J Council are lower (est. saving \$4,000). Conduct of junk and green waste at different times improves service to householders, but incurs additional costs compared (est. additional cost \$12,000) to concurrent collection per Option 1.</p>
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## 6. Due dates for rate instalment payments

The due dates for rate instalment payments for the 2002/2003 statutory budget be:

1 <sup>st</sup> Instalment	6 <sup>th</sup> September 2002
2 <sup>nd</sup> instalment	8 <sup>th</sup> November 2002
3 <sup>rd</sup> Instalment	10 <sup>th</sup> January 2003
4 <sup>th</sup> Instalment	7 <sup>th</sup> March 2003

## 7. Interest rates and administration charge for instalment payments

An administration charge of \$5.00 be applied to instalment payments and an interest charge of 5.5% be applied in the 2002/2003 statutory budget.

## 8. Accrual of interest on overdue rates

Penalty interest of 11% per annum be applied to overdue rates in the 2002/2003 statutory budget.

## 9. Accrual of interest on outstanding debtors

Interest of 11% per annum be applied to overdue debtors in the 2002/2003 statutory budget.

## 10. Fees, expenses and allowances for Council members

The fees, expenses and annual allowances to be paid to members of Council in the 2002/2003 statutory budget be as follows:

Presidents Annual Sitting Fee	\$10,000
Councillor Annual Sitting Fee (per councillor)	\$ 5,000
Reimbursement of Telecommunications	\$ 1,500
Reimbursement of Travel Allowance (Total)	\$ 9,500

**11. 2002/2003 Budget**

The 2002/2003 Municipal Budget, as presented, be adopted.

**12. Ministerial Approval for Differential Rate**

The Chief Executive Officer seeks Ministerial approval for the adopted differential rates subject to any public submissions received during the advertising period.

**13. Shire President's Mobile Phone Bill**

The Shire President's mobile phone account be transferred to the Shire and paid 100% by the Shire and Policy CSP4 is amended to reflect this payment.

CARRIED 10/0 **ABSOLUTE MAJORITY**

Note: The Committee recommendation was changed to incorporate additional information that was supplied in the supplementary report.

7.2 Corporate Services Committee Meeting – 8<sup>th</sup> July, 2002

**COUNCIL DECISION**

Moved Cr Richards seconded Cr Simpson  
That the minutes of the Corporate Services Committee Meeting held on 8<sup>th</sup> July, 2002 be received.

CARRIED 10/0

C006/07/02 W.A. LOCAL GOVERNMENT ASSOCIATION MEMBERS - COMMUNITY & INDUSTRY ADVISORY COMMITTEE (STATE WATER QUALITY MANAGEMENT STRATEGY) (A0163-06)	
Proponent	WA Local Government Association
Officer	G.R. Dougall - Director Corporate Services
Signatures - Author:	
Senior Officer:	
Date of Report	19/06/02
Previously	
Disclosure of Interest	
<b>Delegation</b>	<b>Council</b>
<b>In Brief</b> Note the nomination request for membership of this Committee.	

**Preamble**

For interested Councillors to consider providing a nomination for this vacancy.

**Background**

Invitations have been invited from the WA Local Government Association for a vacancy on Community & Industry Advisory Committee (State Water Quality Management Strategy) are to be provided by Wednesday 17 July 2002 addressing the selection criteria.

**Comments**

***A copy of the term of office, frequency of meetings, nomination process and selection criteria is included with the attachments and marked C006/07/02.***

Councillors wishing to nominate may do so at the meeting. It would also be appreciated if any Councillor wishing to nominate provide their details against the selection criteria as well. As the deadline for this vacancy is passed the earlier a nomination is forwarded the better.

<b><u>Statutory Environment:</u></b>	No Statutory Environment
<b><u>Policy Implications:</u></b>	No Policy Implications
<b><u>Financial Implications:</u></b>	No Financial Implications
<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>	Normal

#### **Officer Recommended Resolution**

The request for nomination for the Western Australia Local Government Association Community & Industry Advisory Committee (State Water Quality Management Strategy) be noted.

#### **COUNCIL DECISION – EN BLOC RESOLUTION NO. 01**

Moved Cr Simpson seconded Cr Scott that Council adopts en bloc the recommendations of the Corporate Services Committee of the 8<sup>th</sup> July, 2002 in items C006/07/02, C007/07/02, C010/07/02, and C020/07/02.  
CARRIED 10/0

#### **CRC006 COUNCIL DECISION/Committee Recommended Resolution**

Cr Jan Star be nominated for the Western Australia Local Government Association Community & Industry Advisory Committee (State Water Quality Management Strategy) be noted.  
CARRIED BY EN BLOC RESOLUTION NO. 01

Note: Cr Star wished to be nominated for this Committee.

C007/07/02 W.A. LOCAL GOVERNMENT ASSOCIATION MEMBERS - PERTH BIODIVERSITY PROJECT MANAGEMENT GROUP (A0163-06)			
Proponent	WA Local Government Association	<b>In Brief</b>	
Officer	G.R. Dougall - Director Corporate Services	Nominate Cr Star for membership of this Committee.	
Signatures - Author:			
Senior Officer:			
Date of Report	19/06/02		
Previously			
Disclosure of Interest			
<b>Delegation</b>	<b>Council</b>		

### Preamble

For interested Councillors to consider providing a nomination for this vacancy.

### Background

Invitations have been invited from the WA Local Government Association for a vacancy on Perth Biodiversity Project Management Group are to be provided by Wednesday 17 July 2002 addressing the selection criteria.

### Comments

***A copy of the term of office, frequency of meetings, nomination process and selection criteria is included with the attachments and marked C007/07/02.***

Councillors wishing to nominate may do so at the meeting. It would also be appreciated if any Councillor wishing to nominate provide their details against the selection criteria as well. As the deadline for this vacancy is passed the earlier a nomination is forwarded the better.

**Statutory Environment:** No Statutory Environment

**Policy Implications:** No Policy Implications

**Financial Implications:** No Financial Implications

**Strategic Implications:** No Strategic Implications

**Community Consultation:** No Community Consultation required

**Voting Requirements:** Normal

### **Officer Recommended Resolution**

Cr Jan Star be nominated for the Western Australia Local Government Association Perth Biodiversity Project Management Group be noted.

### **CRC007 COUNCIL DECISION/Committee Recommended Resolution**

Interested Councillors' may approach Director Corporate Services to be nominated for the Western Australia Local Government Association Perth Biodiversity Project Management Group.  
CARRIED BY EN BLOC RESOLUTION NO. 01

Note: There was an error in Cr Star being nominated for this Committee.

C010/07/02 SERPENTINE DAMS TEAROOM LEASE (RS0141/01)		
Proponent	Water Corporation	<b>In Brief</b> Accept the salient terms provided by the Water Corporation to enter into discussion for a new lease for the Serpentine Dam Tearoom.
Officer	G.R. Dougall – Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	27/06/02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

### **Background**

In October 2001 the Tearooms were closed so the Water Corporation could undertake repairs to the Dam wall. As the works may have endangered the surrounding area the Corporation felt it better to have the rooms closed and all adjacent buildings vacated.

The site is currently leased by the Corporation from the Department of Conservation and Land Management (CALM) and was previously subleased by Council from the Corporation and further subleased to a third party to operate the facility.

### **Comments**

The Corporation have forwarded a letter of intent that they wish Council to agree to, prior to entering into contractual negotiations for another lease. This letter sets out some "salient terms" of agreement as the basis for any new agreement. These terms are as follows:

*Demise: Per original lease dated 1/3/89 between the Water Authority of Western Australia and the Shire of Serpentine–Jarrahdale.*

*Lessee: Shire of Serpentine–Jarrahdale.*

*Lease Period: 6 years from lease commencement.*

*Lease Commencement: Anticipated September 2002 following completion of the Water Corporation works however the date could be earlier by arrangement.*

*Use: Tearooms*

*Net Rental: A peppercorn rental until the establishment of a Tearoom operation by the Shire's operator. Once the Tearoom is operating a reasonable rental will apply to ensure that the Corporation's costs are adequately covered during the lease. It is suggested that this will be in the region of \$1,000 p.a.*

*Outgoings: The Shire will be responsible for all outgoings in connection with the premises.*

*Rent Reviews: The rent shall be reviewed annually in accordance with CPI.*

*Documentation: This is to be in the Corporation's standard form and all costs in connection with the lease are to be paid by the lessee.*

*Sub-Letting: The lessee shall have the right to sub-let the premises.*

*Maintenance and Repair: Lessee's responsibility.*

**Conditions:** *The Corporation will carry out an assessment of the condition of the Tearooms following completion of the works and will undertake any minor repairs directly related to the blasting it determines appropriate from its own funding. In the unlikely event that the Tearooms require major repair the Corporation will have the option of not proceeding with this lease agreement.*

As the works to the dam wall are being finalised, it is appropriate for Council to begin negotiations. It would appear that there has been no or very little damage to the buildings as a result of the construction process, an inspection of the premises can be arranged to confirm this.

The length of the lease has been recommended for six years, it is the Director of Corporate Services understanding that this is a result of further repair works to the dam being required at that time. Any sub lease tenant agreement that Council enters into, will need to be made aware that the lease may be terminated at this time, depending on the level of works required and the needs of the Corporation. A request has been forwarded to the Corporation as to the length of time of the lease agreement between the Corporation and Department of Conservation and Land Management. At the time of writing this item no response had been received.

The dam is one of the local tourist destinations for visitors and locals to enjoy and the tearooms add to this attraction. It would be in Council's interest to ensure this facility is continued in the future.

### **Sustainability Statement**

The tearoom provides an excellent foundation to the tourist industry in this locality. It provides tourism for the greater surrounding areas of Jarrahdale and Serpentine in particular and the remainder of the district in general. This facility may also provide employment opportunities of a part time nature for the local area.

**Statutory Environment:** Local Government Act 1995, Lease Agreement

**Policy Implications:** No policy implications

**Financial Implications:** The lease will incur a rental of not more than \$1,000 per year. There is potential to offset this cost by subletting the facility to a tenant. There will be a cost to re-establish the facility for occupancy that is yet to be determined.

**Strategic Implications:** 3.2 – Develop the tourist potential of the natural attractions of the Shire.

**Community Consultation:** No consultation required.

**Voting Requirements:** Normal

### **Officer Recommended Resolution**

The Shire of Serpentine Jarrahdale agrees to the salient terms as provided by the Water Corporation being:

**Demise:** Per original lease dated 1/3/89 between the Water Authority of Western Australia and the Shire of Serpentine–Jarrahdale.

**Lessee:** Shire of Serpentine–Jarrahdale.



Lease Period:	6 years from lease commencement.
Lease Commencement:	Anticipated September 2002 following completion of the Water Corporation works however the date could be earlier by arrangement.
Use:	Tearooms
Net Rental:	A peppercorn rental until the establishment of a Tearoom operation by the Shire's operator. Once the Tearoom is operating a reasonable rental will apply to ensure that the Corporations costs are adequately covered during the lease. The rent to be \$1,000 p.a. for six (6) years.
Outgoings:	The Shire will be responsible for all outgoings in connection with the premises.
Rent Reviews:	To remain fixed for six (6) years.
Documentation:	This is to be in the Corporation's standard form and all costs in connection with the lease are to be paid by the lessee.
Sub-Letting:	The lessee shall have the right to sub-let the premises.
Maintenance and Repair:	Lessee's responsibility.
Conditions:	The Corporation will carry out an assessment of the condition of the Tearooms following completion of the works and will undertake any minor repairs directly related to the blasting it determines appropriate from it's own funding. In the unlikely event that the Tearooms require major repair the Corporation will have the option of not proceeding with this lease agreement.

#### **CRC010 COUNCIL DECISION/Committee Recommended Resolution**

The Shire of Serpentine Jarrahdale agrees to the salient terms as provided by the Water Corporation being:

Demise:	Per original lease dated 1/3/89 between the Water Authority of Western Australia and the Shire of Serpentine-Jarrahdale.
Lessee:	Shire of Serpentine-Jarrahdale.
Lease Period:	6 years from lease commencement with an option of a further 6 years subject to the premises being fit for use after any remedial work.
Lease Commencement:	Anticipated September 2002 following completion of the Water Corporation works however the date could be earlier by arrangement.
Use:	Tearooms
Net Rental:	A peppercorn rental until the establishment of a Tearoom operation by the Shire's operator. Once the Tearoom is operating a reasonable rental will apply to ensure that the

	Corporations costs are adequately covered during the lease. The rent to be \$1,000 p.a. for six (6) years.
Outgoings:	The Shire will be responsible for all outgoings in connection with the premises.
Rent Reviews:	To remain fixed for six (6) years.
Documentation:	This is to be in the Corporation's standard form and all costs in connection with the lease are to be paid by the lessee.
Sub-Letting:	The lessee shall have the right to sub-let the premises.
Maintenance and Repair:	Lessee's responsibility.
Conditions:	The Corporation will carry out an assessment of the condition of the Tearooms following completion of the works and will undertake any minor repairs directly related to the blasting it determines appropriate from it's own funding. In the unlikely event that the Tearooms require major repair the Corporation will have the option of not proceeding with this lease agreement.
CARRIED BY EN BLOC RESOLUTION NO. 01	

Note: The Committee felt that there needed to be an option of a further 6 year lease subject to the premises being fit for use after any remedial work after the initial 6 year lease.

C020/07/02 SERPENTINE-JARRAHDALÉ TOY LIBRARY – REQUEST TO USE MARDELLA OLD FIRE BRIGADE AS A STORAGE FACILITY (P01766)		
Proponent	Serpentine Jarrahdale Toy Library	<b>In Brief</b>  Approve a request for the Serpentine-Jarrahdale Toy Library to use the Old Mardella Fire Brigade Building as a storage facility.
Officer	G.R. Dougall – Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	02/07/02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

### **Background**

A request has been received from the Serpentine-Jarrahdale Toy Library committee to use the Mardella Fire Brigade building, as a storage facility as there current premises can no longer meet the expansion of their equipment.

This premises has not been used since the brigade was dissolved in a reorganisation of the brigades in the Shire.

### **Comments**

An inspection of the premises was undertaken by the Director Corporate Services on 2<sup>nd</sup> July 2002. The building is of brick and tin structure approximately 15 square metres in size located on the rail reserve in Mardella, close to Shanley Road. Inside the structure is made up of an open floor plan, similar to a vehicle garage.

The Toy Library advise that they only need the building and have shelving etc to fit inside. The letter states they require no additional assistance from Council. They also advise that they have public liability and stock insurance cover. Apart from being dusty and some distance from their current facility there is no reason why this group could not use the building for storage of their equipment. A lease agreement can be put in place between the Toy Library and Council for its use.

### **Sustainability Statement**

This proposal does allow a local community group to expand its activities using existing Council resources.

**Statutory Environment:** Local Government Act 1995

**Policy Implications:** No policy implications

**Financial Implications:** The building will be made available at no cost to Council.

**Strategic Implications:** No strategic implications

**Community Consultation:** No consultation required.

**Voting Requirements:** Normal

### **Officer Recommended Resolution**

1. Council approve the request from the Serpentine-Jarrahdale Toy Library to use the Mardella Hall as a storage facility for their equipment only, subject to no financial support to maintain the building or provide any structural improvement whatsoever be required by Council; and
2. A lease be drawn up to formalise this use at a nominal rental.

### **CRC20 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Simpson seconded Cr Scott

1. The Serpentine-Jarrahdale Toy Library be referred to the Mardella Ladies Club to seek approval for the use of the building.

CARRIED BY EN BLOC RESOLUTION NO. 01

Note: The Committee felt that the Madella Ladies Club should be consulted for approval as the land is privately owned, not Crown Land vested in Council.

7.2 Asset Services – 8<sup>th</sup> July, 2002

**COUNCIL DECISION**

Moved Cr Kirkpatrick seconded Cr Scott

That the minutes of the Asset Services Committee Meeting held on 8<sup>th</sup> July, 2002 be received.

CARRIED 10/0

AS001/07/02 TENDER C22/2001-02 TRUCK HIRE FOR BULK & GENERAL CARTAGE (A0362/02)		
Proponent	Shire of Serpentine Jarrahdale	<b>In Brief</b>  Asset Services inadvertently submitted a draft agenda paper in the June 2002 item AS089/06/02, Tender C22/2001-02 for the supply of Truck Hire for Bulk and General Cartage to 30 <sup>th</sup> June 2003. Council is requested to revoke this resolution and approve the revised tender evaluation and recommendations
Officer	Paul Bachman, Contract Administration Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	28 May 2002	
Previously	AS089/06/02	
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

**Background**

A preliminary draft agenda item was inadvertently submitted in error to the June 2002 Asset Services Committee meeting as AS089/06/02. The detail of the correct final agenda item is submitted below. It will be necessary for Council to rescind the previous resolution, which did not reflect the final evaluation of tenders and for a new resolution to be made on the basis of the final evaluation.

The required truck hire for bulk and general cartage is to assist in the completion of Council's road infrastructure construction and maintenance program as outlined in the Principal Activities Plan and detailed in the proposed 2002-03 budget. The tender for the supply of truck hire for bulk and general cartage was advertised in the West Australian newspaper on the 11<sup>th</sup> May 2002 and closed on the 28<sup>th</sup> May 2002. The following tenders were received:-

**BULK CARTAGE**

DISTANCE	WA Limestone (\$/t/km)	Temples (\$/t/km)	Byford Sand Supplies (\$/t/km)
0-4	0.53	0.498	-
5-9	0.30	0.278	0.330
10-14	0.21	0.213	0.231
15-19	0.19	0.187	0.198
20-24	0.16	0.174	0.176
25-29	-	0.163	0.154
30-34	0.15	0.157	0.154
35-39	0.14	0.151	0.154
40-44	0.13	0.147	0.154
45-49	0.13	0.144	0.143
50+	0.13	-	0.143

## **GENERAL CARTAGE**

<b>Company</b>	<b>Type of Truck</b>	<b>Capacity (G.V.M.- Tare)</b>	<b>Hire Rate</b>	<b>Mobilisation Charges</b>
Constantine Crane Hire	6 Wheeler Mitsubishi	9640	\$55.00	½ hour each way
WA Limestone	Semi - Primemover	Approx 26t	\$88.00	1 hour
Serpentine Sand & Gravel	White Road Boss 6 Wheeler Pig Trailer Tandem Axle Volvo F724 6 wheel tipper	14t 24t 13t	\$60.00 \$77.00 \$60.00	Nil Nil Nil
Boss Earthmoving	Various Mitsubishi, Hino, Isuzu	8 ton to 6 wheeler	\$60.50	Mob \$33.00; Demob \$33.00
Kwinana Hire	6 wheeler tipper 8 wheeler tipper Semi Trailer	11m3 17m3 18m3	\$57.20 \$67.10 \$92.40	Hourly Rate Hourly Rate Hourly Rate
Mayday Earthmoving	6 wheeler 8 wheeler Bogey Semi Tri Semi	10m3 14m3 18m3 20m3	\$58.30 \$67.10 \$89.10 \$92.40	Hourly Rate Hourly Rate Hourly Rate Hourly Rate
SJ Sand Supply	International T2670 Custom Pig Trailer	24-25 t Cap 24t	\$55.00 \$77.00	Nil Nil
Temples	Volvo rigid 8 wheel tippers	18 tonne	\$55.00	Hourly
Byford Sand Supplies	Semi Tipper 6 wheeler tipper	15.5 tonne 10 tonne	\$74.80 \$57.20	Mob ½ hr Demob ½ hr

## **Comments**

The tenders that employed local people were given preference within the ranking of the tenderers. Past performance and availability history were also considered. All tendered prices include GST. It is recommended that all tenders received be accepted for both Bulk and General Cartage. These are to be utilized as and when required, to be called upon depending on ranking in priority order with No. 1 ranking first and progressively thereafter to secure job requirements.

In accordance with the Local Government (Administration) Regulations 1996 at least one third of Councillors must support a motion being considered to revoke a previous resolution (Clause 10.1) and an Absolute Majority decision is required to revoke the previous resolution (Clause 10.2).

### **Sustainability Statement**

To actively pursue all Assets Services works and services projects and programs delivery in a manner achieving best practice outcomes in terms of cost, timelines and quality objectives

This tender will ensure that the Shire is provided with the effective services required to complete the proposed works identified in the Principal Activities plan. By seeking the services externally the Shire is able to utilize best practice opportunities in the market and maximize the productivity of the funds available to provide sound and sustainable Asset maintenance.

As part of the tender evaluation process the local content of each tender is assessed thus encouraging the development of the local economy.

The proposed services will strengthen the Shires Operations team ensuring they have access to a wide range of services available at cost completeive rates.

**Statutory Environment:** Local Government Act 1995, Local Government Tender Regulations, Purchasing Policy

**Policy Implications:** Nil

**Financial Implications:** Contained within the proposed 2002-03 budget

**Strategic Implications:** Nil

**Community Consultation:** Nil

**Voting Requirements:** ABSOLUTE MAJORITY

#### **CRAS001 COUNCIL DECISION/Committee/Officer Recommended Resolution 1**

Moved Cr Price seconded Crs Richards, Scott and Hoyer Council seek to rescind motion AS089/06/02 of the 10 June 2002 Asset Service Committee meeting.  
CARRIED 10/0 **ABSOLUTE MAJORITY**

#### **CRAS001 COUNCIL DECISION/Committee/Officer Recommended Resolution 2**

Moved Cr Kirkpatrick seconded Crs Richards, Hoyer and Simpson that the Asset Services Committee recommend to Council resolution AS089/06/02 be rescinded.  
CARRIED 10/0 **ABSOLUTE MAJORITY**

**CRAS001 COUNCIL DECISION/Committee/Officer Recommended Resolution 3**

Moved Cr Murphy seconded Crs Simpson that the Asset Services Committee recommend the following ranked tenders submitted for Bulk Cartage and General Cartage C22/2001-02 be accepted for the period of 1 July 2002 to 30 June 2003.

**Bulk Cartage**

Rank	Tenderer
1	Byford Sand Supplies
2	Temples
3	WA Limestone

**General Cartage**

Rank	Tenderer
1	SJ Sand Supplies
2	Serpentine Sand & Gravel
3	Byford Sand Supplies
4	Temples
5	Kwinana Hire
6	Boss Earthmoving
7	Mayday Earthmoving
8	WA Limestone
9	Constantines Crane Hire

CARRIED 10/0

AS003/07/02 INFORMATION REPORT		
Proponent	Asset Services	In Brief
Officer	Robert Harris Director Asset Services	
Signatures - Author:		
Senior Officer:		
Date of Report	30 June 2002	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

**AS003.1/02/02 DELEGATED AUTHORITY (A0039)**

The Director Asset Services exercised the following delegated authority since the last meeting in December 2001 –

**AS-22. Crossing From Public Thoroughfare to Private Land or Private Thoroughfare Sch 9.1, cl.7(2) LG (Uniform Local Provisions) Regulations 1996 (r12)**

Approval was granted to one (1) property owner for the construction of a crossover.

**AS-32 Cemeteries**

Approval was granted for the following actions in the month of January 2002

Reservations	Nil
Burial Approvals	Nil
Ashes Repositories	Nil
Monumental Works	1
Grant of Right of Burials issued	Nil

AS003.2/07/02 ROADWISE (A0491)

***Copies of the minutes of the meetings held on 6 June 2002 are with the attachments marked AS002-07-02.***

AS003.3/07/01 FIRE & EMERGENCY SERVICES STRATEGIC PLAN 2002-2004 (A0184)

Correspondence from the Fire & Emergency Services Authority (FESA) has been received enclosing a copy of the Strategic Plan 2002-2004 for the Fire and Emergency Services Authority of Western Australia.

***A copy of the correspondence and plan is with attachments marked AS003.3-07.02.***

AS003.4/07/02 HEAVY VEHICLE ASSESSMENT OF KINGSBURY DRIVE SERPENTINE (R0177)

Main Roads commissioned a study in 2000 on the relative performance of 19 metre semi-trailer "as of right" vehicles (42.5t maximum gross mass) and 19 metre truck-trailer "permit" vehicles (64.0t maximum mass) in response to concerns expressed out of the safety of heavy vehicles in Kingsbury Drive.

The study was carried out by RT Dynamics road and transport consultants from Melbourne and was completed in September 2001.

After a number of requests a copy of the report has now been provided to the Shire by Main Roads.

The report raises a number of safety concerns regarding the use of Kingsbury Drive by heavy vehicles.

A meeting has been sought with Main Roads' representatives to discuss issues raised in the report.

***A copy of extracts from the report are with attachments marked AS003.4/07/02***

A complete copy of the report is held in the corporate library.

AS003.5/07/02 BUSH FIRE ADVISORY COMMITTEE (A0197/05)

***A copy of the minutes from the Bush Fire Advisory Committee held on the 16 May 2002 are with attachments marked AS003.5/07/02***

AS003.6/07/02 DISTRICT EMERGENCY MANAGEMENT COMMITTEE (A0202)

***A copy of the minutes from the Peel District Emergency Management Committee held on the 11 April 2002 are with attachments marked AS003.6/07/02.***

AS003.7/07/02 ANNUAL LEAVE – DIRECTOR ASSET SERVICES (A0093)

The Director Asset Services Robert Harris will be on annual leave for the period 5 July 2002 to 29 July 2002.

During this period Design Engineer Simon Kenworthy-Groen will be Acting Director Asset Services .



### **Officer Recommended Resolution**

That the information report to the 30 June 2002 be received.

### **CRAS003 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Simpson seconded Cr Richards that:-

1. That the information report to the 30 June 2002 be received.
2. In relation to item AS003.5/07/02 prepare a report to Council on the current legislation going through parliament to include provisions to ban burning in the prohibited burning season as reported in the 16 May 2002 minutes of the Bush Fire Advisory Committee.
3. In relation to item AS003.5/07/02 matters requiring a decision by Council to be conveyed through the Asset Services Committee Agenda by separate report.

CARRIED 10/0

Note: The recommendation was changed as Council felt they needed more information on such matters

### **7.3 Community & Recreation Development Meeting – 8<sup>th</sup> July, 2002**

### **COUNCIL DECISION**

Moved Cr Scott seconded Cr Richards

That the minutes of the Community and Recreation Development Committee Meeting held on 8<sup>th</sup> July, 2002 be received.

CARRIED 10/0

Note: Items were dealt with under Committee Delegated Authority.

7.4 Strategic Management Committee Meeting – 15<sup>th</sup> July

**COUNCIL DECISION**

Moved Cr Kikpatrick seconded Cr Simpson  
That the minutes of the Strategic Management Committee Meeting held on 15<sup>th</sup> July, 2002 be received.  
CARRIED 10/0

SM002/07/02 DELEGATES VOTING ENTITLEMENTS AND VOTING – 2002 WALGA & LGA ANNUAL GENERAL MEETINGS (A0163-06)		
Proponent	Western Australian Local Government Association	<b>In Brief</b>  1. Council to nominate voting rights on behalf of the Shire of Serpentine Jarrahdale at the 2002 WALGA and LGA Annual General Meetings.  2. Council to provide direction to delegates on the WALGA & LGA Annual General Meetings agenda items.
Officer	D.E Price – Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	02/07/02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

**Background**

The Western Australian Local Government Association has requested local governments to nominate their delegates for the Annual General Meetings of the Associations during the Local Government Week Conference 2002. These meetings are to take place at 1pm on Sunday 4 August, 2002.

Agendas for the Annual General Meetings of the Western Australian Local Government Association (WALGA), LGA and CSCA have now been distributed to Councils.

Nominations for the election of Local Government Association President have also been sought. ***Councillors are referred to Attachment SM002.1/07/02.***

**Comments**

Council delegates for the Local Government Association are Councillors Star and Hoyer with Councillor Needham as deputy.

Councillors Needham and Hoyer with Councillor Richards as the deputy are non-voting delegates for the Country Shire Council Association (CSCA), Peel Association.

***A copy is of the delegate voting information provided by the Western Australian Local Government Association is with the attachments marked SM002.2/07/02.***

***A copy of the 2002 Annual General Meeting Agenda, a copy of the minutes of the 2001 Annual General Meeting and a Status Report on the 2001 Annual General Meeting Resolutions is with the attachments marked SM002.3a/07/02, SM002.3b/07/02 and SM002.3c/07/02***

The voting delegates should generally be the Council nominated delegate for the Association in question. If these Councillors are unable to attend the meeting then Council may choose another member to attend and vote on Council's behalf. Each Association allows two delegates to vote at the meeting.

Given the Shire of Serpentine Jarrahdale under the single association structure now has only voting rights as a member of the South East Metropolitan Zone, it is suggested that Council's voting delegates need only attend the following meetings as detailed in the 2002 Annual General Meeting Agenda document:

1. Sunday 4 August 2002 @ 1:00pm – Annual General Meeting of LGA
2. Sunday 4 August 2002 @ 1:30pm – Annual Conference Metropolitan Forum.
3. Sunday 4 August 2002 @ 3:15pm – Annual General Meeting of WALGA

If Council felt it necessary, they may elect to attend and vote also in the CSCA Annual General Meeting (AGM), due to the AGM being retrospective and applying to the period that Council was a voting member of the Country Shire Council Association, Peel Association. It is however considered more appropriate, given the new structure as a result of the single association, that this not be the case, but rather Councillors may attend the CSCA AGM and observe if they are interested.

The Annual General Meeting of WALGA has 3 Agenda Items, which Council will need to provide direction to their nominated delegates on. These items are as follows:

- 1.1 Elected Members Attendance Fees
- 2.1 Local Government Disciplinary Tribunal
- 3.1 Public Liability Insurance – Voluntary Community Organisations.

**Statutory Environment:** Individual Association constitutions

**Policy Implications:** No policy implications

**Financial Implications:** There will be a cost associated with Councillors attending the local government week conference. Council has provided in the 2002-2003 draft budget funds to enable interested Councillors to attend the 2002 Local Government Week.

**Strategic Implications:** No strategic implications as per Council's Strategic Plan

**Community Consultation:** No consultation required.

**Voting Requirements:** Normal

### **Officer Recommended Resolution**

1. Councillors Star and Needham are nominated as the Shire of Serpentine Jarrahdale voting delegates, for the 2002 Annual General Meetings for the Western Australian Local Government Association, Local Government Association and Country Shire Councils Association to be held on Sunday 4 August 2002.

Cr Hoyer is nominated as first deputy and Cr Richards is second deputy, should Cr Star or Cr Needham not be able to attend.

2. Council requests their delegates to attend:

Sunday 4 August 2002 @ 1:00pm – Annual General Meeting of LGA  
Sunday 4 August 2002 @ 1:30pm – Annual Conference Metropolitan Forum.  
Sunday 4 August 2002 @ 3:15pm – Annual General Meeting of WALGA

3. Council delegates are to vote the following way on items on the 2002 WALGA AGM Agenda:

1.1 Elected Members Attendance Fees – **Support or Not support**

- 2.1 Local Government Disciplinary Tribunal - **Support or Not support**  
Public Liability Insurance – Voluntary Community Organisations - **Support or Not support**

4. Council chooses **to nominate** the following delegate for the position of Local Government Association.

**Or**

Council chooses **to not nominate** a delegate for the position of Local Government Association

#### **CRSM002 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Richards seconded Cr Price that

1. Councillors Star and Hoyer are nominated as the Shire of Serpentine Jarrahdale voting delegates, for the 2002 Annual General Meetings for the Western Australian Local Government Association, Local Government Association and Country Shire Councils Association to be held on Sunday 4 August 2002.

Cr Needham is nominated as first deputy and Cr Richards is second deputy, should Cr Star or Cr Hoyer not be able to attend.

2. Council requests their delegates to attend:

Sunday 4 August 2002 @ 1:00pm – Annual General Meeting of LGA  
Sunday 4 August 2002 @ 1:30pm – Annual Conference Metropolitan Forum  
Sunday 4 August 2002 @ 3:15pm – Annual General Meeting of WALGA

3. Council delegates are to vote the following way on items on the 2002 WALGA AGM Agenda:

1.1 Elected Members Attendance Fees – Support in principle with a view to the arguments put.

2.1 Local Government Disciplinary Tribunal - Support in principle with a view to the arguments put.

Public Liability Insurance – Voluntary Community Organisations - Support in principle with a view to the arguments put.

4. Council chooses to not nominate a person for the position of President of Local Government Association.

**CARRIED 10/0**

Note: The Officer Recommended Resolution was changed to confirm Council delegates and provide delegates with the voting position of Council.

Note: Second paragraph was incorrectly recorded at committee and Cr Hoyer is replaced with Cr Needham in the first line and Cr Needham is replaced with Cr Hoyer in the second line.

Cr Needham declared an interest with regards to item SM003.8/07/02 as the matter relates to this Councillor. The Presiding Member advised that since this was not an issue requiring a Council Decision, Cr Needham could remain present at the meeting.

SM003/07/02 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		
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

SM003.1/07/02 REPORT OF THE QUARTERLY ELECTORS MEETING – 5<sup>TH</sup> JUNE, 2002 (A0050)

***The report of the Quarterly Electors Meeting held on 5<sup>th</sup> June, 2002 is with the attachments marked SM003.1/07/02.***

SM003.2/07/02 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION PEEL ZONE MEETING – 4<sup>TH</sup> JUNE 2002 (A0027-02)

***The minutes of the Western Australian Local Government Association Peel Zone Meeting held on 4<sup>th</sup> June 2002 are with the attachments marked SM003.2/07/02.***

SM003.3/07/02 JARRAHDALÉ HERITAGE PARK MANAGEMENT COMMITTEE MEETING MINUTES – 7<sup>TH</sup> JUNE 2002 (P05576/02)

***The minutes of the Jarrahdale Heritage Park Management Committee meeting minutes held on 7<sup>th</sup> June 2002 are in the attachments marked SM003.3/07/02.***

SM003.4/07/02 COMMON SEAL REGISTER REPORT – JULY 2002 (A1080)

***The Common Seal Register Report for the month of July 2002 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the attachments marked SM003.4/07/02.***

SM003.5/07/02 SUPPORT FOR APPLICATION FOR PERMANENT BROADCAST LICENCE (A0906)

*A letter of support to the Chairperson, Heritage FM Board of Management for the application for a permanent broadcast licence on 107.3FM is with the attachments marked SM003.5/07/02.*

SM003.6/07/02 CHAMBER OF MINERALS & ENERGY 2002 ANNUAL REPORT (A0773)

The Chamber of Minerals & Energy 2002 Annual Report can be found in the Councillors Library.

SM003.7/07/02 PEEL EQUINE DEVELOPMENT PROJECT (A0815)

*The Peel Equine Development Project Report and Summary which gives an overview of the milestones that have been achieved up to the end of May 2002 is with the attachments marked SM003.7/07/02.*

SM003.8/07/02 EXERCISING OF DELEGATED AUTHORITY AF20 - REQUEST FOR LEGAL ASSISTANCE UNDER COUNCIL POLICY CSP-23 (A0039)

The Chief Executive Officer has received a request for assistance under Council Policy CSP-23. In accordance with this Policy, Council has delegated authority (AF-20) to the Chief Executive Officer to invoke clause 3(e) of this policy. The Chief Executive Officer chose to exercise this delegation based on the following considerations:

1. The date relating to this matter was prior to the Ordinary Council Meeting which is not until 22 July 2002.
2. Interpretation of Policy CSP-23 on this matter meets Clause 1, 2(s) and 2b(ii) of the general principles.

SM003.9/07/02 DELEGATED AUTHORITY – AF-13 (A0039-02)

*Details relating to the Chief Executive Officer exercising his delegated authority under AF-13 are with the attachments marked SM003.9/07/02.*

SM003.10/07/02 LOCAL ECONOMIC DEVELOPMENT UNIT MEETING - 4TH JULY, 2002 (A0436-05)

*A copy of the minutes of the Local Economic Development Unit Meeting held on Thursday, 4th July 2002 are with the attachments marked SM003.10/07/02.*

**CRSM003 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Price seconded Cr Wigg that the Information Report to 9 July 2002 be received.  
CARRIED 10/0

Note: With respect to item SM003.1/07/02, a correction of the minutes was made in relation to an answer provided by the Chief Executive Officer to a question asked at this meeting. With respect to item SM003.9/07/02, a correction was made in relation to the report to reflect the appointment of the Communications Officer.

Noted: Declaration by Cr Needham.

SM001/07/02 PEEL REGION MARKETING STRATEGY (A0839-05)		
Proponent	Peel Economic Development Unit	In Brief  Proposed three (3) year Marketing Strategy for the Peel Region.
Officer	D.E Price – Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	14 June 2002	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

### Background

The Peel Development Commission in partnership with the City of Mandurah commissioned marketing consultants “Magenta” to develop a marketing and promotions plan for the Peel Region in late 2001. The plan is intended to ensure that marketing is conducted in a comprehensive and co-ordinated fashion thus allowing effective allocation of marketing funds.

Magenta engaged “Market Equity” as a sub contractor in November 2001 to undertake research across the Region in the following areas of interest:

- Trends in economic development
- Perceptions of the region among businesses and consumers
- What businesses and consumers would like to see the region providing?
- Motivators and barriers underpinning travel, living and investment in the region
- Means of sourcing information on the region
- Opportunities for potential investors to the region
- What information on the region is currently available?

This information has been used to assist/guide the development of the proposed strategic branding approach to strengthen the image of the Peel Region amongst potential tourists, residents and businesses.

Cr John Price, Mr Murray Jorgensen, of Murray Jorgensen and Associates (MJA), Ms Esther Price of Esther Price Promotions (EPP) and the Chief Executive Office met with consultants from Market Equity and Magenta to discuss with them what Council is doing in regards to economic development, tourism, marketing and communication of the Shire.

The Shire President and Chief Executive Officer, in their roles as Council representatives on the Peel Economic Development Unit (PEDU) Executive were presented the preliminary findings from the work undertaken by Market Equity in early 2002.

A copy of the final report produced by Market Equity is retained in the Corporate Library and is available for Councillors information. Please direct any requests to view the copy to the Chief Executive Officers Personal Assistant.

### Comments

A three-year marketing strategy for the Peel Region called “Building Brand” to achieve growth, has now been presented to the PEDU Executive. ***A copy of the strategy is with the attachments marked SM001.1/07/02.***

Magenta has offered to present an overview of the work undertaken by Market equity and themselves in preparing the strategy. Council may wish to consider inviting Magenta to a Strategic Management Committee meeting in future.

Mr Ken Fisher, Acting Executive Director, Peel Development Commission has been asked to attend Strategic Management to discuss this item. At the time of writing this item, no response had been received.

### **Sustainability Statement**

The Strategy states the following;

*“The aim of this strategy is to increase the economic development of the Peel Region. This will be achieved through addressing three key areas;*

- *Regional imagery and positioning*
- *Business in the Peel Region*
- *Tourism*

*Year one (1) focuses on “Brand Building” and will be aimed at building the brand and creating a clear vision for the Region to demonstrate the need for buy in from all of the stakeholders.*

*Year two (2) focuses on “Increasing Visitation” and focuses on targeting specific groups and building visitation to the Region through the implementation of a strategic advertising campaign that is designed in response to the marketing research.*

*Year three (3) refers to “Consolidation and assessment”. This will require the continuation of brand consolidation and driving growth, but also involve a great deal of assessment to determine the success of the strategies and market information for future growth.”*

### **Statutory Environment:**

Local Government Act 1995

### **Policy Implications:**

No Policy Implications

### **Financial Implications:**

The Strategy is based on a three year “roll-out” which at this is estimated to cost \$357,500, which has yet to be addressed at a Regional Level. It is however anticipated that each Council in the Region will be requested to become a stakeholder financially in the implementation of the Strategy.

The Peel Development Commission has indicated that they are prepared to significantly contribute to the strategies implementation in year one (1) at this stage, if the five (5) local authorities in the region also contribute. Year one (1) has an estimated roll-out cost of \$135,500.

\$4,000 (carry forward from the 2001-2002 budget MOC615 Public Relations) has been included in the 2002-2003 budget as a Year 1.contribution to this strategy.

### **Strategic Implications:**

Council’s adopted Marketing and Communication Strategy refers to the Conducting of Joint promotions. *“The Council actively canvass both Peel and WATC in order to explore joint marketing opportunities”.*



**Community Consultation:** Community Consultation has been completed by Market Equity in November 2001.

**Voting Requirements:** Normal

**Officer Recommended Resolution**

Council notes the three year marketing strategy for the Peel region and agrees to consider future funding of the strategy as part of the 2002-2007 Financial Plan (PAP) review.

**Discussion**

Mr Ken Fisher from the Peel Development Commission (PDC) entered the committee meeting at 9.35am.

Mr Fisher provided an overview of the Peel Regional Marketing Strategy to the Committee.

A report with recommendations has been prepared and presented to PEDU and Executive. This report requires endorsement if it is to be progressed.

Mr Fisher covered the following key points:

- Extensive research was carried out by professional marketing people
- A document has been produced detailing how we go forward and put the Peel Region into the market place following the research

In the first year \$123 000 is required to implement the three year marketing strategy. A suggestion has been to fund it on a population basis with PDC assistance.

Elements of the strategy include - visitors, tourists, residents and business attractions.

Mr Fisher left the committee meeting at 10.11am.

**CRSM001 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Price seconded Cr Simpson

1. Council notes the three year marketing strategy for the Peel region and agrees to consider future funding of the strategy as part of the 2002-2007 Financial Plan (PAP) review.
2. Council agrees to fund \$11 000 (\$6 000 cash, \$5 000 carry forward from 2001-2002) in the 2002-2003 budget for the year 1 commitment to the Peel Region Marketing Strategy.
3. Year 2 and 3 funding of this strategy is to be considered as part of the next Forward Financial (PAP) review.
4. Council requests that the Peel Development Commission lobby on behalf of the Peel Region Tourism Association (PRTA) to the WA Tourism Commission that their funding arrangement to the PRTA be reviewed to enable more flexibility in its application.

CARRIED 10/0

Note: The Officer Recommended Resolution was changed as the committee felt it was important that Council fund their contribution of the Marketing Strategy. The committee also felt that the PRTA funding arrangements needed to be reviewed.

SM004/07/02 SOUTH CARDUP LANDFILL SITE (P00066/01)		
Proponent	Shire of Serpentine-Jarrahdale	<b>In Brief</b>  Possible breach of DEP licence conditions to be investigated.
Officer	Cr Star	
Signatures - Author:		
Senior Officer:		
Date of Report	15 July 2002	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

#### **CRSM004 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Scott seconded Cr Kirkpatrick that Council seeks a more rapid response from the DEP to Councils questions and that a report be put to the August Planning Development and Environment Committee when these responses are available.  
CARRIED 10/0

#### 7.5 Planning Development & Environment Meeting – 15<sup>th</sup> July

#### **COUNCIL DECISION**

Moved Cr Simpson seconded Cr Price  
That the minutes of the Planning Development and Environment Committee Meeting held on 15<sup>th</sup> July, 2002 be received.  
CARRIED 10/0

#### BUILDING

B01/07/02 HALL HIRE BOND REVIEW (A0857)		
Proponent	Shire of Serpentine-Jarrahdale	<b>In Brief</b>  Following damage to new carpet installed in the Briggs Park Pavilion, Council is requested to consider increasing hall hire bonds for certain functions
Officer	W Chant - Principal Building Surveyor	
Signatures - Author:		
Senior Officer:		
Date of Report	05.07.02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

#### **Background**

Cigarettes damaged the new carpet installed in the Briggs Park Pavilion during an eighteenth birthday party held recently. The carpet has been cleaned but unfortunately the cigarette burns remain visible.

#### **Comments**

In accordance with the schedule of fees and charges, the hirer paid a bond of \$250 for the use of the pavilion. This bond covered cleaning costs only. The hirer does not wish to pay any additional costs associated with repairs or replacement of the damaged carpet.

For an insurance claim to be lodged to replace the damaged carpet, an excess of \$1,000 must be paid by the Shire.

In light of this latest incident, it is recommended that Council determine that functions with alcohol present increased risk of damage to facilities. Accordingly, it is considered that an increased bond be required for these functions. If the bond is equivalent to the current insurance excess, it will benefit the Shire twofold. Firstly an increased bond will deter hall and pavilion users from using the facility carelessly for fear of forfeiture of the bond, and secondly a bond of \$1,000 will cover the insurance claim excess should damage occur.

### **Sustainability Statement**

Although the proposal disadvantages certain residents within the Shire, increased bond charges for certain functions will provide greater incentive for community facility users to maintain community facilities in good order.

**Statutory Environment:** Local Government Act 1995, Section 6.16

**Policy Implications:** 2002/2003 Budget Schedule of Fees & Charges

**Financial Implications:** An increase in the bond charged for certain functions would lessen the risk of Council having to cover damage repair costs associated with high-risk functions

**Strategic Implications:** Key Result Area 1 – People & Community: the services and facilities provided to the community will be subject to less damage and thus all facility users will benefit

**Community Consultation:** Section 6.19 of the Local Government Act 1995 requires Council to give local public notice of its intention to impose a fee and the date from which that fee will apply

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

### **Officer Recommended Resolution**

Council resolves to impose a bond of \$1,000 or 100% of insurance excess for the hire of Council's halls or pavilions for functions with alcohol and the bond for functions without alcohol will be increased to \$500 or 50% of insurance excess. The amended bonds to be charged from 1 August 2002.

### **CRB01 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Wigg seconded Cr Price

1 That Council resolves to impose a bond of \$1,000 or 100% of insurance excess for the hire of Briggs Park Pavilion for functions with alcohol and the bond for functions without alcohol will be \$500 or 50% of insurance excess.

2 That Council resolves to impose a bond of \$500 or 50% of insurance excess for the hire of Council's other halls or pavilions for functions with alcohol and the bond for functions without alcohol will be \$250 or 25% of insurance excess.

The amended bonds to be charged from 1 August 2002.

**CARRIED 10/0 ABSOLUTE MAJORITY**

Note: The Officers recommended resolution was altered to distinguish between Briggs Park (carpeted) and other Council facilities (uncarpeted).

<b>B02/07/02 LOT 35 PETERS WAY, OAKFORD – PROPOSED OUTBUILDING (P00846)</b>		
Proponent	Highline Building Company	<b>In Brief</b>  Council is requested to consider an application for a proposed outbuilding on Lot 35 Peters Way which, when combined with the existing outbuilding on the site, will exceed the maximum combined floor area limit of 200m <sup>2</sup> . It is recommended that the application be conditionally approved.
Officer	Wayne Chant – Principal Building Surveyor	
Signatures - Author:		
Senior Officer:		
Date of Report	05.07.02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

Owner: SF & LP Eatwell  
 Owner's Address: 102 Peters Way, Oakford  
 Applicant: Highline Building Company  
 Applicant's Address: Locked Bag 25, Welshpool DC  
 Date of Receipt: 23 May 2002  
 Advertised: Owner canvassed owners of surrounding properties  
 Submissions: 6 received, 2 objections  
 Lot Area: 2.1166ha  
 L.A Zoning: Special Rural  
 MRS Zoning: Rural  
 Byford Structure Plan: N/A  
 Rural Strategy Policy Area: Rural Living B Policy Area  
 Rural Strategy Overlay: Peel Harvey Coastal Plain Catchments  
 Bush Forever: N/A  
 Date of Inspection: 14 June 2002

### **Background**

An application was received in late May for approval to construct a colorbond clad outbuilding on Lot 35 with a floor area of 120m<sup>2</sup>. As there is an existing outbuilding on the lot with a floor area of 120m<sup>2</sup> the combined floor area will exceed the maximum aggregate floor area of 200m<sup>2</sup> set by Council Policy BP2.

### **Comments**

In accordance with Council Policy BP2, adjoining landowners potentially affected by the outbuilding proposal were approached to provide comments. The owner of Lot 35 was able to provide four letters of no objection. These came from the owners of Lots 13, 14, 15 and 34. At the request of the owner of Lot 35, letters were sent to the owners of Lot 16 and Lot 36. Both of these property owners have responded with objections.

In summary, the grounds for objection relate to an outstanding financial debt owed to one of the objectors and the possible use of the outbuilding for vehicle wrecking, an activity that the neighbours claim is currently occurring on Lot 35. It was noted during the site inspection that there were numerous cars on Lot 35. If the number of car bodies becomes an issue, Council's Rangers may take action in this regard.

Plans of the proposal submitted with building licence application 263/02 will be tabled at the meeting.

The proposal is not considered to be excessive as the combined floor area of the outbuildings on Lot 35 is 40m<sup>2</sup> over the 200m<sup>2</sup> limit set by Policy BP2. The proposed outbuilding will be sited away from the existing outbuilding and adjacent to the residence on Lot 35.

*It is recommended that the proposal be approved subject to the outbuilding not being used for habitation or commercial use.*

**Sustainability Statement**

A regional fabricator will build the proposed outbuilding.

**Statutory Environment:**

Local Government (Miscellaneous Provisions) Act 1960, Building Regulations 1989

**Policy Implications:**

In accordance with Council Policy BP2, this application is referred to Council for determination due to the objections received

**Financial Implications:**

Nil

**Strategic Implications:**

N/A

**Community Consultation:**

Owners of affected adjoining properties given the opportunity to comment on the proposal

**Voting Requirements:**

Normal

**Officer Recommended Resolution**

That Council grant approval for the issue of a building licence for the construction of an outbuilding on Lot 35 Peters Way in accordance with plans submitted with Building Application 263/02, subject to a condition being placed on the approval stating the outbuilding is not to be used for habitation or commercial purposes.

**CRB02 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Simpson seconded Cr Hoyer

- 1 That Council grants approval for the issue of a building licence for the construction of an outbuilding on Lot 35 Peters Way in accordance with plans submitted with Building Application 263/02, subject to a condition being placed on the approval stating the outbuilding is not to be used for habitation or commercial purposes.
- 2 That the applicant be advised that the accumulation of derelict motor vehicles/ vehicles under repair on the property are to be housed in the new building.

CARRIED 10/0

Note: The additional resolution was added to try and address concerns of Oakford residents about the many vehicles on the property.

ENVIRONMENT

E001/07/02 RESPONSE TO STATE GREENHOUSE STRATEGY BREAKFAST FORUM ON GREENHOUSE GAS EMISSIONS - INVITATION FOR COMMENT (A0236-03)		
Proponent	Acting Environmental Officer	<b>In Brief</b>  The Greenhouse Taskforce is seeking information (and opinions) of Local Government in regards to Greenhouse Emissions in Western Australia.
Officer	Brett Dunn – Acting Environmental Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	5/7/02	
Previously	Not applicable	
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

**Background**

This information is to be used by State Government to produce a State wide Greenhouse Strategy, thus it was important that the Serpentine Jarrahdale Shire supply input. Comment was required by 17<sup>th</sup> June 2002. Questions from the Greenhouse Taskforce and the associated responses submitted are as follows.

The Greenhouse Taskforce has requested input on the following questions:

1. How should the State Government facilitate the least cost options for abatement of greenhouse gases and what mechanism do you believe the government should use to affect a limit on greenhouse gases from industry?
2. What is your organisations opinion on targets to reduce greenhouse gas emissions? Have you calculated your greenhouse gas contribution and/or set targets to reduce emissions?
3. What kinds of strategies does your organisation have in place to advocate or implement a low carbon future (eg research and development into new technologies, contributing to Government and industry policy/decision making)?
4. What mechanism should Government develop to monitor the reductions in global greenhouse gas emissions that result from trade in greenhouse friendly technology and hydrocarbon resources?
5. In what way do you believe that your organisation could assist Government in further developing and implementing its greenhouse strategies?

**Comments**

The following responses are to be submitted to the Greenhouse Taskforce.

1. State Government should take on the state-sized initiatives:
  - State Government should take part in the organisation and facilitation of special trade shows, home shows, state wide events (eg Walk there Week) etc, with the support and involvement of Local Government.
  - Initiatives involving the distribution of home “prompts” (eg light switch stickers, appliance magnets with messages on, etc) and other supportive supplies (eg displays materials, info-notes, novelties for school kids etc) should be implemented.
  - State Government should act as a network centre for Local Government eg for distribution of news, job vacancies, project funding opportunities etc.
  - Research and identification of best international approaches needs to take place and, in turn, this information distributed to Local Government.
  - State Government needs to engage the cooperation of other State Agencies with industry bodies and Local Government for shared partnerships and initiatives.

- Grants should be provided to Local Government for pilot projects that could have State significance.
  - State Government should further participate in campaigns to promote the message to the public.
  - Also the “Buy Local, Buy Australian Made” message should be promoted in partnership with industry as a way to secure their involvement, assist the balance of trade and reduce transport emissions.
  - State Government should work to change consumer awareness and expectations (research shows that industry identifies this as the biggest barrier) of industry and products through support of Local Government officers, and promotion of greenhouse action.
  - The potential (significant) savings to be made for industry needs to be emphasised i.e. industry becomes more competitive to be greenhouse friendly.
  - There needs to be further education through editorials and press series in business papers and magazines emphasising the savings/efficiencies and image improvement of becoming greenhouse friendly.
  - State Government should encourage industry bodies to bring in best practice codes for accreditation/use of special logo.
  - Industry should be encouraged to become involved in state initiatives such as special energy shows showcasing emission reducing products and services.
  - Benchmarks need to be created and provided to industry so that they can easily see how efficient they are (eg with Western Power - print on their bills)
2. Setting targets is critical for strategies to reduce greenhouse emissions. A project is generally ineffective if there is no goal to be reached. Serpentine Jarrahdale Shire has set a target of greenhouse emissions in 2010 to be 15% lower than 1998/99 levels and is at Milestone 4 in the Cites for Climate Protection program.
3. Local Government corporate strategies include upgrading light vehicle fleet with LPG vehicles, employing a greenhouse coordinator, building audit and retrofits, regular hot tips to staff, investigating options to encourage solar passive housing, purchasing green electricity, incorporating solar passive principles and renewable energy generation into community buildings and seeking expressions of interest for generation of renewable energy at Local Government sites (eg landfill sites).
- Regional community strategies include community radio programme series, workshops with the aged, promotion of local best practice/initiatives through newspaper editorials, compact fluorescent globes special fundraiser project with schools throughout the region, press series, adoption of a special project brand and logo, involvement of industry sponsors, energy saving workshops in disadvantaged areas (like Sustainability Street), regional promotion of Walk there Week (National Heart Foundation Nov 4 to 11).
4. Firstly, a standard unit of measurement of the amount of emissions involved, based on real research and good data (eg rainfall/species/climate parameters effecting sequestration rates of plantations in different areas). The next step would be to work out where measurement would take place i.e.- would the potential abatement at the distributor be measured or the actual abatement in the field of application? The latter seems more accurate but might be problematic. Perhaps it would be best to measure both; as a routine at the distributor with back up "verification" in the field.

**Sustainability Statement**

The Greenhouse Taskforce is to use this information to produce a State-wide Greenhouse Strategy. This Strategy will provide a framework for Local and State government to work together (with industry) to reduce Greenhouse Emissions.

**Statutory Environment:**

Not applicable

**Policy Implications:** Not applicable

**Financial Implications:** Not applicable

**Strategic Implications:** Information to assist in the State Greenhouse Strategy. This report will provide input useful to Serpentine-Jarrahdale's current Greenhouse Strategy.

**Community Consultation:** Not applicable

**Voting Requirements:** Normal

**Officer Recommended Resolution**

Council provides a copy of this report as the basis of a submission to the Greenhouse Taskforce. Subject to minor additions/alterations:

**CRE001 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Hoyer seconded Cr Price that the Shire President liaise with the Acting Environmental Officer to prepare a submission based on the report E001/07/02.  
CARRIED 10/0

Note: The Officer recommended resolution was altered to facilitate minor changes to the submission in consultation with the Shire President.

PLANNING

P004/07/02 PROPOSED CHANGE OF USE FROM RESIDENTIAL TO OFFICE - LOT 105 SOUTH WESTERN HIGHWAY (P01632)		
Proponent	J P & H P Hoey	<b><u>In Brief</u></b>  It is an application for refurbishment of the existing residence on South Western Highway within the Urban Development zone to accommodate offices. It is recommended that the application be refused.
Officer	Lilia Palermo - Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	03/06/02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

Owner: J G & H P Hoey  
 Owner's Address: PO Box 1, Byford  
 Applicant: As above  
 Applicant's Address: As above  
 Date of Receipt: 15<sup>th</sup> May  
 Advertised: To adjoining property owners  
 Submissions: One submissions received  
 Lot Area: 1105m<sup>2</sup>  
 L.A Zoning: Urban Development  
 MRS Zoning: Urban  
 Byford Structure Plan: Base Residential  
 Rural Strategy Policy Area: N/A  
 Rural Strategy Overlay: N/A  
 Bush Forever: N/A  
 Date of Inspection: 26<sup>th</sup> June 2002



## **Background**

Council is in receipt of an application for a change of use from residential to office on Lot 105 South Western Highway, Byford. It is recommended that the application be refused.

***A copy of the development plan (submitted by the applicant) is with the attachments marked P004.1/07/02.***

The proposal was advertised to the affected neighbouring properties. One submission was received, which states the following:

*"I am against any proposed change of Residential to Commercial use of land on the side of South Western Highway.*

*I came to Byford because of its quiet country atmosphere, so close to Armadale shopping centre, near enough to the beach,*

*I often hear the squeal of brakes as people driving realise that cars are slowing to go into the Medical Centre, I don't think I received an opportunity to have a say concerning that business.*

*I also hear the roar of trucks over the road stopping and starting, which I thought was too a no-no in residential areas. I mean parking of trucks on residential properties.*

*Well Mundijong may still be a quiet little country town, but once Byford is like Scarborough Beach Road, all businesses, no one will want to live here, and Mundijong will be ghost town too.*

*Armadale has kept its highway residential and it's a real town, Kelmscott on the other hand, has all types of shops and unless there is some special shop, you have to go to, who stops and shops there. Even the people who live there don't, or in surrounding areas like Westfield.*

*I don't have an answer to what we can do to make Byford a smart little town again, but I'm sure office on a Highway will just be another traffic hazard."*

## **Comments**

### **TPS No 2.**

The subject land is zoned Urban Development in the TPS No.2.

Clause 5.18.7.3 of the TPS No.2 states the following in regards to development within the Urban Development Zone:

*"Council may approve the development or use for other than a single house within the Urban Development zone subject to Council being satisfied that the nature or scale of such development or use will not have an adverse effect on:*

- 1. The preparation of a Structure Plan for, or*
- 2. The orderly and proper planning of, or*
- 3. The health, amenity, safety or convenience of the future occupants of,*

*The area intended for the preparation of a Structure Plan, and subject to the proposed development or use being advertised for public inspection in accordance with Clause 6.3."*

Proposed change of use from residential to office on the subject property within the designated Residential Base R20 zone can have an adverse effect on the preparation of the Byford Structure Plan and the orderly and proper planning of the locality and safety of the

residents in the area. Approval of such development might create a precedent for other property owners in the residential area to seek similar approvals.

Office use within the residential area can affect the safety of the residents and the amenity of the residential area due to increased traffic in the locality. Parking of the customer vehicles at the front of the property can obstruct the view of the motorists on the South Western Highway, which might result in dangerous situation on a major road.

### Byford Structure Plan

The subject land is located within the area designated as Residential Base R20 on the Byford Structure Plan. The subject property is surrounded by the existing residences. Byford Structure plan designates a Town Centre and two neighbourhood centres within the structure planning area, where development such as proposed on the subject land would be suitable.

There is also an area of Mixed Business Development proposed within the southeastern section of the Structure Plan extending north and south of the proposed Orton Road, between railway line and South Western Highway. As stated in the Byford Structure Plan this area will accommodate larger business type uses together with compatible service commercial and light industrial uses, the mixed business area will assist in providing local employment opportunities.

### SPP 9 Metropolitan Centres Policy

It is stated in SPP 9 in regard to office development that smaller scale office developments are encouraged in District Centres and Neighbourhood/Local Centres. This type of development will need to be designed to be compatible with the scale and character of the Centres and have regard to residential amenity of the surrounding areas. SPP No. 9 Clause 4.1.8 and 4.1.11 also states the following in regards to Containing adhoc Commercial Ribbon Development:

*“4.1.8. Except for designated areas, commercial developments should be located in defined centres in order to promote the centres and discourage the encroachment of commercial activities into residential areas.*

*4.1.11 Unless located in centres, retail and commercial developments along major roads will not be supported.”*

Proposed office development outside the designated Town Centre on the Byford Structure Plan might create a precedent for adjoining properties along the South Western Highway, within the residential zone, to seek similar approvals, which can result in a spread of office/commercial ribbon development along the South Western Highway. The area on the other side of the South Western Highway across the road from the subject site is designated as Highway Commercial on the Byford Structure Plan. Uses, such as proposed for Lot 105 South Western Highway Street, would be suitable within the designated Highway Commercial zone.

### Sustainability Statement

The proposal for a change of use from residential to office may adversely affect the safety of the residents and the amenity of the residential area. Office use would be suitable within the Highway Commercial zone or Town Centre Precinct designated on the Byford Structure Plan.

### Statutory Environment:

Town Planning and Development Act 1928  
Shire of Serpentine – Jarrahdale Town Planning Scheme No. 2.

**Policy Implications:** State Planning Policy No. 9 - Metropolitan Centres Policy

**Financial Implications:** Nil

**Strategic Implications:** This application for a change of use from residential to office relates to strategy 1.2 of the People and Community key result area 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:** Advertised to affected property owners

**Voting Requirements:** Normal

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

That Council refuses the application for change of use from Residential to Office in accordance with the application dated 16<sup>th</sup> May 2002 for the following reasons:

1. The subject land is located within the Residential Base R20 zone designated on the Draft Byford Structure Plan, where the proposed office use is not in accordance with the intent of the zone.
2. Proposed development is not in accordance with the requirements of the State Planning Policy No.9 – Metropolitan Centres Policy.
3. Proposed development has the potential to have an adverse effect on:
  - The orderly and proper planning of the residential area;
  - The health, amenity, safety or convenience of the existing and future occupants.

### **CRP004 COUNCIL DECISION**

Moved Cr Price seconded Cr Richards

That item P004/07/02 be deferred.

CARRIED 9/1

Note: The Committee/Officer recommended resolution was changed at the request of the applicant.

P007/07/02 PROPOSED KENNELS AND STABLES - LOT 60 BOOMERANG ROAD, OLDBURY (P03088)		
Proponent	H. F. Iles	In Brief  It is an application to establish kennels and stables on a Rural lot. It is recommended that the application be conditionally approved.
Officer	Lilia Palermo – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	14/06/02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

Owner: Kam Cheng  
Owner's Address: 265 Boomerang Road, Oldbury  
Applicant: Helen Iles  
Applicant's Address: 1612 Thomas Road, Oakford  
Date of Receipt: 15/05/02  
Advertised: To affected property owners  
Submissions: Five submissions received  
Lot Area: 5.6478 ha  
L.A Zoning: Rural  
MRS Zoning: Rural  
Byford Structure Plan: Not applicable  
Rural Strategy Policy Area: Rural  
Rural Strategy Overlay: Not applicable  
Bush Forever: Nil  
Date of Inspection: 02/06/02

### **Background**

Council is in receipt of an application for kennels and stables on a property in a Rural zone. It is recommended that the application be conditionally approved. The letter accompanying the application states the following:

*“Further to your letter dated 20<sup>th</sup> April, please find attached the fee and scaled plans for your perusal with regard to approval of kennels and stables at lot 60 Boomerang Road, Oldbury. The property is designed in a way to enhance our lifestyle and with view to beautifying the property.*

*The Plans are as accurate as we can make them while having limited access to the property as we have yet to purchase (subject to the approval of Council). We are still to decide on the types of trees to be planted as our shelter-belts and will seek advice from local experts prior to planting. Trees will be limited to the rear of the property, mostly within the firebreaks, where they will not impact upon the power lines by the road side.*

*We look forward to hearing from you at your earliest convenience as contracts are dependent on your decisions. We thank you for your time.”*

**A copy of the plans of the kennels and stables are with the attachments marked P007.1/07/02.**

### **Comments**

Site Inspection

A site inspection was carried out by the Council's Planning Officer and acting Environmental Officer on the 2<sup>nd</sup> July 2002. During the site inspection it was noted that the portion of the

property fronting Boomerang Road is predominantly cleared. The proposed site for kennels is located in very close proximity to the adjoining property boundary on the western side. The nearest existing residences are approximately 300m away from the proposed kennel site.

Town Planning Scheme No. 2

The subject property is zoned Rural under the Town Planning Scheme No. 2. (TPS No. 2) Kennels is a "SA" use in the zoning table in the TPS No. 2 and stables is a "P" use in the Rural zone.

The purpose of the Rural Zone as identified in the TPS No. 2 is to allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme area.

Clause 5.10.2. of the Scheme states the following in regards to assessing Kennel applications in the Rural Zone:

*"Where the Council grants approval to a Kennels use, the following provisions shall apply:*

- a) *The approval shall be personal to the applicant and shall not be transferred to or assigned to by any other person;*
- b) *The approval shall not run with the land in respect of which it was granted;*
- c) *The person to whom approval is given by the Council to carry on Kennels use shall not carry on that use at any premises other than the land in respect of which the Council's approval is granted; and*
- d) *If a kennel use has been carried on with the approval of the Council and 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 a kennel use unless a further approval to do so is granted by the Council."*

The proposal has been advertised to affected neighbouring property owners. There were five submissions received. All submissions were objecting to the proposed kennels.

The following concerns were expressed in the submissions:

- Noise will affect the amenity of the Rural area
- The subject property does not have enough existing screening vegetation to help reduce noise;
- Possibility of dogs entering adjacent properties; there are no fences currently on the subject property.

The Shire of Serpentine-Jarrahdale does not have a designated Kennel zone. The Rural zone is the only zone where kennels might be approved at Council's discretion.

Most of the adjacent property owners consulted during the advertising period expressed concern in regards to possible noise from the proposed kennels.

During the site inspection conducted by the Planning Officer and Acting Environmental Officer it was noted that the portion of the subject property fronting Boomerang Road is predominantly cleared. The Proposed site for the kennels is set back 9m off the western property boundary.

The Environmental Protection Authority Draft Policy No. 3 – "Policies, Guidelines and Criteria for Environmental Impact Assessment. Industrial – Residential Buffer Areas (Separation Distances)" states that a recommended buffer for kennels is 500m. The nearest residences on the eastern side of the subject property are approximately 300m away from the proposed site for kennels. Also, taking into account that the site is poorly vegetated, the

proposed kennel use on the site specified in the application has the potential to create an adverse impact on the surrounding residences on rural lots in the area, unless measures are taken.

Although a proposal such as this would be more suitable for a larger size rural property where the recommended EPA buffer distance for kennels could be achieved and the adverse effects on the existing and possible future residences would be minimized, it also should be taken into account that the proposal complies with the requirements of Dog Act 1976 and also with the Council's Local Law Relating to Dogs.

Part IV of the Local Law – Regulation of Dog Kennels states the following:

*“Clause 19 - Council shall not permit the establishment or maintenance of an approved kennel establishment in any area if in the opinion of Council such a kennel would adversely affect the environment, be a nuisance to or in any way be detrimental or prejudicial to other residents.”*

It is considered by the Sustainable Development Team that there can be measures taken to reduce any possible negative impact on the properties in the area. Special conditions recommended to be placed on the Form 2 approval address the concerns expressed in the submissions received during the advertising period.

It is recommended that the application for 12 dogs Kennel establishment be approved. The application is in accordance with the intent of the Rural zone and complies with Council's Local Law Relating to Dogs.

Council's Local Law relating to Dogs requires the facility to be at least 9 metres from the boundary of another property and at least 18 metres from the nearest dwelling. However it is recommended to require the applicant to amend the plan to show the site for the kennels to be 22 metres from the existing dwelling on the subject property, which will increase the distance to the nearest adjoining property boundary on the western side to 50m.

All issues raised in the objections to the proposal are addressed by the Dog Act 1976 as amended and Council's Local Law Relating to Dogs. Additional conditions are recommended to be imposed on the kennel establishment to further address local residents concerns.

### Proposed Stables

The applicant also applied to establish stables on the subject property. The submissions received during the advertising period did not express any objections to the stables proposed on the subject property, providing that the stables are properly managed.

The applicant specified that the proposal is to construct 10 stables, which would also include a tack room, sawdust bin, manure bin, undercover float parking, feed shed and undercover yards for each stable.

The size of the property (5.6454ha) and the soil type would permit keeping of approximately 5 horses on the property according to Agriculture WA stocking rates.

The proposal for ten stables considerably exceeds the recommended Ag. WA stocking rates. However there are no clear stocking rate guidelines set for stables. An increased stocking can be permitted in some cases when the management practices proposed are considered sufficient to achieve the desirable outcomes, such as minimisation of any possible negative effect on the adjoining properties or the environment.

It is recommended by the Sustainable Development Team that a condition be imposed restricting the number of horses to be stocked on the property to 10 horses, in accordance with the application. Also in order to reduce effective stocking on the property it is

recommended as part of the development approval to include a condition limiting the number of horses grazing on the paddocks to 5 horses at any given time.

Applicant would be required to demonstrate how land degradation will be avoided and how nutrients will be managed by submitting a Stock Management Plan for Council 's approval prior to commencement of development.

The applicant did not specify that there would be any clearing required for the establishment of the stables. The applicant should be advised that according the Town Planning Scheme No. 2 clearing of native vegetation is considered development and requires Planning Approval.

### Conclusion

It is recommended that the application for stables be conditionally approved. The applicant would be required to submit a Stock Management Plan for Council's approval, in accordance with the recommended conditions set out below.

### Sustainability Statement:

Recommended conditions of approval will minimise any possible environmental damage which may result due to the proposed development.

### Statutory Environment:

Town Planning and Development Act 1928  
Shire of Serpentine – Jarrahdale Town Planning Scheme No 2.  
Dog Act 1976 as amended  
Council's Local Law Relating to Dogs

### Policy Implications:

Environmental Protection Authority Draft Policy Industrial – Residential Buffer Areas (Separation Distances)

### Financial Implications:

There are no direct implications to Council arising from this application.

### Strategic Implications:

This proposal to establish kennels and stables on the subject property relates to strategy 2.1 of the Environment key Result Area in Council's Strategic Plan which is:  
*"Encourage best practice environmental management."*

### Community Consultation:

Advertised to affected property owners, Agriculture WA and Waters and Rivers Commission. Five submissions received from the adjoining property owners.

### Voting Requirements:

Normal

### Committee/Officer Recommended Resolution

That the application to establish kennels and stables on Lot 60 Boomerang Road be approved subject to the following conditions:

#### Kennels

1. Compliance with Council's Local Law Relating to Dogs
2. Compliance with the provisions of the Dog Act 1976 as amended
3. Applicant to submit an amended plan to show the site for the kennel establishment being 50m from the nearest adjoining property boundary on the western side.

4. Fencing to be installed by the applicant and to comply with the following requirements:
  - a) At least 450mm underground and affixed to the concrete slab
  - b) Self closing and locking gates
  - c) Fence to be at least 1.8, metres high
5. Screen planting to be carried around the development in accordance with Council's Landscape and Revegetation Policy No. 4.
6. Landscaping to be implemented by 31 August 2003 and form thereon suitably maintained to Council's satisfaction.
7. Shade-cloth or screening is to be installed as a temporary measure in order to achieve screening of the development from view until the establishment of the vegetation barrier
8. All property boundary fences are to be installed, prior to construction of kennels and stables in order to contain stock and dogs within the property boundary.

Advice Note:

1. In accordance with Clause 5.10.2 of Town Planning Scheme No. 2, Council may cancel or withdraw the Kennel Establishment licence for failure to comply with the above conditions of approval or substantial breach of the Dog Act 1976 as amended.

Stables

1. No more than 10 horses to be kept on the property at any one time in accordance with the application dated 12<sup>th</sup> May 2002.
2. No more than 5 horses to be grazed in the paddocks at any one time in order to reduce the effective stocking rate on the property.
3. All horses to be stabled at night in accordance with the application dated 12 May 2002.
4. Compliance with Council's Health Local Law 1999 Division 2 - Keeping of Large Animals.
5. Paddocks indicated in the application dated 12<sup>th</sup> May 2002 to be irrigated to maintain pasture cover over at least 75% of the site.
6. A building licence to be obtained for construction of stables prior to commencement of development.
7. Construction of stables shall meet the following requirements:
  - a) Stables not to be situated within 15 metres of a house or other premises or a drain or waterway;
  - b) Have each wall and roof constructed of an impervious material;
  - c) Have walls of not less than 3 metres, when measured both horizontally or vertically;
  - d) The floor is to be raised at least 75 mm above the surface of the ground.
8. All existing native vegetation on the lot shall be fenced from stock. Tree guards are not considered adequate for protection of vegetation.
9. This approval is granted to the applicant only and is not transferable
10. Applicant to supply a Stock Management Plan for approval of Council, prior to commencement of development, which should provide detail on how various aspects of the proposal will be managed. Aspects of the Management Plan shall include the following:
  - a) Paddock layout and pasture management (pasture establishment and maintenance, dust control)
  - b) Stock numbers and management
  - c) Stables, horse shelters and other built aspects (stables, fences, horse yards)
  - d) Protection of existing vegetation
  - e) Any proposed revegetation
  - f) Management of drains, waterways and wetlands (water flows onto, on and off the property)
  - g) Management of wastes (manures, stable bedding material, wash down water)
  - h) Dust management



11. All aspects of the Management Plan shall be cross-referenced on Map of the Proposal. The map must be to scale and shall include the following details:
- a) Property boundaries
  - b) North point
  - c) Scale
  - d) Date
  - e) Applicants name
  - f) Location of proposed and existing structures
  - g) Location of soil types
  - h) Location of drains, waterways, areas subject to seasonal inundation
  - i) Revegetation areas
  - j) Native vegetation

Director Corporate Services left the meeting at 7.59pm and returned at 8.00pm

### **AMENDMENT**

Moved Cr Price seconded Cr Needham that the application to establish kennels and stables on Lot 60 Boomerang Road be approved subject to the following conditions:

#### **Kennels**

1. Compliance with Council's Local Law Relating to Dogs
2. Compliance with the provisions of the Dog Act 1976 as amended
3. Applicant to submit an amended plan to show the site for the kennel establishment being 50m from the nearest adjoining property boundary on the western side.
4. Fencing to be installed by the applicant and to comply with the following requirements:
  - a) At least 450mm underground and affixed to the concrete slab
  - b) Self closing and locking gates
  - c) Fence to be at least 1.8, metres high
5. Screen planting to be carried around the development in accordance with Council's Landscape and Revegetation Policy No. 4.
6. Landscaping to be implemented by 31 August 2003 and form thereon suitably maintained to Council's satisfaction.
7. Shade-cloth or screening is to be installed as a temporary measure in order to achieve screening of the development from view until the establishment of the vegetation barrier
8. All property boundary fences are to be installed, prior to construction of kennels and stables in order to contain stock and dogs within the property boundary.
9. Building materials will be used that will limit the transmission of the sound of barking dogs.

Advice Note:

1. In accordance with Clause 5.10.2 of Town Planning Scheme No. 2, Council may cancel or withdraw the Kennel Establishment licence for failure to comply with the above conditions of approval or substantial breach of the Dog Act 1976 as amended.

#### **Stables**

1. No more than 10 horses to be kept on the property at any one time in accordance with the application dated 12<sup>th</sup> May 2002.
2. No more than 5 horses to be grazed in the paddocks at any one time in order to reduce the effective stocking rate on the property.
3. All horses to be stabled at night in accordance with the application dated 12 May 2002.
4. Compliance with Council's Health Local Law 1999 Division 2 - Keeping of Large Animals.
5. Paddocks indicated in the application dated 12<sup>th</sup> May 2002 to be irrigated to maintain pasture cover over at least 75% of the site.

6. A building licence to be obtained for construction of stables prior to commencement of development.
7. Construction of stables shall meet the following requirements:
  - a) Stables not to be situated within 15 metres of a house or other premises or a drain or waterway;
  - b) Have each wall and roof constructed of an impervious material;
  - c) Have walls of not less than 3 metres, when measured both horizontally or vertically;
  - d) The floor is to be raised at least 75 mm above the surface of the ground.
8. All existing native vegetation on the lot shall be fenced from stock. Tree guards are not considered adequate for protection of vegetation.
9. This approval is granted to the applicant only and is not transferable
10. Applicant to supply a Stock Management Plan for approval of Council, prior to commencement of development, which should provide detail on how various aspects of the proposal will be managed. Aspects of the Management Plan shall include the following:
  - a) Paddock layout and pasture management (pasture establishment and maintenance, dust control)
  - b) Stock numbers and management
  - c) Stables, horse shelters and other built aspects (stables, fences, horse yards)
  - d) Protection of existing vegetation
  - e) Any proposed revegetation
  - f) Management of drains, waterways and wetlands (water flows onto, on and off the property)
  - g) Management of wastes (manures, stable bedding material, wash down water)
  - h) Dust management
11. All aspects of the Management Plan shall be cross-referenced on Map of the Proposal. The map must be to scale and shall include the following details:
  - a) Property boundaries
  - b) North point
  - c) Scale
  - d) Date
  - e) Applicants name
  - f) Location of proposed and existing structures
  - g) Location of soil types
  - h) Location of drains, waterways, areas subject to seasonal inundation
  - i) Revegetation areas
  - j) Native vegetation

**LOST 3/7**

During debate Cr Murphy foreshadowed the following motion.

**COUNCIL DECISION/FORESHADOWED MOTION**

Moved Cr Murphy seconded Cr Richards

The application to establish stables on Lot 60 Boomerang Road be approved subject to the following conditions:

Stables

1. No more than 10 horses to be kept on the property at any one time in accordance with the application dated 12<sup>th</sup> May 2002.
2. No more than 5 horses to be grazed in the paddocks at any one time in order to reduce the effective stocking rate on the property.
3. All horses to be stabled at night in accordance with the application dated 12 May 2002.
4. Compliance with Council's Health Local Law 1999 Division 2 - Keeping of Large Animals.
5. Paddocks indicated in the application dated 12<sup>th</sup> May 2002 to be irrigated to maintain pasture cover over at least 75% of the site.
6. A building licence to be obtained for construction of stables prior to commencement of development.
7. Construction of stables shall meet the following requirements:
  - a) Stables not to be situated within 15 metres of a house or other premises or a drain or waterway;
  - b) Have each wall and roof constructed of an impervious material;
  - c) Have walls of not less than 3 metres, when measured both horizontally or vertically;
  - d) The floor is to be raised at least 75 mm above the surface of the ground.
8. All existing native vegetation on the lot shall be fenced from stock. Tree guards are not considered adequate for protection of vegetation.
9. This approval is granted to the applicant only and is not transferable
10. Applicant to supply a Stock Management Plan for approval of Council, prior to commencement of development, which should provide detail on how various aspects of the proposal will be managed. Aspects of the Management Plan shall include the following:
  - a) Paddock layout and pasture management (pasture establishment and maintenance, dust control)
  - b) Stock numbers and management
  - c) Stables, horse shelters and other built aspects (stables, fences, horse yards)
  - d) Protection of existing vegetation
  - e) Any proposed revegetation
  - f) Management of drains, waterways and wetlands (water flows onto, on and off the property)
  - g) Management of wastes (manures, stable bedding material, wash down water)
  - h) Dust management
11. All aspects of the Management Plan shall be cross-referenced on Map of the Proposal. The map must be to scale and shall include the following details:
  - a) Property boundaries
  - b) North point
  - c) Scale
  - d) Date
  - e) Applicants name
  - f) Location of proposed and existing structures
  - g) Location of soil types
  - h) Location of drains, waterways, areas subject to seasonal inundation
  - i) Revegetation areas

- j) Native vegetation
2. The application to establish kennels on Lot 60 Boomerang Road be refused for the reasons:
- a) Council considers that the possible noise nuisance being caused to the neighbours due to size of the block and the location of the neighbouring residences.
- b) Given the weight of the public objection to the proposal
- CARRIED 7/3**

NOTE: The Committee recommend resolution was changed as the property is too small to contain the possible noise of the kennels

Cr Richards left the meeting at 8.16pm and returned at 8.17pm

P008/07/02 PROPOSED DRAFT LOCAL PLANNING POLICY NO. 9 – MULTIPLE USE TRAILS IN THE SHIRE OF SERPENTINE-JARRAHDAL (A1099)		
Proponent	Shire of Serpentine-Jarrahdale	In Brief
Officer	Jocelyn Ullman – Special Projects and Policy Officer & Andrew Watson – Director Sustainable Development	Council to consider initiating a Local Planning Policy relating to multiple use trails within the Shire. It is recommended that Council advertises the draft Local Planning Policy no.9 – Multiple Use Trails in the Shire of Serpentine-Jarrahdale for public comment.
Signatures - Author:		
Senior Officer:		
Date of Report	17/6/02	
Previously	CRD13/09/01, P144/05/01	
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

### **Background**

At its meeting on the 21<sup>st</sup> May 2001 Council considered the Draft Trails Master Plan for the Shire of Serpentine-Jarrahdale. At this meeting Council resolved the following:

*“Moved Cr Star seconded Cr Hoyer*

1. *Council receives the Draft Trails Master Plan and notes the recommendations put forward in the Plan and in Appendix 2 of the Plan have to be costed and prioritised.*
2. *The Draft Trails Master Plan be referred to Asset Services for costing of the recommendations contained in the Plan.*
3. *That the Shire Trails Working Group including representatives of trail interest in the Shire priorities recommendations contained in the Plan and refer to Council via the Community and Recreation Development Committee in June.*
4. *The draft Trails Master Plan be preliminary advertised to the major stakeholders in the Shire, including the Pony Clubs, Walk Groups, Bicycle Groups.*
5. *Consideration be given within the budget process to inclusion of \$3,000 in the 2001/2002 budget to carry out an inventory of the existing tails in the Shire. This inventory is to cover such things as lengths of tails, status of trails, signage of trails, name of trails.*
6. *A further report be put to Council in July 2001 regarding the costing and prioritisation of the recommendations.*

*Carried 4/0*

At its meeting on the 24<sup>th</sup> September 2001 Council further considered the draft Trails Master Plan. Council resolved at this meeting:

*“Moved Cr Scott seconded Cr Needham*

1. Council accepts the above changes to the Trails master Plan with the deletion of the Equine Officer in Recommendation 22.
2. That the Working Group meet with the Director Sustainable Development and the Director Asset Services to discuss costings and works program for consideration in the Principal Activity Plan prior to Council endorsing the report and costs for advertising.
3. Council invites residents of Oakford to establish an Oakford Trails Management Association to manage the Oakford trails.
4. Recommendation 4 of the Trails Working Group. Comment should read "Agreed".
5. Recommendation 21 to read "Provide access for emergency vehicles when necessary".

Carried 8/0

Since the later resolution the Trails Working Group has been meeting on a regular basis and progressing the priority list referred to in point 2 above. The Oakford Trails Association has also been formed since the above resolution.

### **Comments**

The Trails Master Plan is a comprehensive document and as a result the Sustainable Development Team recommends that a Local Planning Policy be initiated in the meantime to ensure the linkages and specifications for trails development within the Shire can be implemented immediately. The Trails Working Group will continue to work on the Master Plan and the priorities list within the documents.

The Trails Working Group has considered the draft documents and are satisfied that the Policy covers all of the issues they believe need to be addressed.

The issue of access to and through Water Corporation and Railways owned land will need to be addressed. The Local Planning Policy has made a commitment that Council seeks permission from Water Corporation and Railways on gaining access to the railway reserve and drainage system throughout the Shire. It is recommended that this report be forwarded to these organisations to stimulate discussions and negotiations. It is also recommended that the Planning Policy be forwarded to the Main Roads WA, WA Planning Commission, CALM and surrounding Council's for consideration.

**Statutory Environment:** Shire of Serpentine-Jarrahdale Town Planning Scheme No.2

**Policy Implications:** Creation of a new Local Planning Policy which will provide guidance to Council Officers when providing advice to the WA Planning Commission on subdivision applications.

**Financial Implications:** Within budget.

**Strategic Implications:** The creation of the Policy will further enhance Council's commitment to provide a trails network throughout the Shire.

**Community Consultation:** Local Planning Policy No.9 – Multiple Use Trails in the Shire of Serpentine-Jarrahdale will need to be advertised for a minimum of 21 days in accordance with clause 9.3 of the Town Planning Scheme. Given the complexity and importance of the policy is recommended that the Policy be advertised for 8 weeks rather than 3 and that comments be sought from the Water Corporation, Department of Planning and Infrastructure, Railways and Main Roads WA, CALM,

surrounding Council's, developers Paul Andrews – Member for Southern River and Martin Whitely – Member for Roleystone.

**Voting Requirements:** Normal

### **Officer Recommended Resolution**

1. Council, pursuant to Part 9 of the Shire of Serpentine-Jarrahdale Town Planning Scheme No.2 resolves to advertise the Draft Local Planning Policy No.9 – Multiple Use Trails within the Shire of Serpentine-Jarrahdale.
2. This report and draft Local Planning Policy be forwarded to the Department of Conservation and Land Management, Water Corporation, WA Government Railways Committee, Main Roads WA, Department of Planning and Infrastructure, surrounding Council's, developers, Paul Andrews – Member for Southern River and Martin Whitely – Member for Roleystone for consideration.
3. The Council acknowledges the work of the Trails Working Group on producing a document that will see the future development of trails within the Shire.

## **DRAFT LOCAL PLANNING POLICY NO.9 – MULTIPLE USE TRAILS WITHIN THE SHIRE OF SERPENTINE-JARRAHDAL**

### **1.0 INTRODUCTION**

In the last decade the place of trails in our society has changed dramatically. No longer are they the preserve of the skilled and adventurous few - in this new millennium trails have become a familiar and much valued part of the lives of a significant - and still growing - portion of the community

Further, the extensive and high-profile redevelopment of the Bibbulmun Track has raised community awareness of trails in general, and has prompted a new and significant group of the population to 'go bush' and experiment with bush walking, mountain biking, horse riding and outdoor recreation in general.

Recreation trails provide many benefits to individuals, to local communities, and to our society in general. Trails development has the following benefits:

- Present a unique opportunity for education, not only environmental, but also cultural and historical, incorporating both Aboriginal and European material;
- Present easy access to natural bush settings and can help satisfy a growing demand for outdoor recreation in WA;
- Help deliver community and individual benefits through economic stimulation, increased standards of living, heightened sense of community consciousness, and a positive impact on people's health and lifestyle;
- A trail network can play an important role through its unifying effect on rural communities. An integrated network would generate both symbolic and physical unity between rural towns, just like railways in the past;
- Physical well being through the activity of using the trails;
- Providing a focus for a community groups to work on and maintain a trail in their local area and providing a safe environment for recreation pursuits

The Shire of Serpentine-Jarrahdale is currently in a period of rapid expansion with the population estimated to rise dramatically in the next ten years. A major contributor to the growth of development within the Shire is the equestrian industry. The Peel Equine Needs Analysis study identified that trails are the single most important unifying element of the horse community. With this in mind, as well as the interests of cyclists and walkers, the Shire has prepared this document to assist developers and Council officers with the inclusion of trails within subdivisions and developments throughout the Shire.

The Shire has a vision to provide a trails network that expands on the existing trails, and interlinks suburbs and communities. The Darling Downs area is an excellent example of how to provide trails that the whole community can access. Bridle paths are not only for horses, but also for pedestrians and cyclists, whilst catering for people with wheelchairs where possible and allows residents to walk with their leashed domestic pets. **No motorised vehicles are allowed on the paths however the trails network does allow access for fire and emergency services vehicles.**

Due recognition and protection needs to be given to trails - just as if they were strategically important transport routes (eg. railways, highways) or major sporting or recreation facilities. Planners charged with the responsibility for preparing plans, or reviewing the plans of others, should take care to ensure that existing trails, and trails proposed within this Policy, are recognised as important land uses. Trails included within this Policy should be regarded as every bit as important as major transport routes or regional recreation facilities.

Even though trail routes are generally narrow (albeit lengthy), they are nonetheless important as linear recreation, conservation and transport resources.

This Policy and its accompanying plans are intended to form the foundation for trail development in the Serpentine-Jarrahdale area.

## 2.0 BACKGROUND

In May 1999 'A Trails Master Plan for the Shire of Serpentine-Jarrahdale' was prepared by Maher Brampton Associates following a successful funding application received from Trails West. This document was designed to guide the Council, other stakeholders and local volunteer groups in their recreation trail development activities for the next five to ten years.

In March 2000 Council initiated the creation of the Trails Working Group. The Working Group currently consists of the following representatives/disciplines:

- Darling Downs Management Committee;
- Jarrahdale Heritage Society and Walking Group;
- Oakford Trails Management Association Inc.;
- Trotting;
- Eventing;
- Horse Industry Council of WA;
- Pleasure riders;
- Councillors.

The purpose of the Working Group is to:

- Develop a priority list for the construction and maintenance of trails throughout the Shire;
- Develop a priority list for the development and maintenance of trails throughout the Shire;
- Prepare applications and seek funding for the construction and maintenance of trails within the Shire;
- Ensure that this policy was developed and is being implemented;

In May 2001 Council considered a draft 'Trails Master Plan for the Shire of Serpentine-Jarrahdale' prepared by three Murdoch University students. This document was intended to be a valuable planning document for the future development of trails within the Shire. Potential areas for trail development had been identified as part of the document and a number of priorities set.

Both the documents prepared by Maher Brampton and Murdoch University lack the implementation tools such as this Policy for the development of new trails within the Shire. This Policy is seen by the Shire as being the guidelines for both the Council and the WA Planning Commission to ensure that a multiple use trail network is integrated throughout the Shire, considered and catered for within new subdivision developments.

### **3.0 POLICY OBJECTIVES**

The objectives of this Policy are:

1. To guide the Council, other stakeholders and local volunteer groups in their recreation trail development activities within the Shire;
2. To develop an integrated network which generates both symbolic and physical unity between rural towns, just like railways in the past;
3. To focus on development of several strategic (longer term) trail projects which will give even greater prominence to the area and its trails network, and which will serve to attract additional visitors to the Shire and the Peel Region. This may include the development of a trail along drainage systems throughout the Shire, along the railway reserve and under the Tonkin Highway extension;
4. To provide guidelines on issues that need to be taken into consideration when assessing subdivision and rezoning proposals;
5. To outline the specifications for the construction of trails within the Shire;
6. To identify existing and potential trails within the Shire;
7. To implement Council's vision to provide a trails network that expands on the existing trails, and interlinks suburbs and communities.

Nothing in this Policy is intended to contravene, contradict or diminish existing statutory responsibilities of State Government Departments, Local Government Authorities or other authorised land managers. Further, no recreation trail proposed in this Plan will be planned, constructed, upgraded or registered (in the State Trails Register) without the express permission/agreement of the relevant land manager.

### **4.0 USERS OF MULTIPLE USE TRAILS**

Multiple use trails are used by a wide range of people. Such groups include:

- Cyclists;
- Walkers;
- Horse riders – pleasure and for the exercising of horses for fitness for competitions;
- The disabled;
- Fire and emergency services;

When assessing a subdivision or rezoning application Council will take into consideration these user groups and request that multiple use trails be constructed to cater for these groups.

### **5.0 LINKAGES**

#### **5.1 Existing State, Regional and Local Trails**

In 2001 the WA Planning Commission, Sport and Recreation and Trail West funded a project for the preparation of a State Trails Master Plan.

The State Trails Master Plan identified the following trails within Serpentine-Jarrahdale for development or upgrading:

- Munda Biddi Trail (long mountain bike trail – formerly the “Hardwood Trail”)
- A long equestrian trail
- Mountain bike circuits at Whiteman Park, Lake Leschenaultia, Jarrahdale, Nanga and Northcliffe
- A ‘Darling Range Trail’ or network of trails in the hills
- Equestrian trails at Darling Downs



### Jarrahdale

Jarrahdale has a number of established and well known trails, including the Kitty's Gorge Trails at Goorolong Park and Serpentine National Park, Mundlimup Trail, the Langford Park Trails, Stacey's track, Blue Rocks tracks and the Wetlands Walk. The recently realigned Bibbulmun Track lies just to the east of the Shire boundary.

### Darling Downs

The Darling Downs Bridle Trails are located in the Darling Downs smallholding subdivision, near Byford. These trails are managed and maintained by the Darling Downs Management Committee, with funds set aside specifically for this purpose at the time the area was subdivided.

The trails are located within linear public open spaces throughout the subdivision, and along road reserves and drainage reserves, with only an occasional need for horse riders to cross roads.

A large area of public open space within the subdivision contains a sand surfaced trotting track, fenced exercise arena, plus extensive open space for riding in the open or over jumps.

### Oakford

The Oakford area is currently undergoing trails construction, maintenance and recognition. This area currently has minimal formal trails however the Oakford Trails Management Association is working to increase the trails network and quality throughout the area.

### Other Trails

Other important and well recognised trails in the Shire area include Baldwin's Bluff Trail, Balmoral, Jubbs Ramble, the Byford Hills Walk Trail (Macora Trail) and Kingsbury Lookout Walk Trail.

## 5.2 Equestrian Facilities

There are three main equestrian facilities within the Shire. These are:

- a) The Webb Road Horse Track facility – this facility is located on the corner of Webb and Mundijong Roads approximately 8kms west of the Mundijong townsite. This area comprises a trotting track and shelters. The area can only be accessed by members of the Mundijong Thoroughbred Trainers Association.
- b) The Byford Trotting Track complex – this complex is located on the corner of Binshaw Avenue and Briggs Road in Byford. The complex provides a wide range of facilities including a formally constructed trotting track and facilities.
- c) The Darling Downs Public Open Space area – this publicly accessible facility is located in the very north of the Shire within the existing Darling Downs subdivision. The extensive trail network throughout the Darling Downs area allows access to the site and vehicle access may also be obtained via Evening Peel Court. The facility has a number of facilities including a sand surfaced trotting track, fenced exercise area, extensive open space for riding. This area is maintained by the Darling Downs Management Committee who is also in the process of seeking funding to further enhance this area.

Subdivisions and rezoning within close proximity to these facilities should ensure that they link up or allow access to these facilities.

### 5.3 Other Facilities and Areas of Interest

There are a number of other facilities and areas of interest that the Shire believes should also be connected through the multiple use trails network. These include:

- Jarrahdale Heritage Park;
- Darling Range Regional Park;
- Serpentine National Park.

When assessing subdivisions within the vicinity of these facilities and areas Council will take into consideration potential access to these facilities.

### 5.4 Water Corporation Land

Council seeks permission from the Water Corporation with the objective that access is obtained for multiple use trails along the significant drainage system throughout the Shire.

### 5.5 Railways Land

Council seeks permission from the Railways Authority with the objective that access is obtained for multiple use trails along the significant railway reserve within the Shire. This will create a trail from Darling Downs to Keysbrook.

## 6.0 PRIORITIES

The Trails Working Group has identified short, medium and long term priorities for trails development within the Shire.

Short Term Priorities – the short term development of precincts no. 2, 3, and 6 will establish a benchmark within the Shire to complement this Policy. By setting a benchmark the Shire may refer any future land development not only to this Policy but also to an existing physical development showing the minimum standard to which trails are to be developed.

Establishing these precincts will promote the construction of safe crossings over the proposed Tonkin Highway extension (subject to the approval from Main Roads WA) is a necessary requirement to minimise the separation that the Highway extension will cause between the eastern and western sections of the Shire.

The trails within these precincts require minimal work before completion and can be easily linked to the greater network proposed within the Shire.

Plans 2,3 and 6 show the precincts.

Medium to Long Term Priorities – the establishment of a multiple purpose trail along the already established railway reserve and drainage reserves is seen by the Shire as an important and strategic linkage. The establishment of these trails would effectively create a backbone for the entire trails system within the Shire and would create a point to aim for all trail construction. By all trails eventually connecting up to the railway reserve then it would allow access for movement from the north of the Shire to the south.

Whilst it is a focus of the Shire to complete the trails network in precincts no. 2, 3 and 6 in the short term Council will require trails to be integrated into subdivisions throughout the Shire based on the linkages provided as outlined in section 5.0 – Linkages above.

**Plans 1, 2, 3, 4, 7, 9, 10 and 13 which are with the attachments marked P008.1/07/02** show the Shire's existing and proposed network of trails. These plans will be used to assess and implement this policy to ensure linkages occur between towns, equestrian facilities and Public Open Space, railway and drainage reserves.

## **7.0 WHAT IS TO BE CONSIDERED WHEN ASSESSING SUBDIVISIONS AND REZONING PROPOSALS**

The following checklist outlines what issues need to be considered when assessing subdivision and rezoning proposals with regard to multiple use trails:

- 7.1 Linkages –
  - Does the proposal provide trails that link in with the existing trails within the area?
  - Does the proposal provide trails that link in with the priority trails listed in this Policy?
  - Does the proposal provide trails that link in with the equestrian facilities listed in this Policy?
- 7.2 Multiple purposes of trails –
  - Who is the trail to cater for?
  - Does the trail cater for a wide variety of users?
  - Does the trail perform any other functions ie. Emergency accessway, strategic firebreak, buffer to a water course, is it part of a multiple use corridor?
  - Does the trail access land of interest?
- 7.3 Surrounding uses of land –
  - What are the surrounding land uses?
  - What is the proposed zoning of the land in the case of a rezoning proposal?
  - Does the land cater for the keeping of horses?
- 7.4 Management and maintenance
  - What management and maintenance will be involved in the construction of a new trail?
  - Is proposed revegetation on private property adjoining the multiple use trails to prevent the need for pruning of trees within in the trail unless they are part of a Multiple Use Corridor?
  - Does the multiple use trail have other structures ie. Detention basins within it that will require maintenance and management?

## **8.0 REQUIREMENTS WITHIN SUBDIVISIONS**

### **8.1 Water sensitive design**

Council encourages the integration of trails within multiple use corridors where possible. Multiple use corridors are linear reserves which integrate the multiple purposes of water quantity and quality management, nature conservation and ecological function, and recreational and educational opportunities. They form the major spines of the stormwater management and wildlife corridor system throughout the Shire.

Multiple use corridors shall be developed throughout the Shire on the following watercourses:

- a) all watercourses shaded on the plans (attached to this policy) and marked 'Major watercourses of Serpentine-Jarrahdale';
- b) watercourses identified as multiple use corridors in the Byford Structure Plan;
- c) watercourses designated as multiple use corridors as part of amendments to Council's Town planning Scheme; and
- d) other watercourses as designated by Council.

Multiple use corridors will vary according to site specific, bio-physical characteristics. An average width of 100 metres should be vested in public ownership as a minimum, with additional width if needed for recognising floodway characteristics, water sensitive design features (eg constructed wetlands), protection of riparian vegetation, or recreational needs. The 50 metre clearance line should be measured from the edge of the riparian vegetation to the boundary of the multiple use corridor not from the centreline of the watercourse.

Council's Local Planning Policy No.6 – Water Sensitive Design contains more information on water sensitive design and should be considered and integrated into all rezoning and subdivision proposals throughout the Shire. This document maybe obtained by contacting the Sustainable Development Team at the Council.

## 8.2 Construction specifications

Multiple use trails must be constructed to a standard that allows for the use of the trail by such groups as walkers, horse riders, horse and carts and mountain bike riders. A multiple use trail is to be constructed to the following minimum standards:

Existing terrain	Construction requirements
Firm sand	100mm of trotting fines
Loose sand	100mm of 19mm limestone base with 100mm of trotting fines
Gravel surfaces	No works required. Trails within gravel surface will only require the cutting of the trail and clearing of the area. These trails are likely to only be used on a passive recreation basis ie. walking of horses, use by mountain bikes or walkers.

All trails are to be between 6 and 10 metres wide in total, with 4 metres in width of constructed trail unless otherwise specified by Council. This width is set as it allows for the free passing of horses and pedestrians but also for fire and emergency vehicles and maintenance plant and equipment access.

The vertical height clearance on all trails is to be 4 metres.

Council does not support the inclusion of multiple use trails within the road reserve.

Figure 4 shows a multiple use trail/road interface. Trails connecting onto roads are to be constructed in accordance with Figure 4.

## 8.3 Construction of bridges and drainage

Drainage structures shall be provided to accommodate all surface water flows to the satisfaction of the Asset Services Directorate. Minor flow shall be accommodated by the construction of a trafficable class 3 concrete pipe or box culvert with concrete cast in situ or precast concrete headwalls.

## 8.4 Revegetation and landscaping

Revegetation is to occur on private property rather than within the multiple use trail unless the vegetation is to be utilised as a nutrient stripping mechanism within a streamline, artificial basins or a specified water retaining areas. These plantings are to be on the land adjoining the multiple use trail.

Revegetation of subdivisions is to be carried out in accordance with Planning Policy PS03 – Landscaping and Revegetation.

## 8.5 Access, gates and fencing

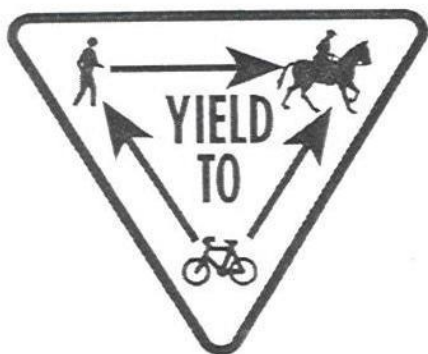
Gates are to be constructed in accordance with the specifications contained in Figure 1 and Figure 2. There is a choice of gates that may be constructed depending on the access rights to the path and if the path passes through public land or private property. Generally the large gates shown in Figure 1 will be required to restrict access and smaller gates shown in Figure 2 will otherwise be required.

A 1.7m accessway for pedestrians and horses is to be provided on the sides of the gates. Figure 3 outlines the specifications for this pedestrian/horse walkway.

Uniform fencing is to be provided on either side of the multiple use trail. Fencing is to be of post and rail or post and wire construction.

#### 8.6 Signage and interpretive material

Given that Council is encouraging multiple use trails within the Shire it is appropriate to outline the general principles of shared trails and what information is to be included in signage and interpretive material. A world-wide convention now exists which sees walkers give way to horses, and cyclists give way to both the other users. To ensure that this message is distributed throughout the trail network Council will require signage to be located along the trail at suitable locations. Signage is to be in the following format:



All maps and brochures are to carry this multiple use paths etiquette picture. Pedestrians and cyclists are to give way to horse riders.

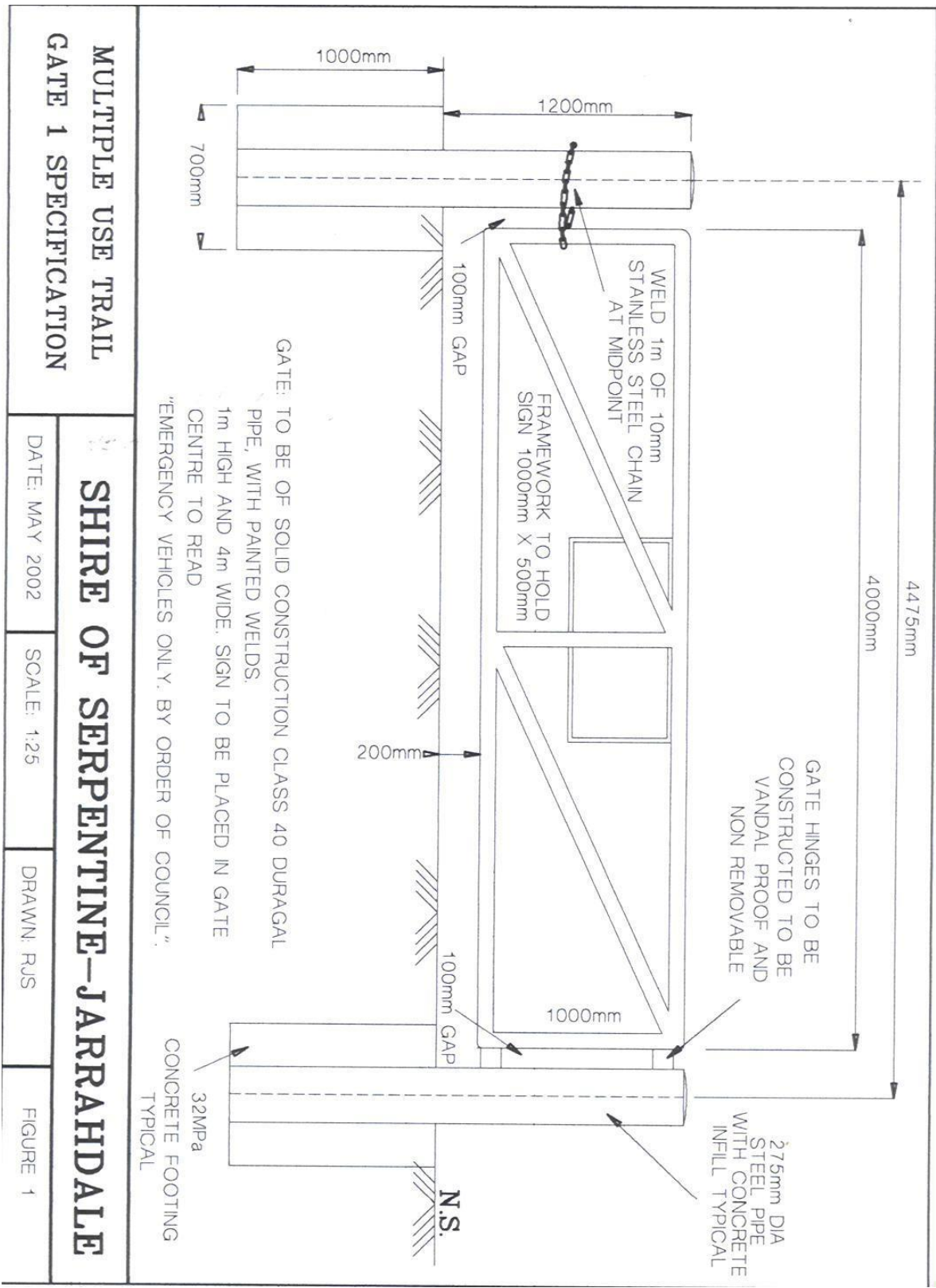
### 9.0 MANAGEMENT AND MAINTENANCE

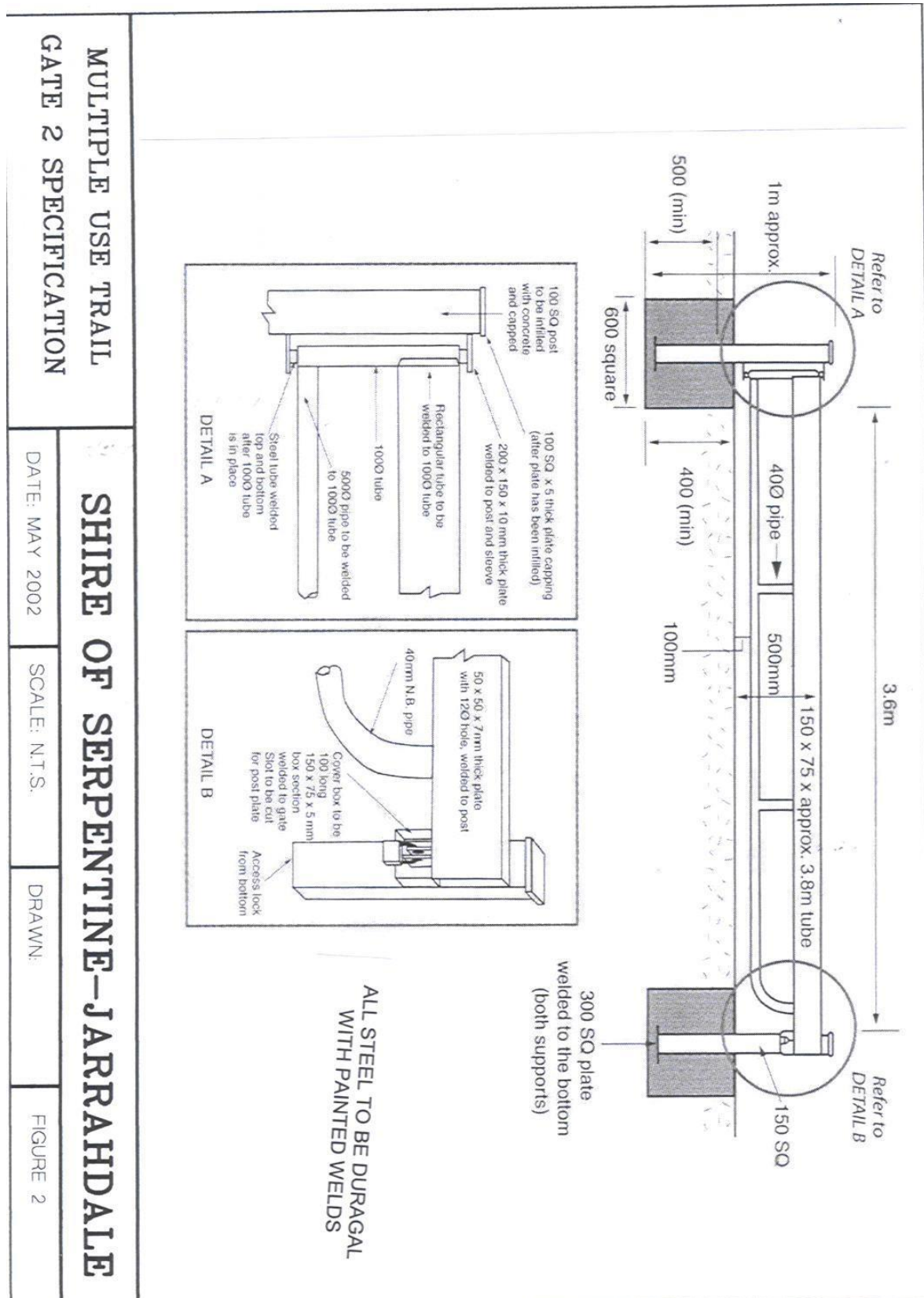
The management and maintenance of the multiple use trails ultimately falls with the Council, however the Council will encourage community groups to take an active role in the construction, maintenance and management of the trails network. The Darling Downs Management Committee, Oakford Trails Management Association and the Jarrahdale Walking Group are examples of organisations that assist in the construction, maintenance and management of trails within areas of the Shire. These organisations have involved the greater community which has not only assisted Council with the construction, maintenance and management of the trails but has also helped to develop a greater community ownership of the trails network.

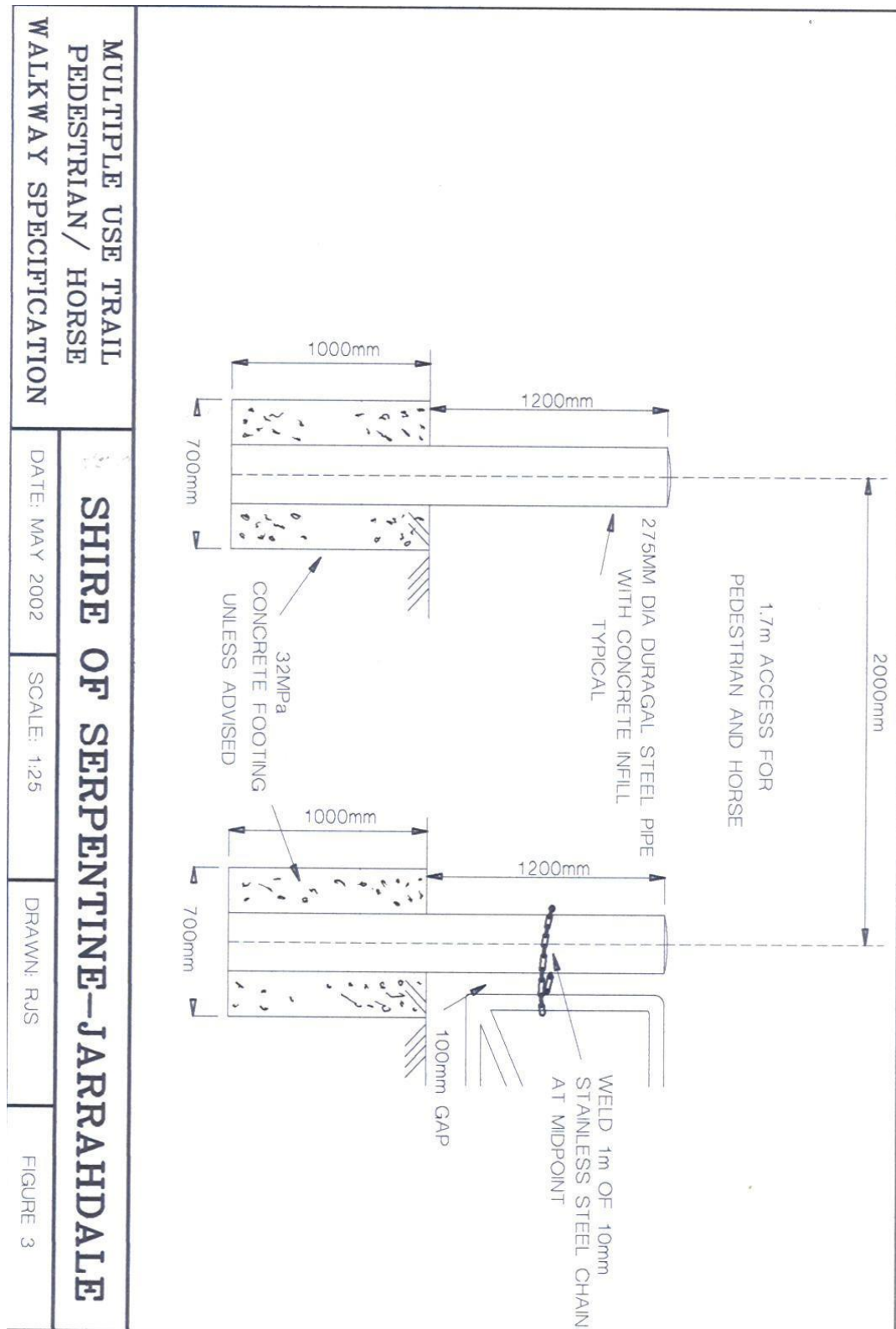
### 10.0 DEFINITIONS

**Multiple Use Trail:** is any corridor, track, trail, route or pathway which has as its primary land usage any one of – or combination of - recreational walking, hiking, cycling, horse riding and other non-motorised recreational uses, not including suburban dual use pathways and footpaths, which have potential to be managed units with community support in both development and maintenance.

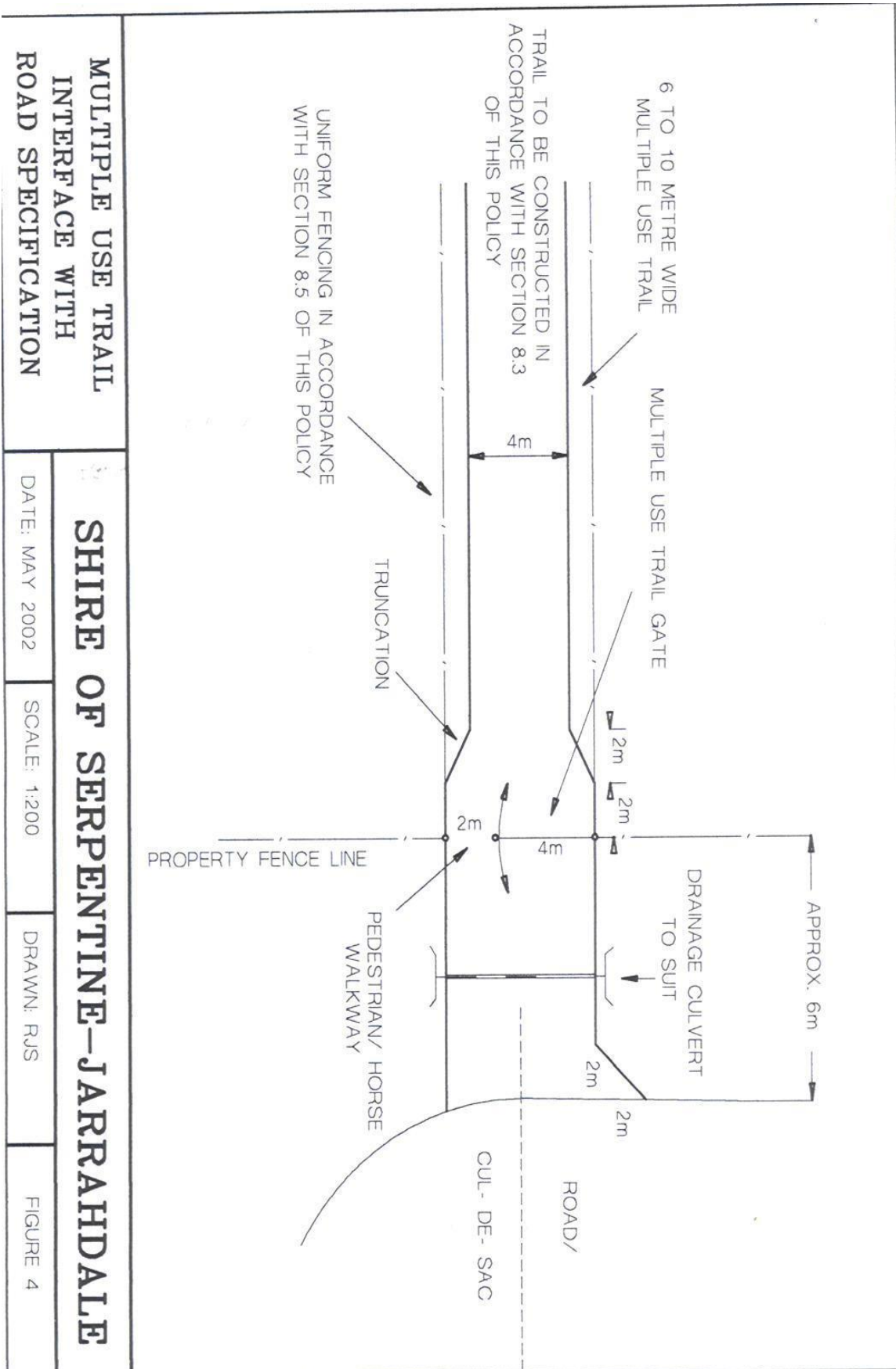
**Multiple Use Corridor -** Multiple use corridors are linear reserves which integrate the multiple purposes of water quantity and quality management, nature conservation and ecological function, and recreational and educational opportunities.











**MULTIPLE USE TRAIL  
 INTERFACE WITH  
 ROAD SPECIFICATION**

**SHIRE OF SERPENTINE-JARRAHDAL**

DATE: MAY 2002      SCALE: 1:200      DRAWN: RJS      FIGURE 4

Cr Richards left at 8.19pm and returned at 8.21pm

### **Committee Recommended Resolution**

1. Council, pursuant to Part 9 of the Shire of Serpentine-Jarrahdale Town Planning Scheme No.2 resolves to advertise the Draft Local Planning Policy No.9 – Multiple Use Trails within the Shire of Serpentine-Jarrahdale subject to the following alterations and additions:
  - Multiple use trails in Langford Park and Serpentine Equestrian Grounds are not mentioned.
  - Serpentine National Park and Jarrahdale Heritage Park are not suitable for horses.
  - Revegetation is to occur on the trails and not on private property.
  - Inclusion of Map 6
  - Section 4, delete “these groups” and add “appropriate user groups”
2. This report and draft Local Planning Policy be forwarded to the Department of Conservation and Land Management, Water Corporation, WA Government Railways Committee, Main Roads WA, Department of Planning and Infrastructure, surrounding Council’s, developers, Paul Andrews – Member for Southern River and Martin Whitely – Member for Roleystone for consideration.
3. The Council acknowledges the work of the Trails Working Group on producing a document that will see the future development of trails within the Shire.

## **DRAFT LOCAL PLANNING POLICY NO.9 – MULTIPLE USE TRAILS WITHIN THE SHIRE OF SERPENTINE-JARRAHDAL**

### **1.0 INTRODUCTION**

In the last decade the place of trails in our society has changed dramatically. No longer are they the preserve of the skilled and adventurous few - in this new millennium trails have become a familiar and much valued part of the lives of a significant - and still growing - portion of the community

Further, the extensive and high-profile redevelopment of the Bibbulmun Track has raised community awareness of trails in general, and has prompted a new and significant group of the population to ‘go bush’ and experiment with bush walking, mountain biking, horse riding and outdoor recreation in general.

Recreation trails provide many benefits to individuals, to local communities, and to our society in general. Trails development has the following benefits:

- Present a unique opportunity for education, not only environmental, but also cultural and historical, incorporating both Aboriginal and European material;
- Present easy access to natural bush settings and can help satisfy a growing demand for outdoor recreation in WA;
- Help deliver community and individual benefits through economic stimulation, increased standards of living, heightened sense of community consciousness, and a positive impact on people’s health and lifestyle;
- A trail network can play an important role through its unifying effect on rural communities. An integrated network would generate both symbolic and physical unity between rural towns, just like railways in the past;
- Physical well being through the activity of using the trails;
- Providing a focus for a community groups to work on and maintain a trail in their local area and providing a safe environment for recreation pursuits

The Shire of Serpentine-Jarrahdale is currently in a period of rapid expansion with the population estimated to rise dramatically in the next ten years. A major contributor to the growth of development within the Shire is the equestrian industry. The Peel Equine Needs Analysis study identified that trails are the single most important unifying element of the

horse community. With this in mind, as well as the interests of cyclists and walkers, the Shire has prepared this document to assist developers and Council officers with the inclusion of trails within subdivisions and developments throughout the Shire.

The Shire has a vision to provide a trails network that expands on the existing trails, and interlinks suburbs and communities. The Darling Downs area is an excellent example of how to provide trails that the whole community can access. Bridle paths are not only for horses, but also for pedestrians and cyclists, whilst catering for people with wheelchairs where possible and allows residents to walk with their leashed domestic pets. **No motorised vehicles are allowed on the paths however the trails network does allow access for fire and emergency services vehicles.**

Due recognition and protection needs to be given to trails - just as if they were strategically important transport routes (eg. railways, highways) or major sporting or recreation facilities. Planners charged with the responsibility for preparing plans, or reviewing the plans of others, should take care to ensure that existing trails, and trails proposed within this Policy, are recognised as important land uses. Trails included within this Policy should be regarded as every bit as important as major transport routes or regional recreation facilities.

Even though trail routes are generally narrow (albeit lengthy), they are nonetheless important as linear recreation, conservation and transport resources.

This Policy and its accompanying plans are intended to form the foundation for trail development in the Serpentine-Jarrahdale area.

## 2.0 BACKGROUND

In May 1999 'A Trails Master Plan for the Shire of Serpentine-Jarrahdale' was prepared by Maher Brampton Associates following a successful funding application received from Trails West. This document was designed to guide the Council, other stakeholders and local volunteer groups in their recreation trail development activities for the next five to ten years.

In March 2000 Council initiated the creation of the Trails Working Group. The Working Group currently consists of the following representatives/disciplines:

- Darling Downs Management Committee;
- Jarrahdale Heritage Society and Walking Group;
- Oakford Trails Management Association Inc.;
- Trotting;
- Eventing;
- Horse Industry Council of WA;
- Pleasure riders;
- Councillors.

The purpose of the Working Group is to:

- Develop a priority list for the construction and maintenance of trails throughout the Shire;
- Develop a priority list for the development and maintenance of trails throughout the Shire;
- Prepare applications and seek funding for the construction and maintenance of trails within the Shire;
- Ensure that this policy was developed and is being implemented;

In May 2001 Council considered a draft 'Trails Master Plan for the Shire of Serpentine-Jarrahdale' prepared by three Murdoch University students. This document was intended to be a valuable planning document for the future development of trails within the Shire. Potential areas for trail development had been identified as part of the document and a number of priorities set.

Both the documents prepared by Maher Brampton and Murdoch University lack the implementation tools such as this Policy for the development of new trails within the Shire. This Policy is seen by the Shire as being the guidelines for both the Council and the WA Planning Commission to ensure that a multiple use trail network is integrated throughout the Shire, considered and catered for within new subdivision developments.

### **3.0 POLICY OBJECTIVES**

The objectives of this Policy are:

1. To guide the Council, other stakeholders and local volunteer groups in their recreation trail development activities within the Shire;
2. To develop an integrated network which generates both symbolic and physical unity between rural towns, just like railways in the past;
3. To focus on development of several strategic (longer term) trail projects which will give even greater prominence to the area and its trails network, and which will serve to attract additional visitors to the Shire and the Peel Region. This may include the development of a trail along drainage systems throughout the Shire, along the railway reserve and under the Tonkin Highway extension;
4. To provide guidelines on issues that need to be taken into consideration when assessing subdivision and rezoning proposals;
5. To outline the specifications for the construction of trails within the Shire;
6. To identify existing and potential trails within the Shire;
7. To implement Council's vision to provide a trails network that expands on the existing trails, and interlinks suburbs and communities.

Nothing in this Policy is intended to contravene, contradict or diminish existing statutory responsibilities of State Government Departments, Local Government Authorities or other authorised land managers. Further, no recreation trail proposed in this Plan will be planned, constructed, upgraded or registered (in the State Trails Register) without the express permission/agreement of the relevant land manager.

### **4.0 USERS OF MULTIPLE USE TRAILS**

Multiple use trails are used by a wide range of people. Such groups include:

- Cyclists;
- Walkers;
- Horse riders – pleasure and for the exercising of horses for fitness for competitions;
- The disabled;
- Fire and emergency services;

When assessing a subdivision or rezoning application Council will take into consideration these user groups and request that multiple use trails be constructed to cater for these groups.

### **5.0 LINKAGES**

#### **5.1 Existing State, Regional and Local Trails**

In 2001 the WA Planning Commission, Sport and Recreation and Trail West funded a project for the preparation of a State Trails Master Plan.

The State Trails Master Plan identified the following trails within Serpentine-Jarrahdale for development or upgrading:

- Munda Biddi Trail (long mountain bike trail – formerly the “Hardwood Trail”)
- A long equestrian trail

- Mountain bike circuits at Whiteman Park, Lake Leschenaultia, Jarrahdale, Nanga and Northcliffe
- A 'Darling Range Trail' or network of trails in the hills
- Equestrian trails at Darling Downs

### Jarrahdale

Jarrahdale has a number of established and well known trails, including the Kitty's Gorge Trails at Goorolong Park and Serpentine National Park, Mundlimup Trail, the Langford Park Trails, Stacey's track, Blue Rocks tracks and the Wetlands Walk. The recently realigned Bibbulmun Track lies just to the east of the Shire boundary.

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The Darling Downs Bridle Trails are located in the Darling Downs smallholding subdivision, near Byford. These trails are managed and maintained by the Darling Downs Management Committee, with funds set aside specifically for this purpose at the time the area was subdivided.

The trails are located within linear public open spaces throughout the subdivision, and along road reserves and drainage reserves, with only an occasional need for horse riders to cross roads.

A large area of public open space within the subdivision contains a sand surfaced trotting track, fenced exercise arena, plus extensive open space for riding in the open or over jumps.

### Oakford

The Oakford area is currently undergoing trails construction, maintenance and recognition. This area currently has minimal formal trails however the Oakford Trails Management Association is working to increase the trails network and quality throughout the area.

### Other Trails

Other important and well recognised trails in the Shire area include Baldwin's Bluff Trail, Balmoral, Jubbs Ramble, the Byford Hills Walk Trail (Macora Trail) and Kingsbury Lookout Walk Trail.

## 5.2 Equestrian Facilities

There are three main equestrian facilities within the Shire. These are:

- a) The Webb Road Horse Track facility – this facility is located on the corner of Webb and Mundijong Roads approximately 8kms west of the Mundijong townsite. This area comprises a trotting track and shelters. The area can only be accessed by members of the Mundijong Thoroughbred Trainers Association.
- b) The Byford Trotting Track complex – this complex is located on the corner of Binshaw Avenue and Briggs Road in Byford. The complex provides a wide range of facilities including a formally constructed trotting track and facilities.
- c) The Darling Downs Public Open Space area – this publicly accessible facility is located in the very north of the Shire within the existing Darling Downs subdivision. The extensive trail network throughout the Darling Downs area allows access to the site and vehicle access may also be obtained via Evening Peel Court. The facility has a number of facilities including a sand surfaced trotting track, fenced exercise area, extensive open space for riding. This area is maintained by the Darling Downs Management Committee who is also in the process of seeking funding to further enhance this area.

Subdivisions and rezoning within close proximity to these facilities should ensure that they link up or allow access to these facilities.

### 5.3 Other Facilities and Areas of Interest

There are a number of other facilities and areas of interest that the Shire believes should also be connected through the multiple use trails network. These include:

- Jarrahdale Heritage Park;
- Darling Range Regional Park;
- Serpentine National Park.

When assessing subdivisions within the vicinity of these facilities and areas Council will take into consideration potential access to these facilities.

### 5.4 Water Corporation Land

Council seeks permission from the Water Corporation with the objective that access is obtained for multiple use trails along the significant drainage system throughout the Shire.

### 5.5 Railways Land

Council seeks permission from the Railways Authority with the objective that access is obtained for multiple use trails along the significant railway reserve within the Shire. This will create a trail from Darling Downs to Keysbrook.

## 6.0 PRIORITIES

The Trails Working Group has identified short, medium and long term priorities for trails development within the Shire.

Short Term Priorities – the short term development of precincts no. 2, 3, and 6 will establish a benchmark within the Shire to complement this Policy. By setting a benchmark the Shire may refer any future land development not only to this Policy but also to an existing physical development showing the minimum standard to which trails are to be developed.

Establishing these precincts will promote the construction of safe crossings over the proposed Tonkin Highway extension (subject to the approval from Main Roads WA) is a necessary requirement to minimise the separation that the Highway extension will cause between the eastern and western sections of the Shire.

The trails within these precincts require minimal work before completion and can be easily linked to the greater network proposed within the Shire.

Plans 2,3 and 6 show the precincts.

Medium to Long Term Priorities – the establishment of a multiple purpose trail along the already established railway reserve and drainage reserves is seen by the Shire as an important and strategic linkage. The establishment of these trails would effectively create a backbone for the entire trails system within the Shire and would create a point to aim for all trail construction. By all trails eventually connecting up to the railway reserve then it would allow access for movement from the north of the Shire to the south.

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**Plans 1, 2, 3, 4, 7, 9, 10 and 13 which are with the attachments marked P008.1/07/02** show the Shire's existing and proposed network of trails. These plans will be used to assess

and implement this policy to ensure linkages occur between towns, equestrian facilities and Public Open Space, railway and drainage reserves.

## **7.0 WHAT IS TO BE CONSIDERED WHEN ASSESSING SUBDIVISIONS AND REZONING PROPOSALS**

The following checklist outlines what issues need to be considered when assessing subdivision and rezoning proposals with regard to multiple use trails:

### **7.1 Linkages –**

- Does the proposal provide trails that link in with the existing trails within the area?
- Does the proposal provide trails that link in with the priority trails listed in this Policy?
- Does the proposal provide trails that link in with the equestrian facilities listed in this Policy?

### **7.2 Multiple purposes of trails –**

- Who is the trail to cater for?
- Does the trail cater for a wide variety of users?
- Does the trail perform any other functions ie. Emergency accessway, strategic firebreak, buffer to a water course, is it part of a multiple use corridor?
- Does the trail access land of interest?

### **7.3 Surrounding uses of land –**

- What are the surrounding land uses?
- What is the proposed zoning of the land in the case of a rezoning proposal?
- Does the land cater for the keeping of horses?

### **7.4 Management and maintenance**

- What management and maintenance will be involved in the construction of a new trail?
- Is proposed revegetation on private property adjoining the multiple use trails to prevent the need for pruning of trees within in the trail unless they are part of a Multiple Use Corridor?
- Does the multiple use trail have other structures ie. Detention basins within it that will require maintenance and management?

## **8.0 REQUIREMENTS WITHIN SUBDIVISIONS**

### **8.1 Water sensitive design**

Council encourages the integration of trails within multiple use corridors where possible. Multiple use corridors are linear reserves which integrate the multiple purposes of water quantity and quality management, nature conservation and ecological function, and recreational and educational opportunities. They form the major spines of the stormwater management and wildlife corridor system throughout the Shire.

Multiple use corridors shall be developed throughout the Shire on the following watercourses:

- a) all watercourses shaded on the plans (attached to this policy) and marked 'Major watercourses of Serpentine-Jarrahdale';
- b) watercourses identified as multiple use corridors in the Byford Structure Plan;
- c) watercourses designated as multiple use corridors as part of amendments to Council's Town planning Scheme; and
- d) other watercourses as designated by Council.

Multiple use corridors will vary according to site specific, bio-physical characteristics. An average width of 100 metres should be vested in public ownership as a minimum, with additional width if needed for recognising floodway characteristics, water sensitive design

features (eg constructed wetlands), protection of riparian vegetation, or recreational needs. The 50 metre clearance line should be measured from the edge of the riparian vegetation to the boundary of the multiple use corridor not from the centreline of the watercourse.

Council's Local Planning Policy No.6 – Water Sensitive Design contains more information on water sensitive design and should be considered and integrated into all rezoning and subdivision proposals throughout the Shire. This document maybe obtained by contacting the Sustainable Development Team at the Council.

## 8.2 Construction specifications

Multiple use trails must be constructed to a standard that allows for the use of the trail by such groups as walkers, horse riders, horse and carts and mountain bike riders. A multiple use trail is to be constructed to the following minimum standards:

<b>Existing terrain</b>	<b>Construction requirements</b>
Firm sand	100mm of trotting fines
Loose sand	100mm of 19mm limestone base with 100mm of trotting fines
Gravel surfaces	No works required. Trails within gravel surface will only require the cutting of the trail and clearing of the area. These trails are likely to only be used on a passive recreation basis ie. walking of horses, use by mountain bikes or walkers.

All trails are to be between 6 and 10 metres wide in total, with 4 metres in width of constructed trail unless otherwise specified by Council. This width is set as it allows for the free passing of horses and pedestrians but also for fire and emergency vehicles and maintenance plant and equipment access.

The vertical height clearance on all trails is to be 4 metres.

Council does not support the inclusion of multiple use trails within the road reserve.

Figure 4 shows a multiple use trail/road interface. Trails connecting onto roads are to be constructed in accordance with Figure 4.

## 8.3 Construction of bridges and drainage

Drainage structures shall be provided to accommodate all surface water flows to the satisfaction of the Asset Services Directorate. Minor flow shall be accommodated by the construction of a trafficable class 3 concrete pipe or box culvert with concrete cast in situ or precast concrete headwalls.

## 8.4 Revegetation and landscaping

Revegetation is to occur on private property rather than within the multiple use trail unless the vegetation is to be utilised as a nutrient stripping mechanism within a streamline, artificial basins or a specified water retaining areas. These plantings are to be on the land adjoining the multiple use trail.

Revegetation of subdivisions is to be carried out in accordance with Planning Policy PS03 – Landscaping and Revegetation.



## 8.5 Access, gates and fencing

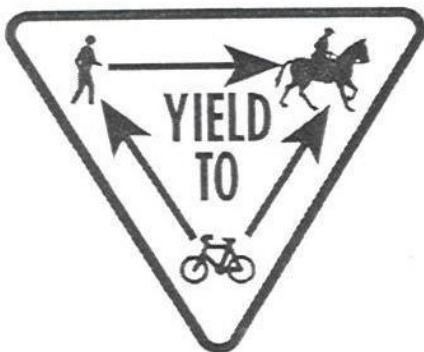
Gates are to be constructed in accordance with the specifications contained in Figure 1 and Figure 2. There is a choice of gates that may be constructed depending on the access rights to the path and if the path passes through public land or private property. Generally the large gates shown in Figure 1 will be required to restrict access and smaller gates shown in Figure 2 will otherwise be required.

A 1.7m accessway for pedestrians and horses is to be provided on the sides of the gates. Figure 3 outlines the specifications for this pedestrian/horse walkway.

Uniform fencing is to be provided on either side of the multiple use trail. Fencing is to be of post and rail or post and wire construction.

## 8.6 Signage and interpretive material

Given that Council is encouraging multiple use trails within the Shire it is appropriate to outline the general principles of shared trails and what information is to be included in signage and interpretive material. A world-wide convention now exists which sees walkers give way to horses, and cyclists give way to both the other users. To ensure that this message is distributed throughout the trail network Council will require signage to be located along the trail at suitable locations. Signage is to be in the following format:



All maps and brochures are to carry this multiple use paths etiquette picture. Pedestrians and cyclists are to give way to horse riders.

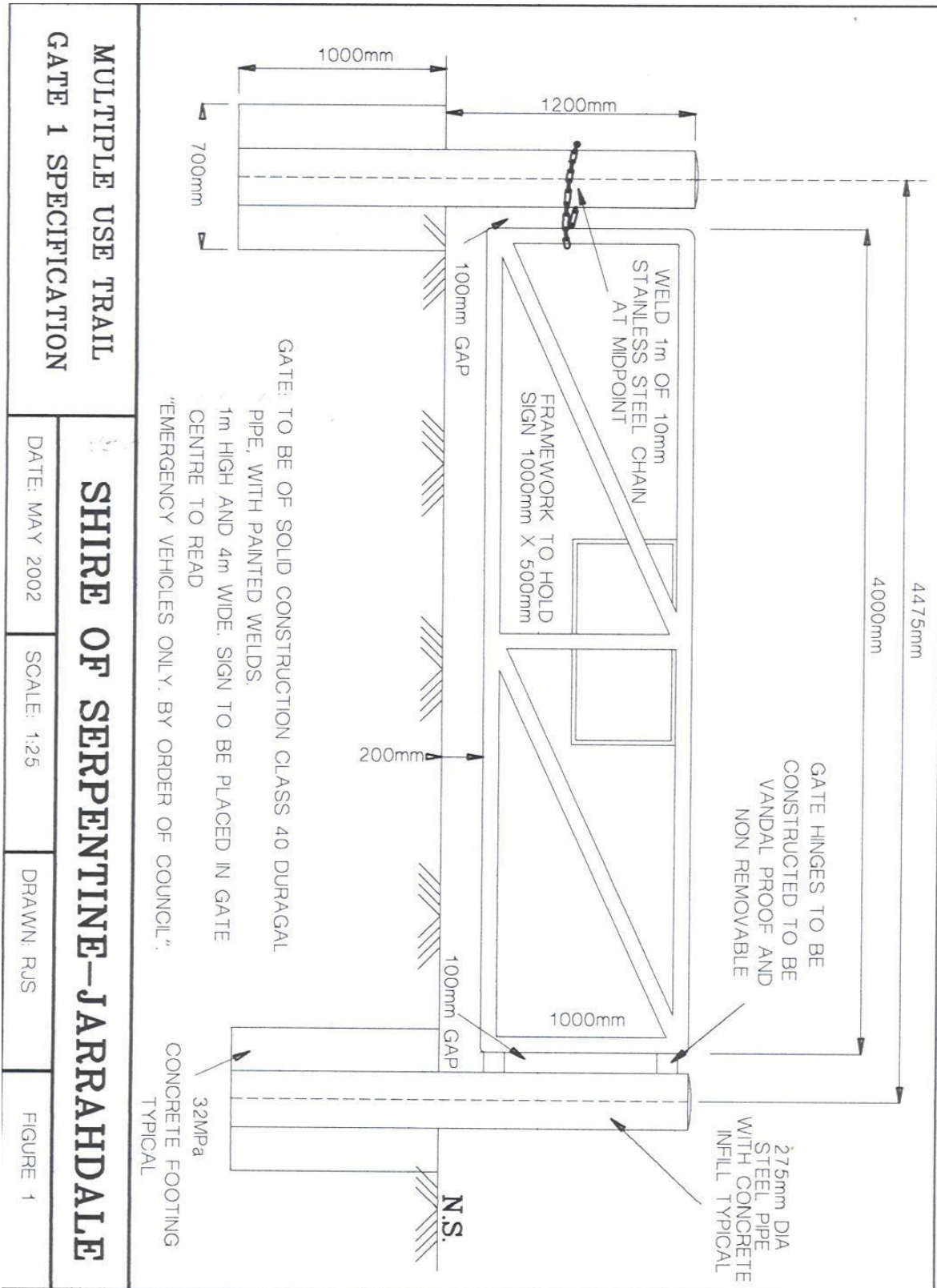
## 9.0 MANAGEMENT AND MAINTENANCE

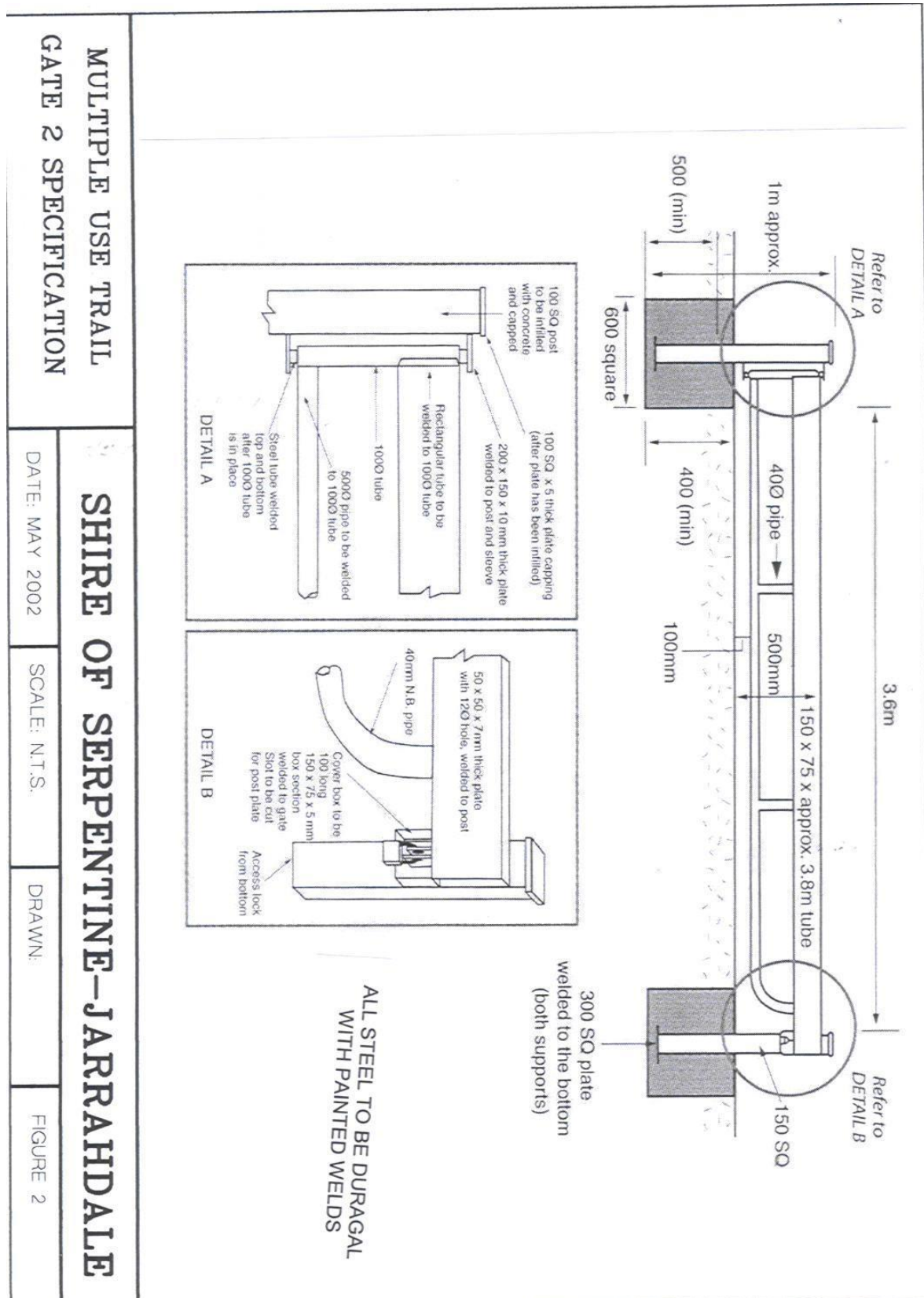
The management and maintenance of the multiple use trails ultimately falls with the Council, however the Council will encourage community groups to take an active role in the construction, maintenance and management of the trails network. The Darling Downs Management Committee, Oakford Trails Management Association and the Jarrahdale Walking Group are examples of organisations that assist in the construction, maintenance and management of trails within areas of the Shire. These organisations have involved the greater community which has not only assisted Council with the construction, maintenance and management of the trails but has also helped to develop a greater community ownership of the trails network.

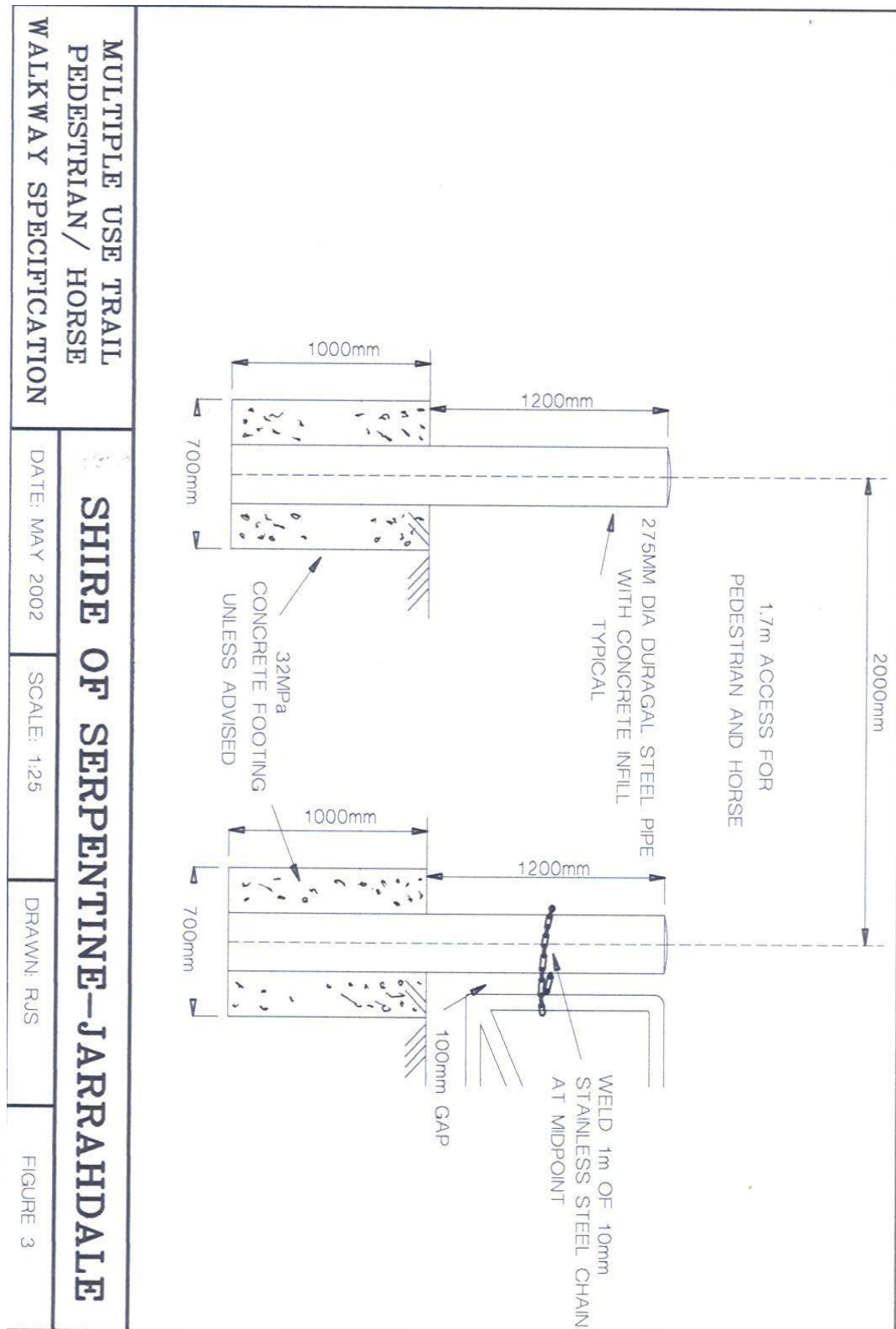
## 10.0 DEFINITIONS

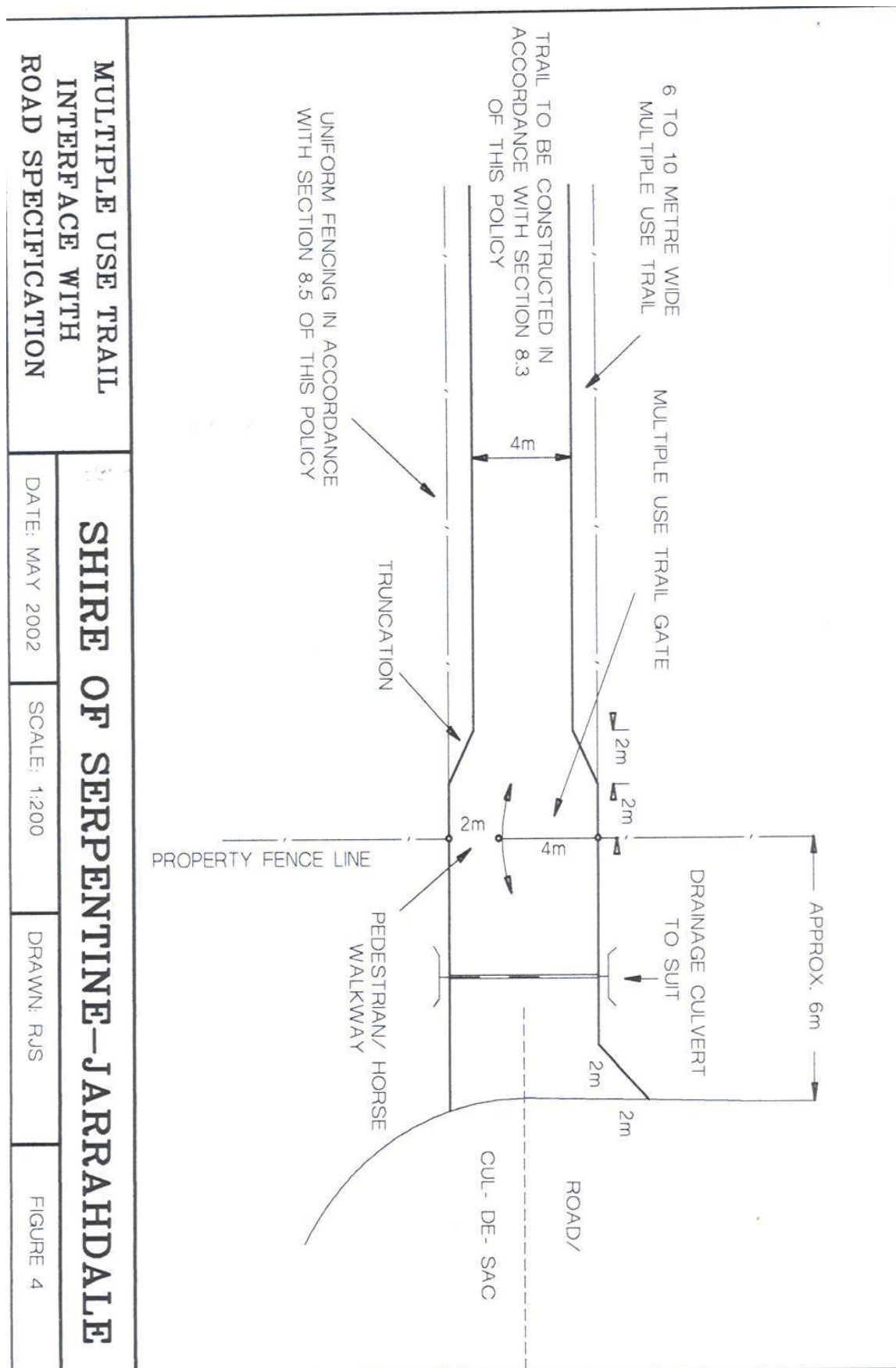
**Multiple Use Trail:** is any corridor, track, trail, route or pathway which has as its primary land usage any one of – or combination of - recreational walking, hiking, cycling, horse riding and other non-motorised recreational uses, not including suburban dual use pathways and footpaths, which have potential to be managed units with community support in both development and maintenance.

**Multiple Use Corridor -** Multiple use corridors are linear reserves which integrate the multiple purposes of water quantity and quality management, nature conservation and ecological function, and recreational and educational opportunities.









**MULTIPLE USE TRAIL  
 INTERFACE WITH  
 ROAD SPECIFICATION**

**SHIRE OF SERPENTINE-JARRAHDAL**

DATE: MAY 2002      SCALE: 1:200      DRAWN: RJS      FIGURE 4

## **CRP008 COUNCIL DECISION**

Moved Cr Price seconded Cr Murphy that

1. Council, pursuant to Part 9 of the Shire of Serpentine-Jarrahdale Town Planning Scheme No.2 resolves to advertise the Draft Local Planning Policy No.9 – Multiple Use Trails within the Shire of Serpentine-Jarrahdale subject to the following alterations and additions:
  - Multiple use trails in Langford Park should be mentioned and Serpentine Equestrian Grounds are not mentioned as a major facility in 5.2.
  - Serpentine National Park and Jarrahdale Heritage Park are not suitable for (horses) multiple use trails. It should be acknowledged that not all trails will be suitable for multiple use.
  - Revegetation is to occur on the trails and not on private property.
  - Inclusion of Map 6
  - Section 4, delete “these groups” and add “appropriate user groups”
2. This report and draft Local Planning Policy be forwarded to the Department of Conservation and Land Management, Water Corporation, WA Government Railways Committee, Main Roads WA, Department of Planning and Infrastructure, surrounding Council’s, developers, Paul Andrews – Member for Southern River and Martin Whitely – Member for Roleystone for consideration.
3. The Council acknowledges the work of the Trails Working Group on producing a document that will see the future development of trails within the Shire.

## **DRAFT LOCAL PLANNING POLICY NO.9 – MULTIPLE USE TRAILS WITHIN THE SHIRE OF SERPENTINE-JARRAHDAL**

### **1.0 INTRODUCTION**

In the last decade the place of trails in our society has changed dramatically. No longer are they the preserve of the skilled and adventurous few - in this new millennium trails have become a familiar and much valued part of the lives of a significant - and still growing - portion of the community

Further, the extensive and high-profile redevelopment of the Bibbulmun Track has raised community awareness of trails in general, and has prompted a new and significant group of the population to ‘go bush’ and experiment with bush walking, mountain biking, horse riding and outdoor recreation in general.

Recreation trails provide many benefits to individuals, to local communities, and to our society in general. Trails development has the following benefits:

- Present a unique opportunity for education, not only environmental, but also cultural and historical, incorporating both Aboriginal and European material;
- Present easy access to natural bush settings and can help satisfy a growing demand for outdoor recreation in WA;
- Help deliver community and individual benefits through economic stimulation, increased standards of living, heightened sense of community consciousness, and a positive impact on people’s health and lifestyle;
- A trail network can play an important role through its unifying effect on rural communities. An integrated network would generate both symbolic and physical unity between rural towns, just like railways in the past;
- Physical well being through the activity of using the trails;
- Providing a focus for a community groups to work on and maintain a trail in their local area and providing a safe environment for recreation pursuits

The Shire of Serpentine-Jarrahdale is currently in a period of rapid expansion with the population estimated to rise dramatically in the next ten years. A major contributor to the growth of development within the Shire is the equestrian industry. The Peel Equine Needs

Analysis study identified that trails are the single most important unifying element of the horse community. With this in mind, as well as the interests of cyclists and walkers, the Shire has prepared this document to assist developers and Council officers with the inclusion of trails within subdivisions and developments throughout the Shire.

The Shire has a vision to provide a trails network that expands on the existing trails, and interlinks suburbs and communities. The Darling Downs area is an excellent example of how to provide trails that the whole community can access. Bridle paths are not only for horses, but also for pedestrians and cyclists, whilst catering for people with wheelchairs where possible and allows residents to walk with their leashed domestic pets. **No motorised vehicles are allowed on the paths however the trails network does allow access for fire and emergency services vehicles.**

Due recognition and protection needs to be given to trails - just as if they were strategically important transport routes (eg. railways, highways) or major sporting or recreation facilities. Planners charged with the responsibility for preparing plans, or reviewing the plans of others, should take care to ensure that existing trails, and trails proposed within this Policy, are recognised as important land uses. Trails included within this Policy should be regarded as every bit as important as major transport routes or regional recreation facilities.

Even though trail routes are generally narrow (albeit lengthy), they are nonetheless important as linear recreation, conservation and transport resources.

This Policy and its accompanying plans are intended to form the foundation for trail development in the Serpentine-Jarrahdale area.

## 2.0 BACKGROUND

In May 1999 'A Trails Master Plan for the Shire of Serpentine-Jarrahdale' was prepared by Maher Brampton Associates following a successful funding application received from Trails West. This document was designed to guide the Council, other stakeholders and local volunteer groups in their recreation trail development activities for the next five to ten years.

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4. To provide guidelines on issues that need to be taken into consideration when assessing subdivision and rezoning proposals;
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- Who is the trail to cater for?
- Does the trail cater for a wide variety of users?
- Does the trail perform any other functions ie. Emergency accessway, strategic firebreak, buffer to a water course, is it part of a multiple use corridor?
- Does the trail access land of interest?

### **7.3 Surrounding uses of land –**

- What are the surrounding land uses?
- What is the proposed zoning of the land in the case of a rezoning proposal?
- Does the land cater for the keeping of horses?

### **7.4 Management and maintenance**

- What management and maintenance will be involved in the construction of a new trail?
- Is proposed revegetation on private property adjoining the multiple use trails to prevent the need for pruning of trees within in the trail unless they are part of a Multiple Use Corridor?
- Does the multiple use trail have other structures ie. Detention basins within it that will require maintenance and management?

## **8.0 REQUIREMENTS WITHIN SUBDIVISIONS**

### **8.1 Water sensitive design**

Council encourages the integration of trails within multiple use corridors where possible. Multiple use corridors are linear reserves which integrate the multiple purposes of water quantity and quality management, nature conservation and ecological function, and recreational and educational opportunities. They form the major spines of the stormwater management and wildlife corridor system throughout the Shire.

Multiple use corridors shall be developed throughout the Shire on the following watercourses:

- a) all watercourses shaded on the plans (attached to this policy) and marked 'Major watercourses of Serpentine-Jarrahdale';
- b) watercourses identified as multiple use corridors in the Byford Structure Plan;
- c) watercourses designated as multiple use corridors as part of amendments to Council's Town planning Scheme; and
- d) other watercourses as designated by Council.

Multiple use corridors will vary according to site specific, bio-physical characteristics. An average width of 100 metres should be vested in public ownership as a minimum, with additional width if needed for recognising floodway characteristics, water sensitive design

features (eg constructed wetlands), protection of riparian vegetation, or recreational needs. The 50 metre clearance line should be measured from the edge of the riparian vegetation to the boundary of the multiple use corridor not from the centreline of the watercourse.

Council's Local Planning Policy No.6 – Water Sensitive Design contains more information on water sensitive design and should be considered and integrated into all rezoning and subdivision proposals throughout the Shire. This document maybe obtained by contacting the Sustainable Development Team at the Council.

## 8.2 Construction specifications

Multiple use trails must be constructed to a standard that allows for the use of the trail by such groups as walkers, horse riders, horse and carts and mountain bike riders. A multiple use trail is to be constructed to the following minimum standards:

Existing terrain	Construction requirements
Firm sand	100mm of trotting fines
Loose sand	100mm of 19mm limestone base with 100mm of trotting fines
Gravel surfaces	No works required. Trails within gravel surface will only require the cutting of the trail and clearing of the area. These trails are likely to only be used on a passive recreation basis ie. walking of horses, use by mountain bikes or walkers.

All trails are to be between 6 and 10 metres wide in total, with 4 metres in width of constructed trail unless otherwise specified by Council. This width is set as it allows for the free passing of horses and pedestrians but also for fire and emergency vehicles and maintenance plant and equipment access.

The vertical height clearance on all trails is to be 4 metres.

Council does not support the inclusion of multiple use trails within the road reserve.

Figure 4 shows a multiple use trail/road interface. Trails connecting onto roads are to be constructed in accordance with Figure 4.

## 8.3 Construction of bridges and drainage

Drainage structures shall be provided to accommodate all surface water flows to the satisfaction of the Asset Services Directorate. Minor flow shall be accommodated by the construction of a trafficable class 3 concrete pipe or box culvert with concrete cast in situ or precast concrete headwalls.

## 8.4 Revegetation and landscaping

Revegetation is to occur on private property rather than within the multiple use trail unless the vegetation is to be utilised as a nutrient stripping mechanism within a streamline, artificial basins or a specified water retaining areas. These plantings are to be on the land adjoining the multiple use trail.

Revegetation of subdivisions is to be carried out in accordance with Planning Policy PS03 – Landscaping and Revegetation.

## 8.5 Access, gates and fencing

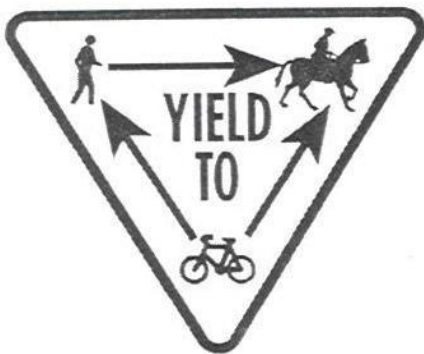
Gates are to be constructed in accordance with the specifications contained in Figure 1 and Figure 2. There is a choice of gates that may be constructed depending on the access rights to the path and if the path passes through public land or private property. Generally the large gates shown in Figure 1 will be required to restrict access and smaller gates shown in Figure 2 will otherwise be required.

A 1.7m accessway for pedestrians and horses is to be provided on the sides of the gates. Figure 3 outlines the specifications for this pedestrian/horse walkway.

Uniform fencing is to be provided on either side of the multiple use trail. Fencing is to be of post and rail or post and wire construction.

## 8.6 Signage and interpretive material

Given that Council is encouraging multiple use trails within the Shire it is appropriate to outline the general principles of shared trails and what information is to be included in signage and interpretive material. A world-wide convention now exists which sees walkers give way to horses, and cyclists give way to both the other users. To ensure that this message is distributed throughout the trail network Council will require signage to be located along the trail at suitable locations. Signage is to be in the following format:



All maps and brochures are to carry this multiple use paths etiquette picture. Pedestrians and cyclists are to give way to horse riders.

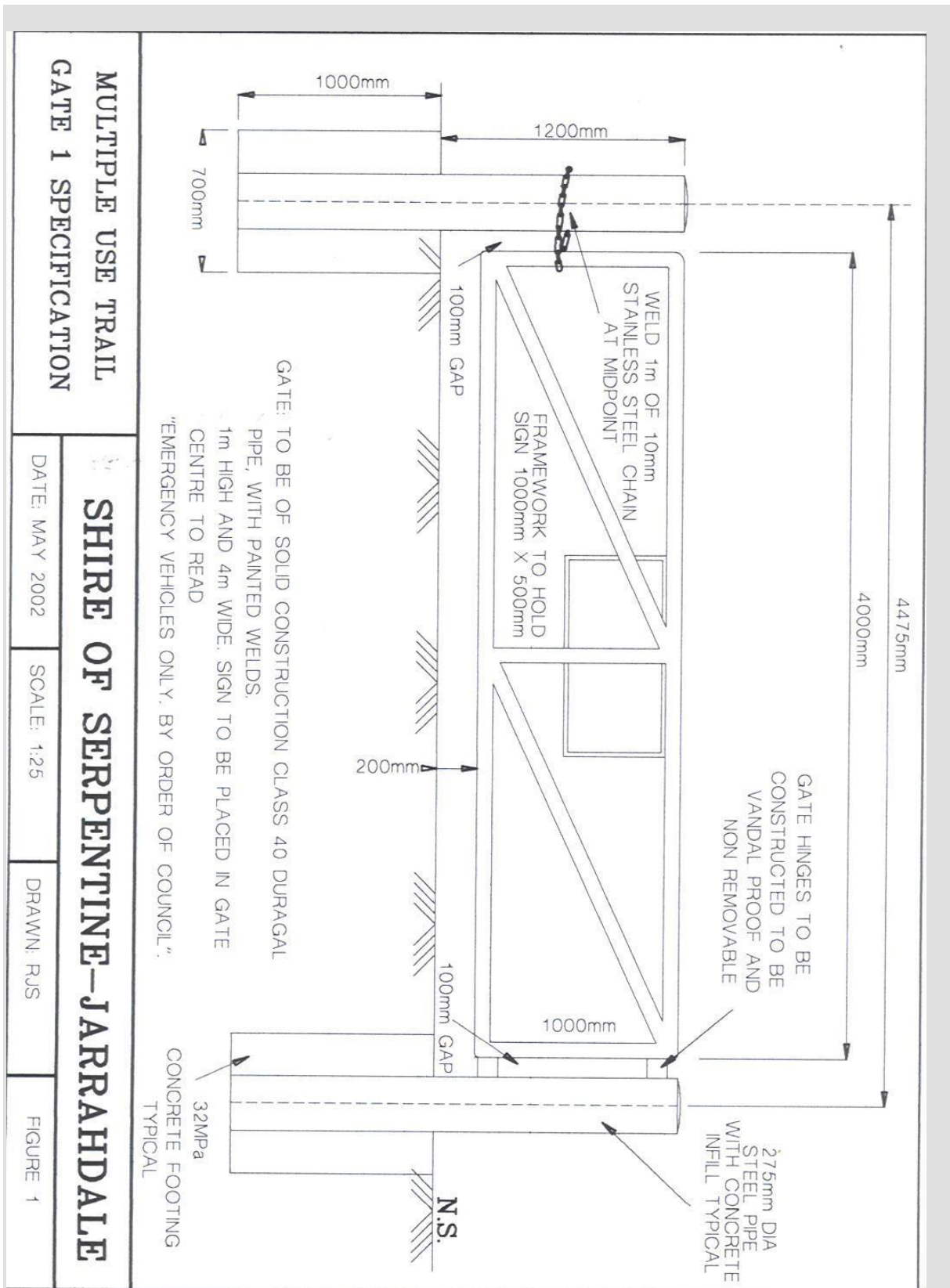
## 9.0 MANAGEMENT AND MAINTENANCE

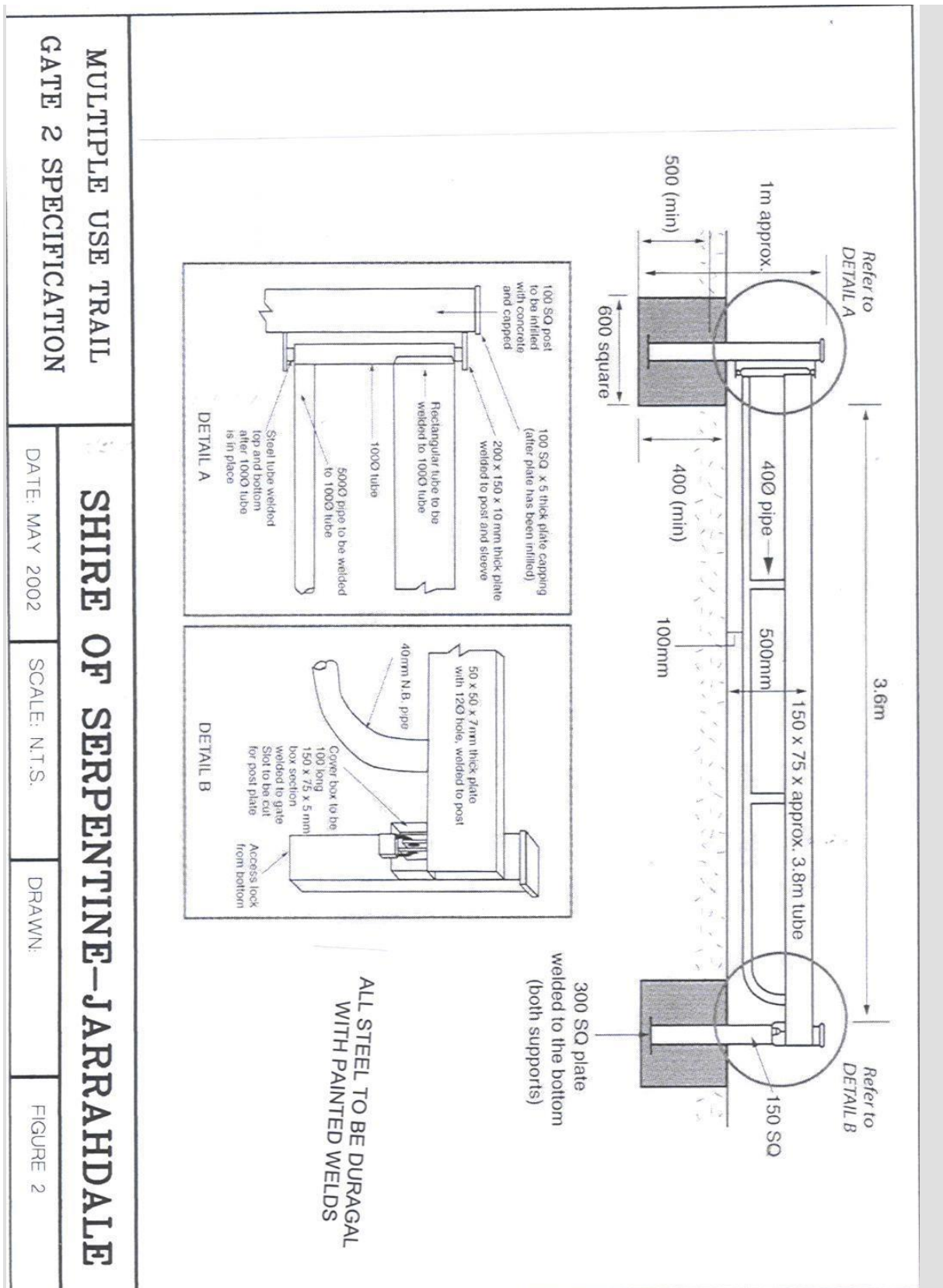
The management and maintenance of the multiple use trails ultimately falls with the Council, however the Council will encourage community groups to take an active role in the construction, maintenance and management of the trails network. The Darling Downs Management Committee, Oakford Trails Management Association and the Jarrahdale Walking Group are examples of organisations that assist in the construction, maintenance and management of trails within areas of the Shire. These organisations have involved the greater community which has not only assisted Council with the construction, maintenance and management of the trails but has also helped to develop a greater community ownership of the trails network.

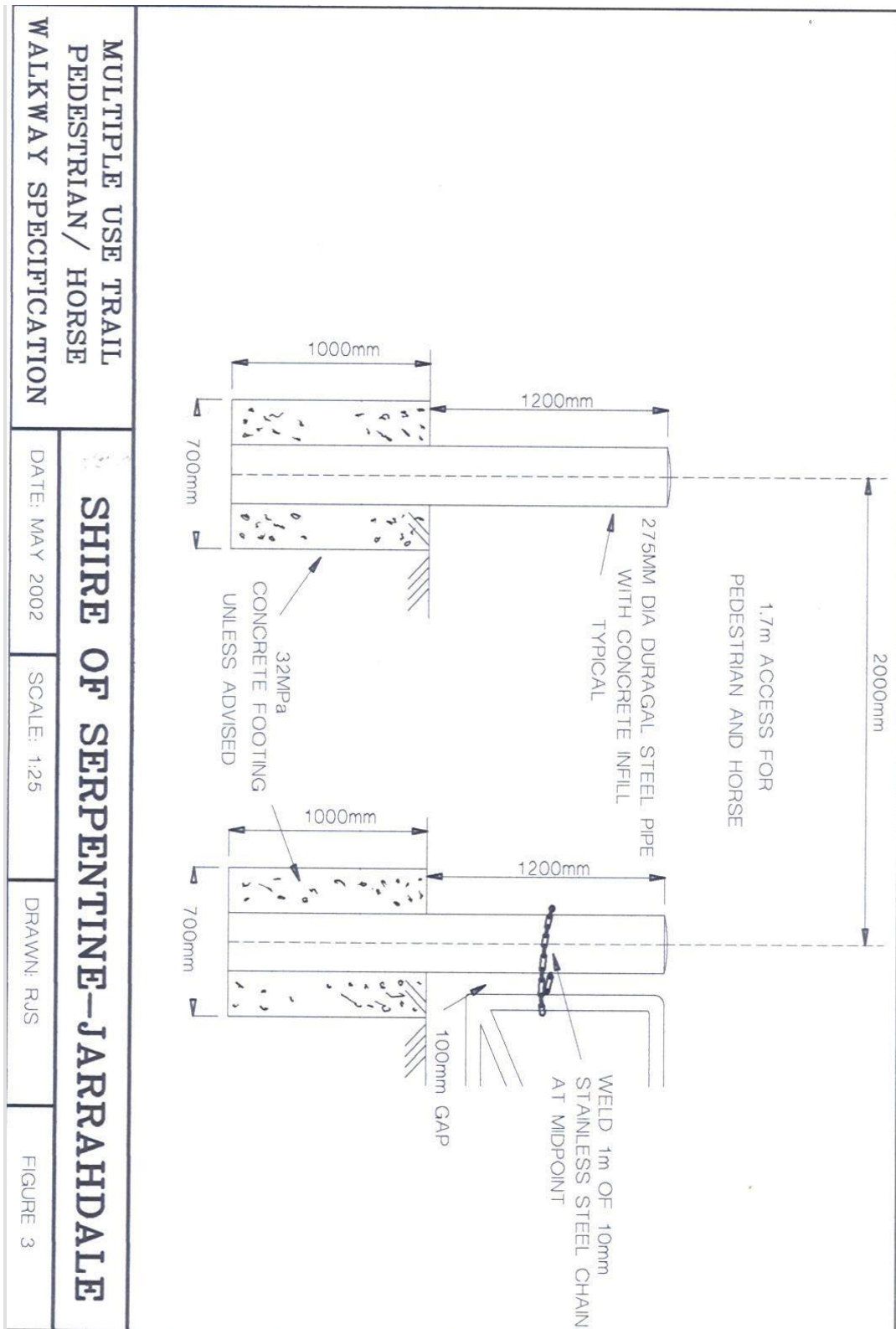
## 10.0 DEFINITIONS

**Multiple Use Trail:** is any corridor, track, trail, route or pathway which has as its primary land usage any one of – or combination of - recreational walking, hiking, cycling, horse riding and other non-motorised recreational uses, not including suburban dual use pathways and footpaths, which have potential to be managed units with community support in both development and maintenance.

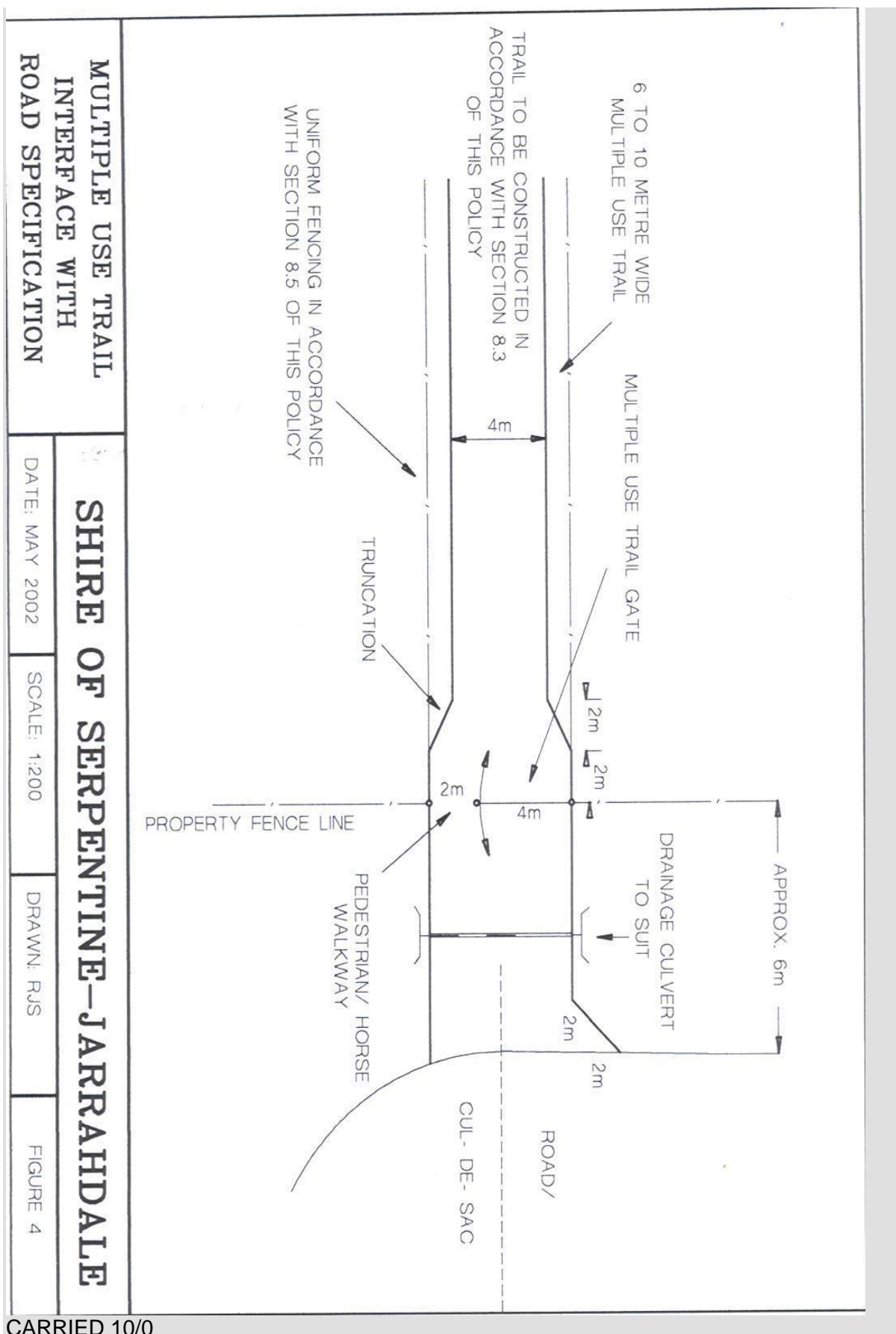
**Multiple Use Corridor -** Multiple use corridors are linear reserves which integrate the multiple purposes of water quantity and quality management, nature conservation and ecological function, and recreational and educational opportunities.











CARRIED 10/0

Note: The Officer Recommended Resolution was altered at Part 1 to clarify a number of minor issues and add balance to the proposed policy.

Note: The Committee Recommended Resolution was altered with additional words added to first point of the recommendation in the first two dot points for clarification.

P012/07/02 PROPOSED SUBDIVISION - LOT 833 KARNUP ROAD, SERPENTINE (S119376)		
Proponent	Dykstra & Associates	<b>In Brief</b>  Subdivision application referred to the Shire from the WA Planning Commission requests approval to subdivide Lot 833 Karnup Road, Serpentine, into two (2) lots.  It is recommended that the WAPC be advised that the Shire does not support the proposal.
Officer	Lilia Palermo – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	24 June 2002	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

Owner: RA & CJ Infirri  
 Owner's Address: 263 George Street, Queens Park  
 Applicant: Dykstra & Associates  
 Applicant's Address: Unit 6, 2954 Albany Highway, Kelmscott  
 Date of Receipt: 20 June 2002  
 Advertised: Advertising not required  
 Submissions: Not Applicable  
 Lot Area: 43.24ha  
 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: 21 June 2002

### **Background**

There is no relevant background information associated with this proposal.

### **Comments**

#### **Site and Zoning Description**

***A copy of the subdivision guide plan is with the attachments marked P012.1/07/02.***

Lot 833 is zoned 'Rural' under the provisions of Town Planning Scheme No. 2 (TPS 2) and 'Rural' under the provisions of the Metropolitan Region Scheme (MRS). The subject land has a total lot area of 43.24 hectares and has direct frontage to Karnup Road.

The subject land contains an existing residence, outbuilding and water tank. The property is generally flat/level and is predominantly void of native vegetation.

Adjoining lots in the immediate area are also zoned 'Rural' and generally have lot sizes of 20.0 ha. A drainage reserve extends along the entire length of the western property boundary of the subject site.

#### **Subdivision Proposal**

The application proposes to subdivide Lot 833 into two (2) new Rural lots of approximately 21.6 hectares each. Both proposed lots would have street frontage to Karnup Road.

The proponent has stated in their letter of support, that the proposal is in part, made on compassionate grounds. However, this information has not been provided by the WA Planning Commission with the Shire's referral of the subdivision application. In any case, information relating to compassionate grounds may be directed towards the WA Planning Commission and Hon. Minister for Planning and Infrastructure for consideration.

### Town Planning Scheme 2 Requirements

In respect to the 'Rural' zone, Clause 5.10.1 of Council's TPS 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."*

The applicant in support of the subdivision proposal provides the following justification:

*..."Due to its relative proximity to urban services, subdivision in the manner proposed will give the subject land the potential to be subdivided more in character with the wider area."*

*To further support this argument, the surrounding subdivision pattern, indicated at Figure 1, shows that Lot 833 is the largest lot in the precinct. Subdivision in the manner proposed would actually bring the subject land into keeping with the prevailing lot sizes in the locality and result in a logical rounding off of the precinct (being smaller rural holdings south of Karnup Road."*

Although the Council's Town Planning Scheme No. 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 recommendation.

### Statement of Planning Policy No. 11

Clause 5.3.1(iii) of the 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."*

Under Appendix 4 – 'Identifying Agricultural Areas of State or Regional Significance' it is stated:

*"It is generally considered by the Department of Agriculture that in the absence of specific guidance from an endorsed local planning strategy, 80 ha should be the minimum lot size for a long-term sustainable, intensive agricultural use."*

Due to the subject land being zoned 'Rural' under the new classification, the Commission are not able to support the proposed subdivision.

### Services and Facilities

Additional information provided by the applicant in support of the application is reproduced below:

*"Roads - both lots enjoy frontage to Karnup Road which is constructed to a suitable standard."*

*Power - power is available on-site and the new lot can be connected to the existing system."*

*Telecommunications - lines are currently available from Karnup Road."*

*Sewer/Water - domestic water supply will be via on-site domestic water tanks. Given the natural drainage capabilities of the land, stormwater management for the limited additional development is to occur on-site.*

*Effluent disposal - effluent disposal will be catered for via on-site disposal units. In view of the location within the Peel-Harvey Catchment, alternative treatment units may be required."*

### Conclusion

The proposed subdivision seeks endorsement by the WAPC to subdivide Lot 833 Karnup Road from one (1) lot into two (2) lots (21.6ha each), within a Rural zone. The Shire's Rural Strategy recommends that no further subdivision be allowed that creates lots less than 40 hectares. Further, SPP No. 11 recommends a minimum lot size of 80 hectares.

In view of the above rationale, it is recommended that Council advise the WAPC to refuse the subdivision proposal.

### Sustainability Statement:

The proposal if approved by the WAPC will lead to the fragmentation of an existing Rural lot which will place increasing pressure on the land in the form of land degradation, catchment management, effluent disposal and retention of native vegetation.

### Statutory Environment:

Town Planning and Development Act 1928 (as amended);  
Town Planning Scheme No. 2

### Policy Implications:

Non-compliance with recommendation contained in the Shire's Rural Strategy (1994) (as amended)

### Financial Implications:

There are no direct financial implications to Council arising from this proposal.

### Strategic Implications:

Proposal is recommended for refusal to ensure that the productive capacity of the land is maintained.

Strategy 1.5 of Key Result Area (People and Community) of the Shire's Strategic Plan (2001-2005) is relevant to the proposal and states:

*"Maintain the heritage character of the Shire and protect built and natural heritage for economic and cultural benefits."*

### Community Consultation:

Community consultation not required.

### Voting Requirements:

Normal

**CRP012 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Price seconded Cr Needham that Council recommends to the WA Planning Commission that the application to subdivide Lot 833 Karnup Road, Serpentine, not be supported, 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 proposal does not comply with Statement of planning Policy No. 11 which prescribes a minimum lot size in the Rural zone of 80 hectares.
3. The proposed subdivision may create a precedent for the subdivision of adjoining lots in the immediate area and lead to the fragmentation of land through subdivision within a Rural zone.

CARRIED 10/0

Cr Star declared an interest in item P013/07/02 as a relative owns the adjoining lot, and left the meeting at 8.25pm.

Deputy President, Cr Needham took the Chair as acting Presiding Member at 8.25pm

P013/07/02 PROPOSED SUBDIVISION - LOT 2 CURO STREET, JARRAHDAL (S119286)		
Proponent	R I & WL Watson	<b>In Brief</b>
Officer	Lilia Palermo – Planning Officer	
Signatures - Author:		It is an application to subdivide Lot 2 Curo Street, Jarrahdale into four lots.  It is recommended that the WAPC be advised that the Shire does not support the proposal.
Senior Officer:		
Date of Report	26/06/02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

Owner:	R I & WL Watson
Owner's Address:	Lot 245 Brady Street, Jarrahdale
Applicant:	As above
Applicant's Address:	As above
Date of Receipt:	10 June 2002
Advertised:	N/A
Submissions:	N/A
Lot Area:	1.1222ha
L.A Zoning:	Residential 12.5
MRS Zoning:	Urban
Byford Structure Plan:	Not applicable
Rural Strategy Policy Area:	Town and Village Urban
Rural Strategy Overlay:	Landscape Protection Policy Area (Townscape Precinct)
Bush Forever:	Not applicable

**Background**

Council is required to comment to the Ministry for Planning on a subdivision proposal at Lot 2 Curo Street, Jarrahdale. It is recommended that the proposed subdivision not be supported by Council.

**A copy of the proposed Subdivision Plan is with the attachments marked P013.1/07/02.**

### Comments

#### TPS No 2

The subject land is zoned Residential R 12.5 under the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.

The proposal is seeking subdivision of Lot 2 Curo Street, Jarrahdale into four lots, with each lot being 2833m<sup>2</sup> in size.

Residential Planning Codes specify 700m<sup>2</sup> minimum lot size for the area zoned R12.5. Proposed subdivision would comply with the requirements for minimum lot size under the R Codes.

Lot 2 Curo Street is located in the area where reticulated sewerage is not available. The proposal has to comply with the Government Sewerage Policy, which requires lots to be not less than 2000m<sup>2</sup> in size. All the proposed lots are greater than 2000m<sup>2</sup>, which is in accordance with the Sewerage Policy.

#### Townscape Precinct

Clause 5.16.1 of the Town Planning Scheme states that the primary objective of the Jarrahdale heritage and Townscape policy precincts is as follows:

*Council's objective, recognizing that Precincts' historic and townscape significance, is to ensure retention of the character of the Precincts as a whole and the buildings within the Precincts.*

Clause 5.16.4 of the Town Planning Scheme also states the following in regards to development within the Townscape precinct:

"When considering applications for development, Council shall take into account the following points in order to promote respect for the historic character of the cottages and townsite in the Heritage Precinct and shall have regard to those guidelines and policies adopted by Council:

- a) *A building on a lot abutting the heritage precinct shall demonstrate architectural design detail which reflects the scale, style and spatial arrangement of the existing buildings in the heritage Precinct;*
- b) *Existing vegetation and natural landform 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 is to 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 materials choice; and*
- f) *Fencing – shaped post and rail, with or without cyclone mesh wire, or timber pickets is recommended."*

In regards to Clause 5.16.4 (a) the proposed subdivision is not abutting a Heritage Precinct, so future building on the proposed lots would not be subject to the requirement under this clause for buildings to demonstrate architectural design detail similar to those within the Heritage Precinct. But it would be necessary to ensure that any future development on the proposed lots are in accordance with the Council's Landscape protection Policy.

As stated above one of the requirements of the TPS for the Townscape Precinct is protection of the existing vegetation in the area to the fullest extent possible. Applicant should be advised that removal of vegetation is not supported by Council. Future purchasers of the newly created lots should be advised by the subdivider of Council's requirements in regards to protection of vegetation and other Council's requirements for development within the Townscape Precinct.

Any further development on the newly created lots would require a planning approval under the Clause 5.16.1 of the TPS. In considering any applications for development on the subject land consideration will be given to all the TPS requirements for the Townscape area and any other Council's policies and guidelines which affect the area to ensure that the townscape significance of the area is retained.

It is stated in the Landscape Protection Policy that subdivision of land within the policy area will not be supported where it is likely to result in an undesirable density of development visible from the South Western Highway. Subdivision of the subject land into smaller lots is in line with the predominant lot sizes in the locality. Most of the existing lots in the area are smaller than 2000m<sup>2</sup>, so the proposed subdivision of land cannot be considered as undesirable in the locality. The subject land is located far enough away from the seen area of South Western Highway to pose any negative impact on visual amenity of the area.

The applicant has shown on the submitted plan of subdivision that access to proposed lots would be gained from Curo Street and Brady Road. Two of the lots will have frontage to the above-mentioned Streets and two other lots towards the centre of the original lot will have access via battleaxe leg. Creation of battleaxe lots is not favourable.

Portion of Curo Street, which is shown on the subdivision plan is not constructed. The applicant would be required to construct the extension of the road to gain street excess.

Subdivision design with all four lots having street frontage is more desirable and can be achieved. It is stated in the Council's Strategic Plan *that our vision is that we will have well developed, managed and maintained integrated road networks that are sympathetic to the environment. We will have attractive streetscapes that are people friendly.*

Having battleaxe lots within the Townscape Precinct does not complement the rural and natural atmosphere within the local area. Battleaxe access to lots is not favourable as it is not in accordance with the Council's Strategic Plan which adopts the Green Town's philosophy with its sense of community, protection, support and inclusiveness. Such type of subdivision is not considered by the Sustainable Development Team to be desirable within a residential area such as Jarrahdale Townscape Precinct.

**Sustainability Statement**

Proposed subdivision is creating battleaxe blocks. Battleaxe blocks within the residential area may affect the visual amenity of the established township. The proposed subdivision could be designed in a different way where all the blocks would have street frontage, which would be enhance the built environment within the local area.

**Statutory Environment:**

Town Planning and Development Act 1928  
Shire of Serpentine-Jarrahdale Town Planning Scheme No.2.

**Policy Implications:**

Landscape Protection Policy (Jarrahdale Townscape Precinct)

**Financial Implications:**

Nil

**Strategic Implications:** Policy 1.5 of the Strategic Plan: *Maintain the heritage character of the Shire and protect built and natural heritage for economic and cultural benefits.*

**Community Consultation:** Not applicable

**Voting Requirements:** Normal

**CRP013 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Richards seconded Cr Simpson that Council recommends to the WA Planning Commission that the application to subdivide Lot 2 Curo Street, Jarrahdale not be supported, for the following reasons:

1. The creation of battleaxe lots is not favourable.
2. The Subdivision Guide Plan does not provide road frontage to all lots.

CARRIED 9/0

Cr Star was not present and did not vote.

Cr Star returned to the meeting and resumed the chair at 8.27pm.

P018/07/02		RETROSPECTIVE DEVELOPMENT APPROVAL – INERT LANDFILLING OF LOT 12 BIRD ROAD, OLDBURY (P00098, P05586/01)
Proponent	Clout & Associates	<b>In Brief</b>  Council to re-consider an application requesting retrospective planning approval for the filling of Lot 12 Bird Road, Oldbury. This report does not address an application seeking approval to place further fill on Lot 1 Jackson, Oldbury.  It is recommended that retrospective planning approval be granted for Lot 12 subject to conditions.
Officer	David Spencer – Senior Planner Joanne Abbiss – Manager Sustainable Development	
Signatures - Author:		
Senior Officer:		
Date of Report	11 July 2002	
Previously	P127/05/02	
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

Owner: McLean Recycling Industries  
 Owner's Address: 26 Bird Road, Oldbury  
 Applicant: Clout and Associates  
 Applicant's Address: PO Box Y3185, Perth  
 Date of Receipt: 13 November 2001  
 Advertised: Yes. Surrounding landowners and government agencies notified directly in writing.  
 Submissions: Yes. Eleven (11) submissions received.  
 Lot Area: 14.15ha  
 L.A Zoning: Rural  
 MRS Zoning: Rural  
 Byford Structure Plan: Not applicable  
 Rural Strategy Policy Area: Rural  
 Rural Strategy Overlay: Not applicable  
 Bush Forever: Portion of Lot 1, adjoining Lot 12, classified for protection  
 Date of Inspection: Not applicable



## **Background**

### **July 1998**

Council considered an application for Stage 2 landfill and establishment of a commercial tree plantation on the subject land. The application was approved subject to the following conditions:

1. That subject to compliance with Stage 1 conditions, enough non-contaminated suitable fill be provided to establish the Timber Mill and the tree plantation to the satisfaction of the Manager of Planning and Development Services, the Environmental Officer and the Manager Technical Services.
2. (a) Compliance with the Department of Environmental Protection Licence regarding drainage specifications,  
(b) Implementation of the proposed tree plantation and submission of modified plan, management schedule and timeframe for completion.  
(c) Registration of the site in Town Planning Scheme No 2 and rezoning to 'Special Use-Timber Mill Operation at the applicants expense.
3. The fill location shall be on Lot 12 Bird Road only which is an area of 250m x 200m in accordance with the attached plan.

### **April 1999 - Appeal**

The applicant subsequently successfully appealed (decision date 6 April 1999) to the former Minister for Planning against Council's requirement that the fill be clean (excluding building and demolition wastes with minimal organic matter). The decision was largely based on the Department of Environmental Protection's Works Approval for the development/land use which was less restrictive on this aspect than that stipulated in Council's approval.

### **June 1999 - Sawmill Approval**

In June 1999, Council approved a sawmill addition (approximately 369m<sup>2</sup>) and development of six timber drying kilns (each 8m x 3.5m and 3.7m in height) on the subject land.

### **October 2000 - Expansion Approvals**

In October 2000, Council held discussions with representatives from McLean Recycling Industries regarding possible expansion proposals on the subject land.

Council subsequently resolved that:

1. *Council accepts the delegation from Mr McLean and Mr Goff and that they be thanked.*
2. *Council would be very willing to accept a more detailed proposal and would be prepared to look at, in a Rural Strategy Review, the conversion of the area south of Boomerang Road to a Special Use Sustainable Industries Designation.*
3. *Council requests that the Department of Environmental Protection and Mitchell Goff and Associates give a presentation to LEDU (Local Economic Development Unit)."*

### **May 2002**

Council recently considered a retrospective planning application for landfill on Lot 12 Bird Road, Oldbury. At its meeting held 27 May 2002, Council considered the said application and resolved the following:

*"That this item be deferred until a current management plan of the site can be shown as justification for the increased fill heights."*

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The proponents justification for the existing landfill on Lot 12 is described within the Comments section of this report.

It should be noted that two (2) Management Plans have been prepared and submitted to the Shire for approval. The first Management Plan dated December 1996 addresses both Lots 1 and 12 Jackson/Bird Roads, Oldbury. A second Management Plan dated January 2001 predominantly addresses the placement and deployment of additional inert landfill on Lot 1 Jackson Road.

#### Environmental Management Plan (December 1996)

The Environmental Management Plan dated December 1996 submitted to the Shire for approval, covered the following issues in respect to the application:

- Site security - fencing and restricted access control.
- Site supervision - with restricted hours of delivery. No material received on Sunday.
- Buffer Zones - the Code of Practice recommends a 25 metre buffer between the active tipping face and the site boundary.
- Dust control - application of water
- Fire contingency plans - fire truck
- Noise control - landscaped bunds
- Stormwater runoff control and monitoring
- Groundwater monitoring
- Staging of fill placement - to ensure adequate management of the site.
- Site levels - the majority of the site will be filled to a level of approximately 1.3m above the existing ground level to gain adequate drainage and to allow for the establishment of vegetation. Note: This limit has been exceeded.
- Storage of Green waste
- Fuel Storage

#### Environmental Assessment and Management Plan (January 2001)

The second Environmental Management Plan submitted by McLean Recycling Industries in January 2001 predominantly addresses the issue of landfill at Lot 1 Jackson Road, however, there is some mention of the current application for Lot 12 Bird Road. Issues addressed within the said report applicable to Lot 12 include the following:

- Operational history including fill placement and heights, licence approvals, etc
- Conservation Management Category wetland
- Buffer zones – separation distances to residences and Bush Forever sites
- Stormwater control and water monitoring

***A copy of the Environmental Management Plan (January 2001) is with the attachments marked P018.1/07/02.***

#### Community Consultation

The retrospective planning application for inert landfill on Lot 12 was advertised to surrounding and affected landowners for comment. A total of eleven (11) submissions were received and it is considered that of these, four (4) were generally in support of the application due to concerns about loss of employment opportunities, and seven (7) were opposed to the filling of the site for various reasons. Concerns raised by residents related to water contamination, leachate run-off, noise impacts, rehabilitation of site, etc.

Submissions received are summarised in the accompanying Schedule of Submissions table.

### Government Agency Consultation

The proposal was also referred to the Water and Rivers Commission and Ministry for Planning (Bush Forever Unit) for relevant comment.

### Department of Environmental Protection (DEP) Licence Approvals

The Minister for the Environment has issued numerous environmental licence approvals for land filling in respect to both Lots 1 and 12. The following key dates of licences issued are listed below:

- 13 March 2001 – a licence was issued for Lot 12 Bird Road and Lot 1 Jackson Road;
- 22 March 2001 – a licence was issued for Lot 12 Bird Road and Lot 1 Jackson Road, however, the licence expired on 7 June 2001 and is no longer valid.
- 4 December 2001 – a licence was issued for only Lot 1 Jackson Road. This licence recently expired on 29 May 2002 and is no longer valid.

In view of the above, it appears that there is no current DEP licence for inert landfill on Lot 12. However, further investigations by Council officers reveals that the DEP issued a letter dated 3 January 2002 in which it is stated that both Lots 1 and 12 Jackson/Bird Roads have been issued with a licence. It is further advised by the DEP that it does not require formal assessment of the proposal, as a Class 1 Landfill Licence has already been issued for this site and the proposal is being managed under licence conditions.

### Buffer Zones/Distances

The Draft Code of Practice for Inert Landfilling Operations (EPA, 1997) recommends the establishment of a 25 metre internal buffer between the active tipping face and the site boundary and a 150 metre external buffer from the tipping face to the nearest residence.

### Conservation Management Category Wetland

A Conservation Management Category Wetland is located over the majority of Lot 2 Jackson Road, situated to the north-east of Lot 12 Bird Road. This wetland is a 21.1 hectare vegetated and seasonally inundated area of land. Such wetlands are protected under the Environmental Protection Policy (EPP) 1992, from unauthorized filling, excavation, mining, effluent disposal and drainage

### Residential Housing Setback Requirements

A condition of the Works Approval issued by the DEP for the continuation of landfilling at Lot 12, was that a buffer of at least 150 metres be maintained between the closest residences and any areas to be filled. The buffer from the nearest residence (located on Lot 15), extends approximately 90 metres into the adjoining Lot 1 and the proposed fill area to the north. It should be noted that the corresponding area on Lot 12 has already been filled without apparent complaint.

### Comments

#### Town Planning Scheme No. 2 (TPS 2) Provisions

Clause 6.8.1 of Council's Town Planning Scheme No. 2 (TPS 2) provides for the granting of planning approval where it is retrospective and where it conforms with provisions of TPS 2.

#### Retrospective Planning Application – Inert Landfilling

Ministerial approvals on appeal have set environmental and planning conditions for previous landfill operations on the subject land including a height limit.

The proponent has exceeded the height limitation of 1.3 metres for filling over the site because of requirements associated with the approved Timber Mill operations and as such, is seeking to legalise these works.

The levels of fill referred in this application for retrospective approval generally range from 2.0 metres to 2.5 metres located centrally within Lots 1 and 12, to 4.8 metres at the property boundaries of the said lots.

It should be noted that the applicant is firmly of the view that valid approvals already exist for both Lots 1 and 12.

There are no additional proposed changes to landuse or development.

The proponent has provided additional written information in support of the application justifying the increased fill heights. Copies of a Site Plan have also been supplied as part of the current application. The proponent states:

*“The reasons for the variations are firstly that it was necessary as part of the sawmill operation to create a suitably elevated log landing with the surrounds graded up to that landing. This feature has been inspected and discussed with Council several times in the past.*

*Elsewhere on the site, gradients need to be established for the drainage of surface water. The surface water is uncontaminated and it therefore makes sense to drain it away rather than allow it to infiltrate and potentially dissolve contaminants.*

*The site monitoring associated with the development clearly demonstrates that this strategy is working. Accordingly, we believe it is in the best interests of site management and environmental outcomes that the proposal be approved.”*

#### Leachate monitoring and management

DEP licence conditions for the MRI landfill site have required ongoing monitoring and leachate management. The leachate collection system is designed to collect any potentially contaminated water before it enters the surrounding environment and licence conditions require that the leachate is tested and approved for release by the DEP before it enters the Birrega drain. The testing of leachate provides the most reliable data to determine what types of contaminants leach from the fill.

The Office of the Appeals Convenor when determining a recent appeal against the granting of a DEP licence for Lot 1 made the following recommendations

- “(i) A groundwater monitoring system be established to enable assessment of any contamination emanating from the landfill site. The monitoring system is to consist of the bore on Lot 15 which is upstream of the site and the bore on Lot 11 which is downstream of the site. These bores are to be monitored on an annual basis, by agreement with the owners, to assess surrounding water quality levels. If access to one or both of these bores is not available, new monitoring bores are to be installed within the boundary of Lot 1 Jackson Road on the eastern and western side as replacement monitoring sites, as appropriate. Sampling and analysis to be undertaken in accordance with NATA certified practices*
- (ii) The level of the landfill material not to exceed 1.3 metres above natural ground level including the cover of clean fill. The perimeter of the landfill should be bunded up to a height not exceeding 1.5 metres above the landfill level.”*

The rationale provided by the Convenor for recommendation (ii) is as follows:

The amount of landfill will affect the concentration of any leachate and the Shire of Serpentine-Jarrahdale has advised that it would be beneficial if the 1.3 metre height limitation on the fill, required under the former development approval, be included in the DEP licence. As the concentration of leachate is a function of a number of factors including height of the landfill, it is therefore appropriate that the height of fill be included as a licence condition.

It is suggested that the Appeal Convenor's recommendation for monitoring bores on the property be a requirement of retrospective approval as this will provide the most accurate reading of any possible groundwater contamination. Monitoring on neighbouring properties is not seen as appropriate because if any contaminants are detected there will already have been migration off-site. It is noted that the proponent believes that it is not practical, due to the impervious nature of the soil to install groundwater monitoring peizometers at the site.

No analysis of the increased fill height and the expected increase in the concentration of contaminants has been provided by the applicant.

#### Post closure management

It is also important to ensure that appropriate arrangements are in place for the ongoing environmental monitoring and management of the site once the facility is closed. The Shire will require a post closure management plan to be submitted and approved for the site. The plan would be implemented on closure of the facility to ensure acceptable environmental outcomes are achieved in the long term. The post closure management plan should include details of ongoing monitoring of leachate for the same suite of contaminants MRI are currently required to test for under their DEP licence; maintenance of drainage channels and management of leachate discharges.

Once the facility was closed the site would no longer be the subject of a DEP licence and as such it is critical that the development approval is conditioned to ensure the owners are responsible for a level of post closure management that will achieve the same environmental outcomes as current DEP licence conditions. Leachate doesn't cease to be created once filling has finished. It will continue to be generated for many years after the last load of fill has been emptied on the site. Eventually the concentration of contaminants will diminish as rainfall leaches the last of the contaminants from the material. It is suggested that the owners responsibility for ongoing monitoring and management extend until the leachate complies with the ANZECC guidelines for aquatic ecosystem maintenance, the most stringent of the ANZECC guidelines.

The new management plan for Lot 1 states that "details outlining the proposed post closure land use will be provided to the DEP in a post closure management plan."

The proponent states that ultimate site development is to allow for the establishment of vegetation. The proponent states *"as areas of the site are filled, they will be capped with clean impermeable materials such as clay, asphalt, concrete or buildings. Separate stormwater systems will be constructed to manage storm water collected from these "clean" surfaces. This "uncontaminated" stormwater will be collected and directed off-site into the external surface drains that surround the site. As the volume of this clean stormwater is progressively increased, the volume of leachate will reduce, and it is anticipated that the need to discharge from the detention pond on Lot 12 will cease within 5 years and possibly sooner"*

However, it is logical to assume that the revegetation of the site will permeate the cap and facilitate the production of leachate. Leachate from Lot 1 will be collected in a basin on that Lot but no detail of how the leachate will enter the Birrega drain has been provided should environmental discharges be permitted to occur.

## Groundwater

Leachate on Lot 12 Bird and Lot 1 Jackson is generated by rainfall that is not redirected as surface water and instead percolates through the fill material, dissolving contaminants in the material as it moves through. The underlying clay layer is then supposed to act as an impenetrable barrier for the leachate that is then captured in a leachate drain, which surrounds the perimeter. Most putrescible landfill sites achieve this by installing drains above an impervious membrane that direct leachate in to a sump which is then pumped to a lined leachate pond. The leachate then evaporates and any material remaining is removed and disposed of at an appropriately licensed facility.

It is unclear how the leachate manages to flow in to the perimeter drains as there is no constructed underground drainage system to direct the flow. One would assume that the underlying clay base must have been graded to allow for natural fall to the perimeter drains although no evidence can be found to support this.

The concentrations of contaminants such as dieldrin, chlorpyrifos and metals such as zinc, lead and copper in the leachate ponds at MRI have exceeded ANZECC guidelines for aquatic ecosystems in the past but have generally complied with the guidelines for raw waters. It has been the logic of the discharge approval bodies to determine that it was not appropriate to require levels for ecosystem maintenance for discharge into a constructed drain such as the Birrega, despite the fact that the drain eventually discharges in to the Serpentine River. The rationale being that the dilution and attenuation effects from the water within the drain itself reduce the concentration of contaminants to acceptable levels and that the water from the drain should not be used for stock watering or irrigation.

However, the Water and Rivers Commission in consenting to past discharges did state *“The proposal uses a mixing zone to reduce discharge concentrations which is in accordance with the draft National Water Quality Management Strategy ANZECC 2000 water quality guideline document. The size of the mixing zone is appropriate and the Commission supports conditions set by the DEP on the release. However the Commission considers that the proponents should consider changing water management practices to reduce the need for further discharges to the drain. These measures include increasing the storage capacity of the ponds, and irrigating nearby pasture with leachate during summer months.”*

The proponent does not discuss the adequacy of the size of the current leachate ponds. It would be preferred that no further environmental discharges occur, that the leachate ponds are of adequate capacity to contain all leachate generated, that leachate evaporates seasonally and any remaining leachate is disposed of at an appropriately licensed facility. The suggestion by W&RC to irrigate pasture is deemed inappropriate as there is minimal pasture left to irrigate, the pasture that remains is adjacent to a Bush Forever site and is the subject of an application for increased landfill.

The proponent states in the new management plan for Lot 1:

*“Following monitoring and analysis of the leachate, suitable disposal methods will be adopted. Proposed methods of disposal include:*

- *Discharge into the Berriga Main Drain*
- *Reuse on site*
- *Disposal off site*

*Priority will be given to the reuse of leachate water over the site wherever possible. Proposed uses include irrigation of tree buffer zones and orchard areas; dust suppression and recharging of fire control ponds. Surplus leachate water that meets water quality requirements of the DEP is proposed to be pumped directly in the Berriga Main drain.”*

It is not considered appropriate to use the leachate to irrigate orchards as the potential for adverse impacts on public health are apparent. Use of the leachate for dust suppression and irrigation of tree buffer zones would only be deemed acceptable if it was to occur within an uncapped fill area so that any run-off could be directed back into the leachate drainage system. Application of leachate over capped areas presents the potential for contamination of stormwater. Therefore the disposal of leachate offsite is considered to be the best method of leachate disposal. The quantity of leachate disposed offsite would be reduced by the capacity of the ponds being sufficient to cope with leachate quantities generated through rainfall and evaporated during the summer.

Previous environmental discharges into the Berriga Main Drain were subject to the following general conditions:

- *The discharge occurs in a manner that minimises erosion and the disturbance of sediments in the receiving drains*
- *The discharge occurs within fourteen days of the date of this consent*
- *One water sample is collected upstream at the edge of the mixing zone of the Boomerang and Berriga Drains and one sample is taken downstream at the edge of the mixing zone in the Berriga Drain*
- *Water samples are collected in accordance with Australian Standard 5667.1, 1998*
- *Water samples are collected when approximately half of the leachate has been discharged from the leachate pond*
- *Water samples are analysed for the parameters specified in your licence condition W3(a)*
- *All water samples are submitted to a laboratory registered by NATA for the analysis of the analytes specified in your licence*
- *The results of the water analysis are submitted to the Director, Pollution Prevention Division*
- *The discharge of pond water should occur during a rainfall event if possible*
- *The discharge rate of leachate from the leachate pond may be varied according to the flow rate of water in the Birrega Drain (as detailed in the ATA Environmental proposal). However the projected concentration of contaminants must not exceed the relevant concentrations specified in the Australian and New Zealand Environment and Conservation Council Australian Water Quality guidelines for Fresh and Marine Waters 1992 document.*
- *Upstream and downstream water samples must be tested at a NATA registered laboratory for the following parameters: total dissolved salts, nitrate, nitrogen, organochlorine pesticides (aldrin, dieldrin, chlorpyrifos, DDE, DDT and heptachlor) and heavy metals (chromium, copper, manganese, nickel, cadmium, lead and zinc); and*
- *The pond water must be discharged in to the Berriga Drain*

### Stormwater

The original management plan (1996) for both Lot 12 and Lot 1 states:

*“Stormwater run-off collected from the landfill area will be monitored for contaminants at least three times during each winter period. Monitoring will occur immediately following the first rainfall of the season producing run-off, during the middle of the winter period, and at the end of winter. The timing of the monitoring will be dependant upon seasonal rainfall.*

*Two replicates will be collected during each monitoring period. One replicate will be analysed by a NATA certified laboratory for the following water quality parameters:*

- *pH*
- *Total suspended solids*
- *Sodium, potassium, calcium, magnesium, and chloride*
- *Bicarbonates*
- *Sulphates*

- *Ammonia, nitrate and total phosphorous*
- *Chromium, copper, manganese, nickel, cadmium and zinc*
- *Organochlorine and organophosphate pesticides*

*Organochlorine and organophosphate pesticides will only be monitored following the first rain of the winter season. The remainder of the parameters will be sampled for on each monitoring occasion.*

*The second replicate will only be analysed if the levels of parameters are above the Australian Water Quality Guidelines for Fresh and Marine Waters, and reanalysis will only occur for those parameters considered to be elevated. The results of the water quality monitoring program will be supplied to the WMD for consideration.*

*Should the water be uncontaminated, it will be disposed of to the Birrega Main Drain. If the stormwater run-off from the fill areas is found to be contaminated, discussions will be held with the WMD to determine a suitable method of disposal for the collected run-off."*

The monitoring of stormwater is not contained within the new management plan for Lot 1 and it would be advisable for this to be continued for both sites to ensure that the leachate containment system is working.

### Conclusion

The current application seeking retrospective development approval is supported by documentation from Mitchell Goff and Associates which states that the applicant had believed that he was acting properly, particularly in relation to variations to site filling which were done primarily to suit the workings of the Forest Products Centre.

Submissions objecting to approving the existing additional fill largely relate to potential environmental impacts. These impacts have been managed under DEP licence conditions in the past. Management of issues raised such as noise, dust, hours of operation have been addressed in the two (2) Environmental Management Plans submitted to the Shire.

The application for retrospective planning approval is considered to comply with requirements and provisions of Town Planning Scheme No. 2. The application requesting approval to add further landfill to Lot 1 is the subject of a separate application to Council.

In view of the above, it is recommended that the application seeking retrospective planning approval on Lot 12 Bird Road, Oldbury, be approved subject to compliance with the conditions of the two (2) submitted Environmental Management Plans and those conditions set by the relevant Ministers on appeal.

### **Sustainability Statement:**

Submission of the Environmental Management Plans by the proponent will ensure that the site is managed and operated in an environmentally responsible manner. It is considered that the subject land is capable of sustaining such a landuse activity with appropriate development measures and conditions imposed by the DEP and the Shire.

### **Statutory Environment:**

Town Planning and Development Act 1928 (as amended);  
Environmental Protection Act 1986;  
Town Planning Scheme No. 2.

### **Policy Implications:**

DEP Code of Practice 'Draft Code of Practice for Inert Landfilling Operations' (1997);



Council's recently adopted Employment and Economic Development Strategy seeks to encourage business diversification throughout the Shire.

**Financial Implications:**

As a condition of development approval for the retrospective placement and deployment of inert landfill, a Development Bond or Bank Guarantee is required.

**Strategic Implications:**

Key Result Area 2.1 of the Shire's Strategic Plan (2001-2005) is applicable to the development, which states:

*"Encourage best practise environmental management."*

**Community Consultation:**

Yes. Nearby landowners notified directly in writing and invited to comment. A total of eleven (11) submissions were received. Key Government agencies were also invited to comment on the application.

**Voting Requirements:**

Normal

**Committee/Officer Recommended Resolution**

Pursuant to Clause 6.8.1 of Town Planning Scheme No. 2, Council grant retrospective planning approval for the placement of inert landfill in excess of 1.3 metres on Lot 12 Bird Road, Oldbury, subject to the following conditions:

1. Notification in the form of a memorial to be placed on the Certificate of Title of the lot advising the existence of a hazard or other factor, in accordance with section 12A of the Town Planning and Development Act 1928, and notice of this memorial be lodge to the satisfaction of Council and at the applicants cost. The memorial to state as follows:  
The quality of groundwater obtained from the proposed lots may not be suitable for human consumption and any person proposing to use groundwater for such purposes should have water scientifically analysed to determine its quality.
2. The owner shall ensure that any windblown waste is removed from the premises fences and roads, and any windblown waste emanating from the premises is collected and removed on a weekly basis or more frequently when directed by the Shire.
3. The owner shall provide to the Shire an annual monitoring report containing monitoring data required by any condition of this approval. The report shall contain data collected from the previous calendar year and shall be provided no later than the 1<sup>st</sup> January each year. The Shire will dictate the format of the report.
4. In the annual monitoring report, the owner shall list any monitoring methods used to collect and analyse data required by any condition of this approval to demonstrate they comply with the methods specified in this approval.
5. In the annual monitoring report, the owner shall provide details of:
  - Measures taken to control pests and vermin
  - The number and severity of any fires on site
  - Measures taken to suppress dust
  - Measures taken to prevent windblown waste

- The number and type of complaints received including complainants name, address, nature of complaint (where appropriate cross referenced with prevailing wind directions) and action taken.
- 6. The owner shall ensure that all areas on the premises from which dust may be generated are maintained in a moist condition so that no visible dust crosses the boundary of the premises.
- 7. The owner shall direct uncontaminated stormwater run-off, such as water from roofs and site drainage, away from the filled and peripheral areas and associated sumps or drains into dedicated stormwater drains.
- 8. The owner shall ensure stormwater drains on the premises are kept clear of waste to allow for their effective use.
- 9. The owner shall take the following measures for the purpose of minimising the likelihood of pollution occurring as a result of any activity conducted or proposed to be conducted in any part of the premises and at its own expense carry out the following monitoring program for the purpose of supplying the Council with information relating to the characteristics, volume and effects of the leachate generated on the premises:
  - a) The owner shall ensure that all leachate on the premises is drained into the existing leachate retention pond on the premises
  - b) The owner shall ensure that, before any leachate is disposed of from the leachate retention pond on the premises, a sample of leachate is taken from the leachate retention pond and analysed for the following parameters
    - pH
    - Total suspended solids
    - Sodium, potassium. Calcium, magnesium, and chloride
    - Bicarbonates
    - Sulphates
    - Ammonia, nitrate and total phosphours
    - Chromium, copper, manganese, nickel, cadmium, lead and zinc
    - Aldrin, chlordane, chlorpyrifos, dieldrin, DDT, heptachlor, lindane and HCB
  - c) The owner shall ensure that all water samples are collected in accordance with Australian Standard 5667.1, 1998
  - d) The owner shall ensure all water samples are submitted to a laboratory registered by NATA for the analyses specified.
  - e) Annually between August to September the owner shall take and have analysed representative water samples from the monitoring bores installed on-site for the following parameters:
    - pH
    - Total suspended solids
    - Sodium, potassium. Calcium, magnesium, and chloride
    - Bicarbonates
    - Sulphates
    - Ammonia, nitrate and total phosphorous
    - Chromium, copper, manganese, nickel, cadmium, lead and zinc
    - Aldrin, chlordane, chlorpyrifos, dieldrin, DDT, heptachlor, lindane and HCB

- f) With the exception of pH, conductivity and SWL all measurements are to be reported in mg/L
  - g) The owner shall ensure that all water samples are collected in accordance with Australian Standard 5667.1, 1998
  - h) The owner shall ensure all water samples are submitted to a laboratory registered by NATA for the analyses specified.
  - i) The results of the groundwater monitoring shall be reported in the annual monitoring report submitted to the Shire.
10. Leachate is not be reused on site or discharged to local drains. Leachate must be disposed offsite at an appropriately licensed facility.
  11. Leachate ponds must be of sufficient capacity to hold all leachate generated on site.
  12. Stormwater run-off collected from the landfill area will be monitored for contaminants at least three times during each winter period. Monitoring will occur immediately following the first rainfall of the season producing run-off, during the middle of the winter period, and at the end of winter. The timing of the monitoring will be dependant upon seasonal rainfall.
    - a) Two replicates will be collected during each monitoring period. One replicate will be analysed by a NATA certified laboratory for the following water quality parameters:
      - pH
      - Total suspended solids
      - Sodium, potassium, Calcium, magnesium, and chloride
      - Bicarbonates
      - Sulphates
      - Ammonia, nitrate and total phosphorous
      - Chromium, copper, manganese, nickel, cadmium, lead and zinc
      - Aldrin, chlordane, chlorpyrifos, dieldrin, DDT, heptachlor, lindane and HCB
    - b) Organochlorine and organophosphate pesticides will only be monitored following the first rain of the winter season. The remainder of the parameters will be sampled for on each monitoring occasion.
    - c) The second replicate will only be analysed if the levels of parameters are above the Australian Water Quality Guidelines for Fresh and Marine Waters, and reanalysis will only occur for those parameters considered to be elevated. The results of the water quality monitoring program will be supplied to the Shire as part of the annual monitoring report.
    - d) Should the water be uncontaminated, it will be disposed of to the Birrega Main Drain. If the stormwater run-off from the fill areas is found to be contaminated, discussions will be held with the Shire to determine a suitable method of disposal for the collected run-off.
  13. A post closure management plan is to be submitted to the Shire and the Department of Environmental Protection by August 30<sup>th</sup> 2002.
  14. The post closure management plan must receive the approval of the Shire and the Department of Environmental Protection prior to implementation.
  15. At the cessation of operation of the landfill facility the approved post closure management plan must implemented.

16. Leachate monitoring required in the post closure management plan must continue until contaminant levels consistently fall below the ANZECC guidelines for aquatic ecosystems.
17. The owner shall install two monitoring bores on the property prior to 1<sup>st</sup> August 2002 for the purpose of sampling groundwater. One bore is to be installed on the eastern side of the lot. The second bore is to be installed on the western side of the lot. Both bores are to be within the lot boundary.
18. A bond or bank guarantee sufficient for an independent body to implement the post closure management plan in the event of failure of the owner to fulfill this condition is to be submitted to the Shire prior to 30<sup>th</sup> August 2002. The calculation of the amount of the bond or bank guarantee is to be presented for approval by Council prior to the lodgement of the bond or bank guarantee.
19. Revegetation of the lot is to be in accordance with the Council's InfoNote PS03 Landscape and Revegetation by the 30<sup>th</sup> August 2003.
20. The applicant is required to lodge and progress an amalgamation of Lot 12 Bird Road and Lot 1 Jackson Road prior to August 30<sup>th</sup> 2002.
21. That no further filling takes place on the subject land (notwithstanding that the level has already been exceeded in places) on the site.
22. That the site be managed in accordance with the Environmental Management Plan dated December 1996 and the Environmental Management Plan dated January 2001.
23. That a final grading and landscape plan and program be submitted for Council approval by 31 August 2002.
24. Rehabilitation of the site is to be in accordance with the approved landscape plan and is to be completed by September 2003.

Advice Notes:

1. NATA means National Association of Testing Authorities
2. This is not an approval for those parts of the management plan not relating to retrospective or prospective fill
3. The applicant is advised that the site must be operated and managed in accordance with the following:
  - a) Conditions of approval set by the former Minister for Planning on Appeal.
  - b) Current DEP Licence conditions.
  - c) Monitoring of main drains would be conducted and reported to the DEP.
  - d) This retrospective planning approval is for the areas of fill outlined on the application plan that exceeds 1.3 metres and does not permit the applicant to place further fill in any areas.
  - e) Monitoring of the height of fill and matters relating to contamination to be reported to the DEP and Shire.

Note: This matter was referred to Council in light of the quantity of submissions received.

### **CRP018 COUNCIL DECISION**

Moved Cr Murphy seconded Cr Hoyer pursuant to Clause 6.8.1 of Town Planning Scheme No. 2, Council grant retrospective planning approval for the placement of inert landfill in excess of 1.3 metres on Lot 12 Bird Road, Oldbury, subject to the following conditions:

1. Notification in the form of a memorial to be placed on the Certificate of Title of the lot advising the existence of a hazard or other factor, in accordance with section 12A of the Town Planning and Development Act 1928, and notice of this memorial be lodge to the satisfaction of Council and at the applicants cost. The memorial to state as follows:  
The quality of groundwater obtained from the proposed lots may not be suitable for human consumption and any person proposing to use groundwater for such purposes should have water scientifically analysed to determine its quality.
2. The owner shall ensure that any windblown waste is removed from the premises fences and roads, and any windblown waste emanating from the premises is collected and removed on a weekly basis or more frequently when directed by the Shire.
3. The owner shall provide to the Shire an annual monitoring report containing monitoring data required by any condition of this approval. The report shall contain data collected from the previous calendar year and shall be provided no later than the 1<sup>st</sup> January each year. The Shire will dictate the format of the report.
4. In the annual monitoring report, the owner shall list any monitoring methods used to collect and analyse data required by any condition of this approval to demonstrate they comply with the methods specified in this approval.
5. In the annual monitoring report, the owner shall provide details of:
  - Measures taken to control pests and vermin
  - The number and severity of any fires on site
  - Measures taken to suppress dust
  - Measures taken to prevent windblown waste
  - The number and type of complaints received including complainants name, address, nature of complaint (where appropriate cross referenced with prevailing wind directions) and action taken.
6. The owner shall ensure that all areas on the premises from which dust may be generated are maintained in a moist condition so that no visible dust crosses the boundary of the premises.
7. The owner shall direct uncontaminated stormwater run-off, such as water from roofs and site drainage, away from the filled and peripheral areas and associated sumps or drains into dedicated stormwater drains.
8. The owner shall ensure stormwater drains on the premises are kept clear of waste to allow for their effective use.
9. The owner shall take the following measures for the purpose of minimising the likelihood of pollution occurring as a result of any activity conducted or proposed to be conducted in any part of the premises and at its own expense carry out the following monitoring program for the purpose of supplying the Council with information relating to the characteristics, volume and effects of the leachate generated on the premises:

- a) The owner shall ensure that all leachate on the premises is drained into the existing leachate retention pond on the premises
  - b) The owner shall ensure that, before any leachate is disposed of from the leachate retention pond on the premises, a sample of leachate is taken from the leachate retention pond and analysed for the following parameters
    - pH
    - Total suspended solids
    - Sodium, potassium, Calcium, magnesium, and chloride
    - Bicarbonates
    - Sulphates
    - Ammonia, nitrate and total phosphours
    - Chromium, copper, manganese, nickel, cadmium, lead and zinc
    - Aldrin, chlordane, chlorpyrifos, dieldrin, DDT, heptachlor, lindane and HCB
  - c) The owner shall ensure that all water samples are collected in accordance with Australian Standard 5667.1, 1998
  - d) The owner shall ensure all water samples are submitted to a laboratory registered by NATA for the analyses specified.
  - e) Annually between August to September the owner shall take and have analysed representative water samples from the monitoring bores installed on-site for the following parameters:
    - pH
    - Total suspended solids
    - Sodium, potassium, Calcium, magnesium, and chloride
    - Bicarbonates
    - Sulphates
    - Ammonia, nitrate and total phosphorous
    - Chromium, copper, manganese, nickel, cadmium, lead and zinc
    - Aldrin, chlordane, chlorpyrifos, dieldrin, DDT, heptachlor, lindane and HCB
  - f) With the exception of pH, conductivity and SWL all measurements are to be reported in mg/L
  - g) The owner shall ensure that all water samples are collected in accordance with Australian Standard 5667.1, 1998
  - h) The owner shall ensure all water samples are submitted to a laboratory registered by NATA for the analyses specified.
  - i) The results of the groundwater monitoring shall be reported in the annual monitoring report submitted to the Shire.
10. Leachate is not be reused on site or discharged to local drains. Leachate must be disposed offsite at an appropriately licensed facility.
  11. Leachate ponds must be of sufficient capacity to hold all leachate generated on site.
  12. Stormwater run-off collected from the landfill area will be monitored for contaminants at least three times during each winter period. Monitoring will occur immediately following the first rainfall of the season producing run-off, during the middle of the winter period, and at the end of winter. The timing of the monitoring will be dependant upon seasonal rainfall.

- a) Two replicates will be collected during each monitoring period. One replicate will be analysed by a NATA certified laboratory for the following water quality parameters:
    - pH
    - Total suspended solids
    - Sodium, potassium, Calcium, magnesium, and chloride
    - Bicarbonates
    - Sulphates
    - Ammonia, nitrate and total phosphorous
    - Chromium, copper, manganese, nickel, cadmium, lead and zinc
    - Aldrin, chlordane, chlorpyrifos, dieldrin, DDT, heptachlor, lindane and HCB
  - b) Organochlorine and organophosphate pesticides will only be monitored following the first rain of the winter season. The remainder of the parameters will be sampled for on each monitoring occasion.
  - c) The second replicate will only be analysed if the levels of parameters are above the Australian Water Quality Guidelines for Fresh and Marine Waters, and reanalysis will only occur for those parameters considered to be elevated. The results of the water quality monitoring program will be supplied to the Shire as part of the annual monitoring report.
  - d) Should the water be uncontaminated, it will be disposed of to the Birrega Main Drain. If the stormwater run-off from the fill areas is found to be contaminated, discussions will be held with the Shire to determine a suitable method of disposal for the collected run-off.
13. A post closure management plan is to be submitted to the Shire and the Department of Environmental Protection by August 30<sup>th</sup> 2002.
  14. The post closure management plan must receive the approval of the Shire and the Department of Environmental Protection prior to implementation.
  15. At the cessation of operation of the landfill facility the approved post closure management plan must be implemented.
  16. Leachate monitoring required in the post closure management plan must continue until contaminant levels consistently fall below the ANZECC guidelines for aquatic ecosystems.
  17. The owner shall install two monitoring bores on the property prior to 1<sup>st</sup> August 2002 for the purpose of sampling groundwater. One bore is to be installed on the eastern side of the lot. The second bore is to be installed on the western side of the lot. Both bores are to be within the lot boundary.
  18. A bond or bank guarantee sufficient for an independent body to implement the post closure management plan in the event of failure of the owner to fulfill this condition is to be submitted to the Shire prior to 30<sup>th</sup> August 2002. The calculation of the amount of the bond or bank guarantee is to be presented for approval by Council prior to the lodgement of the bond or bank guarantee.
  19. Revegetation of the lot is to be in accordance with the Council's InfoNote PS03 Landscape and Revegetation by the 30<sup>th</sup> August 2003.
  20. The applicant is required to lodge and progress an amalgamation of Lot 12 Bird Road and Lot 1 Jackson Road prior to August 30<sup>th</sup> 2002.
  21. That no further filling takes place on the subject land (notwithstanding that the level has already been exceeded in places) on the site.

22. That the site be managed in accordance with the Environmental Management Plan dated December 1996 and the Environmental Management Plan dated January 2001.
23. That a final grading and landscape plan and program be submitted for Council approval by 31 August 2002.
24. Rehabilitation of the site is to be in accordance with the approved landscape plan and is to be completed by September 2003.

Advice Notes:

1. NATA means National Association of Testing Authorities
2. This is not an approval for those parts of the management plan not relating to retrospective or prospective fill
3. The applicant is advised that the site must be operated and managed in accordance with the following:
  - a) Conditions of approval set by the former Minister for Planning on Appeal.
  - b) Current DEP Licence conditions.
  - c) Monitoring of main drains would be conducted and reported to the DEP.
  - d) This retrospective planning approval is for the areas of fill outlined on the application plan that exceeds 1.3 metres and does not permit the applicant to place further fill in any areas.
  - f) Monitoring of the height of fill and matters relating to contamination to be reported to the DEP and Shire.
  - f) The applicant is advised in relation to this development approval, the consent of the Minister for Indigenous Affairs under the Aboriginal Heritage Act 1972 may be required. This development approval does not constitute a consent under that Act, and the Shire does not take responsibility for assessing the site of the development in terms of compliance with the Aboriginal Heritage Act. The applicant is advised to pursue their own enquiries with the Department of Indigenous Affairs to ensure compliance with the Aboriginal Heritage Act.

CARRIED 10/0

Note: The Committee/Officer recommended resolution was changed in add part f of the advice note was as a point of clarification.



P019/07/02 RETROSPECTIVE DEVELOPMENT APPROVAL AND PLACEMENT OF INERT LANDFILL – LOT 1 JACKSON ROAD, OLDBURY (P00098, P05586/01)		
Proponent	Clout & Associates	<b>In Brief</b>  Council to re-consider an application requesting retrospective planning approval for the filling of Lot 1 Jackson Road, Oldbury. This report also addresses an application seeking approval to place further fill on Lot 1.  It is recommended that retrospective planning approval be granted for Lot 1 Jackson subject to conditions, however, the placement of additional landfill be refused.
Officer	David Spencer – Senior Planner Joanne Abbiss – Manager Sustainable Development	
Signatures - Author:		
Senior Officer:		
Date of Report	11 July 2002	
Previously	P126/05/02	
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

Owner: McLean Recycling Industries  
 Owner's Address: 26 Bird Road, Oldbury  
 Applicant: Clout & Associates  
 Applicant's Address: PO Box Y3185, Perth  
 Date of Receipt: 13 November 2001  
 Advertised: Yes. Surrounding landowners and government agencies notified directly in writing  
 Submissions: Yes. Eleven (11) submissions received  
 Lot Area: 12.39 hectares  
 L.A Zoning: Rural  
 MRS Zoning: Rural  
 Byford Structure Plan: Not applicable  
 Rural Strategy Policy Area: Rural  
 Rural Strategy Overlay: Not applicable  
 Bush Forever: Portion of Lot 1 classified for protection  
 Date of Inspection: Not applicable

### **Background**

This application has arisen as a result of the applicant having appealed planning conditions of the Shire in relation to Lot 12 and having been granted a consent from the Minister for Planning for filling in respect to both Lots 1 and 12 (possibly due to the information on plans submitted for Lot 12 also referring to Lot 1).

The applicant had deleted Lot 1 from the original application/approval and now seeks Council's conditional approval in respect to Lot 1 via a fresh application for development approval in order to clarify the situation.

Note: The applicant is firmly of the view that valid approvals already exist for both Lot 1 and Lot 12.

### **May 2002**

Council recently considered a retrospective planning application for landfill on Lot 1 Jackson Road, Oldbury. At its meeting held 27 May 2002, Council considered the said application and resolved the following:

*“That this item be deferred until a current management plan of the site can be shown as justification for the increased fill heights.”*

The proponent's justification for the existing landfill on Lot 1 is explained within the Comments section of this report.

The proponent has provided additional written information in support of the application justifying the increased fill heights. Copies of a Site Plan have also been supplied as part of the current application. The proponent states:

*“The reasons for the variations are firstly that it was necessary as part of the sawmill operation to create a suitably elevated log landing with the surrounds graded up to that landing. This feature has been inspected and discussed with Council several times in the past.*

*Elsewhere on the site, gradients need to be established for the drainage of surface water. The surface water is uncontaminated and it therefore makes sense to drain it away rather than allow it to infiltrate and potentially dissolve contaminants.*

*The site monitoring associated with the development clearly demonstrates that this strategy is working. Accordingly, we believe it is in the best interests of site management and environmental outcomes that the proposal be approved.”*

It should be noted that two (2) Management Plans have been prepared and submitted to the Shire for approval. The first Management Plan dated December 1996 addresses both Lots 1 & 12 Jackson/Bird Roads, Oldbury. A second Management Plan dated January 2001 predominantly addresses the placement and deployment of additional inert landfill on Lot 1 Jackson Road.

#### Environmental Management Plan (December 1996)

The Environmental Management Plan dated December 1996 submitted to the Shire for approval, covered the following issues in respect to the application:

- Site security - fencing and restricted access control.
- Site supervision - with restricted hours of delivery. No material received on Sunday.
- Buffer Zones - the Code of Practice recommends a 25 metre buffer between the active tipping face and the site boundary.
- Dust control – application of water
- Fire contingency plans - fire truck
- Noise control- landscaped bunds
- Stormwater runoff control and monitoring
- Groundwater monitoring
- Staging of fill placement – to ensure adequate management of the site.
- Site levels – the majority of the site will be filled to a level of approximately 1.3m above the existing ground level to gain adequate drainage and to allow for the establishment of vegetation. Note: This limit has been exceeded.
- Storage of Green waste
- Fuel Storage

#### Environmental Assessment and Management Plan (January 2001)

The second Environmental Management Plan submitted by McLean Recycling Industries in January 2001 predominantly addresses the issue of landfill at Lot 1 Jackson Road, however, there is some mention of the current application for Lot 12 Bird Road. Issues addressed within the said report applicable to Lot 1 were included within the Environmental Management Plan dated 1996.

- Operational history including fill placement and heights, licence approvals, etc
- Conservation Management Category wetland
- Buffer zones – separation distances to residences and Bush Forever sites
- Stormwater control and water monitoring

***A copy of the Environmental Management Plan (January 2001) is with the attachments marked P019.1/07/02.***

#### Community Consultation

The retrospective planning application for inert landfill on Lot 1 was advertised to surrounding and affected landowners for comment. A total of eleven (11) submissions were received and it is considered that of these, four (4) were generally in support of the application due to concerns about loss of employment opportunities, and seven (7) were opposed to the filling of the site for various reasons. Concerns raised by residents related to water contamination, leachate run-off, noise impacts, rehabilitation of site, etc.

Submissions received are summarised in the accompanying Schedule of Submissions table.

#### Government Agency Consultation

The proposal was also referred to the Water and Rivers Commission and Ministry for Planning (Bush Forever Unit) for relevant comment.

#### Department of Environmental Protection (DEP) Licence Approvals

The Minister for the Environment has issued numerous environmental licence approvals for land filling in respect to both Lots 1 and 12. The following key dates of licences issued are listed below:

- 13 March 2001 – a licence was issued for Lot 12 Bird Road and Lot 1 Jackson Road;
- 22 March 2001 – a licence was issued for Lot 12 Bird Road and Lot 1 Jackson Road, however, the licence expired on 7 June 2001 and is no longer valid.
- 4 December 2001 – a licence was issued for only Lot 1 Jackson Road. This licence recently expired on 29 May 2002 and is no longer valid.

In view of the above, it appears that there is no current DEP licence for inert landfill on Lot 12. However, further investigations by Council officers reveals that the DEP issued a letter dated 3 January 2002 in which it is stated that both Lots 1 and 12 Jackson/Bird Roads have been issued with a licence. It is further advised by the DEP that it does not require formal assessment of the proposal, as a Class 1 Landfill Licence has already been issued for this site and the proposal is being managed under licence conditions.

#### Buffer Zones/Distances

The Draft Code of Practice for Inert Landfilling Operations (EPA, 1997) recommends the establishment of a 25 metre internal buffer between the active tipping face and the site boundary and a 150 metre external buffer from the tipping face to the nearest residence.

#### Bush Forever Setback Requirements

The Department of Environmental Protection (DEP) have specified a buffer distance from the proposed landfill area to the adjoining Bush Forever site located to the north of Lot 1. This buffer distance has been incorporated with the DEP's Licence issued to the landowner to operate an inert landfill site on Lot 1. The buffer distance required by the DEP to the Bush Forever site is 50 metres, however plans submitted for approval to extend the inert landfill area depicts a nil setback to the Bush Forever site.

The DEP's condition contained within the Licence dated 4 December 2001 states:

***"BUFFER DISTANCE***

*The licensee shall take the following measures for the purpose of minimizing the likelihood of pollution occurring as a result of any activity conducted or proposed to be conducted in any part of the Premises:*

*G5(a) The licensee shall ensure that no waste is placed other than in the area shaded green on Plan 1, which is attachment 4 to these licence conditions.*

*G5(b) The licensee shall ensure that the northern boundary of the area shaded green on Plan 1 attached to these licence conditions is clearly marked at the premises, and that no waste is placed to the north of that boundary as marked."*

Council received advice from the Department of Planning and Infrastructure's Bush Forever Office on 12<sup>th</sup> July 2002 which states:

*"The Bush Forever Office recommends that the proposed development (ie. Landfill) be restricted up to 50m from the edge of Bush Forever site to ensure an adequate buffer exists between the development and the regionally significant vegetation. A distance less than 50m would be supported by the Bush Forever Office if it could be demonstrated that there would be no impacts on the regionally significant vegetation. Further information such as finish levels and post completion landuse would be required to support this."*

Advice received from the Water and Rivers Commission (W&RC) states:

*"There is an area of dampland that has been classified as a Resource-Enhancement wetland in the northern area of the site. The wetland area appears well vegetated from recent aerial photography and is therefore worthy of protection. The Commission recommends a 50m buffer from the edge of the wetland dependant vegetation."*

In view of the above, any expansion of the existing landfill area further to the north on Lot 1 would encroach within the 50 metre buffer/setback area. This part of the application is therefore not supported by the Sustainable Development Team. It also has not been endorsed by the relevant government agencies that have commented on the proposal.

Conservation Management Category Wetland

A Conservation Management Category Wetland is located over the majority of Lot 2 Jackson Road, situated directly to the east of Lot 1 Jackson Road. This wetland is a 21.1 hectare vegetated and seasonally inundated area of land. Such wetlands are protected under the Environmental Protection Policy (EPP) 1992, from unauthorized filling, excavation, mining, effluent disposal and drainage.

Advice received from the Water and Rivers Commission (W&RC) states *"Buffers from conservation category wetlands are 200m."*

Residential Housing Setback Requirements

A condition of the Works Approval issued by the DEP for the continuation of landfilling at Lot 12, was that a buffer of at least 150 metres be maintained between the closest residences and any areas to be filled. The buffer from the nearest residence (located on Lot 15), extends approximately 90 metres into the adjoining Lot 1 and the proposed fill area to the north. It should be noted that the corresponding area on Lot 12 has already been filled without apparent complaint.

According to the Environmental Management Plan (2001), McLean Recycling Industries proposes to negotiate with the landowner of Lot 15 seeking agreement to fill the area on Lot

1 within the buffer zone. Accordingly, this application seeks conditional approval to fill the subject area adjoining the Bush Forever site.

A second property lies on the eastern boundary of Lot 1 and would be affected by the 150 metre buffer zone.

It is proposed to fill within the buffer distance

### **Comments**

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

Clause 6.8.1 of Council's Town Planning Scheme No. 2 (TPS 2) provides for the granting of planning approval where it is retrospective and where it conforms with provisions of TPS 2.

#### **Retrospective Planning Application – Inert Landfilling**

Ministerial approvals on appeal have set environmental and planning conditions for previous landfill operations on the subject land including a height limit.

The proponent has exceeded the height limitation of 1.3 metres for filling over the site because of requirements associated with the approved Timber Mill operations and as such, is seeking to legalise these works.

The levels of fill referred in this application for retrospective approval generally range from 2.0 metres to 2.5 metres located centrally within Lots 1 and 12, to 4.8 metres at the property boundaries of the said lots.

It should be noted that the applicant is firmly of the view that valid approvals already exist for both Lots 1 and 12.

#### **Leachate monitoring and management**

DEP licence conditions for the MRI landfill site have required ongoing monitoring and leachate management. The leachate collection system is designed to collect any potentially contaminated water before it enters the surrounding environment and licence conditions require that the leachate is tested and approved for release by the DEP before it enters the Birrega drain. The testing of leachate provides the most reliable data to determine what types of contaminants leach from the fill.

The Office of the Appeals Convenor when determining a recent appeal against the granting of a DEP licence for Lot 1 made the following recommendations:

- “(i) A groundwater monitoring system be established to enable assessment of any contamination emanating from the landfill site. The monitoring system is to consist of the bore on Lot 15 which is upstream of the site and the bore on Lot 11 which is downstream of the site. These bores are to be monitored on an annual basis, by agreement with the owners, to assess surrounding water quality levels. If access to one or both of these bores is not available, new monitoring bores are to be installed within the boundary of Lot 1 Jackson Road on the eastern and western side as replacement monitoring sites, as appropriate. Sampling and analysis to be undertaken in accordance with NATA certified practices*
- “(ii) The level of the landfill material not to exceed 1.3 metres above natural ground level including the cover of clean fill. The perimeter of the landfill should be bunded up to a height not exceeding 1.5 metres above the landfill level.”*

The rationale provided by the Convenor for recommendation (ii) is as follows:

The amount of landfill will affect the concentration of any leachate and the Shire of Serpentine-Jarrahdale has advised that it would be beneficial if the 1.3 metre height limitation on the fill, required under the former development approval, be included in the DEP licence. As the concentration of leachate is a function of a number of factors including height of the landfill, it is therefore appropriate that the height of fill be included as a licence condition.

It is suggested that the Appeal Convenor's recommendation for monitoring bores on the property be a requirement of retrospective approval as this will provide the most accurate reading of any possible groundwater contamination. Monitoring on neighbouring properties is not seen as appropriate because if any contaminants are detected there will already have been migration off-site. It is noted that the proponent believes that it is not practical, due to the impervious nature of the soil to install groundwater monitoring peizometers at the site.

No analysis of the increased fill height and the expected increase in the concentration of contaminants has been provided by the applicant.

#### Post closure management

It is also important to ensure that appropriate arrangements are in place for the ongoing environmental monitoring and management of the site once the facility is closed. The Shire will require a post closure management plan to be submitted and approved for the site. The plan would be implemented on closure of the facility to ensure acceptable environmental outcomes are achieved in the long term. The post closure management plan should include details of ongoing monitoring of leachate for the same suite of contaminants MRI are currently required to test for under their DEP licence; maintenance of drainage channels and management of leachate discharges.

Once the facility was closed the site would no longer be the subject of a DEP licence and as such it is critical that the development approval is conditioned to ensure the owners are responsible for a level of post closure management that will achieve the same environmental outcomes as current DEP licence conditions. Leachate doesn't cease to be created once filling has finished. It will continue to be generated for many years after the last load of fill has been emptied on the site. Eventually the concentration of contaminants will diminish as rainfall leaches the last of the contaminants from the material. It is suggested that the owners responsibility for ongoing monitoring and management extend until the leachate complies with the ANZECC guidelines for aquatic ecosystem maintenance, the most stringent of the ANZECC guidelines.

The new management plan for Lot 1 states that "details outlining the proposed post closure land use will be provided to the DEP in a post closure management plan."

The proponent states that ultimate site development is to allow for the establishment of vegetation. The proponent states *"as areas of the site are filled, they will be capped with clean impermeable materials such as clay, asphalt, concrete or buildings. Separate stormwater systems will be constructed to manage storm water collected from these "clean" surfaces. This "uncontaminated" stormwater will be collected and directed off-site into the external surface drains that surround the site. As the volume of this clean stormwater is progressively increased, the volume of leachate will reduce, and it is anticipated that the need to discharge from the detention pond on Lot 12 will cease within 5 years and possibly sooner"*

However, it is logical to assume that the revegetation of the site will permeate the cap and facilitate the production of leachate. Leachate from Lot 1 will be collected in a basin on that Lot but no detail of how the leachate will enter the Birrega drain has been provided should environmental discharges be permitted to occur.

#### Groundwater

Leachate on Lot 12 Bird and Lot 1 Jackson is generated by rainfall that is not redirected as surface water and instead percolates through the fill material, dissolving contaminants in the material as it moves through. The underlying clay layer is then supposed to act as an impenetrable barrier for the leachate that is then captured in a leachate drain, which surrounds the perimeter. Most putrescible landfill sites achieve this by installing drains above an impervious membrane that direct leachate in to a sump which is then pumped to a lined leachate pond. The leachate then evaporates and any material remaining is removed and disposed of at an appropriately licensed facility.

It is unclear how the leachate manages to flow in to the perimeter drains as there is no constructed underground drainage system to direct the flow. One would assume that the underlying clay base must have been graded to allow for natural fall to the perimeter drains although no evidence can be found to support this.

The concentrations of contaminants such as dieldrin, chlorpyrifos and metals such as zinc, lead and copper in the leachate ponds at MRI have exceeded ANZECC guidelines for aquatic ecosystems in the past but have generally complied with the guidelines for raw waters. It has been the logic of the discharge approval bodies to determine that it was not appropriate to require levels for ecosystem maintenance for discharge into a constructed drain such as the Birrega, despite the fact that the drain eventually discharges in to the Serpentine River. The rationale being that the dilution and attenuation effects from the water within the drain itself reduce the concentration of contaminants to acceptable levels and that the water from the drain should not be used for stock watering or irrigation.

However, the Water and Rivers Commission in consenting to past discharges did state *“The proposal uses a mixing zone to reduce discharge concentrations which is in accordance with the draft National Water Quality Management Strategy ANZECC 2000 water quality guideline document. The size of the mixing zone is appropriate and the Commission supports conditions set by the DEP on the release. However the Commission considers that the proponents should consider changing water management practices to reduce the need for further discharges to the drain. These measures include increasing the storage capacity of the ponds, and irrigating nearby pasture with leachate during summer months”*

The proponent does not discuss the adequacy of the size of the current leachate ponds. It would be preferred that no further environmental discharges occur, that the leachate ponds are of adequate capacity to contain all leachate generated, that leachate evaporates seasonally and any remaining leachate is disposed of at an appropriately licensed facility. The suggestion by W&RC to irrigate pasture is deemed inappropriate as there is minimal pasture left to irrigate, the pasture that remains is adjacent to a Bush Forever site and is the subject of an application for increased landfill.

The proponent states in the new management plan for Lot 1:

*“Following monitoring and analysis of the leachate, suitable disposal methods will be adopted. Proposed methods of disposal include:  
discharge into the Berriga Main Drain  
reuse on site  
disposal offsite*

*Priority will be given to the reuse of leachate water over the site wherever possible. Proposed uses include irrigation of tree buffer zones and orchard areas; dust suppression and recharging of fire control ponds. Surplus leachate water that meets water quality requirements of the DEP is proposed to be pumped directly in the Berriga Main drain”*

It is not considered appropriate to use the leachate to irrigate orchards as the potential for adverse impacts on public health are apparent. Use of the leachate for dust suppression and irrigation of tree buffer zones would only be deemed acceptable if it was to occur within an uncapped fill area so that any run-off could be directed back into the leachate drainage system. Application of leachate over capped areas presents the potential for contamination

of stormwater. Therefore the disposal of leachate offsite is considered to be the best method of leachate disposal. The quantity of leachate disposed offsite would be reduced by the capacity of the ponds being sufficient to cope with leachate quantities generated through rainfall and evaporated during the summer.

Previous environmental discharges into the Berriga Main Drain were subject to the following general conditions:

- The discharge occurs in a manner that minimises erosion and the disturbance of sediments in the receiving drains
- The discharge occurs within fourteen days of the date of this consent
- One water sample is collected upstream at the edge of the mixing zone of the Boomerang and Berriga Drains and one sample is taken downstream at the edge of the mixing zone in the Berriga Drain
- Water samples are collected in accordance with Australian Standard 5667.1, 1998
- Water samples are collected when approximately half of the leachate has been discharged from the leachate pond
- Water samples are analysed for the parameters specified in your licence condition W3(a)
- All water samples are submitted to a laboratory registered by NATA for the analysis of the analytes specified in your licence
- The results of the water analysis are submitted to the Director, Pollution Prevention Division
- The discharge of pond water should occur during a rainfall event if possible
- The discharge rate of leachate from the leachate pond may be varied according to the flow rate of water in the Berriga Drain (as detailed in the ATA Environmental proposal). However the projected concentration of contaminants must not exceed the relevant concentrations specified in the Australian and New Zealand Environment and Conservation Council Australian Water Quality guidelines for Fresh and Marine Waters 1992 document.
- Upstream and downstream water samples must be tested at a NATA registered laboratory for the following parameters: total dissolved salts, nitrate, nitrogen, organochlorine pesticides (aldrin, dieldrin, chlorpyrifos, DDE, DDT and heptachlor) and heavy metals (chromium, copper, manganese, nickel, cadmium, lead and zinc); and
- The pond water must be discharged in to the Berriga Drain

### Stormwater

The original management plan (1996) for both Lot 12 and Lot 1 states:

*“Stormwater run-off collected from the landfill area will be monitored for contaminants at least three times during each winter period. Monitoring will occur immediately following the first rainfall of the season producing run-off, during the middle of the winter period, and at the end of winter. The timing of the monitoring will be dependant upon seasonal rainfall.*

*Two replicates will be collected during each monitoring period. One replicate will be analysed by a NATA certified laboratory for the following water quality parameters:*

- pH
- Total suspended solids
- Sodium, potassium, calcium, magnesium, and chloride
- Bicarbonates
- Sulphates
- Ammonia, nitrate and total phosphorous
- Chromium, copper, manganese, nickel, cadmium and zinc
- Organochlorine and organophosphate pesticides

*Organochlorine and organophosphate pesticides will only be monitored following the first rain of the winter season. The remainder of the parameters will be sampled for on each monitoring occasion.*



*The second replicate will only be analysed if the levels of parameters are above the Australian Water Quality Guidelines for Fresh and Marine Waters, and reanalysis will only occur for those parameters considered to be elevated. The results of the water quality monitoring program will be supplied to the WMD for consideration.*

*Should the water be uncontaminated, it will be disposed of to the Birrega Main Drain. If the stormwater run-off from the fill areas is found to be contaminated, discussions will be held with the WMD to determine a suitable method of disposal for the collected run-off."*

The monitoring of stormwater is not contained within the new management plan for Lot 1 and it would be advisable for this to be continued for both sites to ensure that the leachate containment system is working.

### Conclusion

The current application seeking retrospective development approval is supported by documentation from Mitchell Goff and Associates which states that the applicant had believed that he was acting properly, particularly in relation to variations to site filling which were done primarily to suit the workings of the Forest Products Centre.

However, the application seeking to extend the landfill site further north within the prescribed 50 metre Bush Forever buffer area is not supported.

Submissions objecting to approving the existing additional fill largely relate to potential environmental impacts. These impacts have been managed under DEP licence conditions in the past. Management of issues raised such as noise, dust, hours of operation have been addressed in the two (2) Environmental Management Plans submitted to the Shire.

The application for retrospective planning approval is considered to comply with requirements and provisions of Town Planning Scheme No. 2.

In view of the above, it is recommended that the application seeking retrospective planning approval on Lot 12 Bird Road, Oldbury, be approved subject to compliance with the conditions of the two (2) submitted Environmental Management Plans and those conditions set by the relevant Ministers on appeal. Notwithstanding this, it is recommended that the application to place further inert landfill on Lot 1 be refused for reasons outlined in the Officer's Recommendation.

### **Sustainability Statement:**

Submission of the Environmental Management Plans by the proponent will ensure that the site is managed and operated in an environmentally responsible manner. It is considered that the subject land is capable of sustaining such a landuse activity with appropriate development measures and conditions imposed by the DEP and the Shire.

### **Statutory Environment:**

Town Planning and Development Act 1928 (as amended);  
Environmental Protection Act 1986;  
Town Planning Scheme No. 2.

### **Policy Implications:**

DEP Code of Practice 'Draft Code of Practice for Inert Landfilling Operations' (1997);

Council's recently adopted Employment and Economic Development Strategy seeks to encourage business diversification throughout the Shire.

**Financial Implications:** As a condition of development approval for the retrospective placement and deployment of inert landfill, a Development Bond or Bank Guarantee is required.

**Strategic Implications:** Key Result Area 2.1 of the Shire's Strategic Plan (2001-2005) is applicable to the development, which states:

*"Encourage best practise environmental management."*

**Community Consultation:** Yes. Nearby landowners notified directly in writing and invited to comment. A total of eleven (11) submissions were received. Key Government agencies were also invited to comment on the application.

**Voting Requirements:** Normal

**Committee/Officer Recommended Resolution**

A. Pursuant to Clause 6.8.1 of Town Planning Scheme No. 2, Council grant retrospective planning approval for the placement of inert landfill in excess of 1.3 metres on Lot 1 Jackson Road, Oldbury, subject to the following conditions:

1. Notification in the form of a memorial to be placed on the Certificate of Title of the lot advising the existence of a hazard or other factor, in accordance with section 12A of the Town Planning and Development Act 1928, and notice of this memorial be lodge to the satisfaction of Council and at the applicants cost. The memorial to state as follows:  
The quality of groundwater obtained from the proposed lots may not be suitable for human consumption and any person proposing to use groundwater for such purposes should have water scientifically analysed to determine its quality.
2. The owner shall ensure that any windblown waste is removed from the premises fences and roads, and any windblown waste emanating from the premises is collected and removed on a weekly basis or more frequently when directed by the Shire.
3. The owner shall provide to the Shire an annual monitoring report containing monitoring data required by any condition of this approval. The report shall contain data collected from the previous calendar year and shall be provided no later than the 1<sup>st</sup> January each year. The Shire will dictate the format of the report.
4. In the annual monitoring report, the owner shall list any monitoring methods used to collect and analyse data required by any condition of this approval to demonstrate they comply with the methods specified in this approval.
5. In the annual monitoring report, the owner shall provide details of:
  - Measures taken to control pests and vermin
  - The number and severity of any fires on site
  - Measures taken to suppress dust
  - Measures taken to prevent windblown waste
  - The number and type of complaints received including complainants name, address, nature of complaint (where appropriate cross referenced with prevailing wind directions) and action taken.

6. The owner shall ensure that all areas on the premises from which dust may be generated are maintained in a moist condition so that no visible dust crosses the boundary of the premises.
7. The owner shall direct uncontaminated stormwater run-off, such as water from roofs and site drainage, away from the filled and peripheral areas and associated sumps or drains into dedicated stormwater drains.
8. The owner shall ensure stormwater drains on the premises are kept clear of waste to allow for their effective use
9. The owner shall take the following measures for the purpose of minimizing the likelihood of pollution occurring as a result of any activity conducted or proposed to be conducted in any part of the premises and at its own expense carry out the following monitoring program for the purpose of supplying the Council with information relating to the characteristics, volume and effects of the leachate generated on the premises.
  - a) The owner shall ensure that all leachate on the premises is drained into the existing leachate retention pond on the premises
  - b) The owner shall ensure that, before any leachate is disposed of from the leachate retention pond on the premises, a sample of leachate is taken from the leachate retention pond and analysed for the following parameters
    - pH
    - Total suspended solids
    - Sodium, potassium, Calcium, magnesium, and chloride
    - Bicarbonates
    - Sulphates
    - Ammonia, nitrate and total phosphours
    - Chromium, copper, manganese, nickel, cadmium, lead and zinc
    - Aldrin, chlordane, chlorpyrifos, dieldrin, DDT, heptachlor, lindane and HCB
  - c) The owner shall ensure that all water samples are collected in accordance with Australian Standard 5667.1, 1998
  - d) The owner shall ensure all water samples are submitted to a laboratory registered by NATA for the analyses specified.
  - e) Annually between August to September the owner shall take and have analysed representative water samples from the monitoring bores installed on-site for the following parameters:
    - pH
    - Total suspended solids
    - Sodium, potassium, Calcium, magnesium, and chloride
    - Bicarbonates
    - Sulphates
    - Ammonia, nitrate and total phosphorous
    - Chromium, copper, manganese, nickel, cadmium, lead and zinc
    - Aldrin, chlordane, chlorpyrifos, dieldrin, DDT, heptachlor, lindane and HCB
  - f) With the exception of pH, conductivity and SWL all measurements are to be reported in mg/L

- g) The owner shall ensure that all water samples are collected in accordance with Australian Standard 5667.1, 1998
  - h) The owner shall ensure all water samples are submitted to a laboratory registered by NATA for the analyses specified.
  - i) The results of the groundwater monitoring shall be reported in the annual monitoring report submitted to the Shire.
10. Leachate is not be reused on site or discharged to local drains. Leachate must be disposed off site at an appropriately licensed facility.
11. Leachate ponds must be of sufficient capacity to hold all leachate generated on site.
12. Stormwater run-off collected from the landfill area will be monitored for contaminants at least three times during each winter period. Monitoring will occur immediately following the first rainfall of the season producing run-off, during the middle of the winter period, and at the end of winter. The timing of the monitoring will be dependant upon seasonal rainfall.
- a) Two replicates will be collected during each monitoring period. One replicate will be analysed by a NATA certified laboratory for the following water quality parameters:
    - pH
    - Total suspended solids
    - Sodium, potassium. Calcium, magnesium, and chloride
    - Bicarbonates
    - Sulphates
    - Ammonia, nitrate and total phosphorous
    - Chromium, copper, manganese, nickel, cadmium, lead and zinc
    - Aldrin, chlordan, chlorpyrifos, dieldrin, DDT, heptachlor, lindane and HCB
  - b) Organochlorine and organophosphate pesticides will only be monitored following the first rain of the winter season. The remainder of the parameters will be sampled for on each monitoring occasion.
  - c) The second replicate will only be analysed if the levels of parameters are above the Australian Water Quality Guidelines for Fresh and Marine Waters, and reanalysis will only occur for those parameters considered to be elevated. The results of the water quality monitoring program will be supplied to the Shire as part of the annual monitoring report.
  - d) Should the water be uncontaminated, it will be disposed of to the Birrega Main Drain. If the stormwater run-off from the fill areas is found to be contaminated, discussions will be held with the Shire to determine a suitable method of disposal for the collected run-off.
13. A post closure management plan is to be submitted to the Shire and the Department of Environmental Protection by August 30<sup>th</sup> 2002.
14. The post closure management plan must receive the approval of the Shire and the Department of Environmental Protection prior to implementation.
15. At the cessation of operation of the landfill facility the approved post closure management plan must implemented.

16. Leachate monitoring required in the post closure management plan must continue until contaminant levels consistently fall below the ANZECC guidelines for aquatic ecosystems.
  17. The owner shall install two monitoring bores on the property prior to 1<sup>st</sup> August 2002 for the purpose of sampling groundwater. One bore is to be installed on the eastern side of the lot. The second bore is to be installed on the western side of the lot. Both bores are to be within the lot boundary.
  18. A bond or bank guarantee sufficient for an independent body to implement the post closure management plan in the event of failure of the owner to fulfill this condition is to be submitted to the Shire prior to 30<sup>th</sup> August 2002. The calculation of the amount of the bond or bank guarantee is to be presented for approval by Council prior to the lodgement of the bond or bank guarantee.
  19. Revegetation of the lot is to be in accordance with the Council's InfoNote PS03 Landscape and Revegetation by the 30<sup>th</sup> August 2003.
  20. The applicant is required to lodge and progress an amalgamation of Lot 12 Bird Road and Lot 1 Jackson Road prior to August 30<sup>th</sup> 2002.
  21. That no further filling takes place on the subject land (notwithstanding that the level has already been exceeded in places) on the site.
  22. That the site be managed in accordance with the Environmental Management Plan dated December 1996 and Environmental Management Plan dated January 2001.
  23. That a final grading and landscape plan and program be submitted for Council approval by 31 August 2002.
  24. Rehabilitation of the site is to be in accordance with the approved landscape plan and is to be completed by September 2003.
- B. Council refuses the application to place further inert landfill on Lot 1 Jackson Road, Oldbury, for the following reasons:
- a) The placement and deployment of additional fill on the subject land is contrary to the 50 metre buffer distance to the adjoining Bush Forever site located to the north.
  - b) The placement and deployment of additional fill on the subject land will be located within the 150 metre buffer zone prescribed by the Draft Code of Practice 'Inert Landfilling Operations' (1997).

Advice Notes:

1. NATA means National Association of Testing Authorities.
2. This is not an approval for those parts of the management plan not relating to retrospective or prospective fill.
3. The applicant is advised that the site must be operated and managed in accordance with the following:
  - a) Conditions of approval set by the former Minister for Planning on Appeal.
  - b) Current DEP Licence conditions.
  - c) Monitoring of main drains would be conducted and reported to the DEP.
  - d) This retrospective planning approval is for the areas of fill outlined on the application plan that exceeds 1.3 metres and does not permit the applicant to place further fill in any areas.

- e) Monitoring of the height of fill and matters relating to contamination to be reported to the DEP and Shire.

Note: This matter was referred to Council in light of the quantity of submissions received.

### **CRP019 COUNCIL DECISION**

Moved Cr Richards seconded Cr Hoyer that

A. Pursuant to Clause 6.8.1 of Town Planning Scheme No. 2, Council grant retrospective planning approval for the placement of inert landfill in excess of 1.3 metres on Lot 1 Jackson Road, Oldbury, subject to the following conditions:

1. Notification in the form of a memorial to be placed on the Certificate of Title of the lot advising the existence of a hazard or other factor, in accordance with section 12A of the Town Planning and Development Act 1928, and notice of this memorial be lodge to the satisfaction of Council and at the applicants cost. The memorial to state as follows:  
The quality of groundwater obtained from the proposed lots may not be suitable for human consumption and any person proposing to use groundwater for such purposes should have water scientifically analysed to determine its quality.
2. The owner shall ensure that any windblown waste is removed from the premises fences and roads, and any windblown waste emanating from the premises is collected and removed on a weekly basis or more frequently when directed by the Shire.
3. The owner shall provide to the Shire an annual monitoring report containing monitoring data required by any condition of this approval. The report shall contain data collected from the previous calendar year and shall be provided no later than the 1<sup>st</sup> January each year. The Shire will dictate the format of the report.
4. In the annual monitoring report, the owner shall list any monitoring methods used to collect and analyse data required by any condition of this approval to demonstrate they comply with the methods specified in this approval.
5. In the annual monitoring report, the owner shall provide details of:
  - Measures taken to control pests and vermin
  - The number and severity of any fires on site
  - Measures taken to suppress dust
  - Measures taken to prevent windblown waste
  - The number and type of complaints received including complainants name, address, nature of complaint (where appropriate cross referenced with prevailing wind directions) and action taken.
6. The owner shall ensure that all areas on the premises from which dust may be generated are maintained in a moist condition so that no visible dust crosses the boundary of the premises.
7. The owner shall direct uncontaminated stormwater run-off, such as water from roofs and site drainage, away from the filled and peripheral areas and associated sumps or drains into dedicated stormwater drains.
8. The owner shall ensure stormwater drains on the premises are kept clear of waste to allow for their effective use

9. The owner shall take the following measures for the purpose of minimizing the likelihood of pollution occurring as a result of any activity conducted or proposed to be conducted in any part of the premises and at its own expense carry out the following monitoring program for the purpose of supplying the Council with information relating to the characteristics, volume and effects of the leachate generated on the premises.
- a) The owner shall ensure that all leachate on the premises is drained into the existing leachate retention pond on the premises
  - b) The owner shall ensure that, before any leachate is disposed of from the leachate retention pond on the premises, a sample of leachate is taken from the leachate retention pond and analysed for the following parameters
    - pH
    - Total suspended solids
    - Sodium, potassium, Calcium, magnesium, and chloride
    - Bicarbonates
    - Sulphates
    - Ammonia, nitrate and total phosphorus
    - Chromium, copper, manganese, nickel, cadmium, lead and zinc
    - Aldrin, chlordane, chlorpyrifos, dieldrin, DDT, heptachlor, lindane and HCB
  - c) The owner shall ensure that all water samples are collected in accordance with Australian Standard 5667.1, 1998
  - d) The owner shall ensure all water samples are submitted to a laboratory registered by NATA for the analyses specified.
  - e) Annually between August to September the owner shall take and have analysed representative water samples from the monitoring bores installed on-site for the following parameters:
    - pH
    - Total suspended solids
    - Sodium, potassium, Calcium, magnesium, and chloride
    - Bicarbonates
    - Sulphates
    - Ammonia, nitrate and total phosphorous
    - Chromium, copper, manganese, nickel, cadmium, lead and zinc
    - Aldrin, chlordane, chlorpyrifos, dieldrin, DDT, heptachlor, lindane and HCB
  - f) With the exception of pH, conductivity and SWL all measurements are to be reported in mg/L
  - g) The owner shall ensure that all water samples are collected in accordance with Australian Standard 5667.1, 1998
  - h) The owner shall ensure all water samples are submitted to a laboratory registered by NATA for the analyses specified.
  - i) The results of the groundwater monitoring shall be reported in the annual monitoring report submitted to the Shire.
10. Leachate is not be reused on site or discharged to local drains. Leachate must be disposed off site at an appropriately licensed facility.

11. Leachate ponds must be of sufficient capacity to hold all leachate generated on site.
12. Stormwater run-off collected from the landfill area will be monitored for contaminants at least three times during each winter period. Monitoring will occur immediately following the first rainfall of the season producing run-off, during the middle of the winter period, and at the end of winter. The timing of the monitoring will be dependant upon seasonal rainfall.
  - a) Two replicates will be collected during each monitoring period. One replicate will be analysed by a NATA certified laboratory for the following water quality parameters:
    - pH
    - Total suspended solids
    - Sodium, potassium, Calcium, magnesium, and chloride
    - Bicarbonates
    - Sulphates
    - Ammonia, nitrate and total phosphorous
    - Chromium, copper, manganese, nickel, cadmium, lead and zinc
    - Aldrin, chlordane, chlorpyrifos, dieldrin, DDT, heptachlor, lindane and HCB
  - b) Organochlorine and organophosphate pesticides will only be monitored following the first rain of the winter season. The remainder of the parameters will be sampled for on each monitoring occasion.
  - c) The second replicate will only be analysed if the levels of parameters are above the Australian Water Quality Guidelines for Fresh and Marine Waters, and reanalysis will only occur for those parameters considered to be elevated. The results of the water quality monitoring program will be supplied to the Shire as part of the annual monitoring report.
  - d) Should the water be uncontaminated, it will be disposed of to the Birrega Main Drain. If the stormwater run-off from the fill areas is found to be contaminated, discussions will be held with the Shire to determine a suitable method of disposal for the collected run-off.
13. A post closure management plan is to be submitted to the Shire and the Department of Environmental Protection by August 30<sup>th</sup> 2002.
14. The post closure management plan must receive the approval of the Shire and the Department of Environmental Protection prior to implementation.
15. At the cessation of operation of the landfill facility the approved post closure management plan must implemented.
16. Leachate monitoring required in the post closure management plan must continue until contaminant levels consistently fall below the ANZECC guidelines for aquatic ecosystems.
17. The owner shall install two monitoring bores on the property prior to 1<sup>st</sup> August 2002 for the purpose of sampling groundwater. One bore is to be installed on the eastern side of the lot. The second bore is to be installed on the western side of the lot. Both bores are to be within the lot boundary.
18. A bond or bank guarantee sufficient for an independent body to implement the post closure management plan in the event of failure of the owner to fulfill this



condition is to be submitted to the Shire prior to 30<sup>th</sup> August 2002. The calculation of the amount of the bond or bank guarantee is to be presented for approval by Council prior to the lodgement of the bond or bank guarantee.

19. Revegetation of the lot is to be in accordance with the Council's InfoNote PS03 Landscape and Revegetation by the 30<sup>th</sup> August 2003.
20. The applicant is required to lodge and progress an amalgamation of Lot 12 Bird Road and Lot 1 Jackson Road prior to August 30<sup>th</sup> 2002.
21. That no further filling takes place on the subject land (notwithstanding that the level has already been exceeded in places) on the site.
22. That the site be managed in accordance with the Environmental Management Plan dated December 1996 and Environmental Management Plan dated January 2001.
23. That a final grading and landscape plan and program be submitted for Council approval by 31 August 2002.
24. Rehabilitation of the site is to be in accordance with the approved landscape plan and is to be completed by September 2003.

B. Council refuses the application to place further inert landfill on Lot 1 Jackson Road, Oldbury, for the following reasons:

- a) The placement and deployment of additional fill on the subject land is contrary to the 50 metre buffer distance to the adjoining Bush Forever site located to the north.
- b) The placement and deployment of additional fill on the subject land will be located within the 150 metre buffer zone prescribed by the Draft Code of Practice 'Inert Landfilling Operations' (1997).

Advice Notes:

1. NATA means National Association of Testing Authorities.
2. This is not an approval for those parts of the management plan not relating to retrospective or prospective fill.
3. The applicant is advised that the site must be operated and managed in accordance with the following:
  - a) Conditions of approval set by the former Minister for Planning on Appeal.
  - b) Current DEP Licence conditions.
  - c) Monitoring of main drains would be conducted and reported to the DEP.
  - d) This retrospective planning approval is for the areas of fill outlined on the application plan that exceeds 1.3 metres and does not permit the applicant to place further fill in any areas.
  - e) Monitoring of the height of fill and matters relating to contamination to be reported to the DEP and Shire.
  - f) The applicant is advised in relation to this development approval, the consent of the Minister for Indigenous Affairs under the Aboriginal Heritage Act 1972 may be required. This development approval does not constitute a consent under that Act, and the Shire does not take responsibility for assessing the site of the development in terms of compliance with the Aboriginal Heritage Act. The applicant is advised to pursue their own enquiries with the Department of Indigenous Affairs to ensure compliance with the Aboriginal Heritage Act.

CARRIED 10/0

Note: The Committee/Officer Recommended Resolution was altered to include part f to the advice note as a point of clarification.

**8. MOTION OF WHICH NOTICE HAS BEEN GIVEN**

**9. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING:**

- 9.1 INCLUDING CHIEF EXECUTIVE OFFICER/OFFICER REPORTS**
- 9.2 COUNCILLORS QUESTIONS**

- Cr Kirkpatrick noted that the Asset Services team are be congratulated for their efforts in rolling out the new recycling system and that apart from the initial teething problems the roll out appeared to be progressing reasonably smoothly.

**10. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY**

10.1 Corporate Services

C002/07/02 W.A. LOCAL GOVERNMENT ASSOCIATION MEMBERS - VISITOR CENTRE ASSOCIATION OF W.A. EXECUTIVE COMMITTEE (A0163-06)	
Proponent	WA Local Government Association
Officer	G.R. Dougall - Director Corporate Services
Signatures - Author:	
Senior Officer:	
Date of Report	19/06/02
Previously	
Disclosure of Interest	
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM065/05/02</b>

**In Brief**  
Note the nomination request for membership of this Committee.

**CRC002 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Hoyer seconded Cr Wigg:  
The request for nomination for the Western Australia Local Government Association Visitor Centre Association of W.A. Executive Committee be noted.  
CARRIED 5/0

C003/07/02 W.A. LOCAL GOVERNMENT ASSOCIATION MEMBERS - DOLA COMMUNITY TITLES ADVISORY COMMITTEE (A0163-06)		
Proponent	WA Local Government Association	<b>In Brief</b>  Note the nomination request for membership of this Committee.
Officer	G.R. Dougall - Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	19/06/02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM065/05/02</b>	

**CRC003 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Kirkpatrick seconded Cr Hoyer:

The request for nomination for the Western Australia Local Government Association Department Of Land Administration Community Titles Advisory Committee be noted.

CARRIED 5/0

C004/07/02 W.A. LOCAL GOVERNMENT ASSOCIATION MEMBERS - RURAL TOWNS PROGRAMME (A0163-06)		
Proponent	WA Local Government Association	<b>In Brief</b>  Note the nomination request for membership of this Committee.
Officer	G.R. Dougall - Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	19/06/02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM065/05/02</b>	

**CRC004 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Hoyer seconded Cr Kirkpatrick:

The request for nomination for the Western Australia Local Government Association Rural Towns Programme be noted.

CARRIED 5/0

C005/07/02 W.A. LOCAL GOVERNMENT ASSOCIATION MEMBERS - WA RURAL & REMOTE MEDICINE ADVISORY COMMITTEE (A0163-06)		
Proponent	WA Local Government Association	<b>In Brief</b>  Note the nomination request for membership of this Committee.
Officer	G.R. Dougall - Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	19/06/02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM065/05/02</b>	

**CRC005 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Hoyer seconded Cr Kirkpatrick:

The request for nomination for the Western Australia Local Government Association WA Rural & Remote Medicine Advisory Committee be noted.

CARRIED 5/0

C008/07/02 W.A. LOCAL GOVERNMENT ASSOCIATION MEMBERS - ROADSIDE CONSERVATION COMMITTEE (A0163-06)		
Proponent	WA Local Government Association	<b>In Brief</b>  Note the nomination request for membership of this Committee.
Officer	G.R. Dougall - Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	19/06/02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM065/05/02</b>	

**CRC008 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Kirkpatrick seconded Cr Hoyer:

The request for nomination for the Western Australia Local Government Association Roadside Conservation Committee be noted.

CARRIED 5/0

<b>C009/07/02 LEASE – PERTH HUNT CLUB (RS0028/01)</b>		
Proponent	G.R. Dougall	<b>In Brief</b>  Renew the lease for the Perth Hunt Club for a period of ten years.
Officer	G.R. Dougall – Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	27/06/02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM065/05/02</b>	

**CRC009 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Kirkpatrick seconded Cr Needham:

1. Council approve the lease agreement for Reserve 36950, lot 427 King Road Oldbury, between the Perth Hunt Club and the Shire of Serpentine-Jarrahdale as provided in attachment C009/07/02 subject to the Club providing a current certificate of public liability insurance for a minimum of \$10,000,000.
2. Council approve a sub lease for lot 427 King Road between the Perth Hunt Club and Peel Horse and Pony Club subject to the Peel Horse and Pony Club providing a certificate of currency for public liability insurance for a minimum of \$10,000,000.

CARRIED 5/0

<b>C011/07/02 MUNICIPAL WORKCARE AND LIABILITY SCHEME – CHANGES TO SCHEMES RULES (A00163-06)</b>		
Proponent	Western Australian Local Government Association	<b>In Brief</b>  Approve changes to the Workcare and Liability Scheme Rules to allow for the change of name to WA Local Government Association and voting rights to be by Absolute Majority.
Officer	G.R. Dougall – Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	28 June 2002	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM065/05/02</b>	

**CRC011 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Hoyer seconded Cr Murphy:

The Shire of Serpentine-Jarrahdale supports the proposed changes to the Municipal WorkCare Scheme and Municipal Liability Scheme Rules as provided in attachment C012/07/02 and authorises the Chief Executive Officer to confirm the acceptance of these changes by completing and returning the Confirmation Form provided to the Western Australian Local Government Association.

CARRIED 5/0

C012/07/02 EXOTIC LIVESTOCK DISEASE WORKSHOP & EXERCISE (A0202)		
Proponent	Senior Ranger	<b>In Brief</b> Request use of Council Chambers, Lounge, Committee Room and Mundijong Hall 04 August 2002.
Officer	Brian Owston	
Signatures - Author:		
Senior Officer:		
Date of Report	01 July 2002	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM065/05/02</b>	

**CRC012 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Murphy seconded Cr Hoyer:

1. Council approves the restricted use of the Council Chambers, Committee Room and Lounge for the Exotic Livestock Disease Workshop to be held on the afternoon of Saturday 4 August 2002, on the condition that Council staff are in attendance at all times and that no access to the Administration building and Councillor bar and kitchen facilities takes place.
2. Any damage and/or cleaning costs associated with this event are to be recovered from all of the organisations associated with this event, including no food or drinks are to be consumed in the Council Chambers.
3. Council Chambers, Committee Room and Lounge are to be left in a clean and tidy state to the satisfaction of Council's Director Corporate Services upon the completion of this exercise.

CARRIED 5/0

C013/07/02 W.A. LOCAL GOVERNMENT ASSOCIATION MEMBERS – LIBRARY BOARD OF WA (A0163-06)		
Proponent	WA Local Government Association	<b>In Brief</b> Note the nomination request for membership of this Committee.
Officer	G.R. Dougall - Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	02/07/02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM065/05/02</b>	

**CRC013 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Hoyer seconded Cr Murphy:

The request for nomination for the Western Australia Local Government Association Library Board of W.A. be noted.

CARRIED 5/0

<b>C014/07/02 SERPENTINE-JARRAHDALÉ YOUTH ACTIVITY GROUP – REQUEST TO ALIGN WITH COUNCIL (A0164-02)</b>		
Proponent	Serpentine-Jarrahdale Youth Activity Group	<b>In Brief</b> Council to undertake a risk assessment of the activities of this group prior to making a decision in relation to an alliance between this group and Council.
Officer	G.R. Dougall – Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	02/07/02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM065/05/02</b>	

**CRC014 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Kirkpatrick seconded Cr Hoyer:

1. A risk assessment of the activities and operations of the Serpentine-Jarrahdale Youth Activity Group be undertaken so that Council may fully consider the implications associated with aligning this group with Council.
2. A meeting be arranged between Cr Kirkpatrick, Director Corporate Services, and members of the Serpentine-Jarrahdale Youth Activity Group to discuss this request and possible solutions for the Group

CARRIED 5/0

<b>C015/07/02 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)</b>		
Proponent	Director Corporate Services	<b>In Brief</b>
Officer	P.I. Igglesden – Acting Finance Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	01/07/02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM049/05/01</b>	

**CRC015 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Kirkpatrick seconded Cr Hoyer:

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 June, 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

<b>C016/07/02 DEBTOR ACCOUNTS WITH A BALANCE IN EXCESS OF \$1,000 (A0917)</b>		
Proponent	Director Corporate Services	<b>In Brief</b>
Officer	J. Fletcher – Customer Services Officer/Cashier	
Signatures - Author:		
Senior Officer:		
Date of Report	02/07/02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM049/05/01</b>	

**CRC016 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Kirkpatrick seconded Cr Hoyer:  
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 June 2002.  
CARRIED 5/0

<b>C017/07/02 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)</b>		
Proponent	Director Corporate Services	<b>In Brief</b>
Officer	J. Fletcher – Customer Services Officer/Cashier	
Signatures - Author:		
Senior Officer:		
Date of Report	02/07/02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM049/05/01</b>	

**CRC017 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Murphy seconded Cr Kirkpatrick:  
Council receive and note the report on Sundry Debtor Outstanding Accounts as at 30 June 2002.  
CARRIED 5/0

<b>C018/07/02 RATE DEBTORS REPORT (A0917)</b>		
Proponent	Director Corporate Services	<b>In Brief</b>
Officer	Evan Parker – Senior Rates Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	02/07/02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM049/05/01</b>	

**CRC018 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Kirkpatrick seconded Cr Hoyer:  
Council receive and note the report the Rate Debtors accounts as at 30 June 2002.  
CARRIED 5/0



C019/07/02 INFORMATION REPORT		
Proponent	Director Corporate Services	<b>In Brief</b> Various Information Items
Officer	Various	
Signatures - Author:		
Senior Officer:		
Date of Report	Various	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

**CRC019 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Hoyer seconded Cr Murphy:  
The information report to 1 July 2002 be received.  
CARRIED 5/0

10.2 Asset Services

AS002/07/02 TRAFFIC SIGNAGE AT ROADWORKS AUTHORIZATION (A0468)		
Proponent		<b>In Brief</b> Acceptance of delegation from the Commissioner of Main Roads for Council to erect traffic signs and signals for road worker on Shire local roads is proposed.
Officer	Robert Harris Director Asset Services	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
<b>Delegation</b>	Committee in accordance with resolution SM065/05/02	

**CRAS002 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Simpson seconded Cr Scott that Council agrees to the terms and conditions of the Commissioner for Main Roads for authority to erect traffic signs and devices for roadworks and approves execution of the Instrument of Authorization under Council seal.  
CARRIED 5/0

10.3 Community & Recreation Development

CRD01/07/02 PEEL REGION SPORT & RECREATION FACILITIES PLAN(A0174)		
Proponent	Peel Region Recreation Advisory Committee	<b>In Brief</b> <i>Council is asked to receive the Peel Region Sport &amp; Recreation Facilities Plan (June 2002) as a guide for the development of regional sport and recreation facilities in the Peel Region</i>
Officer	Carole McKee - Community Development Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	01.07.02	
Previously	CRD48/05/02, CRD45/04/02	
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - in accordance with resolution SM065/05/02</b>	

**CRCRD01 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Price seconded Cr Wigg that Council receives and recognises the Peel Region Sport and Recreation Facilities Plan (June 2002) as a guiding document for the development of regional sport and recreation facilities in the Peel Region.  
CARRIED 5/0

CRD02/07/02 INFORMATION REPORT		<b>In Brief</b>  <i>Information Report</i>
Proponent		
Officer	Carole McKee - Community Development Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	01.07.02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - in accordance with resolution SM065/05/02</b>	

**CRCRD02 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Scott seconded Cr Needham that Council accepts the June 2002 Information Report.  
CARRIED 5/0

10.4 Building Services

B03/07/02 PROPOSED RAISED PLATFORMS AT MUNDIJONG AND SERPENTINE RAILWAY STATIONS (A0922)		<b>In Brief</b>  Council is requested to consider plans submitted for comment for proposed raised platforms at Mundijong and Serpentine Railway Stations. It is recommended Council provide comments requesting additional works.
Proponent	MPS Architects	
Officer	Wayne Chant – Principal Building Surveyor	
Signatures - Author:		
Senior Officer:		
Date of Report	05.07.02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - in accordance with resolution SM065/05/02</b>	

**Officer Recommended Resolution**

That Council request WAGR give consideration to the provision of shelters and lighting to the proposed raised platforms at Mundijong and Serpentine Railway Stations, and car parking areas and landscaping also be included as part of the station upgrades.

**CRB03 COMMITTEE DECISION**

Moved Cr Star seconded Cr Price that Council requests WAGR give consideration to the provision of shelters and lighting to the proposed raised platforms at Mundijong and Serpentine Railway Stations, as previously agreed to, and car parking areas and landscaping also be included as part of the station upgrades.  
CARRIED 5/0

Note: Minor change in wording.

<b>B04/07/02 INFORMATION REPORT</b>		
Proponent	N/A	<b>In Brief</b>  Information report
Officer	Wayne Chant - Principal Building Surveyor	
Signatures - Author:		
Senior Officer:		
Date of Report	05.07.02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - in accordance with resolution SM065/05/02</b>	

**CRB04 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Star seconded Cr Murphy that Council accepts the June 2002 Information Report.  
CARRIED 5/0

10.5 Health Services

<b>H01/07/02 INFORMATION REPORT</b>		
Proponent	N/A	<b>In Brief</b>  Information report
Officer	Joanne Abbiss	
Signatures - Author:		
Senior Officer:		
Date of Report	08.07.02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - in accordance with resolution SM065/05/02</b>	

**CRH01 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Price seconded Cr Hoyer that Council accepts the June 2002 Information Report.  
CARRIED 5/0

10.6 Planning Development & Environment

<b>E002/07/02 DRAFT ACTION PLAN FOR NATURAL RESOURCE MANAGEMENT IN THE PEEL-HARVEY CATCHMENT (A0309)</b>		
Proponent	Acting Environmental Officer	<b>In Brief</b>  The Peel-Harvey Catchment Council has requested local government provide comment on the draft Action Plan for the Natural Resource Management in the Peel-Harvey Catchment and to consider where Serpentine-Jarrahdale Shire may have some responsibility under the plan. Also the Peel-Harvey Catchment Council is seeking involvement from local government to commit to the <i>Water Campaign</i> .
Officer	B Dunn - Acting Environmental Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	29 June 2002	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM049/05/01</b>	

### **Officer Recommended Resolution**

1. Council's comments regarding the draft *Action Plan for Natural Resource Management in the Peel Harvey Catchment* be sent to the Peel-Harvey Catchment Council.
2. Council commits to the *Water Campaign* through the Peel-Harvey Catchment Council.

### **CRE002 COMMITTEE DECISION**

Moved Cr Star, seconded Cr Price that

1. Council's comments regarding the draft *Action Plan for Natural Resource Management in the Peel Harvey Catchment* be sent to the Peel-Harvey Catchment Council.
2. Council commits to the *Water Campaign* and will work through the Peel-Harvey Catchment Council.

CARRIED 5/0

Note: The Officer Recommended Resolution was altered to clarify part 2. The Presiding Officer did not consider that this alteration substantially changed the Officer Recommended Resolution.

E003/07/02 INFORMATION REPORT		
Proponent	Acting Environmental Officer	<b>In Brief</b>  Information Report.
Officer	B Dunn – Acting Environmental Officer	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM049/05/01</b>	

### **CRE003 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Price, seconded Cr Star that the Information Report to 9 July 2002 be received.  
CARRIED 5/0

P001/07/02 PROPOSED HORTICULTURE BUSINESS – LOT 16 COYLE ROAD, OLDBURY (P00571)		
Proponent	P Roydhouse	<b>In Brief</b>  Council to consider an application dated the 24 <sup>th</sup> April 2002 for a horticulture development on Lot 16 Coyle Road, Oldbury. It is recommended that the application be conditionally approved.
Officer	Michael Davis – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	27/06/2002	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM049/05/01</b>	

**CRP001 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Star, seconded Cr Murphy that Council approves an application dated the 24<sup>th</sup> April 2002 for a horticulture development on Lot 16 Coyle Road, Oldbury subject to the following conditions:

1. No sales are to be carried out from the site without the separate approval of Council.
2. A 200 metre buffer be established between the development/use and the wetlands located on Lot 17 Coyle Road, Oldbury and Lot 443 Casuarina Road, Oldbury.
3. A 15 metre buffer on the subject lot between the adjoining lots is to be established in accordance with Council's Landscaping and Revegetation Policy (PS03). This buffer is to be planted with three rows of locally native vegetation. This buffer is to prevent any spray drift, noise and/or light that may arise from this development or any future development on the subject site.
4. Landscaping to be implemented by 31 August 2002 and from thereon suitably maintained to Council's satisfaction.
5. Building licence to be obtained for any building infrastructure.
6. Provision of static fire/water supply to Council's satisfaction.
7. Clearing of existing native vegetation is prohibited and will require separate approval from Council.
8. The application of nutrients shall be restricted to 150kg/ha/year for Nitrogen and 15 kg/ha/year for Phosphorus.
9. All drainage shall be contained on site to Council's satisfaction.

CARRIED 5/0

P002/07/02 DEVELOPMENT APPLICATION – TONKIN HIGHWAY EXTENSION (STAGE 1) - MILLS ROAD WEST, MARTIN, TO THOMAS ROAD, BYFORD (A0471-03)		
Proponent	Main Roads WA	<b>In Brief</b>  For Council to consider a development application submitted by Main Roads WA seeking to extend Tonkin Highway from Mills Road East, Martin, to Thomas Road, Byford (Stage 1 only).  It is recommended that the WA Planning Commission be advised that Council supports the proposed development subject to conditions.
Officer	David Spencer - Senior Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	28 June 2002	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM049/05/01</b>	

### Officer Recommended Resolution

Council advises the WA Planning Commission that it supports the proposed Tonkin Highway extension (Stage 1 works only) from Mills Road West, Martin to Thomas Road, Byford subject to the following conditions:

#### Engineering/Drainage

1. The developer enter into an agreement with the Local Authority to protect Rowley Road and Thomas Road from any adverse effects caused by the construction and the connection of Tonkin Highway to Rowley and Thomas Roads.
2. All natural water course flows to be conveyed through the development unimpeded and on existing alignments.
3. Drainage from the development to be suitably compensated using best practice water sensitive design practices in accordance with Water Corporation and Water and Rivers Commission Guidelines for the Mundijong Drainage District (refer two documents and Rural Strategy).

#### Fencing

4. Uniform fencing to be provided throughout the development which accords with the Shire's Fencing Local Laws.

#### Bridle Path Development

5. Bridle path underpasses to be provided at:
  - North edge of Armadale Tip (adjacent Cunningham Drive)
  - Thomas Road realignment (east and west of Hopkinson Road)

#### Miscellaneous

6. Main Roads WA be requested to form a consultative working group to provide all affected Local Government's with the opportunity to input to the design and construct specifications, the implementation of the project and all environmental conditions imposed on the project.
7. Main Roads WA to comply with "Summary of Proponent Commitments" specified in Tonkin Highway Extension Public Environmental Review Report (August 2001).
8. In relation to "Summary of Proponent Commitments" in PER there needs to be a Topic titled Emergency Risk Management and Mitigation Strategy which deals with the following:
  - a) Main Roads WA provide an emergency risk management assessment on the effects of the development upon the local emergency services response

- capabilities and what impact will the cutting off of local roads have on the above.
- b) Main Roads WA provide statistical data in respect of range, frequency and number of emergency scenarios and what mechanisms have/or are required to be put in place to satisfactorily manage such incidents through the Shire of Serpentine-Jarrahdale.
9. All development works must be carried out in accordance with control of noise practices set out in Section 6 of the AS2436-1981.
10. Works are not to commence prior to 7.00am and will cease by 7.00pm Monday to Saturday. Council approval is required for hours outside those mentioned herein.
11. The proponent shall take appropriate measures to ensure that the impact of increased traffic on local roads within the Shire is ameliorated as a result of Stage 1.
12. Vegetation cleared from the land is to be mulched and disposed of on-site where practicable.
13. Prior to commencement of works, Main Roads WA shall provide evidence to demonstrate to the satisfaction of Council, on advice of the Department of Environment Water and Catchment Protection, that noise levels at new residences and other sensitive developments affected by traffic noise from the proposed Tonkin Highway extension are no greater than 60db(A) Leq between 0700 and 2200 hours and 55dba(A) Leq between 2200 and 0700 hours.

#### Management Plans

14. Applicant prepare and implement the following plans in consultation with all major stakeholders, including the Shire of Serpentine Jarrahdale:
- Design and Construction Environmental Management Plan
  - Landscape and Revegetation Plan
  - Vegetation Mitigation Strategy
  - Wetland Mitigation Strategy
  - Drainage Management Strategy
15. Preparation, submission and implementation of a Community Consultation Strategy which identifies relevant community stakeholders including nearby residents, resident groups, environmental groups and local government authorities.

#### Signage

16. All proposed signage to comply with Council's Local Planning Policy No.5 "Control of Advertisements."

### **CRP002 COMMITTEE DECISION**

Moved Cr Hoyer, seconded Cr Star that Council advises the WA Planning Commission that it supports the proposed Tonkin Highway extension (Stage 1 works only) from Mills Road West, Martin to Thomas Road, Byford subject to the following conditions:

#### Engineering/Drainage

1. The developer enter into an agreement with the Local Authority to protect Rowley Road and Thomas Road from any adverse effects caused by the construction and the connection of Tonkin Highway to Rowley and Thomas Roads.
2. All natural water course flows to be conveyed through the development unimpeded and on existing alignments.
3. Drainage from the development to be suitably compensated using best practice water sensitive design practices in accordance with Water Corporation and Water and Rivers Commission Guidelines for the Mundijong Drainage District (refer two documents and Rural Strategy).

#### Fencing

4. Uniform fencing to be provided throughout the development which accords with the Shire's Fencing Local Laws.

#### Bridle Path Development

5. Bridle path underpasses to be provided at:
  - North edge of Armadale Tip (adjacent Cunningham Drive)
  - Thomas Road realignment (east and west of Hopkinson Road)

#### Miscellaneous

6. Main Roads WA be requested to form a consultative working group to provide all affected Local Government's with the opportunity to input to the design and construct specifications, the implementation of the project and all environmental conditions imposed on the project.
7. Main Roads WA to comply with "Summary of Proponent Commitments" specified in Tonkin Highway Extension Public Environmental Review Report (August 2001).
8. In relation to "Summary of Proponent Commitments" in PER there needs to be a Topic titled Emergency Risk Management and Mitigation Strategy which deals with the following:
  - a) Main Roads WA provide an emergency risk management assessment on the effects of the development upon the local emergency services response capabilities and what impact will the cutting off of local roads have on the above.
  - b) Main Roads WA provide statistical data in respect of range, frequency and number of emergency scenarios and what mechanisms have/or are required to be put in place to satisfactorily manage such incidents through the Shire of Serpentine-Jarrahdale.
9. All development works must be carried out in accordance with control of noise practices set out in Section 6 of the AS2436-1981.
10. Works are not to commence prior to 7.00am and will cease by 7.00pm Monday to Saturday. Council approval is required for hours outside those mentioned herein.
11. The proponent shall take appropriate measures to ensure that the impact of increased traffic on local roads within the Shire is ameliorated as a result of Stage 1.
12. Vegetation cleared from the land is to be mulched and disposed of on-site where practicable.
13. Prior to commencement of works, Main Roads WA shall provide evidence to demonstrate to the satisfaction of Council, on advice of the Department of Environment Water and Catchment Protection, that noise levels at existing residences and other sensitive developments affected by traffic noise from the proposed Tonkin Highway extension are no greater than 60db(A) Leq between 0700 and 2200 hours and 55dba(A) Leq between 2200 and 0700 hours.

#### Management Plans

14. Applicant prepare and implement the following plans in consultation with all major stakeholders, including the Shire of Serpentine Jarrahdale:
  - Design and Construction Environmental Management Plan
  - Landscape and Revegetation Plan
  - Vegetation Mitigation Strategy
  - Wetland Mitigation Strategy
  - Drainage Management Strategy
15. Preparation, submission and implementation of a Community Consultation Strategy which identifies relevant community stakeholders including nearby residents, resident groups, environmental groups and local government authorities.



Signage

16. All proposed signage to comply with Council's Local Planning Policy No.5 "Control of Advertisements."

CARRIED 5/0

Note: At the request of the Presiding Officer, it was recommended that condition no. 13 was changed by replacing "new" with "existing". The Presiding Officer did not consider that this alteration significantly changed the Officer Recommended Resolution.

P003/07/02 APPLICATION FOR CHANGE OF USE TO DRYING OF GUMNUTS – LOT 52 ROWLEY ROAD, OAKFORD (P00276)		
Proponent	Quang Van Troong	<b>In Brief</b>  Council refuse an application for the change of use to the drying of gumnuts on Lot 52 Rowley Road, Oakford.
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>Committee In Accordance With Resolution SM049/05/01</b>	

**CRP003 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Needham, seconded Cr Price that

- A. Council, in accordance with Clause 3.2.5 (a) of Town Planning Scheme No. 2 determines that the drying of gumnuts is not a use consistent with the objectives and purpose of the Special Rural zone.
- B. Council refuses the application dated 24 April 2002 for a change of use to use the existing shed for the drying of gumnuts for the following reasons:-
1. The drying of gumnuts poses as a potential fire hazard.
  2. The dumping of piles of dried gumnuts on the subject land is considered to be in conflict with the surrounding amenity of the area.
  3. The noise generated from the operation of the sieve in the morning is considered to be incompatible with the surrounding Special Rural land uses.

CARRIED 5/0

P005/07/02 PROPOSED TREE LOPPING DEPOT – LOT 2 PETERS WAY, OAKFORD (P04912)		
Proponent	Rosemary Vlam	<b>In Brief</b>  Council to consider an application dated the 2 <sup>nd</sup> May 2002 for a Tree Lopping Depot on Lot 2 Peters Way, Oakford. It is recommended that the application be refused.
Officer	Michael Davis – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	25/06/2002	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM049/05/01</b>	

### **CRP005 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Murphy, seconded Cr Star that

- A. Council, in accordance with Clause 3.2.5(a) of Town Planning Scheme No. 2 determines that a tree lopping depot is not a use consistent with the objectives and purpose of the Special Rural zone.
- B. Council refuses an application dated the 2<sup>nd</sup> May 2002 for a Tree Lopping Depot on Lot 2 Peters Way, Oakford for the following reasons:
  1. The use is not considered compatible with existing land uses on adjoining properties.
  2. The use presents an increased fire hazard to the subject land and adjoining lots.
- C. The applicant is advised that all materials and debris is to be removed from the property within 30 days of receiving written notice to do so.

CARRIED 5/0

P006/07/02 PROPOSAL TO CLEAR LAND FOR GRAZING PURPOSES – LOT 13 KING ROAD, OAKFORD (P04668)		
Proponent	G Farmer	<b>In Brief</b>  Council is in receipt of an application for clearing of vegetation on Lot 13 (105) King Road, Oakford for grazing purposes. It is recommended that the application be refused.
Officer	Lilia Palermo – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	4 June 2002	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM049/05/01</b>	

### **Officer Recommended Resolution**

The application to clear native remnant vegetation on Lot 13 King Road, Oakford in accordance with the application dated 2 April 2002, and additional information of 16 April 2002 is refused for the following reasons:

1. The subject property has been largely cleared in the past and further clearing has a potential to contribute to land degradation causing erosion on the property.
2. A need for proposed land clearing has not been sufficiently demonstrated for the purpose of facilitating appropriate development or agricultural use of the land.

Advice Note:

1. Stock is permitted on the property in accordance with the Agriculture WA Stocking Rates.

### **CRP006 COMMITTEE DECISION**

Moved Cr Murphy, seconded Cr Hoyer that the application to clear native remnant vegetation on Lot 13 King Road, Oakford in accordance with the application dated 2 April 2002, and additional information of 16 April 2002 is refused for the following reasons:

1. The subject property has been largely cleared in the past and further clearing has a potential to contribute to land degradation causing erosion on the property.
2. A need for proposed land clearing has not been sufficiently demonstrated for the purpose of facilitating appropriate development or agricultural use of the land.

Advice Note:

1. Stock is permitted on the property in accordance with the Agriculture WA Stocking Rates, however, stock management is to ensure degradation of remnant vegetation does not occur.

CARRIED 5/0

Note: The Officer Recommended Resolution was altered by adding additional information to the Advice Note. The Presiding Officer did not consider this alteration substantially changed the Officer Recommended Resolution.

P009/07/02 PROPOSED TWO LOT SUBDIVISION - LOT 30 BLAIR ROAD, OAKFORD (S119204)		
Proponent	Carlton Surveys	<b>In Brief</b>  It is recommended that Council advises the WA Planning Commission that it recommends refusal of the subdivision due to conflict with the objectives of the Farmlet Policy Area, Rural Policy Area, SPP No.11 and DC 3.4.
Officer	Michael Davis – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	10 June 2002	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM049/05/01</b>	

### **CRP009 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Murphy, seconded Cr Hoyer that Council recommends to the WA Planning Commission that a two lot subdivision application dated the 12<sup>th</sup> May 2002 for Lot 30 Blair Road, Oakford be refused for the following reasons:

1. The WA Planning Commission is unable to approve applications for subdivision which result in lot sizes below those specified within an approved local Rural Strategy as stated in the "Development Control – Policy Manual – DC 3.4";
2. Subdivision would create lots under the four hectare recommended minimum for land identified in the Farmlet Policy Area of the Shire's Rural Strategy.

CARRIED 5/0

P010/07/02 PROPOSED AMALGAMATION OF LOT 303 & LOT 2 JARRAHDAL ROAD, JARRAHDAL (S119157)		
Proponent	T G Parolo	<b>In Brief</b>  It is recommended that Council advise the WA Planning Commission to approve an application to amalgamate Lots 303 & 2 Jarrahdale Road, Jarrahdale.
Officer	Michael Davis – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	11/06/2002	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM049/05/01</b>	

**CRP010 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Star, seconded Cr Price that

- A. Council recommends to the WA Planning Commission that it approve an application dated the 6<sup>th</sup> May 2002 for the amalgamation of Lot 303 and Lot 2 Jarrahdale Road, Jarrahdale.
- B. Council writes to the applicant encouraging the applicant to seek the placement of a restrictive covenant on the subject land that would protect the heritage buildings and character on the subject lot created through the amalgamation.

CARRIED 5/0

P011/07/02 PROPOSED SUBDIVISION – LOT 1264 ORTON ROAD, CARDUP (S119342)		
Proponent	Dykstra & Associates	<b>In Brief</b>  Application referred to the Shire by the WA Planning Commission (WAPC) seeks approval to subdivide Lot 1264 Orton Road, Oakford into six (6) lots.  It is recommended that the WAPC be advised that the Shire does not support the proposal.
Officer	David Spencer – Senior Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	26 June 2002	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM049/05/01</b>	

**CRP011 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Hoyer, seconded Cr Needham that the WA Planning Commission be advised that the Council does not support the proposed Plan of Subdivision (WAPC Ref. No. 119342) due to the creation of battle-axe road access to the two (2) southern lots and that the applicant be required to amend the subdivision proposal in accordance with the approved Subdivision Guide Plan approved in Amendment No. 82 with provision of direct street frontage to all lots.

Carried 5/0

P014/07/02 PROPOSED SCHEME AMENDMENT AND LOCAL PLANNING POLICY RELATING TO LANDSCAPE PROTECTION (A1028)		
Proponent	Shire of Serpentine-Jarrahdale	<b>In Brief</b>  Council to initiate an amendment to Town Planning Scheme No.2 to introduce a Landscape Protection Policy Area Map into Appendix 5 of the Scheme and to adopt for advertising a Local Planning Policy to control development in the proposed Landscape Protection Policy Area.
Officer	Jocelyn Ullman – Special Projects & Policy Officer/A. Watson – Director Sustainable Development	
Signatures - Author:		
Senior Officer:		
Date of Report	5/6/02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM049/05/01</b>	

### **CRP014 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Hoyer, seconded Cr Murphy that

A. 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:

1. Deleting Appendix 5 – *Landscape Protection Policy* from the Scheme
2. Inserting a new appendix 5 - *Landscape Protection Policy Area* to
3. Deleting clause 5.1.2d)
4. Inserting a new clause 5.1.2d) as follows:

5.1.2 d) the erection of a single dwelling house, including ancillary outbuildings, on a lot in any zone where such use is a permitted use under Clause 3.2 of the Scheme except in the Jarrahdale Heritage and Townscape Precincts, Special Use Zone – Appendix 2 (Section 3) and the Landscape Protection Policy Area as shown in Appendix 5.

B. Council grants delegated authority to the Chief Executive Officer to approve/refuse developments within the Landscape Protection Policy area.

C. Council, pursuant to Part 9 of the Shire of Serpentine-Jarrahdale Town Planning Scheme No.2 resolves to advertise the Draft Local Planning Policy No.8 – Landscape Protection.

### **DRAFT LOCAL PLANNING POLICY NO.8 – LANDSCAPE PROTECTION**

#### **Objectives**

The objectives of this policy are:

1. To preserve the amenity deriving from the scenic value of the Darling Scarp;
2. To maintain the integrity of landscapes within the Landscape Protection Area;
3. To protect and enhance the landscape, scenic and townscape values through control over design, building materials and siting of development and land uses rather than prohibition of development and land use as such;
4. To maintain the integrity of landscapes in the line of sight view corridor along identified scenic routes in the Shire, including but not limited to South West Highway, Nettleton Road, Jarrahdale Road, Admiral Road, Kingsbury Drive and both the North-South and East-West Railway lines and natural water courses;

5. To provide developers and landowners with a statement describing the requirements for the subdivision and development within the Landscape Protection Area.

### **Introduction**

Every landscape has a different capacity to successfully absorb change such as new subdivision, development on existing subdivision, upgrading of roads and power lines, extractive industry and recreation developments. Some landscapes are more valued by the community and more sensitive to such change than others.

This policy targets areas of high landscape value and aims to maintain the integrity of significant landscape areas and features. In particular, such areas occur all along the escarpment between the railway line and the top of the escarpment in a line of sight (viewshed) from the South Western Highway and along some major watercourses.

The Local Planning Policy No.8 – Landscape Protection provides for the continued use and development of land but introduces important requirements and controls on development to ensure a high standard of visual appearance sympathetic to the qualities of the landscape.

Planning approval shall not be given by Council for the development of any allotment which lies wholly or partly within the Landscape Protection Area unless:

- Council is satisfied that the landscape value of the area is going to be protected;
- Any buildings or works are carefully designed and sited so as to blend with the landscape in the opinion of Council.

To protect the landscape quality of the Darling Scarp, Council may impose conditions relating to design, landscaping and screening, siting and construction of buildings and works.

### **Application of Policy**

The policy applies to the area depicted in Map 1 (refer P014.1/07/02).

All developments in the Landscape Protection Policy Area require planning approval from Council.

### **Development Considerations**

In addition to those issues listed in clause 6.4 of the Town Planning Scheme the following will also be considered when assessing a development application within the Landscape Protection Area:

- The 'seen area' of the development from the coastal plain, major roads and tourist routes, and major recreation areas;
- The visual intrusiveness of the development within the 'seen area';
- The landscape values of the area;
- The community attitudes to the proposed development;
- The colour schemes and materials of the proposed development; and
- The preservation and enhancement of the natural features and vegetation of the area.

### **Information to be lodged with planning application**

A planning application must be lodged for all developments, including dwellings and outbuildings, in the Landscape Protection Area. The following additional information must be lodged with your planning application:

- A planting schedule detailing the provision of revegetation including the vegetation along any access roads. 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 information addressing those issues raised in Buildings under *Development Guidelines* below. Other design criteria such as scale, proportion, texture and roof shape are to be addressed as part of the application;
- A plan showing access to the lot and proposed screening of this access;
- A plan showing any vegetation to be removed from the site as a result of the proposed development.

### **Development Guidelines**

All development (including access roads) in the policy area shall not be permitted:

1. On ridge lines or spur, bluff or knoll, escarpments, hill tops or visually exposed areas. Buildings are to be located below the skyline (see Figure 1).
2. In areas having a generalised slope greater than 25 percent.

**Figure 1 is with the attachments marked P014.2/07/02.**

### Buildings

The development of buildings within the policy area shall;

#### General

1. Be sited and constructed to take advantage of the topography and the vegetation to limit visual intrusion;
2. Created banks need to be stabilised for erosion control prior to any further works being undertaken on the site;
3. All buildings are to be constructed in accordance with Australian Standard and the Building Code of Australia and ensure that adequate bushfire prevention measures are employed to ensure fuel loadings within the property are maintained below 8 tonnes per hectare;
4. Access roads to any buildings within this Policy area are to be vegetated to prevent scarring of the Scarp.

#### Vegetation requirements

1. Be accompanied by such additional tree planting and landscaping as the Council considers necessary to achieve the objectives of this policy;
2. All trees and locally indigenous vegetation on the site are to be retained wherever possible;
3. Additional tree planting will be required in accordance with Council's Landscape and Revegetation Policy – PS03;
4. Clearing of existing native vegetation should be limited to 30 metres around buildings, and should be an absolute minimum necessary for the construction of roads and the installation of services;
5. Council may request that a Landscape Management Plan accompany the planning application;
6. Driveways are to be tree lined in order to remove the prominence of the works and to screen the passage of motor vehicles;

#### Building appearance

1. Any building shall not exceed 9 metres in height. This height is to be measured from natural ground level to the roof apex;
2. Buildings on land steeper than 1 in 7 should be of split level or pier construction to minimise the amount of cut and fill;
3. The use of zincalume or reflective glazing within this policy area will not be permitted unless measures are taken to prevent reflection. Such measures may include landscaping, and colour schemes that blend with the surrounding environment, roof pitch and tilt on glazing;

4. Reflective glazing used in a door, window or other component of a roof or external wall of any building must not –
  - i) cause glare or heat radiation that will have any undue adverse effect on the surrounding environment; and
  - ii) create any undue traffic hazard.
5. Be designed with suitable materials and colours complimentary to the locations and compatible with the landscape character of the site and locality. Such other design criteria as scale, proportion and texture and roof shape shall also be addressed as part of the application;
6. Outbuildings and tanks should form a unified group with the main building and should be of similar form, colour and materials;
7. All services shall be underground;

### Developments

Screening around proposed extractive and industrial developments or operations will be required to minimise visual impacts. These types of developments are not to be seen from the coastal plain, major roads and tourists routes, and major recreation areas. Approval for these types of development will not be given unless the visual impact of the proposal on the Darling Scarp has been addressed to Council's satisfaction.

### Fencing

Fencing within the Policy area does not require planning approval unless fencing other than open form (wire, post and rail) or similar.

Post and rail fences are to be natural timber or are to be painted/stained with colours which blend with the surrounding landform/vegetation.

Any other form of fencing will require planning approval from Council.

Zincalume, white or colourbond fencing is not permitted

### **Refusal of development**

Notwithstanding any of the provisions in this Policy or the Scheme, the Council may refuse to approve the construction of any building or structure if in Council's opinion the proposed building would have an adverse effect on the amenity of existing or future buildings in or landscape quality of the locality.

It is not Council's intention however to preclude the adoption of a particular design, nor to prevent the use of particular materials of construction, nor to enforce uniformity of appearance, but rather to ensure that design and construction will result in a building in keeping and in harmony with the surroundings.

### **Rezoning and Subdivision Guidelines**

Rezoning of land and the subdivision of land within the policy area will not generally be supported where it is likely to result in an undesirable density of development visible from the South Western Highway or the coastal plain.

A Landscape Management Plan is to accompany all rezoning and subdivisions within this policy area. The Landscape Management Plan must include:

- An assessment of the visual impact and the visual intrusiveness on the 'seen area' of the development from the coastal plain, major roads and tourist routes, and major recreational areas;
- An assessment of the landscape values of the area;
- An outline of how any visual impacts will be addressed in the development;



- An analysis of the existing vegetation, detailing type, location and condition. Such report is to detail any requirements for preservation and enhancement of vegetation (particularly native trees) during subdivision and building;
- An assessment of the soils, landform, drainage and erosion potential of the development. A preliminary erosion and sediment control plan is also to be provided which addresses the following:
  - a) progressive mitigation/control of on-site erosion
  - b) analysis of soil stability and requirements in respect of subdivision, building, planting and road and driveway construction;
  - c) construction of soil conservation works to control sediment and erosion;
  - d) control of sediment;
  - e) rehabilitation/maintenance requirements;
  - f) erosion control of existing and proposed access tracks;
- Planning controls over key aspects of design and siting of subdivision and housing development will be introduced to minimise the impact on landscape values, eg Building materials and colour, road layout, siting of sheds and outbuildings;
- Design and siting guidelines will be developed to further encourage the planning of subdivision and housing development to minimise the impact on landscape values;
- Potential uses within the rezoning for subdivision to occur on the Scarp needs to be considered to ensure that land degradation does not occur.

The Landscape Management Plan must be prepared by an appropriately qualified practitioner. The Plan may include or be accompanied by a Revegetation Plan for the site.

### **Tree Preservation**

The overall tree cover of the scarp it to be increased by:

- a) The retention of existing trees wherever possible and the sensitive siting of development to avoid tree loss;
- b) Additional tree planting being incorporated in every development application approved within the policy area; and
- c) The encouragement of the land owners within the policy area to continue to protect the landscape.

Council may require a land owner to take such action as it considers necessary to prevent damage to the existing tree cover.

### **Fire Control**

This area is considered to be prone to bushfire. Council may require a number of provisions be put into place to ensure that property and the environment are protected from bushfire threats.

Council will take the following issues into consideration in relation to fire control and development within the Landscape Protection area:

- The likely bush fire threat affecting the site and what measures are in place/proposed to manage the fuel loading below 8 tonnes per hectare;
- Whether the siting of any building or design of any works or access comply with the performance criteria set out in *Planning for Bush Fire Protection* and the Australian Standards or Council policy relating to fire prevention;
- The effects of fire protection measures on the amenity of the locality, landscape values, loss of significant remnant vegetation and susceptibility to instability and erosion arising from loss of vegetation;
- The availability of an adequate fire service and water supplies, including access and egress.

Council will also consider the Department of Planning and Infrastructures Policy No.DC3.7 – Fire Planning when assessing developments and subdivisions within the Landscape Protection area.

The document *Planning for Bush Fire Protection and Policy No.DC3.7* maybe obtained from the Department of Planning and Infrastructures.

### **Definitions**

Reflective glazing – means glass or other glazing material that for one, or a combination of two or more of the following reasons –

- i) the properties of the glass or material;
- ii) the application to glass or material of a reflective film or any other form of treatment;  
or  
the method of construction used in the building component of which the glass or material forms part,
- iii) has a light or heat reflective value that exceeds 16%

Reflective building material – means any material that has a high solar radiation or reflective value and includes, but is not limited to zincalume and colourbond colours/tones of 'Gull Grey', 'Smooth Cream', 'Surf Mist' and 'Off White'.

Seen area – see Figure 2 and 3.

Natural ground level – the contours of the land within a lot in existence at the time of the creation of that lot. Natural ground level of a site does not include any cut or fill that has been undertaken following the creation of a lot or not part of subdivisional works.

Whole of building or structure – any part of a building or structure excluding chimneys, flues, roof ventilators, air conditioners and antennae or any other similar attachments. The structure does not include any other building on the site which is not attached to that structure. Minor fixtures to structures such as awnings or other fixtures as determined by Council, may not be considered as being part of the whole building or structure.

Building height – is to be measured from natural ground level to the apex of the roof.

***Figure 2 is with the attachments marked P014.3/07/02.***

***Figure 3 is with the attachments marked P014.4/07/02.***

CARRIED 5/0

P015/07/02 PROPOSED REZONING FROM RURAL TO RURAL LIVING B – LOT 2 SELKIRK ROAD, SERPENTINE (P00189)		
Proponent	Dykstra And Associates	<b>In Brief</b>  The proposal is to rezone land from Rural to Rural Living A/B to allow subdivision of land into smaller lots. It is recommended that the Town Planning Scheme Amendment be initiated subject to the applicant complying with the Council's recommendations.
Officer	Lilia Palermo – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	05/06/02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM049/05/01</b>	

### **CRP015 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Needham, seconded Cr Hoyer 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 Lot 2 Selkirk Road, Serpentine from Rural to Rural Living A/B subject to a suitable amendment document being submitted to Council including the following recommendations and containing the following special provisions:

#### Recommendations

1. The lower portion of the block can be subdivided into smaller Rural Living A lots, providing that a setback of 15m minimum between the creek line and proposed building envelopes is achieved and the creek line is sufficiently revegetated.
2. The applicant to address the objectives of Local Planning Policy No. 6 - Water Sensitive Design in the rezoning document.

#### Special Provisions

1. Within the Rural Living zone the following land uses are permitted at the discretion of the Council.

Use classes permitted (P):  
Single House

Discretionary Uses (AA):

Ancillary Accommodation  
Keeping of stock for non – commercial purposes in accordance with Agriculture WA Stocking Rate Guidelines for Small Rural Holdings

All other use classes are prohibited

2. No dwelling shall be approved by Council unless it is connected to an alternative domestic waste water treatment system as approved by the Health Department of WA with an adequate phosphorus 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. The subdivider to submit a Storm Water Management Plan for Council's approval, prior to finalisation of the Amendment.
4. No indigenous vegetation or trees shall be destroyed or cleared except, but subject to the developer of the estate/landowner obtaining the prior consent in writing of the

- Council, where such vegetation and trees are dead, diseased or where the clearing is required for the purpose of firebreak, dwelling, outbuilding, fence, drainage system, house, driveways and/or to accommodate discretionary uses identified under provision 1.
5. The subdivider shall prepare a Revegetation Plan in accordance with Planning Guidelines for Nutrient Management and submit the Plan for Council's approval prior to subdivision clearance.
  6. Any trees and shrubs planted on land within the estate in accordance with the Revegetation Plan shall be maintained and replaced by the new landholder upon purchase of the land. Prior to the purchase by the new landholder the subdivider or the existing landholder shall maintain and replace the vegetation in accordance with the Revegetation Plan.
  7. At the time of 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 and vegetation to be removed and retained and proposals for tree planting and maintenance.
  8. The drainage system shall not be altered without the prior approval of the Council in writing. In considering any proposal to obstruct or dam any part of the drainage system the Council shall have regard to the effect on the drainage system and the impact on the land and the environment in general, and shall consult with any appropriate authority prior to granting approval.
  9.
    - a) Where, in the opinion of the Council, the continued presence of animals on any portion of land is likely to contribute, or is contributing to dust nuisance or soil degradation, notice may be served on the owner of the land, requiring immediate removal of those animals specified in the notice.
    - b) Where notice has been served on the landowner in accordance with this clause the Council may also require the land to be rehabilitated to its satisfaction, within three (3) months of serving the notice.
    - c) In the event that action is not undertaken, Council may carry out such works as are deemed necessary, with all costs being borne by the landowner.
  10. The subdivider shall prepare and implement a fire management plan that is applicable to the land within the estate to the specifications and satisfaction of the Local Authority and Fire and Emergency Services Authority of WA, prior to subdivision clearance.
  11. All buildings to be constructed in accordance with Australian Standard No. AS 3959 for Building in bushfire prone areas.
  12. All buildings to be constructed in accordance with Council's Landscape Protection Policy. (Appendix 5 of the TPS No.2)

CARRIED 5/0

P016/07/02 FINALISATION OF AMENDMENT NO. 107 TO TOWN PLANNING SCHEME No. 2 (A0859)		
Proponent	BSD Consultants	<b>In Brief</b>  Council to consider finalising Amendment No. 107 to TPS 2.  Amendment No. 107 proposes to rezone Lots 6 & 305 Hardey Road from 'Rural' to 'Rural Living A' and 'Roads' to 'Rural Living A'.  The Amendment is recommended for final adoption without modifications.
Officer	David Spencer – Senior Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	20 June 2002	
Previously	P046/10/01	
Disclosure of Interest		
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM049/05/01</b>	

**CRP016 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Murphy, seconded Cr Hoyer that

1. Council, pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) resolve to adopt for final approval Amendment No. 107 to Town Planning Scheme No. 2 without modifications.
2. Council endorses the officers comments in the Schedule of Submissions at Attachment P016.2/07/02.

CARRIED 5/0

P017/07/02 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	20/6/02	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM049/05/01</b>	

**CRP017 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Star, seconded Cr Hoyer that the Information Report to 5 July 2002 be received.  
Carried 5/0

**11. CLOSE**

There being no further business the meeting closed at 8.40pm

I certify that these minutes were confirmed at the ordinary council meeting held on 26<sup>th</sup> August, 2002

.....  
Presiding Member

.....  
Date