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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 22ND NOVEMBER, 2004. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.02PM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

1. ATTENDANCE & APOLOGIES:

IN ATTENDANCE:

COUNCILLORS: DL NeedhamPresiding Member
0 JE Price
KR Murphy
AW Wigg
WJ Kirkpatrick
THJ Hoyer
JC Star
AJ Simpson

OFFICERS: Mr D Price Chief Executive Officer
Mr G Dougall Director Corporate Services
Ms J Abbiss Director Sustainable Development
Mrs S Langmair Minute Secretary

APOLOGIES: Cr IJ Richards Leave of Absence
JA Scott
Mr M Beaverstock.....Director Asset Services

GALLERY: 12

2. PUBLIC QUESTION TIME:

2.1 Response To Previous Public Questions Taken On Notice

Public question time commenced at 7.03pm

Marian Best – Lots 804 & 805 Bournbrook Road, Cardup

Regarding Riding for the Disabled Item P032

Q Where is the money coming from for the buildings/facilities as it is unlikely that the Riding for the Disabled would get money if it doesn't own the land?

A The financial capacity of the Riding for the Disabled is not for Council comment.

Q Septic system – if land gets water logged these systems do not work, this block does get water logged – we would like this put back a month so that we can sit down and discuss this with Council.

A Director Sustainable Development advised the septic system was subject to approval from the Shire's Health Department and given the nature of the development may also need approval from the State Health Department.

Shane Wynd, Lot 310 Botica Close, Cardup

Regarding Riding for the Disabled Item P032

Q Regarding quality of life for residents, wouldn't the Byford Trotting Complex or the Peel Horse and Pony Club be more suitable places for this facility.

A Director Sustainable Development advised that the Riding for the Disabled had looked at a number of sites however was unaware as to why the Association did not enter into agreement with other parties.

Diane Barwise, Lot 803 Bournbrook Avenue, Cardup

Regarding Riding for the Disabled Item P032

Q Has any member of Council been out to the proposed site to ascertain suitability and the site is covered in coffee rock.

A Director Sustainable Development advised that Council officers would have inspected the property.

Q How is this property going to sustain the animals if no coverage over the coffee rock?

A Director Sustainable Development advised that additional soil would need to be brought in to cover the coffee rock and to sustain the pasture.

Grant Bason, Lot 405 Bournbrook Avenue, Cardup

Regarding Riding for the Disabled Item P032

Q Why have they got an arena larger than 60 x 25 and when covered with mulch and sand how will dust be managed?

A Director Sustainable Development advised that there is a condition set to manage dust and was unaware of the reason for the size of the arena, but would assume given the cost of constructing the arena, that it was sized to meet their requirements.

Public question time concluded at 7.17pm.

3. PUBLIC STATEMENT TIME:

Public statement time commenced at 7.17 pm.

Peter Hector, Lot 39 Randall Road, Mundijong

Regarding Item P039 Initiation Of Scheme Amendment No. 141 - Lot 54 Randell Road, Mardella

In regard to the Shires strategy for "farmlets" it states that "farmlets are small farms that may be used for commercial production, alternative agriculture and some intensive agriculture or hobby pursuits in association with productive rural lifestyles and may be considered by some rural retreats".

Our application for rezoning was first raised with Council in November 2003 at that point we were told it would be a straight forward as this area of land was already included in the Shires Rural Strategy Plan.

It is now nine months later and we have only just been informed about the 500 metre buffer.

The cheese factory is 110 metres north east of the dairy and is quality assured for the safe and healthy manufacture of food for human consumption. We are HACCP and ISO 900 assured and have regular audits carried out on our premises. If there were a problem with the factory of any kind then these licenses would not be issued. No private home is quality assured?

The nearest house on Lot 54 will be 250 metres north east of the dairy. For over thirty years three houses have been situated well within the 500 metre buffer zone and there have been no complaints or problems. Lots number 1 and 2 will not be sold until the dairy is closed down, which will happen within five years.

The cheese factory has had a noise study carried out with no problems associated with it. The waste management strategy and plan was devised by Mr Craig Olejnick of the EPA.

Each title when approved by Council will have a memorial under Section 70A of the Act which will state that there is a dairy and cheese factory within a certain distance. The memorial is an encumbrance on the title and cannot be removed without Council approval.

Shane Wynd, Lot 310 Botica Close, Cardup

Mr Wynd advised of his intention to read/circulate a personal letter from his GP.

Council Note: The Shire President advised Mr Wynd that if he chose to read a personal letter from his GP or provide a copy to Councillors as part of public statement time that it would become a public document and be recorded in the Council minutes.

Mr Wynd acknowledged this and proceeded to read the following statement:

“My wife and I do not want this complex next to us. We purchased this land over six months ago but were never informed about this complex and its submitted proposal before Council. When we asked what this reserve would be, both to our real estate agent Mr Brian Cousins and when we called the Council office we were told a oval or public reserve. We would never have purchased this land if we had known of the proposal for the riding for the disabled complex.

My wife and I are not against this complex, we feel that this type of complex should be in an area with no neighbours. My wife and I have saved very hard for years to purchase a 5 acre block, only to be shattered by this news. My wife and I had a little boy who was disabled. Since our son passed away four years ago we have both found it very hard when we have seen disabled children. We do not want to be reminded of these memories every day, living next to the riding for the disabled complex. We purchased this land so we and our children could get on with our lives. I have attached a letter from my doctor to this effect. I did not want to see my doctor about getting this letter but find that I have no choice but to show you why we do not want this complex next to us. I would appreciate it if this letter was not presented to the public please.

If the riding for the disabled complex is approved then my wife and I will be forced to sell our land which we have saved and worked so hard for. If we have to sell our land then we will be seeking compensation for this through lawyers. Please consider this when voting.”

Neil Bennett, State President, Riding for the Disabled WA

Regarding Riding for the Disabled Item P032

The facility will be completely staffed by volunteers. Plans to develop the property will take several years. Capital will be mainly from grants through Lotteries WA. The group would seek to commence with the support of the community and the conditions set by Council.

Public statement time concluded at 7.26pm.

4. PETITIONS & DEPUTATIONS:

5. PRESIDENT'S REPORT:

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Mick Beaverstock - disclosure of proximity interest (E04/5827) in item P031/11/04 as the family property shares a common boundary.

Cr Needham – disclosure of interest in Item P038/11/04 as a friend of the applicant and will leave the meeting when the item is discussed.

Cr Price – disclosure of interest of impartiality in Item P038/11/04 as the applicant is the widow of the late David Buttfeld, a fellow Councillor.

Cr Hoyer – disclosure of interest in common in Item P031/11/04

Cr Simpson – disclosure of interest in common in Item P031/11/04

7. RECEIPT OF MINUTES OR REPORTS AND CONSIDERATION OF ADOPTION OF RECOMMENDATIONS FROM COMMITTEE MEETINGS HELD SINCE THE PREVIOUS COUNCIL MEETINGS:

7.1 Ordinary Council Meeting – 25th October, 2004

COUNCIL DECISION

Moved Cr Price seconded Cr Kirkpatrick
That the minutes of the Ordinary Council Meeting held on 25th October, 2004 be confirmed.
CARRIED 8/0

7.2 Special Council Meeting – 15th November, 2004

COUNCIL DECISION

Moved Cr Star seconded Cr Wigg
That the minutes of the Special Council Meeting held on 15th November, 2004 be confirmed.
CARRIED 8/0

REPORTS OF COMMITTEES:

C045/11/04 RENEWAL OF LEASE WITH THE CARDUP CHRISTIAN COMMUNITY CHURCH (P00419/02)		
Proponent	Cardup Christian Community Church	In Brief To approve a 3 year extension of the current lease of Lot 802 Soldiers Road, Cardup with the Cardup Christian Community Church.
Officer	Cary Green – A/Manager Corporate Services	
Signatures - Author:		To continue to review options for disposal of this property.
Senior Officer:		
Date of Report	05/10/04	
Previously	C037/10/04	
Disclosure of Interest		
Delegation	Council	

Background

Council resolved at the October Corporate Services Committee to the following:

C036/10/04 COMMITTEE DECISION/Officer Recommended Resolution

1. Council enter into further consultation with the Cardup Christian Community Church & Uniting Church to pursue the option of relocating to the Mundijong site, as per the steps discussed in this report.
2. Give the Cardup Christian Community Church 21 days to respond to the proposal of taking up the vesting of Mundijong Reserve 3863. ~~Shire of Serpentine-Jarrahdale~~

MEMORANDUM

TO: _____ :

CC: _____ :

FROM _____ :

REFFILEFILE N^o _____ :

DATE _____ : ~~17 AUGUST 2000~~ 30 JUNE 1998

SUBJECT _____ :

Peter Kerp

3. Consider the future of the lease with Cardup Christian Community Church at the November meeting.

Since the above resolution the Acting Manager Corporate Services and Director Corporate Services met with of Serpentine Jarrahdale and the Cardup Christian Community Church have meet to progress the issues stated. At this meeting it was made clear that the Cardup

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Church were reluctant to relocate to the Mundijong site and their preferred option is to remain in Cardup and take up the option to renew their current lease for a further 3 year term.

In an effort to show the positives of the move to the Mundijong site it was pointed out to the representative of the Cardup Church that Council would be willing to contribute \$20,000 to restoring the Mundijong Church and support the Cardup Church to get direct vesting for the building from Department of Land Administration. Although seen as an attractive offer they intimated they would still like to remain at their current location.

The Cardup Church have subsequently held a meeting to discuss the options put forward by the Shire and have replied both in writing and verbally the following preferred outcomes:

Option 1 – For the Church to remain at the current site and have the area they currently occupy (approximately 1 acre) split off from the main block. Thus enabling the council to sell of the remaining block.

Option 2 – Reluctantly accept the offer to relocate to the Mundijong site and get direct vesting in the property.

It was also pointed out at the meeting that the Cardup Church had put approximately \$30,000 of their own funds into the development of the Mundijong Church prior to relocating to the Cardup Church site.

Sustainability Statement

Social - Retaining the Cardup Church site gives the community a Church facility as well as a community resource as the church can be used by other community groups.

Economic – Using council assets and resources according to the Forward Financial Plan and Strategic Plan.

Statutory Environment:

Local Government Act 1995 and Crown Lands Act

Policy Implications:

No policy implication

Financial Implications:

Funding to complete maintenance on the building as per the Building Services inspection. This amount will be funded from surplus funds generated from the sale of land.

Strategic Implications:

Key Sustainability Result Areas

1 People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Provide recreational opportunities.

Objective 2: Plan and develop towns and communities based on principles of sustainability

Strategies:

1. Foster a strong sense of community, place and belonging.

Objective 3: High level of social commitment

Strategies:

1. Encourage social commitment and self-determination by the SJ community.

2. Build key community partnerships.

3 Economic

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

Community Consultation:

Not required at this time but could be considered in the future.

Comments

After discussion with the Church and learning of the Church's reluctance to relocate, several options were explored in an attempt to come up with a positive solution for both parties. One of the solutions proposed was the splitting of the 2ha lot, in order for the Church to remain in the current location and the Shire still having the ability to sell off the remaining parcel of land. This was discussed at length with the Manager of Planning to identify if this was a viable option. Unfortunately the said area is zoned rural and the minimum allowable lot size is 2ha, as such the chances of this being approved by the WA Planning Commission would be remote.

In order for Council to comply with the Cardup Church's preferred option, Council will need to be aware that if the WA Planning Commission does not give approval to split the block then the property would not be available for sale. Hence the balance of the funds from the sale of the second subdivided block identified in the Forward Financial Plan 2004/2014 would also not be realised. These funds had been earmarked for the new administration building in 2007/08.

This option is not desirable, however with greater time to investigate matters such as planning approvals it may be viable. If Council allows the Cardup Church to exercise an extension of their current lease agreement for a further 3 years, from 1 January 2005 it would enable us to continue negotiations to ensure that the best possible solution could be achieved. The extension of the lease for a 3 year period wouldn't substantially affect the Forward Financial Plan, because the funds were not allocated until the 2007/08 financial year which corresponds with the end of the lease extension.

The current lease document has a Termination Clause 4.11 which gives both parties the ability to terminate the contract by giving the other party 3 months notice. This clause could be invoked if required at anytime during the 3 year extension. It would also be timely to communicate to the Church that this would be the final extension of this lease as the property will be sold after this term.

These negotiations could include:

1. To put a planning submission into the WA Planning Commission to see if approval could be granted for splitting a section off the 2ha block to accommodate the Church site. The size required would need to be approximately 1 acre.
2. Have a full inspection of the property to identify the maintenance that needs to done.

This would also give us an opportunity to advise the Uniting Church that Council or another community group would be willing to take on the vesting of the Mundijong site. However we would not be willing to pay for the site.

Voting Requirements:

Normal

Officer Recommended Resolution

1. For Council to allow the Cardup Church to exercise an extension of their current lease agreement for a further 3 years, from 1 January 2005. Also to communicate to the Church that this would be the final extension of this lease as the property will be sold after this term.

2. To put a planning submission into the WA Planning Commission to see if approval could be granted for splitting a section off the 2ha block to accommodate the Church site. The size required would need to be approximately 1 acre.
3. Undertake a full inspection of the Mundijong Uniting Church to identify the maintenance requirements, subject to the approval of the Uniting Church.
4. Advise the Uniting Church that Council or another community group would be willing to take on the vesting of the Mundijong site. However stating that Council would not be willing to pay for the site.

C045/11/04 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Price seconded Cr Star

1. **For Council to allow the Cardup Church to exercise an extension of their current lease agreement for a further 3 years, from 1 January 2005. Also to communicate to the Church that this would be the final extension of this lease as the property will be sold after this term.**
2. **Seek Council's interest in supporting a submission in the WA Planning Commission to see if approval could be granted for splitting a section off the 2ha block to accommodate the Church site.**
3. **Council continue to offer a financial incentive as per Council's previous Resolution C036/10/04 to assist the Cardup Christian Community Church relocate subject to the conditions of part 1 and 5 of this decision.**
4. **Undertake a full inspection of the Mundijong Uniting Church to identify the maintenance requirements, subject to the approval of the Uniting Church.**
5. **Advise the Uniting Church that Council or another community group would be willing to take on the vesting of the Mundijong site. However stating that Council would not be willing to pay for the site.**

CARRIED 8/0

Committee Note: The Officer Recommendation was amended in part 2 to clarify the process that would need to be undertaken and part 3 was added to provide financial assistance and to assist in the relocation for the term of the lease extension.

C052/11/04 SERPENTINE DAM TEAROOM SUB-LEASE (RS0141/01)		
Proponent:	Council	In Brief
Officer:	G.R. Dougall – Director Corporate Services	To provide delegation to the Chief Executive Officer to negotiate the second sub-lease for the Serpentine Dam Tearooms.
Signatures Author:		
Senior Officer:		To authorise the Chief Executive Officer and Shire President to sign the second sub-lease for the Serpentine Dam Tearooms.
Date of Report	04/11/04	
Previously	C175/05/01, C010/07/02, SM009/08/02, SM029/12/02, C096/03/03, P246/04/03, C012/08/04, SM14/09/04	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995	
Delegation	Council	

Background

At the August 2004 ordinary meeting Council resolved the following;

“...Council instructs the Chief Executive Officer to:

Subject to timing of the outstanding works being completed, call tenders for the sub lease of the tearooms and associated accommodation and re-enter into a new sub lease agreement with new operators, based on the agreed lease documents and conditions previously agreed to by Council for the tearooms and residence, with the exception that an agreed trading date would be included in the tearooms sub lease.”

Calls for expressions of interest have taken place and officers are currently reviewing the expressions provided for further progression. It is intended that The Chief Executive Officer, Economic Development and Tourism Officer and Director Corporate Services will negotiate with the expression providers for a new sub-lease.

Sustainability Statement

Effect on Environment: It is intended that the tearooms will reflect the natural environment by providing information based on the history of the dam, Jarrahdale and its surroundings and displaying of local art and finewood products.

Use of Local, renewable or recycled Resources: The tearooms have been upgrade with the assistance of the Commonwealth Forrest Structural Adjustment Grant and part of the condition of this grant is to display new uses for local recycled timber products.

Economic Viability: The current sub-lease provides for a return on investment for the upgrade works undertaken by Council. It also makes provision for a new business to be able to establish itself into the market without imposing on the economic viability of the business.

Economic Benefits: The operation of this property will enhance the opportunity for local residents to enter into diversified employment and add value to the tourism potential identified by Council in the Tourism Strategy both locally to Jarrahdale and for the Shire.

Statutory Environment: Sections 3.58 and 5.42 of the Local Government Act 1995.

Policy/Work Procedure Implications:

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

Financial Implications:

There are no Financial implications to Council related to this application/issue.

Strategic Implications:

This proposal relates to the following Key Sustainability Result Areas:-

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Provide recreational opportunities.
2. Develop good services for health and well being.
5. Value and enhance the heritage character, arts and culture of the Shire.

Objective 2: Plan and develop towns and communities based on principles of sustainability

Strategies:

2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.

5. Protect built and natural heritage for economic and cultural benefits.

2. Environment

Objective 1: Protect and repair natural resources and processes throughout the Shire

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
3. Encourage protection and rehabilitation of natural resources.

3. Economic

Objective 1: A vibrant local community

Strategies:

1. Attract and facilitate appropriate industries, commercial activities and employment.
2. Identify value-adding opportunities for primary production.
3. Develop tourism potential.

Objective 2: Well developed and maintained infrastructure to support economic growth

Strategies:

2. Consider specific sites appropriate for industry /commercial development.

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

4. Governance

5. Harness community resources to build social capital within the Shire.

Objective 2: Formation of Active Partnerships to progress key programs and projects

Strategies:

1. Improve coordination between Shire, community and other partners.
3. Develop specific partnerships to effectively use and leverage additional resources.

Objective 3: Compliance to necessary legislation

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.
3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

Community Consultation:

Not required.

Comment:

The expressions provided to Council have listed some items that may require the current sub-lease to be modified. Whilst these considerations are not considered significant under the current resolution of Council officers are unable to approve such changes. It is therefore recommended that Council grant delegation to the Chief Executive Officer to negotiate the second sub-lease with the prospective parties on the basis that it does not diminish the intent nor lessen the conditions of the current sub-lease. Any changes considered will be forwarded to Council solicitors for their comment. This delegation is considered to assist the ability for operations to commence as soon as possible once negotiations are complete.

Voting Requirements: ABSOLUTE MAJORITY

Committee/Officer Recommended Resolution:

1. The Chief Executive Officer be delegated to negotiate the second sub-lease for the Serpentine Dam Tearooms on the provision it does not disadvantage Council when compared to the current secondary sub-lease, and
2. The Shire President and Chief Executive Officer be authorised to sign the second sub-lease for the Serpentine Dam Tearooms once negotiations have been completed in accordance with 1 above.

Supplementary Information

In addition to the report provided to committee it is noted that the original recommendation requests that tenders be called for the letting of the Tearooms. At this point in time only expressions of interest have been called. It is now recommended that the preferred expression be requested to forward a tender for the lease of the Tearooms and that the Chief Executive Officer be delegated authority to negotiate a lease agreement that does not disadvantage Council in relation to the original sub-lease.

C052/11/04 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Wigg seconded Cr Simpson

1. The expression of interest submitted by Leighton Browne is accepted by Council as the preferred expression and invites this party to submit a formal tender for the lease of the Serpentine Dam Tearooms,
2. The Chief Executive Officer be delegated to negotiate the second sub-lease for the Serpentine Dam Tearooms on the provision it does not disadvantage Council when compared to the previous secondary sub-lease, and
3. The Shire President and Chief Executive Officer be authorised to sign the second sub-lease for the Serpentine Dam Tearooms once negotiations have been completed in accordance with 1 above.

CARRIED 8/0 ABSOLUTE MAJORITY

AS028/11/04 REVIEW OF ASSET SERVICES POLICY AP9 LIGHTING (A1048)		
Proponent:	Shire of Serpentine-Jarrahdale	In Brief Council is requested to endorse amendments made to Asset Services Policy AP9 - Lighting
Owner:	Not Applicable	
Officer:	Patrick Rose – Senior Technical Officer	
Signatures Author:		
Senior Officer:		
Date of Report	25 th October 2004	
Previously	SM047/05/04	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Officers undertake a review of Council Policies and Work Procedures at least annually. The Council Policies are only able to be amended by resolution of Council.

The need to review the policy has derived from an amendment to the Western Power Decorative Street Light Standard Street Lighting colour schedule.

A copy of the policy AP9 is with attachments marked AS028/11/04.

Sustainability Statement

Effect on Environment: The use of the colour “Classic Hawthorn Green” enhances the built environment as an aesthetically pleasing colour blending in with the natural environment.

Resource Implications: The use of Western Power standard street lighting fixtures and fittings ensures that the industry standard is maintained and therefore minimizes overall duplication and wastage of resources.

Use of Local, renewable or recycled Resources: Western Power street lighting products are manufactured and supplied by both Western Australian owned and based companies. Most of the components are also regionally available.

Economic Viability: In accordance with the Street Vision agreement adopted by Council, the use of standard Western Power street lighting fixtures and fittings ensures that future maintenance is carried out by Western Power.

Economic Benefits: No direct economic benefits to the community are foreseeable.

Social – Quality of Life The provision of Western Power quality products enhances the built environment of the road networks and provides safer assets for the community.

Social and Environmental Responsibility: The proposal is in accordance with the Street Vision Agreement which fosters partnerships with another service provider.

Social Diversity: The proposal does not disadvantage any social groups within the community, rather it aims to cater for all sectors of the community.

Statutory Environment: Policies and Procedures are reviewed at least annually and are in place to assist in the day to day management of the Council.

Policy/Work Procedure Implications: Annual Review of Policies and Procedures

Financial Implications: There are no Financial implications to Council related to this issue.

Strategic Implications: This proposal relates to the following Key Sustainability Result Areas:-

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

1. Identify and implement best practice in all areas of operation.
2. Promote best practice through demonstration and innovation.
4. Balance resource allocation to support sustainable outcomes.

Objective 3: Compliance to necessary legislation

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.
3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

Community Consultation:

Required: No

Comment:

Item 4 "Installation" of policy AP9 prescribes "*Western Power architectural street lighting fixtures 'Meadow Springs' and 'Bourke Hill Modulator' in heritage green colour*".

This colour "heritage green" was one of the original four colours available when Western Power introduced decorative street lighting back in year 2000. It has since been superseded with a wider range of colours due to a change of new paint supplier. Advice from Western Power indicates that the colour most suitably matched to the previously selected "Heritage Green" is "Classic Hawthorn Green". As such it is therefore proposed to amend the policy to reflect the change in standard colour range to "Classic Hawthorn Green".

It should be noted that Western Power does not provide any maintenance for non standard Western Power lights. It is recommended that the Shire only approve Street Lighting fully supported by Western Power under the Street Vision maintenance contract. The colour "Classic Hawthorn Green" meets this requirement.

Voting Requirements: ABSOLUTE MAJORITY.

AS028/11/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Simpson seconded Cr Hoyer
 Council adopts the Policy amended by the Asset Services Committee provided at Attachment AS028/11/04 (AP9).
 CARRIED 8/0 ABSOLUTE MAJORITY**

AS029/11/04 LONG VEHICLE PERMIT APPLICATION – DIRK ROAD, KEYSBROOK (R0061)		
Proponent:	WA Bluemetal	In Brief Council is requested to conditionally approve an application for the use of Long Vehicles on Dirk Road, Keysbrook for the purpose of delivery of railway ballast for the refurbishment of the Kwinana to Bunbury rail line.
Officer:	Mick Beaverstock Director Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	27 October 2004	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

John Holland Pty Ltd are undertaking refurbishment of the Kwinana to Bunbury rail line on behalf of WestNet Rail. This work will involve replacement of existing timber sleepers with new concrete sleepers and providing additional ballast material to the rail formation.

A short briefing was provided to Councillors on 9 August 2004 by representatives from John Holland Pty Ltd and WestNet Rail during which the scope of the project was explained. Following this briefing John Holland Pty Ltd indicated that a significant volume of materials would be delivered to the project and this would be done using pocket road trains or B-Double vehicles. John Holland Pty Ltd were advised that use of these vehicles on the local road network would require a permit and an application to Council would be necessary.

WA Bluemetal have been engaged by John Holland Pty Ltd to transport approximately 60,000 tonnes of ballast to the hardstand area created on the rail reserve at the intersection of Dirk Road and Baden Road. An application has been received for permit approval to undertake this task using pocket road train vehicles.

Sustainability Statement

Effect on Environment: The use of pocket road trains reduces the number of vehicle movements by half of those necessary if as-of-right vehicles were used.

Resource Implications: A reduction in fuel would be achieved through less vehicle movements.

Use of Local, renewable or recycled Resources: It is understood that ballast materials being transported to the hardstand area is mined within the shire.

Economic Viability: A saving to WestNet Rail will be achieved through the use of pocket road trains. Should this not be permitted it would be necessary to break up the vehicles at an approved location on South Western Highway and take trailers to the hardstand area individually. The cost of the additional time required for this exercise would be charged to WestNet Rail.

Economic Benefits: The proposal does not provide a direct economic benefit to the community.

Social – Quality of Life: As the proposed route does not pass residences on local roads there is expected to be minimal effect on quality of life of residents.

Social and Environmental Responsibility: The recommendation is designed to be socially and environmentally responsible through minimizing as far as is practicable the impact on the community of a high number of truck movements.

Social Diversity: The proposal to transport 60,000 tonnes of railway ballast using Dirk Road is unlikely to disadvantage the local community.

Statutory Environment:

Motor Vehicle Act and Regulations
Local Government Act 1995, specifically Schedule 3.1 -
Powers Under Notices To Owners Or Occupiers Of Land
(3. Modify or repair...any damage caused to the public
thoroughfare or other public place....)

**Policy/Work Procedure
Implications:**

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

Financial Implications:

There are no Financial implications to Council related to
this application/issue however use of pocket road trains
may reduce the potential of damage to road pavements
and minimize associated maintenance expenditure.

Strategic Implications:

This proposal relates to the following Key Sustainability
Result Areas:-

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

6. Ensure a safe and secure community.

2. Environment

*Objective 1: Protect and repair natural resources and
processes throughout the Shire*

Strategies:

5. Reduce green house gas emissions.

4. Governance

*Objective 1: An effective continuous improvement
program*

Strategies:

1. Identify and implement best practice in all areas of
operation.
2. Promote best practice through demonstration and
innovation.

Community Consultation:

No community consultation has been undertaken to date however it is recommended that the applicant is required to provide Council with a contact should issues arise.

Comment:

The applicant has advised that it is intended to deliver up to 20 loads of ballast per day using Long Vehicles. The total duration of the operation is expected to be 10 weeks. If semi-trailer vehicles were used it would not have a major effect on the duration, however the number of vehicle trips on Dirk Road would double.

Should Council not approve the use of Long Vehicles it would be necessary for drivers to unhook and hook up at an approved location close to Dirk Road. The applicant feels that this exercise would require trucks to cross traffic on South Western Highway to access the break up area, increasing the risk to their drivers and other road users.

Due to the number of vehicle movements associated with the project it is desirable that Long Vehicles are utilized from the perspective of minimizing the risk of damage to the road pavement. Dirk Road currently carries minimal traffic and no residences are located on the section between South Western Highway and Baden Road. This section of Dirk Road is relatively straight allowing motorists to see oncoming vehicles.

Main Roads WA would be required to assess the route prior to any permit being issued. It is recommended that Council support this application on the basis that it reduces the number of heavy vehicle movements associated with this operation.

Voting Requirements: Normal

Officer Recommended Resolution:

1. Consent be conditionally granted for the use of Long Vehicles (up to 27.5 metres in length) by WA Bluemetal to access the WestNet Rail hardstand area located in the rail reservation at the intersection of Dirk Road and Baden Road, Keysbrook via Dirk Road (South Western Highway to Baden Road).
2. Consent being subject to the following conditions:
 - i) Verification by Main Roads Western Australia as to the suitability of the proposed route and issue of permits;
 - ii) Vehicle speeds on Dirk Road not to exceed 40km/h;
 - iii) The applicant providing Council with a representative name and contact number for liaison during the permit period;
 - iv) Vehicles are to operate between the hours of 9AM and 4PM only between Monday and Friday;
 - v) The applicant satisfying Council that use of this route during permitted times will not conflict with any school bus movements;
 - vi) John Holland Pty Ltd (on behalf of WestNet Rail) providing written confirmation that any damage caused to road pavements or seal caused by vehicles accessing the hardstand area will be repaired at no cost to Council; and
 - vii) No use of this route is permitted beyond 31 January 2005.

AS029/11/04 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Wigg seconded Cr Simpson

1. Consent be conditionally granted for the use of Long Vehicles (up to 27.5 metres in length) by WA Bluemetal to access the WestNet Rail hardstand area located in the rail reservation at the intersection of Dirk Road and Baden Road, Keysbrook via Dirk Road (South Western Highway to Baden Road).
2. Consent being subject to the following conditions:
 - i) Verification by Main Roads Western Australia as to the suitability of the proposed route and issue of permits;
 - ii) Vehicle speeds on Dirk Road not to exceed 30km/h;
 - iii) The applicant providing Council with a representative name and contact number for liaison during the permit period;
 - iv) Vehicles are to operate between the hours of 9AM and 3PM only between Monday and Friday;
 - v) The applicant satisfying Council that use of this route during permitted times will not conflict with any school bus movements;
 - vi) John Holland Pty Ltd (on behalf of WestNet Rail) providing written confirmation that any damage caused to road pavements or seal caused by vehicles accessing the hardstand area will be repaired at no cost to Council; and
 - vii) No use of this route is permitted beyond 31 January 2005.

CARRIED 6/2

CRD15/11/04 TENDER C14/2004-05 SERPENTINE JARRAHDAL E COMMUNITY RECREATION CENTRE MANAGEMENT SERVICES (A0900-03/01)		
Proponent:	Director Asset Services	In Brief Council is requested to award Contract C14/2004-05 Serpentine Jarrahdale Community Recreation Centre Management Services to YMCA of Perth Inc for a period of five years with an option of a three year extension.
Owner:		
Officer:	M Beaverstock – Director Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	26.10.04	
Previously	CRD06/09/04; CRD18/02/04	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act if no interest	
Delegation	Council	

Background

In September 2001, financial modelling of the operation of the Recreation Centre was undertaken which indicated that a deficit of \$109,086 would be likely in the first year of operation, \$50,705 in the second year and \$26,469 in the third. It was anticipated that an ongoing deficit in the order of \$25,000 per annum would be experienced.

Due to changes within the leisure industry, including insurance increases, employee award adjustments, etc the financial performance of the Centre was again modelled in January 2004. The revised model indicated the deficit experienced would likely increase to \$188,547 in the first year, \$83,299 in the second year and \$65,504 in the third. The third year deficit is expected to be typical of operating deficits from that point onwards.

Council, based on the community benefits of the Centre, resolved to progress with the project and call tenders for Management Services.

Tender C14/2004-05 Serpentine Jarrahdale Community Recreation Centre Management Services was called on 31 July 2004, advertised state-wide in the West Australian newspaper with tenders closing on 24 August 2004. Tenders were invited for a five year contract with an option of a further three years subject to Council approval. A compulsory tender briefing session was held on 11 August 2004 at which tenderers were given the opportunity to clarify any aspects of the tender specification and requirements.

Tenderers were advised that tenders would be assessed under the following weighted criteria:

Demonstrated experience in providing similar projects/services	30%
Skills and experience of key personnel	10%
Demonstrated understanding of the required tasks	20%
Tenderer's resources	10%
Financial Plan/Mode	20%
Risk/Reward plan/model	10%

Tenders closed on 24 August 2004 with two tenderers providing offers – YMCA of Perth Inc (conforming and alternate tenders) and LeisureCo Pty Ltd.

Tungsten Group, appointed to assist in the preparation of the Request for Tender document, was also commissioned to undertake an assessment of tenders received. It was noted that the tender received from LeisureCo did not comply with the specification within the Request, conditions of tendering, Quality Assurance requirements or contain a completed Offer Form and subsequently this offer has been considered as ineligible.

So as to ensure that a quantifiable comparison between tenderers could be achieved, submissions were required to include set cost allowances for items such as utilities, charges and fixed operating hours were set. The intention of this approach was to provide officers with an equitable comparison base and from this recommend entering into negotiations with a preferred tenderer during which aspects such as operating hours, etc could be discussed with a view to minimizing cost while providing an acceptable level of service to the community.

At its meeting of 13 September 2004, under delegation, the Community & Recreation Development Committee resolved that Council agrees to nominate YMCA of Perth Inc as the preferred tenderer and requested the Chief Executive Officer and/or Director Asset Services to enter into negotiations and prepare a report to Council recommending award or otherwise of the contract.

Sustainability Statement

Effect on Environment: The submission provided by the YMCA includes an approach to minimizing energy usage in the operation of the Centre which will not only reduce costs but also minimize greenhouse emissions.

Resource Implications: The design of the Recreation Centre building has been based on resource and waste minimization. In negotiations with the YMCA, it was agreed that additional meters would be installed in the building to allow scrutiny of energy usage through the facility and, using the financial risk sharing agreement, encourage minimization of energy use.

Use of Local, renewable or recycled Resources: The operation of the Centre will create a number of employment opportunities for the local community.

Economic Viability: The provision of a risk sharing agreement in the Management Contract is aimed at making the Centre financially viable by encouraging the Operator to identify cost savings which will benefit Council, the community and Operator.

Economic Benefits: It is expected that the Recreation Centre will create up to 40 full and part time positions with many of these being filled by local residents. In addition local business will have the opportunity to provide services and support to the Centre.

Social – Quality of Life: The Recreation Centre will allow access to activities not currently available to the local community. A mechanism will be developed through which the Operator will report regularly on programs and activities offered to ensure the Centre meets the expectations of the community within financial constraints.

Social and Environmental Responsibility: The proposal is aimed to be socially and environmentally responsible through provision of services not currently available to the community. The Recreation Centre will also perform an environmental education function through displays and examples of sustainability principles.

Social Diversity: Provision of a Recreation Centre offering a variety of programs will allow access and opportunity for the whole community.

Statutory Environment: Local Government Act 1995
Local Government (Functions and General) Regulations 1996 Part 4 – Tenders for providing Goods or Services

Policy/Work Procedure Implications: Council policies for the Purchase of Goods and Services

Financial Implications:

Centre Operating Cost

As noted in Background, modelling of the financial performance of the Recreation Centre was undertaken in January 2004 reflecting changes within the recreation industry and the expected operating deficit attributable to Council was determined. During preparation of the Forward Financial Plan and 2004/05 Budget, allowance was made for Year 1 of operation to be for six months only. A comparison is made below of tendered prices against allowances in the Forward Financial Plan:

BUDGET	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	
Operating	\$811,410	\$980,299	\$995,504	\$995,504	\$1,025,369	\$1,056,130	
Management	\$30,000	\$30,000	\$30,600	\$31,212	\$32,148	\$41,200	
Total Expenditure	(\$841,410)	(\$1,010,299)	(\$1,026,104)	(\$1,026,716)	(\$1,057,517)	(\$1,097,330)	
Income	\$670,000	\$850,000	\$930,000	\$930,000	\$957,900	\$986,637	TOTAL
DEFICIT	(\$171,410)	(\$160,299)	(\$96,104)	(\$96,716)	(\$99,617)	(\$110,693)	(\$734,839)
TENDER							
Operating	\$211,143	\$797,323	\$894,216	\$980,363	\$1,013,975	\$1,048,765	
Management	\$7,500	\$31,050	\$32,137	\$32,137	\$33,262	\$34,425	
Total Expenditure	\$218,643	\$828,373	\$926,353	\$1,012,500	\$1,047,237	\$1,083,190	
Income	\$110,887	\$622,516	\$787,023	\$893,393	\$924,661	\$957,025	TOTAL
DEFICIT	(\$107,756)	(\$205,857)	(\$139,330)	(\$119,107)	(\$122,576)	(\$126,125)	(\$820,791)
<i>Difference</i>	<i>\$63,654</i>	<i>(\$45,558)</i>	<i>(\$43,226)</i>	<i>(\$22,391)</i>	<i>(\$22,959)</i>	<i>(\$15,427)</i>	<i>(\$85,952)</i>

The Operating cost for 2004/05 includes start up costs of \$54,986 which covers employee recruitment and training, marketing and the salary of the Centre Manager who would be

appointed to oversee this phase. An allowance of \$80,000 is also included for the purchase of capital items such as computers and minor sporting equipment necessary for fit out of the Centre. This amount has been amortised over five years at an annual repayment of \$20,160.

It is noted that the tendered price submitted includes the Youth Bus Service at a charge of \$12,000 per annum. Currently this service operates independently through an allocation of \$6,000 per annum included in the Youth Operating Expenditure allocation of Community Development Officer budget. This amount provides for provision of the Youth Bus during two holiday periods.

Deletion of the Youth Bus Service from the Recreation Centre Management Contract will lower the operating deficit by \$60,000 over the period of the contract resulting in the total deficit over this period reducing to \$760,791 as follows:

BUDGET	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	
Operating	\$811,410	\$980,299	\$995,504	\$995,504	\$1,025,369	\$1,056,130	
Management	\$30,000	\$30,000	\$30,600	\$31,212	\$32,148	\$41,200	
Total Expenditure	(\$841,410)	(\$1,010,299)	(\$1,026,104)	(\$1,026,716)	(\$1,057,517)	(\$1,097,330)	
Income	\$670,000	\$850,000	\$930,000	\$930,000	\$957,900	\$986,637	TOTAL
DEFICIT	(\$171,410)	(\$160,299)	(\$96,104)	(\$96,716)	(\$99,617)	(\$110,693)	(\$734,839)
TENDER							
Operating	\$211,143	\$785,323	\$882,216	\$968,363	\$1,001,975	\$1,036,765	
Management	\$7,500	\$31,050	\$32,137	\$32,137	\$33,262	\$34,425	
Total Expenditure	\$218,643	\$816,373	\$914,353	\$1,000,500	\$1,035,237	\$1,071,190	
Income	\$110,887	\$622,516	\$787,023	\$893,393	\$924,661	\$957,025	TOTAL
DEFICIT	(\$107,756)	(\$193,857)	(\$127,330)	(\$107,107)	(\$110,576)	(\$114,125)	(\$760,791)
<i>Difference</i>	<i>\$63,654</i>	<i>(\$33,558)</i>	<i>(\$31,226)</i>	<i>(\$10,391)</i>	<i>(\$10,959)</i>	<i>(\$3,427)</i>	<i>(\$25,952)</i>

The deficit of \$760,791 is \$25,952 (\$5,190 per annum) more than previous financial modelling indicated would be attributable to Council. The tender submission provides a reduction in cost to Council in 2004/05 of \$63,654 primarily due to the Centre opening later than previously anticipated. It is recommended that this surplus is carried forward to cover the additional costs in 2005/06 and 2006/07. Through this approach no cash impact will be experienced by Council until 2007/08.

It should be noted also that no allowance for sponsorship of the Centre has been made in the YMCA tender. Officers believe that it may be possible to attract sponsorship (direct or capital grants) in the order of \$25,000 per annum, potentially reducing the total operating deficit.

Gymnasium/Lifestyle Equipment

The tender also called for submissions for the provision of gymnasium equipment through direct purchase payable by Council, Operator to purchase and recover cost over five years and annual hire. An allowance of \$250,000 has been made in the 2004/05 for the purchase of this equipment. The following options were provided:

OPTION	DESCRIPTION	PRICE (EX GST)	GST	PRICE (INCL GST)
A	Outright purchase of gymnasium/lifestyle equipment	\$249,841	\$24,984	\$274,825
B	Purchase of gymnasium /lifestyle equipment with cost amortised over 5 years (annual charge)	\$63,000 pa	\$6,300	\$69,300 pa
C	Hire of gymnasium			

	/lifestyle equipment (annual charge)	\$67,000 pa	\$6,700	\$73,700 pa
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On review of these costs, it is recommended that the option of outright purchase at \$249,841 (excluding GST) is accepted by Council as it is the lowest cost over the period of the contract. Hire of equipment is not supported as Council would not own the asset or achieve any residual value at the end of the contract period.

Risk Sharing Agreement

The intent of a Risk Sharing Agreement is primarily to encourage best practice financial performance of the Centre while ensuring the level of service provided meets the expectations of Council. An agreement was proposed by which the Operator is rewarded if the Centre performs better than budget and equally the cost of poor performance is shared between Council and the Operator.

The YMCA proposed to base an agreement linked to the annual management fee but which represents a partnership approach to operation of the Centre taking into account that a development period will be applicable in which flexibility of programs will be required.

The following formula was proposed:

In the event that the Operator achieves a Budget Surplus (the amount by which the audited results for a financial year exceed budget) in any one year, Council would be paid 50% of the surplus by the Operator and 50% would be retained by the Operator.

In the event that the Operator incurs additional Budget Deficit in any one year the component of the additional deficit attributable to Council would be as follows:

2005/06:	100%
2006/07:	100%
2007/08:	Deficit less 50% of Management Fee (i.e. deficit less \$16,068)
2008/09:	Deficit less 75% of Management Fee (i.e. deficit less \$24,103)
2009/10:	Deficit less 100% of Management Fee (i.e. deficit less \$34,425)

The risk sharing agreement proposed is not supported by Officers as, although the profit sharing arrangement would provide incentive to the Operator to deliver services exceeding budget provision, the Operator penalty for a deficit result is capped. It is recommended, however, that should the Operator propose variations to services during the period of the contract which may have an affect on operating budgets, a risk sharing agreement can be negotiated between Council and the Operator.

Strategic Implications:

This proposal relates to the following Key Sustainability Result Areas:-

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Provide recreational opportunities.
2. Develop good services for health and well being.

2. Environment

Objective 1: Protect and repair natural resources and processes throughout the Shire

Strategies:

4. Reduce water consumption.
5. Reduce green house gas emissions.

Objective 2: Strive for sustainable use and management of natural resources

Strategies:

1. Implement known best practice sustainable natural resource management.
2. Respond to Greenhouse and Climate change.
3. Reduce waste and improve recycling processes

3. Economic

Objective 1: A vibrant local community

Strategy:

1. Attract and facilitate appropriate industries, commercial activities and employment.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

1. Identify and implement best practice in all areas of operation.
2. Promote best practice through demonstration and innovation.

Objective 2: Formation of Active Partnerships to progress key programs and projects

Strategies

1. Improve coordination between Shire, community and other partners.
2. Improve customer relations service.
3. Develop specific partnerships to effectively use and leverage additional resources.

Objective 3: Compliance to necessary legislation

Strategy:

3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

Community Consultation:

Tenders for Management Services were advertised state-wide.

Comment:

The compliant submission provided by the YMCA was based on fixed operating times and utility costs. An alternate submission was also provided which indicated that variations to operating times could achieve a cost reduction to Council. The base tender specification called for all facilities at the Centre to operate from 6am to 10pm, 7 days per week. It has been proposed by the YMCA that this mode of operation is not financially viable as a number of services would be severely under-utilized if available at all hours and have high management costs due to wage award structures, particularly on weekends and after hours. Operating hours nominated in the alternate tender are based on State and National usage trends.

During negotiations, it became apparent that, for the Centre to operate effectively, some flexibility in operating hours would be required over the period of the contract. It is proposed to regularly report on activity utilization and vary operating hours for various services based on demand. Other costs such as utilities are difficult to estimate until the Centre has been operating.

In addition to the base services the Recreation Centre will provide, the specification also called for provision of a Youth Bus service which would provide activities in other areas of the Shire during school holiday periods. As discussed in Financial Implications above, the inclusion of this service in the contract is not recommended but would continue to operate independently of the Recreation Centre. The Operator will also be responsible for supply of hire equipment for conferences which could be held in the multi-purpose function rooms.

As there are a number of cost variables identified which cannot be accurately determined until the Centre has been operating, the provision of a risk sharing agreement applicable to the annual operating cost estimates provided for the term of the contract is not deemed beneficial to either the contractor or Council. It is proposed that an annual budget will be negotiated between Council and the Operator by 30 May of each year and, where agreed by both parties as beneficial, a risk sharing agreement may be applicable.

It has previously been recommended that a Recreation Centre Management Group is formed comprised of Councillor, staff and community representatives to which the Centre Operator would report. The function of this group will be to approve program changes, operating hours, etc and recommend and report on operating budgets to Council.

Negotiations had been held with the construction contractor, Merym Constructions, to allow handover of the Centre in two stages with a view to permitting early operation. YMCA of Perth Inc advise that a minimum period of four weeks would be required for the installation of operating systems (eg computer hardware and software), staff familiarity with the facility and full commissioning. For this to be successful, it is necessary to have unrestricted access to the building. Merym Constructions has advised that this will not likely be achievable until April 2005 due to uncertainty at present with supply of structural steel potentially causing delays to the project.

Based on the above information, it is likely that the opening of the Centre with respect to public access would not occur until May 2005. Advertising and the appointment of a Centre Manager would be undertaken by the YMCA in November 2004 which would permit opening prior to May 2005 if sufficient notice is provided.

It is beneficial for Forward Financial Planning that the contractual arrangements, particularly the ending of the Management Services contract, is aligned to financial years. It is, therefore, recommended that the term of the initial five year contract concludes on 30 June 2010.

A copy of the contract specification will be made available to Councillors prior to the Council meeting on request. Due to commercial confidentiality, this information is not included as an attachment to this item.

Voting Requirements: **Normal**

CRD15/11/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Hoyer seconded Cr Price

Council:

- 1 Awards Contract C14/2004-05 Serpentine Jarrahdale Community Recreation Centre Management Services to YMCA of Perth Inc until 30 June 2010 with an option of a 3 year extension subject to Council approval.**
- 2 Agrees to negotiate operating budgets annually by no later than 30 May of the previous financial year and the operating budget will form the basis of any risk sharing agreement negotiated for the applicable financial year.**
- 3 Accepts the offer of YMCA of Perth Inc for the outright purchase of gymnasium and lifestyle equipment at a cost of \$249,841 (excluding GST)**

CARRIED 8/0

B06/11/04 LOT 119 MUNRO STREET, JARRAHDAL – ENDORSEMENT OF PROPOSED ADDITIONS TO JARRAHDAL FIRE STATION AND REQUEST TO WAIVE APPLICATION FEES (P03442)		In Brief
Proponent:	Jarrahdale Volunteer Fire Brigade	Council to consider endorsing plans for a proposed addition to the Jarrahdale Fire Station to accommodate a storage area within the building, and to waive planning and building licence application fees payable by the brigade when lodging applications for approval for the proposed addition. It is recommended that Council endorses the plans and waives the fees.
Owner:	Shire of Serpentine Jarrahdale	
Officer:	Wayne Chant – Principal Building Surveyor Dave Gossage – Community Emergency Services Manager	
Signatures Author:		
Senior Officer:		
Date of Report	05.08.04 and 09.11.04	
Previously	AS052/02/04	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Owner: Shire of Serpentine Jarrahdale
 Owner's Address: 6 Paterson Street, Mundijong
 Applicant: Jarrahdale Volunteer Fire Brigade
 Applicant's Address: Lot 119 Munro Street, Jarrahdale
 Date of Receipt: 23 July 2004
 Lot Area: 0.2820 Ha
 L.A Zoning: POS
 MRS Zoning: Urban, Water Catchment
 Townscape/Heritage Precinct: Jarrahdale Townscape Precinct
 Date of Inspection: 5 August 2004

Background

In February 2004, Council endorsed the Emergency Services Levy (ESL) application to the Fire and Emergency Services Authority for 2004/05. This application included a proposal from the Jarrahdale Volunteer Bushfire Brigade to construct a 6 metre by 8 metre addition, necessary to accommodate a larger tanker vehicle, at the existing Jarrahdale bushfire brigade building which was endorsed by Council in February 2004 (AS052/02/04). Unfortunately this proposal did not attract funding from the ESL process.

Since this unsuccessful application, the Brigade has revisited the design and is currently fundraising to allow construction of a 10 metre by 9.725 metre addition. The Brigade intends to fund this addition with fundraising activities and in-kind contributions.

To assist the Brigade with construction of the proposed additions, it is requested that Council waive building and planning application fees. The Brigade estimates that the cost of construction will be \$25,000. Based on this estimated value, building and planning application fees payable to the Shire would total \$145.45 (\$45.45 building licence application fee and \$100 planning application fee).

Should Council consent to waive the application fees, the Jarrahdale Brigade will only be required to pay a fee of \$30.00 to the Builders' Registration Board and a \$45.50 BCITF Levy.

Plans of the Jarrahdale Brigade building with proposed additions are with attachments marked B06/11/04.

Sustainability Statement

Effect on Environment: The proposed addition will be constructed of the same materials and in the same style as the existing building. The addition will be at the rear of the existing building and mostly hidden from view.

Use of Local, renewable or recycled Resources: The addition will be constructed with the assistance of local community members utilizing local products and suppliers wherever possible. This is a community based project.

Economic Viability: The additions are intended to provide appropriate accommodation for the Jarrahdale Brigade for at least the next fifteen years. Minimal additional maintenance costs will be associated with the addition.

Economic Benefits: The brigade building, once extended, will provide for the Jarrahdale Brigade's expansion in future years.

Social – Quality of Life: Additions to the existing brigade building will allow for improved training of members and storage of emergency services equipment.

Social and Environmental Responsibility: By increasing the building size, more community members may become involved in the emergency services operation of the Jarrahdale Brigade.

Statutory Environment:

Building Regulations 1989 Part 6 – Fees: Town Planning
(Local Government Planning Fees) Regulations 2000

Policy/Work Procedure Implications:

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

Financial Implications:

Loss of income of \$100.00 for planning application fee and loss of income of \$45.45 for building licence application fee.

Strategic Implications:

This proposal relates to the following Key Sustainability Result Areas:-

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

2. Develop good services for health and well being.
6. Ensure a safe and secure community.

Objective 2: Plan and develop towns and communities based on principles of sustainability

Strategies:

4. Foster a strong sense of community, place and belonging.
5. Protect built and natural heritage for economic and cultural benefits.

Objective 3: High level of social commitment

Strategies:

1. Encourage social commitment and self determination by the SJ community.
2. Build key community partnerships.

3. Economic

Objective 2: Well developed and maintained infrastructure to support economic growth

Strategy:

2. Consider specific sites appropriate for industry /commercial development.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

1. Identify and implement best practice in all areas of operation.
2. Promote best practice through demonstration and innovation.
5. Harness community resources to build social capital within the Shire.

Objective 2: Formation of Active Partnerships to progress key programs and projects

Strategies

1. Improve coordination between Shire, community and other partners.
3. Develop specific partnerships to effectively use and leverage additional resources.

Objective 3: Compliance to necessary legislation

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.
2. Develop a risk management plan.
3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

Comment:

The following comments are taken from the Emergency Services Capital Grant Application which formed part of the 2004/05 grant application to Fire and Emergency Services to justify the proposed addition to the Jarrahdale Fire Station:

- * The current Jarrahdale Fire Station is required to be extended to house the equipment and training section which is part of the 5 year vehicle replacement plan endorsed by Council.
- * The facility is not able to deliver adequate area for the storage of the current emergency equipment which is in accordance with the 5 year vehicle replacement plan endorsed by FESA/Council.
- * The current environment is one that makes it difficult to operate in a safe manner, this is caused by the lack of space to store existing equipment.

Voting Requirements:

ABSOLUTE MAJORITY

B06/11/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price seconded Cr Kirkpatrick

- 1 Council endorses the plans dated February 2004 as attached at B06/11/04 for a proposed addition to the Jarrahdale Fire Station.**
- 2 Council waives the planning application fee of \$100 and building licence application fee of \$45.45 for the construction of an addition to the Jarrahdale Fire Station.**

CARRIED 8/0 ABSOLUTE MAJORITY

Committee Note: It is requested that bollards be placed to protect the bushland around the Fire Station. The Director Sustainable Development advised that this condition would be addressed as part of the Planning Application/Building Application approval.

P032/11/04 PROPOSED RIDING FOR THE DISABLED FACILITY ON LOT 281 (RESERVE 46398) GOSSAGE ROAD, CARDUP (RS0177/03)		
Proponent	Riding for the Disabled	In Brief
Owner	Serpentine Jarrahdale Shire	
Officer	Meredith Kenny - Senior Planner	Council to consider an application from the Riding for the Disabled organisation for the development of a horse-riding and stable facility on a Shire reserve.
Signatures - Author:		
Senior Officer:		It is recommended that, subject to the organization obtaining a water abstraction licence for pasture irrigation from the Department of Environment, Council grant conditional approval for the development.
Date of Report	26 October 2004	
Previously	P081/05/04; C002/08/03	It is recommended that, subject to the organization obtaining a water abstraction licence for pasture irrigation from the Department of Environment, Council grant conditional approval for the development.
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 5 August 2004
 Advertised: Yes
 Submissions: 3 - Objections
 Lot Area: 3.5 hectares
 L.A Zoning: Local Reserve – Parks and Recreation
 MRS Zoning: Rural
 Byford Structure Plan: N/A
 Rural Strategy Policy Area: N/A
 Rural Strategy Overlay: Nil
 Municipal Inventory: N/A
 Townscape/Heritage Precinct: N/A
 Bush Forever: No
 Date of Inspection: 6 September 2004

Background

In August 2003 the Riding for the Disabled organisation obtained in-principle support from the Council to lease Reserve 46398 to set up a horse riding facility (Minute CRC002, Item C002/08/03). The in-principle support was given on the basis of the organisation obtaining the necessary development and health approvals and public liability insurance.

In May 2004 Council carried a motion that the planning and building application fees for the development be waived as the organization is a not for profit community service.

The organisation has now submitted an application for planning approval for the development.

Riding for the Disabled is an incorporated, voluntary, not for profit organisation that provides riding introduction and other activities associated with horse riding for people with disabilities. The activities provide both physiological and psychological benefits for the participants.

The proposed development includes the construction of a small administration building (including offices, meeting space, kitchen, storeroom and toilets), stables, a feed store, a parking area, fencing for seven paddocks, an arena and a round yard. The organisation intends to obtain Lotteries Commission funding for the capital works. The works are estimated to cost \$100 000.

Reserve 46398 is currently undeveloped except for a limestone access track along the eastern boundary from Gossage Road to the drainage reserve at the rear of the property. There is a large seasonal soak hole at the front of the property (Paddock 1) that is an old gravel pit. A small amount of revegetation has occurred on the reserve adjacent to the drainage channels (north-east corner and northern boundary) and consists of tree and shrub seedlings approximately 300-400mm high. Other than the small amount of revegetation mentioned the site is covered with weeds and rye grass.

A copy of the site and floor plans and land management plan is with the attachments marked P032.1/11/04.

The soil type is B4 - broad poorly drained sand plain with deep grey siliceous sands or bleached sands, underlain at depths generally greater than 1.5m by clay or less frequently a strong iron-organic hardpan. There is a significant amount of surface and sub-surface rock on the property.

Sustainability Statement

Effect on Environment: Any facility of this nature needs to be managed carefully to ensure that its operation does not impact on the amenity of neighbouring properties (ie dust, odour, flies, weeds, noise, appearance) or the environment (water quality, quantity, runoff, erosion, vegetation). The management plan submitted by the applicants is fairly comprehensive but does not address all of the above issues. As the land is a local reserve and the facility is a community resource the Shire should work with/assist the proponents to achieve the desired environmental and amenity outcomes.

Resource Implications: The main resource implication is the use of water to maintain 95% pasture coverage year round. The proponents do intend to capture rainwater runoff from roofs by the installation of tanks. However, it is unlikely that this supply will be adequate to irrigate any of the pasture areas as it will be required for use in the administration, toilet and stable facilities as well as the retention of adequate tank water for fire fighting purposes. As such a bore would also be required so that groundwater can be used for pasture irrigation.

The proponents have submitted an application to the Department of Environment (DoE) for a water abstraction licence but the outcome of this application is still pending. If the water abstraction licence application is not successful the proponents would need to explore other options for the capture and retention of stormwater (ie a dam) for irrigation purposes. A drainage system would have to be implemented to direct all stormwater runoff to this dam. However, a dam of sufficient capacity to irrigate the pastures would take up a significant area of the site thereby reducing the stocking capacity of the site further.

Use of Local, renewable or recycled Resources: There are opportunities for locally obtained fill to be used to level the site and locally obtained gravel to be used for carpark and

hardstand areas. In addition, the re-use of captured stormwater on site falls into the category of the use of a recycled resource.

Economic Viability: If the land is managed appropriately, particularly with regard to issues such as erosion, dust, odour, water capture and re-use then the proposal should be economically viable with regard to sustainability principles.

Economic Benefits: As discussed in more detail previously there are opportunities for re-use of stormwater runoff. In addition economic benefits could include, weed management, revegetation of a currently cleared site, effective use of a Shire asset (the reserve) and the provision of a community resource for a minority group within the region (the disabled).

Social – Quality of Life: There is wide scope for this development to enhance the quality of life for the people with disabilities who use the facilities, the volunteers who run the organisation and the families of the riders. These kinds of activities, particularly the element of interaction with animals, have been proven to have significant physiological, social and psychological benefits for the people who participate in them.

Social Diversity: The proposed development achieves social diversity by providing recreational opportunities for people with disabilities and interaction between non-disabled people and people with disabilities through their volunteer programs.

<u>Statutory Environment:</u>	Town Planning Scheme No. 2 Lease with Council for use of the site
<u>Policy Implications:</u>	No applicable policies
<u>Financial Implications:</u>	Management of reserve and lease and on termination of the lease ongoing maintenance of the facilities.
<u>Strategic Implications:</u>	Key Sustainability Result Areas 1 People and Community <i>Objective 1: Good quality of life for all residents</i> <u>Strategies:</u> 1. Provide recreational opportunities. 5. Develop towns and communities based on principles of sustainability <u>Strategies:</u> 2. Develop compatible mixed uses and local employment opportunities in neighbourhoods. 4. Foster a strong sense of community, place and belonging. <i>Objective 3: High level of social commitment</i> <u>Strategies:</u> 1. Encourage social commitment and self determination by the SJ community. 2. Build key community partnerships. 4 Governance <i>Objective 1: An effective continuous improvement program</i> <u>Strategies:</u> 5. Harness community resources to build social capital within the Shire. <i>Objective 2: Formation of Active Partnerships to progress key programs and projects</i> <u>Strategies</u> 1. Improve coordination between Shire, community and other partners.

Community Consultation:

Required: Not specifically required by TPS No. 2. Given the nature of the proposed development and the previously un-developed status of the reserve it was considered that there may be potential for impact on the amenity of adjacent properties. Accordingly, it was considered appropriate that adjacent landowners be given the opportunity to comment on the proposal.

Support/Object: Three submissions (objecting to the proposed development) were received from owners of four of the five properties abutting the site. The remaining property is owned by people involved in the operation of the Riding for the Disabled facility.

The issues raised by the three objectors were very similar so have been addressed collectively below (issues are in italics):

1. *The amount of caprock on Lot 281. If children fall off horses they may be severely or fatally injured.*

Horses are only ridden by the disabled riders in the round yard and the arena. These two yards will have a soft sand fill (as is normally the case in arenas and round yards). In addition, safety harnesses and other safety measures (ie one on one supervision) are used dependent on the mobility, level of skill and abilities of the particular rider. All riders in this organization are also required to wear hard hats. The safety of the riders is of paramount importance to this organization and they take all reasonable steps to ensure that accidents do not occur. This is also a condition of their public liability insurance.

2. *Filling of paddocks, arena and round yard will mean that the level of adjoining properties is much lower the Lot 281.*

Some fill will need to be placed on the property to enable pastures to be established as the existing gravelly soils are not suitable for sowing of grasses and revegetation. The amended soils will also assist in drainage and prevent waterlogging of paddocks. This would also be the case if the reserve were developed for a use such as a sporting oval. In addition the arena and round yard will be filled with a layer of soft sand to reduce the potential of injury of riders and horses. This is normal practice for arenas and round yards.

A stormwater management system will be required to address any issues of stormwater runoff to prevent that run-off affecting neighbouring properties or to prevent stormwater draining directly from the paddocks into public drains. In addition, drainage lines will be required to be fenced to prevent access by stock and such fencing would be placed on the high side of the filled land. This combined with the retention of the existing boundary fencing will maintain an adequate height of fencing between Lot 281 and adjoining properties.

3. *The amount of dust the facility will create. There will not be time for grass to grow before the intended commencement of the facility in February 2005.*

The Shire's Environmental Officer has recognized the importance of pastures being established in the short-term rather than the longer term to prevent erosion and dust problems. In the early days of the facility the organization can implement a program of establishing pastures by rotation (ie keeping horses out of a particular paddock until pasture is established and using mulches in paddocks being used until horses can be moved to those paddocks with established pastures. The use of mulches will reduce dust in un-pastured paddocks. Once the horses are able to be moved to a pastured paddock the mulched paddocks can then be converted to pasture.

4. *Manure spread in paddocks will cause a fly problem.*
Manure will be collected from paddocks weekly and then composted in a sealed, waterproof and fly proof containers before the composted material is spread on paddocks. This is an appropriate method of recycling the manure for use as fertilizer in pastures.

5. *Extra horses brought to the property by floats will create more dust, extra traffic and parking is limited.*

The Riding for the Disabled activities are generally restricted to between 1 and eight people riding at a time and the horses stabled at the facility are usually used by these groups. Some additional horses may be brought to the facility on occasions if a rider has their own horse. There is adequate parking with the parking area shown on the site plan to park approximately eight cars with horse floats attached or up to approximately 30 cars. Most of the time there would only be approximately 5-10 cars at the facility when it is operating.

Currently, the Riding for the Disabled does not have a permanent facility to conduct their activities or stable their horses. As such they have operated from a few different sites around the Shire and most of the horses had to be taken to the particular site each time.

In addition in this case, the main people involved in the facility have purchased a property next to Lot 281 and so they would be able to attend the facility for activities, feeding and grooming horses and general maintenance around the facility without having to drive at all. Also, the driveway and parking area on Lot 281 will be located adjacent to the private lot purchased by the applicants so that they will most likely be the only people affected by traffic movements in and out and within the site.

6. *The submitters advise that they bought Lot 310 Botica Close because the adjacent land was a recreation reserve and that the agent told them the reserve would be developed as a playground or oval only. They say they would not have purchased the property if they had known the reserve was to be used for this purpose.*

The reserve is vested in the Shire for the purpose of Public Recreation and the Minister for Lands has also granted the Shire the power to lease the land for a maximum of 21 years for any use which reasonably fits the definition of public recreation. This could include leasing the land for uses such as a sporting club or community interest group. This allows the Shire to lease the land for the exclusive use by such an organization.

7. *The use of this recreation reserve for this purpose will detrimentally affect land values of adjacent properties.*

The use proposed is similar in nature to the manner in which most of the properties in the surrounding Coolibah Estate are used and it is unlikely that the proposed use would be detrimental to the value of surrounding properties more than any other public recreation use such as a football club, meeting hall or other similar use. The proposed use is likely to provide a benefit in terms of security for adjoining properties as well as the benefit of the reserve being properly managed and revegetated as opposed to its current undeveloped state.

8. *There is land available within the Tonkin Highway reservation (because the road is not going to be extended to Mundijong) that would be more appropriate for this use.*

The Tonkin Highway reservation cannot be developed for any purpose other than regional road and the State Government has not announced any intentions to not build the Tonkin Highway to Mundijong Road. At this time the State government is only investigating the possibility of fast-tracking the Thomas Road to Orton Road part of the Tonkin Highway given the imminent development of the dense residential area within the Byford Structure Plan area.

9. *Every subdivision should have a recreation area and this reserve is meant to be for the people.*

The State Government only requires the provision of 10% public open space in residential subdivisions and there is not a similar requirement for rural or rural-residential subdivisions on the basis that small residential lots do not have adequate space for people to recreate but larger rural-residential lots do. The Shire does however require the provision of multiple use trails within rural-residential type subdivisions to meet the particular needs of those areas (ie bridle paths). The area within which Lot 281 is situated does contain additional multiple use corridors for drainage and recreation that can be used for walking or horse riding. The size of lots in this area is such that there is adequate room within them for other recreational needs of residents such as for children to play and run around in.

As detailed under point 7. above the Shire has been granted the power to lease this reserve exclusively to an individual or organization for the purposes of recreation. There are many similarly tied reserves in the Shire (Hendley Park Motocross, the Webb Road Reserve, the Serpentine Sports Reserve's golf course, the Peel Horse and Pony Club and Hunt Club). These sorts of reserves are necessarily to enable community organizations and interest groups to be established. If there were not public land available for these sorts of organisations then they would not exist as they could not afford to lease or buy land in the private market. These not for profit organizations provide a valuable community resource for adults and children in our community.

10. *The compensation basin in the drainage reserve behind Lot 281 is unfenced and will be a safety hazard to any child who wanders away from the complex. In combination with the pond on the Lot 281 putting the complex on this property may result in the drowning of a child.*

Children using the Riding for the Disabled facility will be supervised at all times and will not be allowed to wander around the property by themselves. In fact many of the patrons do not have the mobility to do this. The drainage reserve and Lot 281 are currently unfenced as are most drains, creeks, rivers and lakes. The key issue is supervision. Children who are not able to swim should be constantly supervised in areas containing water bodies and parents, caregivers etc are responsible for ensuring that children are adequately supervised in these instances.

11. *The owners of Lot 803 raised the following specific issues:*

- a) *They purchased their block due to the fact that there was a reserve for recreation directly behind them which would reduce the amount of noise pollution coming from surrounding entitlements.*
- b) *Having numerous vehicles coming and going at all times of the day (24 hrs-7 days) driving behind us was not what we envisaged and not what we want.*

As can be seen from the Location plan, contained within the attachments and provided to the owners of Lot 803 prior to their submission, Lot 803 does not share any boundaries with Lot 281 but is bordered on the northern and eastern sides by a separate drainage and Parks and Recreation reserve. In addition, all vehicle accessways and parking areas are located on the eastern side of Lot 281, the furthest point from Lot 803. Accordingly, it is considered that this reason for objection is not supported.

Following the close of advertising the proponent was provided with a summary of the issues raised by the submitters and has provided a **written response which is with the attachments marked P032.2/11/04.**

Environmental Officer's Comment

Soils

B4 soils have a stocking rate of 6 dry sheep equivalent (dse) when dry and 20 dse when irrigated. The soils are subject to phosphorus export and waterlogging. The carrying capacity of 3.5 hectares of pasture is 2 horses if dry, and 7 horses if irrigated. The stocking rates will be less than this to account for areas taken up by parking, buildings and other land uses which are not pasture.

The phosphorus export issue will require careful management of nutrients

The water logging issue will need to be addressed in order to successfully keep stock on the land during wet months.

Eight horses stabled for 8 hours per day on irrigated land will be within the stocking rate guidelines.

Water

Pastures are to be irrigated. It needs to be clear that a licence is required from the Department of Environment (DoE) prior to the issuance of approvals from the Shire.

Research indicates that a surface water course passes across the south eastern corner of the reserve.

Nutrients and paddock management

The soil testing and adaptive management for fertiliser application proposed is good.

Planting of deep-rooted woody plants should be undertaken especially between water bodies and paddocks.

Perennial pastures need to be established in the short-term not long term. The organization intend to level and seed paddocks for pasture. They may also need to raise paddocks to prevent waterlogging.

The proposed replanting is a good suggestion but more details are needed and local native plants are required. The proponents recognise the need for "good cover of paddocks" and 95% cover should be specified.

Stables

There is a need to stipulate sealed cement floors and how the stables should be managed to prevent nutrient export.

Reserves Officers Comment

Reserve 46398 is located on the Bassendean Dune System. These soils have low fertility and are susceptible to leaching. Hence Reserve 46398 occurs in an area of high risk to waterlogging. Some surface water hydrology has been altered due to land clearing and grazing resulting in increasing flow rates and also reducing the duration of flow events.

Reserve 46398 has a built depression resulting from previous gravel extraction. Water fills this depression in winter.

On the southern boundary (along Gossage Road) the drains should be upgraded to the standard of adjoining drains on the subdivision and at the entrance crossover a concrete

culvert put in place for consistent water flow. It is also recommended that the crossover be to the standard of existing crossovers on the subdivision.

It is recommended that the compensating basin north Reserve 47760 is fenced from reserve 46398. Erection of a fence will prevent horse access to the compensating basin and drain reducing grazing, erosion and the addition of horse manure to the drain.

Tree planting would be a beneficial condition on leasing the reserve. To allow the proposed use for the reserve, planting would be best placed on the inward side of the required 3 metre firebreak. To allow for over hanging branches and shrubbery another three metres from the fire break should be sufficient for the planting line ie six metres from the boundary fence. Species need to be locally native and suitable to the soil type.

Previously the Riding for Disabled group has used mulch as a soil/dust stabiliser. A bore licence would need to be applied for from Department of Environment. It is difficult to obtain permission for a bore, however if one is obtained a commercial watering limit will be placed and watering will only be able to occur at night time. This will result in the need for extra valves and time controllers for an irrigation system.

Comments

An issue not previously dealt with in this report is the existing strategic firebreak that runs the full length of the eastern boundary between Gossage Road and the Drainage/Parks and Recreation reserve at the rear. This accessway is paved with crushed limestone and provides an important accessway for both emergency service vehicles and for surrounding residents to access the drainage/Parks and recreation corridor on foot or horseback. This accessway should remain open and as such should not be gated or fenced at either end. As such, the Riding for the Disabled facility should be fenced and gated on the western side boundary of this accessway only.

The proponents have recently purchased Lot 305 Botica Close, which abuts three quarters of the eastern boundary of the site to build their own private residence and keep their own horses. Their proximity to the site will enable easy management of and security for the facility.

Lot 281 is an appropriate location for this kind of facility (ie riding) as the area is predominantly occupied by people who own horses. As such, the proposed use is in keeping with the character of the area. As the Reserve is vested in the Shire there are opportunities for the Shire to work with the organization to ensure that the reserve is developed in an appropriate manner and managed so as not to adversely impact on the amenity of adjoining properties. This development will enable the revegetation and enhancement of a piece of land that is currently barren.

Approval of the proposal will enable the development of a valuable community resource for a minority group within this Shire. The facility will also provide opportunities for volunteers within the community. It is therefore recommended that approval be granted for the development subject to appropriate conditions to ensure the land is managed effectively.

Voting Requirements: Normal

P032/11/04 COUNCIL DECISION/Committee/Officer Recommended Resolution

Moved Cr Murphy seconded Cr Price
Subject to the Riding for the Disabled Association obtaining a licence to abstract groundwater for pasture irrigation with a sufficient water allocation to maintain pastures at 95% coverage year round, Council grant planning approval for the development of an agistment, riding activity and administration facility for the Riding for the Disabled Association on Reserve 46398 Lot 281 Gossage Road, Cardup subject to the following conditions:

1. A building licence is required to be obtained prior to the commencement of any development (including earthworks).
2. The administration building, toilets and stables shall be 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 stable floors shall be cement and shall contain wash down waste outlets connected to an approved waste water treatment system.
4. Only materials identified in the approved plans are to be used in the construction of the buildings unless the prior written approval of the Director Sustainable Development is obtained.
5. A maximum of eight horses can be grazed in the paddocks at any given time.
6. Horses shall be stabled a minimum of 8 hours during each 24 hour period.
7. Manure from paddocks is to be collected weekly and either taken off site or composted in a fly proof container with an impermeable base and covered to prevent rainwater access.
8. All paddocks to be irrigated as required to maintain a pasture coverage of at least 95 percent year round.
9. Horses are to be kept out of any paddock that is partially or completely inundated with water.
10. All chemicals associated with the care of the land and stock are to be stored so as to eliminate the possibility of spillage onto permeable surfaces.
11. A stormwater management plan for the development to be prepared and implemented to the satisfaction of the Director Asset Services. Stormwater management plan to address the following issues:
 - a) No direct discharge of stormwater into watercourses or drainage lines.
 - b) All drainage lines and basins are to be fenced off from stock.
 - c) Detention of runoff from roofs and hardstand areas.
 - d) Prevention of runoff from Lot 281 into neighbouring properties particularly with regard to earth fill being placed on paddocks.
12. Where the levels of the land are altered measures are to be implemented to prevent fill affecting neighbouring properties, including ensuring any boundary fencing maintains a sufficient height to prevent stock, domestic animals and children from entering or escaping neighbouring properties.
13. Construction of stables and disposal of hard and liquid wastes is to be in accordance with Health Local Law 1999 – Part 6, Division 2 – ‘Keeping of Large Animals’.
14. The vehicle parking, accessways and crossover shall be designed, constructed and drained to a compacted gravel, limestone or similar material standard to the satisfaction of the Shire prior to the occupation of the development for the use hereby permitted.
15. No vehicle associated with the Riding for the Disabled complex is to be permitted to park on the Gossage Road pavement or verge or the driveway/strategic firebreak at any time.
16. Revegetation/landscaping shall be implemented in accordance with Condition 25 by 31 October 2005 and thereafter maintained in accordance with the approved vegetation management plan.
17. The use/development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, odour, dust, light spill or waste products and shall be managed in accordance with the Land Management Plan attached to and forming part of this approval to the satisfaction of the Director Asset Services.
18. The premises shall be kept in a neat and tidy condition at all times to the satisfaction of the Director Sustainable Development.

19. A guaranteed potable water supply of 90,000 litres minimum shall be provided for the administration, toilet and stable facilities.
 20. To enable standardisation of fire brigade access to the water supply, each water tank shall be fitted with a minimum 50mm male threaded coupling at the base of the tank so that the total capacity (10,000 litre minimum) is available for fire fighting purposes. This coupling shall be installed with a full flow ball valve and 75mm storz coupling and maintained in a correct operating condition and adequately sign posted at all times.
 21. Access to the strategic fire break between Gossage Road and the Drainage reserve at the rear of Lot 281 is to be maintained at all times to enable emergency access and access by members of the public to the drainage and recreation corridor abutting the rear of Lot 281. As such this vehicle accessway is not permitted to be gated or fenced at either end. Fencing along the internal boundary of the strategic firebreak and the riding for the disabled activities is to be constructed to prevent stock from straying onto the strategic firebreak.
 22. One sign identifying the purpose of the facility and the address and phone numbers of the facility only and having maximum dimensions for the sign face of 1 metre by 1 metre is permitted to be erected on the property. Such sign shall be fixed to the front fence or otherwise contained wholly within the boundaries of the lot and shall not be placed on or protrude into the adjacent verge.
 23. The applicant shall submit, at the time of application for a building licence, documentation in compliance with the Building Regulations 1989 and the Building Code of Australia 1996, including in particular detailed plans and specifications for site works, including finished ground and floor levels, storm water and roof runoff disposal, existing easements, parking areas including pavement type, lighting, loading bays, and refuse bin areas, if applicable, to the satisfaction of Council.
 24. A classification certificate to be obtained from the Shire's Principal Building Surveyor prior to the commencement of use of any of the proposed buildings.
 25. A Vegetation Management Plan must be submitted and subsequently approved by Council prior to the issue of a building licence. The vegetation management plan must address the following:
 - a) revegetation of at least 25% of the site
 - b) fencing of all revegetation areas to prevent access by stock
 - c) maintenance of 95% pasture cover all year round
 26. Only clean fill shall be placed on site.
- CARRIED 6/2**

P039/11/04 INITIATION OF SCHEME AMENDMENT NO. 141 - LOT 54 RANDELL ROAD, MARDELLA (P00399/05)		
Proponent:	Kelvin Oliver	In Brief Request for Council to initiate a scheme amendment to rezone the subject lot from 'Rural' to 'Farmlet' under the provisions of Town Planning Scheme No. 2. Rezoning is required to allow the subdivision of the land into 6 lots between 4 and 4.5 hectares. It is recommended that the rezoning be initiated.
Owner:	Mundella Foods Pty Ltd	
Officer:	Brad Gleeson - Manager Planning and Regulatory Services	
Signatures Author:		
Senior Officer:		
Date of Report	6 October 2004	
Previously	Not applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Owner: Mundella Foods Pty Ltd
 Owner's Address: 46 Randell Road, Mardella
 Applicant: Kelvin Oliver
 Applicant's Address: 7 Kobus Heights, Roleystone WA 6111
 Date of Receipt: 31 August 2004
 Advertised: Not applicable at this stage
 Submissions: N/A
 Lot Area: 25.4 ha
 L.A Zoning: Rural
 MRS Zoning: Rural
 Byford Structure Plan: N/A
 Rural Strategy Policy Area: Farmlet
 Rural Strategy Overlay: N/A
 Municipal Inventory: N/A
 Townscape/Heritage Precinct: N/A
 Bush Forever: N/A
 Date of Inspection: 5 October 2004

Background

The subject land is cleared and is used for grazing. The Mundella Cheese Factory is located on the property and the owners advise that there are no current plans to relocate the cheese factory. The property is cleared and has been used for grazing for many years.

Sustainability Statement

Effect on Environment:

Rezoning of the property to Farmlet will enable the Shire to require the rehabilitation and enhancement of the property. The limited remnant vegetation on the property can be protected and revegetation can be undertaken on the property. This will assist in improving biodiversity and enable the provision of additional animal habitats.

The applicant advises:

A revegetation plan has been prepared which details the measures to be taken as part of the development of the estate as well as practices to be followed in terms of ongoing vegetation

management of the estate. The contents of the plan follows the guidelines as described in the rural strategy.

Resource Implications:

No reticulated water will be provided within the estate. Individual landowners will be required to provide a minimum potable water supply of not less than 90 000 litres.

Economic Viability/Benefits:

The proposal will attempt to address its external costs through the preservation and enhancement of biodiversity (through revegetation, drainage management, the use of ATU's for effluent disposal and the implementation of landuse controls).

Social and Environmental Responsibility and Social Diversity:

The rezoning and subsequent subdivision will enable improvement to the existing road network through road upgrading contributions. The larger lots will provide an alternative to the smaller lifestyle lots in the local area.

Statutory Environment:

Town Planning and Development Act
Town Planning Regulations
Town Planning Scheme No. 2
Rural Strategy

The procedural requirements for initiating Scheme Amendments are provided within the Town Planning and Development Act and the Town Planning Regulations. At this stage of the amendment it is the provisions relating to advertising and referral requirements for Scheme Amendments that must be adhered to as per Section 7 of the Town Planning and Development Act 1928 (as amended) as is detailed below:

"7. Preparation of schemes

- (2) *Subject to subsection (2aa), a town planning scheme prepared or adopted, or an amendment to a town planning scheme prepared, by a local government shall --*
- (a) *After compliance with sections 7A1 and 7A2 in respect of that town planning scheme or amendment, be advertised for public inspection in accordance with the regulations; and*
- (b) *After advertisement under this subsection and compliance with sections 7A3 and 7A4 in respect of that town planning scheme or amendment, be submitted to the Minister for his approval.*
- (2aa) *A local government shall, before submitting a town planning scheme or amendment to the Minister under subsection (2)(b), make reasonable endeavours to consult in respect of the town planning scheme or amendment such public authorities and persons as appear to the local government to be likely to be affected by the town planning scheme or amendment.*
- 7A1. *Reference of proposed town planning schemes, and proposed amendments to town planning schemes, to Environmental Protection Authority.*

When a local government resolves to prepare or adopt a town planning scheme, or to prepare an amendment to a town planning scheme, under section 7, the local government shall forthwith refer the proposed town planning scheme or amendment to the EPA by giving to the EPA --

- (a) *written notice of that resolution; and*
- (b) *such written information about the town planning scheme or amendment as is sufficient to enable the EPA to comply with section 48A of the EP Act in relation to the town planning scheme or amendment".*

Policy/Work Procedure

Implications:

LPP 4 – Revegetation
LPP 6 – Water Sensitive Design

Financial Implications:

Nil

Strategic Implications:

This proposal relates to the following Key Sustainability Result Areas:-

2. Environment

Objective 1: Protect and repair natural resources and processes throughout the Shire

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
3. Encourage protection and rehabilitation of natural resources.
6. Value, protect and develop biodiversity.

Objective 2: Strive for sustainable use and management of natural resources

Strategies:

1. Implement known best practice sustainable natural resource management.

3. Economic

Objective 1: A vibrant local community

Strategies:

3. Integrate and balance town planning and rural planning to maximise economic potential.

Objective 3: Effective management of Shire growth

Strategies:

3. Integrate and balance town and rural planning to maximise economic potential.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.

Community Consultation:

No community consultation has been carried out to date. However, if initiated, the scheme amendment will require advertising for a period of not less than 42 days.

Comment:

Planning Context

Rural Strategy

The strategy identifies the land as suitable for Farmlet development, subject to compliance with certain criteria and guidelines which must be addressed in order to justify the development of land. These matters include:

- Regional and local zoning implications.
- Local strategies and structure planning.
- Environmental impact.
- Land management controls.
- Surface drainage issues.
- Vegetation preservation and revegetation.
- Onsite disposal of effluent.

Town Planning Scheme No. 2 states the following objectives and scheme provision for the Farmlet zone:

“The purpose and intent of the Farmlet zone is described within the Council's Rural Strategy as amended and adopted by Council and the State Planning Commission dated April 1994.

5.13.2 *The Farmlet zone is intended to cater for a range of lots between four and forty hectares to allow for a variety of lot sizes in accordance with the objectives and guidelines of the Rural Strategy.*

5.13.3 *Before including land within the Farmlet zone, the Council will require the owners or developers of the land to prepare a submission in support of its inclusion and any submission shall include those matters set down in sub-clause 5.9.3 of this Scheme.*

5.13.4 *A guaranteed rainwater supply of 90,000 litres will be required to new lots proposed on land within the Farmlet zone.*

5.13.5 *A description of the land included in the Farmlet zone together with land uses permitted and any special provisions relating to the land are set out in Appendix 4C.*

5.13.6 *There shall be a plan of subdivision entitled Subdivision Guide Plan for each specified parcel of land included in the Farmlet zone endorsed by the Shire Clerk and approved by the State Planning Commission.”*

The following information is a summary of the report provided by the applicant in support of the proposal:

Location

The property is located to the immediate south of the Mundijong townsite and has frontage to Randell Road which is an existing bituminised road. The closest convenience service centre is the Mundijong townsite which lies approximately 600 metres to the north. The regional centre of Armadale is approximately 17 km to the north.

Land Capability

A detailed land capability and geotechnical assessment of the land has been undertaken. There are two main types of soils on the subject property, sand ridges and lower lying intervening soils which consist of brown and yellowish brown silica sand and loam overlaying clay sand subsoils. On the low ridges the sands tend to be deeper with less sand around the edges.

The site is cleared and has been grazed by cattle for many decades. The sand ridges are occupied by isolated Eucalyptus calophylla with one Xylomelum occidentale in the east. The site is flat and is located within the 'Peel Harvey Estuary' catchment. The site has been drained by the installation of a few man made open drains. Water samples of both the water in the drains and in bores showed the water to be classified as fresh. There is some evidence of temporary seasonal water logging on lower land. These areas can be excluded from development because the sand ridges are more capable and can be used for building envelopes.

Conventional septic systems can be accommodated in most situations on the deep sand ridges. Either inverted systems or alternative treatment units may be required in lower areas.

Fire Management Plan

A fire management plan has been prepared which details the measures to be taken as part of the development of the estate as well as on going fire management of the land. The scheme provisions include a requirement that the subdivider shall prepare and implement a fire management plan for the land at the time of subdivision.

Subdivision Guide Plan

A copy of the Guide Plan is with attachments marked P039.1/11/04.

The applicant advises that the subdivision guide plan takes into account the following criteria:

- *The existing and proposed road network for the area;*
- *The existing buildings onsite;*
- *The issues as raised in the report by Landform Research including soil types, water availability, onsite effluent disposal and potential rural/ residential uses; and*
- *Minimum lot size as stipulated in the Town Planning Scheme and Local Rural Strategy.*

Incorporated into the Subdivision Guide Plan are the following:

- *Each lot has a minimum lot size of 4 hectares.*
- *Each lot is well proportioned in terms of depth to width.*
- *Each proposed lot has direct frontage to a constructed public road.*
- *Areas of revegetation are shown on each proposed lot.*
- *The cheese factory is to remain onsite.*

Adjoining Land uses

The subject land is surrounded by land to the north and south zoned Rural. Land to the west of this property is zoned Farmlet.

1. Cheese Factory

The Mundella cheese factory is located on the subject land on proposed Lot. 2. An environmental noise assessment report has been completed by the owner for the cheese factory. The report by Herring Storer Acoustics is summarised below:

In summary noise levels at the proposed residential boundary comply with the acceptable boundary noise levels (ie less than 60dB(A)). To comply at a residence (within 15 metres) of the dwelling) either a buffer distance or noise control is required as discussed below.

The noise control options outlined below are considered sufficient to ensure noise levels on the proposed residential lot comply with the Regulations.

*Place a restriction on the title of the proposed residential lot preventing the building of a residence within 80m of the north-east corner of the cheese factory; or
Replacement of the weatherproof louvers serving the compressor and refrigeration unit area with 600mm deep acoustic louvers having the minimum noise reduction shown in Table 7.*

A copy of the acoustic report is with the attachments marked P039.2/11/04.

Officer Comment

A notification can be placed on the titles advising prospective purchasers of land of the potential for nuisances such as noise from the cheese factory. However, although a notification may alert prospective purchasers of potential noise from the factory, it is sound

planning practice to ensure that the subdivider alleviate all potential noise sources from the cheese factory prior to the land being subdivided. This can be achieved by requiring the landowner to install the acoustic louvers on the compressor and refrigeration unit up front as a pre-requisite to supporting the rezoning of the land and a further noise assessment undertaken after the acoustic louvers have been installed.

2. Dairy

A dairy building is located on the southern side of Randall Road opposite the land to be rezoned. In relation to the dairy shed and milking operations, the owner advises:

- *They have engaged consultants to design and implement a major upgrade of the waste disposal and dust minimalisation systems for the milking shed which will reduce potential dust and odour to an acceptable standard. This system will be in place by March 2005.*
- *The milking shed will be closed within 5 years.*
- *Memorials will be placed on titles advising purchasers of the proximity of the cheese factory and dairy operations.*
- *There are 6 houses located within the 500 metre buffer from the dairy on a recently approved subdivision.*

Officer comment

In response to matters raised by the owner relating to the dairy, the following comments are provided:

- a) Although the owner has advised that there will be a major upgrade of the waste disposal and dust minimisation system at the milking shed by March 2005, there is no guarantee these works will be implemented prior to the landowner subdividing the land. There is no evidence provided with this application that the proposed works at the dairy would adequately address any odour, noise or dust issues that could impact upon future landowners on the north side of Randell Road.
- b) As outlined above, there is also no guarantee that the milking shed will be closed within 5 years. Land on the southern side of Randell Road is zoned Rural and is likely to continue to be used for such purposes for many years.
- c) A notification can be placed on the titles of lots north of Randell Road advising prospective purchasers of the land of the potential for nuisances from the dairy/milking shed. The owner should be responsible for resolving any potential nuisance issues up front and prior to the land being subdivided. There should not be an assumption that as there would be a notification on the title that future landowners should accept potential nuisances from certain landuses such as a dairy or factory. These issues need to be resolved up front by the landowner prior to the land being subdivided.
- d) Land to the west of this property is zoned Farmlot. This land was rezoned from Rural to Farmlot (Amendment No. 123) to Town Planning Scheme No. 2 and granted final approval in January 2003. During the assessment of this amendment no comments were raised regarding buffer issues from adjoining land uses.
- e) It is noted that a dwelling exists on Lot 809 Randell Road is located approximately 150 metres to the east of the dairy. This dwelling was built many years ago.
- f) To the west of the dairy, one house has existed on the land for many years. This house is approximately 180 metres from the dairy. When this land was rezoned from Rural to Farmlot, two new lots were created with the building envelope located within the 500 metre buffer.
- g) There are two existing dwellings and two potential dwellings located within the 500 metre buffer from the dairy, not six dwellings as stated by the applicant. Of the two potential dwellings the closest is approximately 350 metres from the dairy.

Buffer distances between industrial and sensitive land uses.

The Environmental Protection Authority (EPA) has released a draft document relating to the Separation Distances between industrial and sensitive land uses. The document is used to assist proponents, consultants and decision making authorities to gain additional information on the EPA's views in relation to aspects of the environmental impact assessment process and assessment of development proposals and scheme amendments.

The report states that proponents and decision making authorities should take all reasonable and practical measures to protect the environment. The advice relates to the use of generic buffer distances between industrial and sensitive landuses to avoid conflict between incompatible landuses.

The study identifies that for food production, the impacts are noise and odour and a buffer of 100 – 300 metres (depending on size and type of product) is recommended. For dairies, the impacts are noise, dust and odour and a buffer of 500 metres is recommended.

Officer comment

The Department of Environment (DoE) has advised the Shire that it recommends that in order to maintain consistency with the EPA guidelines, the minimum buffer distances should be imposed. DoE advise that if the proponent believes that any potential environmental impact of the Dairy and Milk Processing facility can be limited to an area less than the recommended buffer, then this should be justified through a suitably qualified person and include noise and odour modelling including field truthing. In addition, a dust management plan should be requested and approved to ensure that dust is adequately controlled from the dairy and will not affect any dwelling.

The Shire's Health Services advise that it has no records of complaints being received in relation to adverse impacts from residents regarding the operation of the dairy. If the recommended EPA buffer distance of 500 metres was applied for the dairy, then the existing subdivision guide plan could not be supported as most of the lots would be located within 500 metres of the dairy and 300 metres of the cheese factory.

One option is to consider a reduced buffer from the dairy to the edge of the building envelopes. A reduced separation distance would allow the proposed building envelopes to be located on the higher portions of the property as opposed to the lower lying land furthest from the dairy which is not the most desirable location for the siting of dwellings and effluent disposal systems. However, if dwellings and effluent disposal systems were constructed on lower lying land, this could still be supported with the provision of fill on the land.

In relation to the issue of the buffer distance, there are two options that can be considered:

- Option 1 Ensure the EPA recommended buffer distances from the dairy and cheese factory are included on the subdivision guide plan. If this was to occur then subdivision on the land would be severely restricted and a number of lots could not be created.

- Option 2 The Department of Environment be asked to consider a reduced buffer distance to the cheese factory and dairy based on demonstrated scientific evidence that such a reduction is appropriate and will ensure the amenity of future residents.

A copy of the location plan showing the recommended EPA buffers and alternative buffers is with the attachments marked P039.3/11/04.

It is recommended that the proponent be required to:

1. Undertake a noise and odour modelling study, including field truthing of the property; and
2. Complete a dust management plan to ensure that dust is adequately controlled from the dairy and will not affect any proposed dwelling.

Once the study is completed, the report would be forwarded to the Department of Environment for review. If the report indicates that a reduced buffer would not have an adverse impact on the amenity of the proposed lots and the Department of Environment supports any proposed reduced buffer distances then Council could initiate an amendment to the Scheme.

Conclusion

It is recommended that:

1. The proponent be required to complete an odour and noise modelling study for the dairy and cheese factory and a dust management plan for the dairy.
2. The study be forwarded to the Department of Environment for review and comment.
3. If the report indicates that a reduced buffer would not have an adverse impact on the amenity of the proposed lots and the Department of Environment support any proposed reduced buffers, then the amendment be initiated subject to:
 - a) The cheese factory being modified up front to ensure replacement of the weatherproof louvers serving the compressor and refrigeration unit area with 600mm deep acoustic louvers having the minimum noise reduction shown in Table 7 of the Herring Storer Acoustics report and a further noise assessment of the factory once the louvers have been installed demonstrating compliance with the Environmental Protection (Noise) Regulations 1997 at the nearest proposed residence, to the satisfaction of the Principal Environmental Health Officer;
 - b) The payment of the planning fee (the amount estimated by the Local Government (Fees) Regulations as the minimum cost of a Council dealing with a scheme amendment); and
 - c) Modifying the subdivision guide plan to ensure building envelopes are provided not exceeding 4 000m² in area and located outside the buffer distance for the dairy and cheese factory as supported by the Department of Environment.
4. The applicant undertaking any necessary modifications or works to the dairy and cheese factory that may be proposed within the odour, dust and noise reports to permit a reduced buffer distance.

Voting Requirements: Normal

Officer Recommended Resolution:

- A. The applicant be required to:
 1. Complete an odour and noise modelling study including field truthing of the property for the dairy and cheese factory and a dust management plan for the dairy.
 2. Forward a copy of this report referred to in A (1) above to the Shire and the Department of Environment for review and comment.
- B. Subject to A above and the report indicating that a reduced buffer would not have an adverse impact on the amenity of the proposed lots and the Department of Environment supporting any reduced buffer distances, then the applicant be required to:

1. Modify the cheese factory up front to ensure replacement of the weatherproof louvers serving the compressor and refrigeration unit area with 600mm deep acoustic louvers having the minimum noise reduction show in Table 7 of the Herring Storer Acoustics report and a further noise assessment of the factory once the louvers have been installed, demonstrating compliance with the Environmental Protection (Noise) Regulations 1997 at the nearest proposed residence to the satisfaction of the Principal Environmental Health Officer
 2. The payment of the planning fee of \$2 200 (the amount estimated by the Local Government (Fees) Regulations as the cost of Council dealing with the scheme amendment)
 3. Modifying the subdivision guide plan to ensure building envelopes not exceeding 4 000m² in area are shown for each lot and located outside the buffer distance supported by the Department of Environment for the dairy and cheese factory; and
 4. Modifying the scheme amendment documents to reflect the textual provisions adopted by Council and submission of five copies of the amendment documentation to the satisfaction of the Council.
 5. Undertake any necessary modifications or works to the dairy and cheese factory that may be proposed within the odour, dust and noise reports to permit a reduced buffer distance.
- C. Subject to B above, to the satisfaction of the Manager Planning and Regulatory Services, Council pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 be amended as described below:

a) Inserting in Appendix 4C Farmlot zone the following:

(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
<p>9. Lot 54 Randell Road, Mardella</p>	<p>1. Within the Farmlot zone the following land uses are permitted, or are permitted at the discretion of the Council.</p> <p>Use classes permitted (P) Single House Public Recreation Public Utility</p> <p>Discretionary Uses (AA) Ancillary Accommodation Home Occupation Rural Use Stables</p> <p>All other uses are prohibited.</p> <p>2. In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management shall only permit such uses when it is satisfied following consultation with the Department of Environment and any other relevant government agency that the land use does not involve excessive nutrient application or clearing of land.</p> <p>3. No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste</p>

(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
	<p>water treatment system as approved by the Department of Health with an adequate phosphorus retention capacity, as determined by the Department of Environment and with the base of the system or the modified irrigation area being the required distance above the highest known water table.</p> <p>4. All buildings and effluent disposal systems to be located within the building envelopes defined on the Subdivision Guide Plan unless otherwise approved in writing by the Shire.</p> <p>5. No indigenous vegetation and 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 is dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems and/or driveways, to accommodate a 'Rural Use.</p> <p>6. The subdivider shall prepare and implement a Landscape and Vegetation Management Plan to the satisfaction of Council, in accordance with the Subdivision Guide Plan to plant a minimum of 25 percent of the land with indigenous trees, shrubs, groundcover and aquatic plants at a density of 1700 stems per hectare in areas for visual screening and not less than 18, 000 stems per hectare within and along watercourses and drainage lines, to the satisfaction of the Council prior to the transfer of a lot(s) to a new owner.</p> <p>7. The subdivider shall erect fencing adjacent to revegetation areas and either maintain the trees and shrubs planted until the land is sold or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of the fence adjacent to revegetation areas and those trees and shrubs planted by the subdivider to the satisfaction of the Council.</p> <p>8. The subdivider shall prepare and implement a Fire Management Plan that identifies the need for and the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary to the specification and satisfaction of the local authority and the Bush Fires Board of WA.</p> <p>9. Notwithstanding the obligations of the subdivider under Clause 5.13.7e of the Scheme the subdivider</p>

(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
	<p>shall drain the land and provide drainage sumps in accordance with the Subdivision Guide Plan for the estate. Those easements and reserves required by Council shall be provided to the Council free of cost at the time of subdivision to provide for the ongoing maintenance of drains and sumps.</p> <p>10. At the time of the building application for each lot a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained, and proposals for tree planting and maintenance.</p> <p>11. The keeping of horses, sheep, goats, cattle or other grazing animals, where permitted shall be subject to the prior, written approval of Council. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture WA for the applicable pasture types. Vegetation planted by the developer, and remnant vegetation must be fenced from grazing livestock in order to protect vegetation.</p> <p>12. The subdivider to upgrade Randell Road and to construct a multiple use trail on the unconstructed road reserve adjacent to the property to the satisfaction of Council.</p> <p>13. A memorial shall be placed on the titles advising prospective purchasers that the lots may be affected by nuisances from the cheese factory and dairy.</p>

b) Amending the Scheme map by delineating Lot 54 Randell Road, Mardella within the Farmlet Zone and identifying it as F9.

- D. Subject to satisfactory compliance with A, B and C above, a copy of the amendment documentation be forwarded to the Environmental Protection Authority in accordance with Section 7A(1) of the Act; and
- E. Subject to the advice of the Environmental Protection Authority under section 48A of the Environmental Protection Act that the amendment not be assessed, advertise the amendment in accordance with the requirements of the Town Planning Regulations 1967 (as amended) for not less than 42 days.

LOST 0/5

P039/11/04 Committee Recommended Resolution

That item P039/11/04 be deferred to the November Ordinary Council Meeting.

Committee Note: The Officer Recommended Resolution was changed to permit the item to be deferred to the Ordinary Council Meeting to allow for further consideration of all the information that had been provided at the meeting.

SUPPLEMENTARY INFORMATION

The applicant requested at the Committee meeting that the Officer recommended resolution be modified to:

1. Delete Part A in its entirety; and
2. Modify Part B (5) and only require the modifications to the cheese factory to occur prior to subdivision proceeding.

Part A related to the completion of an odour and noise modelling study for the dairy and cheese factory and a dust management plan for the dairy, prior to initiation of the rezoning.

Part B(5) related to the undertaking of any necessary modifications or works to the dairy and cheese factory that may be proposed within the odour, dust and noise reports to permit a reduced buffer distance, prior to initiation of the rezoning.

Officer comment:

Buffer distances between industrial and sensitive land uses

The Department of Environment (DoE) has provided further advice to the Shire regarding its original recommendation that minimum buffer distances be imposed that are consistent with the EPA guidelines relating to Separation Distances from sensitive land uses. The EPA Service Unit has advised the DoE that generally, the separation distances to sensitive land uses are intended to apply to small lot residential developments. However, they also advise that Local Government has the prerogative to use the recommended buffer distances as part of the assessment of planning proposals.

It is recommended that the odour and noise modelling study including fielding truthing of the property for the dairy and cheese factory and a dust management plan for the dairy still be prepared. However, this study could be undertaken while the scheme amendment is being advertised for public comment over the next 2-3 months. The recommendations of the study can be considered by Council after advertising and prior to final approval being granted to the scheme amendment. This will provide the applicant with some certainty and allow the rezoning process to begin and avoid further delays to the scheme amendment being advertised.

A notification should be placed on the subdivision guide plan stating that the location of the building envelopes are indicative only and may change as a result of the odour and noise modelling study and dust management plan.

Modifications to the cheese factory

The applicant was required to undertake any necessary modifications or works to the dairy or cheese factory that may be proposed within the odour, dust and noise reports to permit a reduced buffer distance. This work was required to be undertaken prior to the initiation and advertising of the scheme amendment. The applicant has requested that this work be completed prior to subdivision of the land occurring.

A provision can be included in the town planning scheme amendment requiring that any necessary works or modifications to the dairy and cheese factory that are deemed necessary as a result of the recommendations of the odour, dust and noise study, are undertaken and completed prior to the land being subdivided. This will allow the applicant time to complete any necessary works and avoid further delays to the advertising and assessment of the scheme amendment. The additional provisions are numbered 14 and 15 in the officer's recommended resolution.

A modified officer recommended resolution is presented below:

P039/11/04 COUNCIL DECISION/Alternative Officer Recommended Resolution:

Moved Cr Star seconded Cr Price

A. The applicant be required to:

1. The payment of the planning fee of \$2 200 (the amount estimated by the Local Government (Fees) Regulations as the cost of Council dealing with the scheme amendment);
2. Modify the subdivision guide plan to ensure building envelopes not exceeding 4 000m² in area are shown for each lot;
3. Modify the scheme amendment documents to reflect the textual provisions adopted by Council and submission of five copies of the amendment documentation to the satisfaction of the Council; and
4. A notification being placed on the subdivision guide plan stating that the location of the building envelopes are indicative only and may change as a result of the completion of the odour and noise modelling study and dust management plan.

B. Subject to A above, to the satisfaction of the Manager Planning and Regulatory Services, Council pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 be amended as described below:

a) Inserting in Appendix 4C Farmlet zone the following:

(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
<p>9. Lot 54 Randell Road, Mardella</p>	<ol style="list-style-type: none"> 1. Within the Farmlet zone the following land uses are permitted, or are permitted at the discretion of the Council. <ul style="list-style-type: none"> Use classes permitted (P) <ul style="list-style-type: none"> Single House Public Recreation Public Utility Discretionary Uses (AA) <ul style="list-style-type: none"> Ancillary Accommodation Home Occupation Rural Use Stables <p>All other uses are prohibited.</p> 2. In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management shall only permit such uses when it is satisfied following consultation with the Department of Environment and any other relevant government agency that the land use does not involve excessive nutrient application or clearing of land. 3. No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste water treatment system as approved by the Department of Health with an adequate phosphorus retention capacity, as determined by the Department of Environment and with the base

(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
	<p>of the system or the modified irrigation area being the required distance above the highest known water table.</p> <p>4. All buildings and effluent disposal systems to be located within the building envelopes defined on the Subdivision Guide Plan unless otherwise approved in writing by the Shire.</p> <p>5. No indigenous vegetation and 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 is dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems and/or driveways, to accommodate a 'Rural Use.</p> <p>6. The subdivider shall prepare and implement a Landscape and Vegetation Management Plan to the satisfaction of Council, in accordance with the Subdivision Guide Plan to plant a minimum of 25 percent of the land with indigenous trees, shrubs, groundcover and aquatic plants at a density of 1700 stems per hectare in areas for visual screening and not less than 18, 000 stems per hectare within and along watercourses and drainage lines, to the satisfaction of the Council prior to the transfer of a lot(s) to a new owner.</p> <p>7. The subdivider shall erect fencing adjacent to revegetation areas and either maintain the trees and shrubs planted until the land is sold or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of the fence adjacent to revegetation areas and those trees and shrubs planted by the subdivider to the satisfaction of the Council.</p> <p>8. The subdivider shall prepare and implement a Fire Management Plan that identifies the need for and the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary to the specification and satisfaction of the local authority and the Bush Fires Board of WA.</p> <p>9. Notwithstanding the obligations of the subdivider under Clause 5.13.7e of the Scheme the subdivider shall drain the land and provide detention areas in accordance with any drainage concept plan provided prior to the</p>

(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
	<p>commencement of on ground works. Those easements and reserves required by Council including a drainage corridor, shall be provided to the Council free of cost at the time of subdivision to provide for the ongoing maintenance of drainage system components.</p> <p>10. At the time of the building application for each lot a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained, and proposals for tree planting and maintenance.</p> <p>11. The keeping of horses, sheep, goats, cattle or other grazing animals, where permitted shall be subject to the prior, written approval of Council. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture WA for the applicable pasture types. Vegetation planted by the developer, and remnant vegetation must be fenced from grazing livestock in order to protect vegetation.</p> <p>12. The subdivider to upgrade Randell Road and to construct a multiple use trail on the unconstructed road reserve adjacent to the property to the satisfaction of Council.</p> <p>13. A memorial shall be placed on the titles advising prospective purchasers that the lots may be affected by nuisances from the cheese factory and dairy.</p> <p>14. The subdivider shall modify the cheese factory to ensure replacement of the weatherproof louvers serving the compressor and refrigeration unit area with 600mm deep acoustic louvers having the minimum noise reduction show in Table 7 of the Herring Storer Acoustics report and a further noise assessment of the factory once the louvers have been installed, demonstrating compliance with the Environmental Protection (Noise) Regulations 1997 at the nearest proposed residence to the satisfaction of Council.</p> <p>15. The subdivider shall undertake any necessary modifications or works to the dairy and cheese factory that may be proposed within the odour, dust and noise reports to the satisfaction of Council.</p>

- b) **Amending the Scheme map by delineating Lot 54 Randell Road, Mardella within the Farmlet Zone and identifying it as F9.**
 - C. **Subject to satisfactory compliance with A above, a copy of the amendment documentation be forwarded to the Environmental Protection Authority in accordance with Section 7A(1) of the Act;**
 - D. **Subject to the advice of the Environmental Protection Authority under section 48A of the Environmental Protection Act that the amendment not be assessed, advertise the amendment in accordance with the requirements of the Town Planning Regulations 1967 (as amended) for not less than 42 days; and**
 - E. **The applicant be required to:**
 - 1. **Complete an odour and noise modelling study including field truthing of the property for the dairy and cheese factory and a dust management plan for the dairy;**
 - 2. **Forward a copy of this report referred to in A (1) above to the Shire and the Department of Environment for review and comment; and**
 - 3. **Undertaken any changes that are necessary to the subdivision guide plan as a result of the recommendations of the odour and noise modelling study and dust management plan:**
- prior to Council considering to grant final approval to the scheme amendment.**

CARRIED 8/0

Council Note: There were minor amendment to the Officers alternative recommended resolution in condition 9 to reflect the wording in the Town Planning Scheme No 2 - Appendix 4 C – farmlet zone (provisions relating to specified areas).

P029/11/04		RESPONSE TO DRAFT STATEMENT OF PLANNING POLICY NO. 2.9 (WATER RESOURCES) (A1247)	
Proponent:	Serpentine Jarrahdale Shire	In Brief This report be endorsed by Council as the Shire's response to the draft Statement of Planning Policy No. 2.9 (Water Resources) currently being advertised for public comment.	
Owner:	Serpentine Jarrahdale Shire		
Officer:	Andrew Trosic - Senior Planner		
Signatures Author:			
Senior Officer:			
Date of Report	29 October 2004		
Previously	Not applicable		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Council		

Background

Western Australia's ("WA's") water resources are one of its most valuable, yet diverse assets. Water resources include natural features such as wetlands, waterways, floodplains, foreshores, estuaries, groundwater aquifers and the wider marine environment. Water resources also refer to water for consumptive, recreational, industrial and commercial purposes, including stormwater, wastewater, irrigation dams and drinking water catchments.

WA's water resources are subject to a number of impacts and demands that affect both its quality and quantity. According to the Commonwealth Government's first overview of Australia's water resources, both water quality and quantity are in overall decline at the national and regional scales.

Stemming from this, the Department of Environment (“DoE”) has identified several current issues of major concern to WA’s water resources. These include;

- sustainable use of water resources;
- stream salinisation;
- nutrient enrichment of water resources;
- loss of fringing vegetation;
- erosion and sedimentation of waterways; and
- contamination of water resources.

These issues are further complicated by the existence of site-specific concerns that have significant implications for affected communities. For example, urban expansion pressure in the Perth metropolitan region is leading to the loss of wetlands and drinking water sources. Rising saline groundwater and associated drainage issues are affecting the productivity of agricultural lands and the livelihood of rural communities in the Wheatbelt Region, as well as degrading the environment. Of further consideration is the likely impact of climate change on water resources.

The intent of draft Statement of Planning Policy No. 2.9 (Water Resources) (“the draft SPP”) is to provide land use policy guidance for the protection and management of surface and groundwater catchments. It extends to include consideration of waterways, wetlands, estuaries and their buffers and implementation of total water cycle management principles in the land use planning system. It is recommended that Council generally support the draft SPP, as it represents a critical step forward in the sustainable use and management of the state’s water resources. However, it is also recommended that Council raise issues of resources within local government to deal with further complicated land use assessment, and also the need to educate the wider private sector regarding sustainable water resource management.

Sustainability Statement

Effect on Environment: The draft SPP is considered to have a positive effect on the environment, through providing guidance on the assessment of land use and its impacts on surface and groundwater catchment areas. It extends to cover a wide range of water resources, and includes principles for the implementation of total water cycle management in the land use planning system. It provides a further component toward an overall approach for water resource management within the state. It is also considered to provide an effective policy nexus to address the relationship between land use and the water resource environment.

Resource Implications: The draft SPP addresses the vital need for sustainable use and management of the state’s water resources. It recognises that water is a limited resource, and that both quantity and quality are essential measures of this resource. It sets policy objectives and measures to address land use impacts, and is considered on this basis to have positive resource implications. It is not considered to detract from property rights, but rather provide the appropriate avenue in which detailed planning assessment can be made regarding land use impacts on water resources.

Use of Local, renewable or recycled Resources: Not applicable.

Economic Viability: The draft SPP looks toward promoting the sustainable use and management of the state’s water resources, and is considered to be economically viable on this basis. While imposing further assessment requirements on land use and development, such is considered necessary and reflects the ultimate cost a diminishing water resource would have on the state. The draft SPP will provide better guidance for those aspects of state planning policy concerning the protection of water resources, and will ensure such are taken into account in the planning decision-making system.

Economic Benefits: As above.

Social – Quality of Life: The draft SPP provides for a formal policy context guiding assessment of land use impacts on water resources. It provides for the consideration of water management and use impacts, and is considered to deliver improved quality of life on this basis.

Social and Environmental Responsibility: For the above reasons, the draft SPP is considered to represent increased social and environmental responsibility.

Statutory Environment: Town Planning and Development Act 1928
Metropolitan Region Town Planning Scheme Act 1959
Town Planning Scheme No. 2

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

Financial Implications: There are no financial implications to Council related to this application/issue.

Strategic Implications: This proposal relates to the following Key Sustainability Result Areas:-

1. People and Community

Objective 2: Plan and develop towns and communities based on principles of sustainability

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.

Objective 3: High level of social commitment

Strategies:

1. Encourage social commitment and self determination by the SJ community.

2. Environment

Objective 1: Protect and repair natural resources and processes throughout the Shire

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
3. Encourage protection and rehabilitation of natural resources.
6. Value, protect and develop biodiversity.

3. Economic

Objective 3: Effective management of Shire growth

Strategies:

2. Represent the interests of the Shire in State and Regional planning processes.
3. Integrate and balance town and rural planning to maximise economic potential.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

1. Identify and implement best practice in all areas of operation.
4. Balance resource allocation to support sustainable outcomes.

Objective 2: Formation of Active Partnerships to progress key programs and projects

Strategies

1. Improve coordination between Shire, community and other partners.

Community Consultation:

Required: No

Comment:

The draft SPP represents a vital step forward in the sustainable use and management of the state's water resources. It addresses the need to consider land use planning in the context of its impacts on water resources, and provides an appropriate policy context in which to do this. It provides guidance in the protection and management of surface and groundwater catchments, and extends to include total water cycle management principles in the land use planning system. While not extending to specific technical detail, the draft SPP guides planning assessment for land use proposals which may impact on noted water resources.

The draft SPP also recognises that many agencies with varying statutory responsibilities exist regarding water resource management. The draft SPP therefore provides a means for coordinating these agencies with those of the private sector to ensure an integrated approach for the sustainable use and management of water resources exists.

In terms of implementation, the draft SPP is intended to be incorporated through local planning strategies and town planning schemes and the day-to-day processing of zoning, subdivision, strata subdivision and development applications. This will place important assessment responsibilities upon local government and will therefore need to be considered from a resources point of view. There are increasingly complex assessment responsibilities being shifted onto local government, and this is impacting in terms of efficiency through the land use planning process. While the draft SPP advocates a sustainable approach to water resource management, such will only be 'sustainable' if local government is equipped with the knowledge regarding new assessment requirements.

Further to this, the draft SPP will require extensive education of the private sector to ensure they are made aware of policy provisions and requirements. There must be commitment at all levels of government toward the draft SPP, and this will ultimately mean more detailed and technical assessment of submitted applications and proposals. The private sector must be receptive to this, and be in a position to provide further pertinent information to allow assessment in accordance with the draft SPP. Assessment guidelines and education programs should be developed in consultation with industry stakeholders.

While the draft SPP provides a good basis of information regarding water resource assessment, local government and the private sector will be reliant upon an effective implementation program incorporating education and support from the various state agencies. Such a program needs to be incorporated within the draft SPP, as well as effective monitoring and review of the policy. Such will be crucial in the early application of the policy, as there will be the continuing pressure for stream-lined planning assessment at all levels of government. This pressure must be controlled to ensure the fundamental intent of the draft SPP is not lost.

In light of this, it is recommended that Council generally support the draft SPP, as it represents a critical step forward in the sustainable use and management of the state's water resources. While generally supportive, it is also recommended that Council raise issues of resources, education, concerns regarding implementation and finally the potential problems of dealing with further complicated land use assessment at all levels of government. These issues are important to consider prior to implementation, as there is increasing pressure for a more stream-lined planning process and one where certainty is

better instilled at all levels of assessment. If the draft SPP is to be effectively implemented, then there will need to be meaningful mechanisms put in to place to ensure that resources are available to perform required assessments. These resources will be needed at all levels of assessment, and will particularly involve better education at the local government level to ensure appropriate skills are obtained in line with policy expectations.

Voting Requirements: Normal

P029/11/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price seconded Cr Wigg

1. The comments in this report be endorsed by Council to form the Shire's submission to the draft Statement of Planning Policy No. 2.9 (Water Resources) currently being advertised for public comment.
2. In the Shire's response, the following key points be emphasised;
 - a) In terms of resource impacts on local government, what form of education and support will be offered through the draft SPP?
 - b) What will be the effective means of implementation, monitoring and review, and how will this process be resourced at all government levels;
 - c) What forms of education in the private sector will be advocated by the draft SPP? Assessment guidelines and education programs should be developed in consultation with industry stakeholders.
3. The Director Sustainable Development be endorsed to sign the submission on behalf of the Council.

CARRIED 8/0

Committee Note: Council's submission is to reflect Council's existing position on the Karnup Dandalup UWPCA.

P030/11/04 RESPONSE TO DRAFT NETWORK CITY STRATEGY (A0426)		
Proponent:	Serpentine Jarrahdale Shire	In Brief That this report be endorsed by Council as the Shire's response to the draft Network City Strategy currently being advertised for public comment.
Owner:	Serpentine Jarrahdale Shire	
Officer:	Andrew Trosic - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	29 October 2004	
Previously	Not applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Planning for the Perth metropolitan region has traditionally been strategy lead, reflecting the need for a robust and responsive model guiding growth and development. While early examples had a predominant focus on regulation and control and were inherently car-based, the latest approaches address environmental sustainability and regional cohesion as headlining concerns. This is reflective of the changing nature of planning, with it now regarded far beyond the basic control of land use and development.

The current growth strategy for the Perth metropolitan region is Metroplan, and was adopted in 1990. As a strategy, it has promoted a broad based approach to regional planning, and

has advocated the need for more specific policies and statutory actions to ensure achievement of goals and objectives. However, given its age and operation to date, Metroplan has been under recent review.

The State Government commenced this review by preparing a number of issue papers under the name of 'Future Perth'. The public participative 'Dialogue with the City' was then undertaken, culminating in a large interactive forum of 1 100 participants held in Fremantle in September 2003. This obtained feedback from the public and a range of stakeholders regarding Perth's preferred form of growth over the next 30 years. The 'networked city' option was selected as this preferred form, being a more compact city with a number of interconnected activity nodes and corridors. A more participative decision-making process was also identified as an important part of Perth's future development.

The preparation of the draft Network City Strategy ("the draft Strategy") has been undertaken by the Western Australian Planning Commission ("WAPC"), with the assistance of a range of stakeholder groups, including one representing industry and local government. A briefing for local government planners on the progress and general direction of the draft Strategy was held on 19 May 2004. The draft Strategy was completed shortly following this, and recently endorsed in principle by the WAPC and State Government. It is now out for three months of public comment, closing on 7 December 2004.

This report discusses key issues from the draft Strategy as they affect the Shire and local government generally, and it is recommended that Council endorse this report as the Shire's response to the document.

Sustainability Statement

Effect on Environment: The draft Strategy advocates environmental sustainability as a headlining principle and objective for Perth's future growth. With regard to this, it sets the following priority strategies;

- *"Refocus planning decision-making on sustainability principles;*
- *Protect biodiversity and areas of environmental significance;*
- *Protect water resources by total water cycle management;*
- *Empower local government and communities to protect environment and heritage;*
- *Interlink recreational areas, environmental reserves, greenways and other natural open-space areas, so as to provide a continuous and meaningful greenway from the Moore River, through the heart of the city to Busselton."*

These strategies have related priority actions, which are considered to set a meaningful and workable path for facilitating environmentally sustainable growth. While many other aspects of the draft Strategy incorporate concepts of sustainability, it is considered positive that individual priorities have been included for the achievement and protection of the environment through sustainability. These should be reinforced (where applicable) throughout the draft Strategy.

Resource Implications: The draft Strategy realises the obvious resource implications associated with Perth's future growth. It does however address the need for a sustainable form of future growth, with this focused on resource efficiency through the 'networked city' concept. For instance, the draft Strategy includes priorities for limiting the spread of new urban growth (i.e. limiting new sprawl), and to consolidate the larger percentage of new growth (60 per cent) in already zoned/developed urban areas. This is seen as a positive step toward urban consolidation, and should ultimately lead to more efficient resource use and allocation.

Aspects of water sensitive urban design and energy efficiency, although not specifically addressed in detail, are mentioned within the draft Strategy as priorities and actions.

Use of Local, renewable or recycled Resources: Not applicable.

Economic Viability: The draft Strategy looks toward promoting the 'networked city' growth form, comprising interconnected activity nodes and corridors. This is particularly important for Perth's geographical spread, and is vital in decentralising employment and other activities/services to where people will be actually living. This will deliver an array of spin-off benefits for Perth, and should aid in the establishment of economically viable and socially diverse centres throughout the region.

Economic Benefits: The draft Strategy is particularly relevant to the Shire's situation, whereby it is not intended to allow for an uncontrolled wave of urban development. Moreover, the draft Strategy looks at regional areas such as the Shire as comprising consolidated activity centres (i.e. Byford and Mundijong) where people will be afforded new opportunities to live, work and play in an environmentally sustainable and socially rewarding manner.

Social – Quality of Life: The draft Strategy looks toward providing local areas of civic activity and social interaction, whereby local people will be afforded new opportunities in living, working and recreating. This is considered important for the improvement of quality of life.

Social and Environmental Responsibility: Part of the draft Strategy is the priority for engaging the community and local industry in decision-making regarding Perth's future growth. The formation of such partnerships aims to ensure people and industries feel part of the process of guiding Perth's growth, and not isolated as has happened in the past. This is considered a more socially responsible approach for the future.

Statutory Environment: Town Planning and Development Act 1928
Metropolitan Region Town Planning Scheme Act 1959
Western Australian Planning Commission Act 1985
Town Planning Scheme No. 2

The draft Strategy, if adopted, will provide the key strategic guidance for the future planning and development of Perth. It will therefore be significant in all areas of decision-making regarding town planning, residential densities, infrastructure investment and urban management. It is therefore likely to have an array of statutory impacts beyond just those listed above.

Policy/Work Procedure

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

Financial Implications: There are no financial implications to Council related to this application/issue.

Strategic Implications: This proposal relates to the following Key Sustainability Result Areas:-
1. People and Community
Objective 2: Plan and develop towns and communities based on principles of sustainability
Strategies:
1. Increase information and awareness of key activities around the Shire and principles of sustainability.
Objective 3: High level of social commitment
Strategies:
1. Encourage social commitment and self determination by the SJ community.
2. Environment
Objective 1: Protect and repair natural resources and processes throughout the Shire

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
3. Encourage protection and rehabilitation of natural resources.
6. Value, protect and develop biodiversity.

3. Economic

Objective 3: Effective management of Shire growth

Strategies:

2. Represent the interests of the Shire in State and Regional planning processes.
3. Integrate and balance town and rural planning to maximise economic potential.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

1. Identify and implement best practice in all areas of operation.
4. Balance resource allocation to support sustainable outcomes.

Objective 2: Formation of Active Partnerships to progress key programs and projects

Strategies

1. Improve coordination between Shire, community and other partners.

Community Consultation:

Required: No

Comment:

The draft Strategy starts with a discussion of the key issues driving change for the Perth metropolitan region, and identifies the desired vision, values, principles and objectives for Perth's future growth. The draft Strategy utilises this approach well, in that it depicts the logical top-down process by which identified strategies and actions have been derived. As a fundamental determinant of expectant future growth, the draft Strategy acknowledges that over the next 30 years, Perth is likely to have to accommodate an additional 820,000 people in another 375,000 houses with 350,000 more jobs. This helps rationalise the growth context needing to be dealt with through the draft Strategy.

The draft Strategy contains seven key elements for future growth. These are;

- The Spatial Plan and Strategy;
- Implementation: Governance and Process;
- Planning for a Liveable City;
- Economy and Employment;
- Environment and Heritage;
- Transport; and
- Infrastructure Coordination.

Further aspects affecting these seven key elements are identified as;

- The need to accept the projected continued growth of Perth's population, but to seek to provide 60 per cent of this growth within existing urban areas and only 40 per cent on the fringe in an attempt to limit urban expansion, to consolidate Perth and to make more efficient use of urban resources and infrastructure;
- The need to apply a more managed approach to the release of new urban land;

- The need to designate particular 'activity corridors' (preferably parallel to more free-flowing transport routes), and to encourage their development with high quality commercial and mixed use nodes, excellent public transport, and higher density residential development;
- The need to encourage mixed use and higher densities around activity and transport nodes generally, and to reduce car dependency;
- The need to approach planning more holistically, taking into account the full costs of servicing of urban infrastructure on the fringe, requiring consideration of employment creation in area planning proposals and to pursue a more integrated 'whole of government' approach; and
- The need to review, develop and strengthen the metropolitan centres policy.

The draft Strategy currently recognises a roughly plotted hierarchy of 'activity centres on activity corridors' including;

- The Perth CBD as a major 'dot';
- Joondalup, Midland, Fremantle, Rockingham, Mandurah and Armadale as secondary level 'dots';
- A number of regional and district level 'dots';
- A number of lower level district activity 'dots', including Byford and Mundijong; and
- Finally, a number of 'other' activity centres not on activity corridors.

The draft Strategy further delineates between;

- Older areas which have many opportunities to strengthen networks and centres;
 - Areas where there are fewer opportunities for urban consolidation outside activity centres and corridors; and
 - Areas appropriate for future communities.
- Both Byford and Mundijong are identified in the third category.

The draft Strategy also places strong emphasis on;

- Considering employment opportunities in planning;
- Placing a much stronger emphasis on heritage and environmental protection in planning; and
- Undertaking a comprehensive review of transport strategy and focussing on creating a more integrated network between land use and transport.

Critically, the draft Strategy recognises the need for a 'whole of government' approach to planning and the vital importance of local government in delivering desired objectives. It proposes a range of implementation strategies and actions, including the establishment of partnerships with local government and the undertaking of demonstration projects. The draft Strategy indicates that local governments should, among other things;

- Address a range of matters in local planning strategies and schemes, to achieve the integrated planning required;
- Meet a range of quotas for achieving urban consolidation, employment generation and civic development; and
- Undertake local 'dialogues' with community to establish how to achieve the above.

Generally, the draft Strategy recognises the partnerships needed with local government, however does not address the conflicts which often arise when state, regional and local interests do not align. This will be particularly important when dealing with the issue of increased residential and neighbourhood densities within Perth's inner and middle city suburbs which is likely to meet resistance at the local level.

Notwithstanding this potential issue, the draft Strategy represents a bold attempt to comprehensively address the critical issues affecting future growth of the Perth metropolitan region, including the creation of a more sustainable urban form through the containment of

fringe growth. The draft Strategy advocates the concept of spatially located activity nodes, providing for the decentralisation of employment and other services to where people will actually be living. This should allow for stronger links between land use and transport planning, but will be dependent on a whole of government approach to implementation. Generally speaking, the draft Strategy articulates a clear and well-researched vision for future Perth, and addresses the need for a comprehensive action plan to ensure achievement of identified goals and objectives. Commitment to such actions will be a critical determinant upon ultimate success or failure.

The priority strategies and actions formulated by the draft Strategy is strongly supported, however will require a thorough commitment for implementation. The path forward these indicate, particularly with respect to spatial planning, is a well designed and compelling response to a range of long standing, difficult but vital planning issues for the Perth region. The solution advocated by the draft Strategy is both complex and ambitious, reflecting in essence that controlling future growth will not be an easy task.

Much of the specific detail on how to achieve priority strategies and actions is yet to be developed, and this raises questions of resources and responsibilities. There are aspects of the draft Strategy where strong leadership will be required in face of much local criticism, and it is these aspects particularly where questions are raised. How will the concept of urban consolidation be advocated by all levels of government in the face of local community opposition, where local residents see their traditional low-density neighbourhood threatened by the pressure for urban consolidation? Where will the decision-making responsibilities be, and how strong will both levels of government be in the face of local community opposition? It is these questions which the draft Strategy leaves unanswered, but it is such questions which ultimately underpin failure or success. Such must therefore be better ascertained through the draft Strategy.

It is vital that the draft Strategy delivers measurable community planning outcomes on the ground. This will be the only effective mechanism for local people to see the 'networked city' concept working for them, and will ultimately decide whether success can be realised. To this end the draft Strategy needs to focus on monitoring and review of priority strategies and actions, in the same light that formulation, evaluation and implementation have been addressed. This may be done as further details of the draft Strategy are developed.

It is important that the draft Strategy looks at economic, social and civic diversity in its promotion of local activity nodes. These should not be thought of as basic employment centres, but rather areas of mixed-use developments where opportunities for social and civic interaction exist with both active and passive forms of recreation. To this end the draft Strategy needs to promote a turn away from the conventional 'shopping centre district' way of thinking.

In terms of governance, the draft Strategy is commended in its approach to advocating new partnerships with local government and other stakeholder groups (including the public) regarding decisions for future growth. However, this commitment does place heavy responsibilities on local government, particularly when dealing with discretionary planning powers and subjective issues. While pressure and criticism of local government will persist in their continued conquest for accommodating future growth, it is vital that state leadership be provided on both regional and local issues. This should deliver local governments the confidence to act in a manner which is consistent with the goals and objectives of the draft Strategy. In saying this, the wider regional interest does not necessarily need to be against the local community interest, but when opposition does occur local governments must be confident in their decision-making powers. For example, if the true intent of the draft Strategy is to be realised for Mundijong then the State government needs to reject all sand mining proposals that are currently preventing the realisation of urban development for the whole of the Mundijong Urban Cell.

With regard to the broader concepts discussed in the draft Strategy, it is criticised that there is still no shared understanding between state government, local government and the

community regarding sustainability. Such understanding needs to be developed as part of implementation of the draft Strategy, so that everyone can relate to the identified environmental, economic and social planning ideals. The draft Strategy must address questions regarding how the 'networked city' concept achieves sustainability at all levels.

In terms of the compact city form and urban consolidation, identified strategies and actions impact on some very powerful social and market forces. For example, relatively cheap fringe growth has been a significant factor in the maintenance of affordable housing (albeit an unsustainable one) for Perth, and change to this will be a difficult task. While solutions lie between public education and strong regional leadership, it is imperative that the draft Strategy considers such social and market forces through its implementation stage. For instance, any significant restriction on new fringe land may place upward pressure on housing prices, in turn creating political pressure to release more fringe land. Similarly, the opportunities for housing growth within established urban areas may be limited if political pressure influences decisions to oppose the increasing of housing densities. Considering major infill projects generally meet with local opposition on the basis of amenity and character concerns, this needs to be addressed in a more meaningful way through the draft Strategy.

The draft Strategy should also look at new density regimes for urban land, so that actual urban consolidation can be measured and achieved. While current densities focus on the number of dwellings per hectare, these do not always achieve a net increase in the number of persons being accommodated per hectare. Considering a fully occupied family house which is knocked down and replaced with three small units, there may be an actual decrease in persons being accommodated on the lot. Particularly if these units are occupied by single people or couples, as is an emerging trend. Although difficult to control, there may be the need to set minimum dwelling sizes as well as density controls to ensure urban consolidation is achieved through the draft Strategy.

Leading on from this, a further concern is the potential for isolated parts of the draft Strategy to be used out of context in promoting planning proposals that may, when viewed holistically, not contribute to desired objectives. When goals and objectives are somewhat vague, they can be used to justify or critique almost any proposal. In reality, planning decisions are usually about finding a balance between different, often conflicting objectives. This may need to be better comprehended through more precise wording and clarification within the draft Strategy and resultant actions.

In returning to the need for strong regional leadership and decision-making responsibilities, competing interests extrapolated from the draft Strategy include;

- Local economic growth vs. residential amenity;
- Heritage conservation vs. urban consolidation/infill;
- Sensitivity to local place and climate vs. industry calls for standardisation/predictability;
- Affordable housing vs. 'true costing' of fringe growth.

It cannot be stressed enough how education and proactive leadership from all levels of government and stakeholder groups will be required to achieve the draft Strategy intent. This should be supported by the Shire.

In conclusion, the draft Network City Strategy for Perth and Peel is supported, but judgement is reserved on the detail required to achieve it. There are concerns about how the 'burden' of achieving the strategy is to be resourced, as the well-established tendency to devolve state government responsibilities to the local level appears to persist through this document. The issue of urban consolidation and environmental sustainability will be enormous and most likely will meet local opposition, and in this respect it is critical that the draft Strategy gets things right 'in the detail'. As mentioned, this detail will deliver a variety of other policies and statutory mechanisms to achieve goals and objectives, and such must be committed to for the life of the project. Without such commitment by all involved, there will be little chance of success.

It is recommended that Council endorse this report as the Shire's formal response to the draft Strategy. Succinctly, the Shire conditionally supports the draft Strategy but maintains concerns regarding the following;

- What will be the effective means of implementation, monitoring and review, and how will this process be resourced at all government levels;
- How will conflicts between state, regional and local interests be resolved with the true intent of the draft Strategy in mind?
- How will the concept of urban consolidation be advocated in the face of local community opposition, where local residents see their traditional low-density neighbourhood threatened by the pressure for consolidation?
- Where will the decision-making responsibilities lay, and how strong will both levels of government be in the face of local community opposition?
- How will the draft Strategy ensure that activity centres function as intended (i.e. minimum thresholds for employment, commercial space, residential populations etc)?
- How will the draft Strategy advocate a shared understanding between state government, local government and the community regarding sustainability? How can this understanding be used to bolster the concept of a networked city?
- How will urban consolidation be controlled and reinforced through the draft Strategy, particularly given the role which cheap fringe land has played in the management of Perth housing prices?
- How will the draft Strategy measure the success of urban consolidation? What measures will be put in place to ensure increased housing densities mean increased population densities?
- Will the commitment to environmental sustainability and biodiversity be maintained through the implementation of the draft Strategy?

These are all relevant questions/criticisms of the draft Strategy, but also provide further meaning to the difficult concepts which network city will impose on all within the region.

Voting Requirements: Normal

Officer Recommended Resolution:

1. The comments in this report 'Response To Draft Network City Strategy' are endorsed by Council to form the Shire's response to the draft Network City Community Planning Strategy for Perth and Peel currently being advertised for public comment.
2. In the Shire's response, the following key points be emphasised;
 - a) What will be the effective means of implementation, monitoring and review, and how will this process be resourced at all government levels;
 - b) How will conflicts between state, regional and local interests be resolved with the true intent of the draft Strategy in mind? The State government needs to reject all sand mining proposals that are currently preventing the realisation of urban development for the whole of the Mundijong Urban Cell for the true intent of the Strategy to be realised.
 - c) How will the concept of urban consolidation be advocated in the face of local community opposition, where local residents see their traditional low-density neighbourhood threatened by the pressure for consolidation?
 - d) Where will the decision-making responsibilities lay, and how strong will both levels of government be in the face of local community opposition?
 - e) How will the draft Strategy ensure that activity centres function as intended (i.e. minimum thresholds for employment, commercial space, residential populations etc)?
 - f) How will the draft Strategy advocate a shared understanding between state government, local government and the community regarding sustainability? How can this understanding be used to bolster the concept of a networked city?

- g) How will urban consolidation be controlled and reinforced through the draft Strategy, particularly given the role which cheap fringe land has played in the management of Perth housing prices?
 - h) How will the draft Strategy measure the success of urban consolidation? What measures will be put in place to ensure increased housing densities mean increased population densities?
 - i) Will the commitment to environmental sustainability and biodiversity be maintained through the implementation of the draft Strategy?
3. The Director Sustainable Development be endorsed to sign the submission on behalf of the Council.

P030/11/04 Committee Recommended Resolution:

Moved Cr Price seconded Cr Star (pro-forma)

1. The comments in this report 'Response To Draft Network City Strategy' are endorsed by Council to form the Shire's response to the draft Network City Community Planning Strategy for Perth and Peel currently being advertised for public comment.
2. In the Shire's response, the following key points be emphasised;
 - a) What will be the effective means of implementation, monitoring and review, and how will this process be resourced at all government levels;
 - b) How will conflicts between state, regional and local interests be resolved with the true intent of the draft Strategy in mind? The State government needs to reject all sand mining proposals that are currently preventing the realisation of urban development for the whole of the Mundijong Urban Cell for the true intent of the Strategy to be realised.
 - c) How will the concept of urban consolidation be advocated in the face of local community opposition, where local residents see their traditional low-density neighbourhood threatened by the pressure for consolidation?
 - d) Where will the decision-making responsibilities lay, and how strong will both levels of government be in the face of local community opposition?
 - e) How will the draft Strategy ensure that activity centres function as intended (i.e. minimum thresholds for employment, commercial space, residential populations etc)?
 - f) How will the draft Strategy advocate a shared understanding between state government, local government and the community regarding sustainability? How can this understanding be used to bolster the concept of a networked city?
 - g) How will urban consolidation be controlled and reinforced through the draft Strategy, particularly given the role which cheap fringe land has played in the management of Perth housing prices?
 - h) How will the draft Strategy measure the success of urban consolidation? What measures will be put in place to ensure increased housing densities mean increased population densities?
 - i) Will the commitment to environmental sustainability and biodiversity be maintained through the implementation of the draft Strategy?
 - j) Consideration should be given to utilising rail freight routes as passenger routes eg there was a lack of recognition of the opportunity to include passenger rail alongside freight rail east west between Mundijong and Rockingham/Kwinana.
3. The Director Sustainable Development be endorsed to sign the submission on behalf of the Council.

LOST 0/8

Committee Note: The Officer Recommended Resolution was changed by adding part j) which draws attention to the potential of utilising existing rail freight routes for passenger rail, particularly between Mundijong and Rockingham/Kwinana.

Foreshadowed Motion

Cr Hoyer foreshadowed an alternate motion to defer the item P030/11/04 until after a workshop is held in relation to this item if the motion under debate was defeated.

P030/11/04 COUNCIL DECISION

Moved Cr Hoyer seconded Cr Star

**That the item be deferred until after the workshop to be held on 6th December in relation to Networking the City.
 CARRIED 8/0**

Council Note: Comment period has been extended until the 31 January by the Department of Planning & Infrastructure.

P031/11/04 BYFORD DETAIL AREA PLAN FOR FINAL ADOPTION (A0890)		
Proponent:	Serpentine Jarrahdale Shire	In Brief
Owner:	Not applicable	
Officer:	Carlie Eldridge - Manager Sustainability Unit	In August 2003 Statewest Surveying and Planning were awarded the contract to prepare the Byford Detail Area Plan (DAP).
Signatures Author:		
Senior Officer:		
Date of Report	1 November 2004	The Byford DAP establishes guidelines for subdivision and the development of residential commercial and light industrial land in the area east of the railway.
Previously	P283/06/03	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.	
Delegation	Council	
		This report recommends the adoption of the Byford Townsite Detail Area Plan.

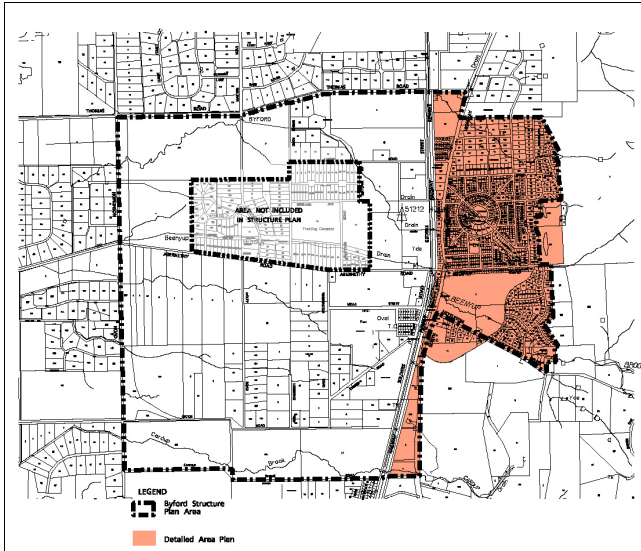
Background

The Byford Structure Plan was adopted by Council in October 2003. This document provides the basis for coordinated land development in the urban zoned area of Byford which was identified by the State Government as an area capable of supporting considerable growth.

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

Preparation of a Detailed Area Plan is the responsibility of landowners within each precinct identified in the Byford Structure Plan. Council however, recognised that given the fragmented ownership within the existing Byford town site, it was unlikely that any landowner/owners would obtain sufficient benefit to warrant preparation of a Detailed Area Plan. Consequently, Council engaged a consultant to prepare a Detailed Area Plan (DAP) for the existing Byford town site.

The Study Area is identified in **Figure 1** below.



The requirements of the Detail Area Plan as detailed in the project brief and contract **are as detailed in attachment P031.1/11/04**

This DAP is divided into two parts:

- Part A – Background
- Part B – Future Directions

Part A identifies issues affecting the area including its physical features and servicing.

Part B recognises the residential, commercial and industrial components of the area and provides a vision and objectives for each, developed through the community consultation process. It then divides each of those components into "Character Areas", which acknowledge the differences in character between the areas both in their existing form and in the manner in which they will be developed. Subdivision and development guidelines are then provided for each Character Area.

The process undertaken in the preparation of the Byford DAP **is detailed in attachment P031.2/11/04.**

The final Byford Townsite Detail Area Plan for adoption is attached at P031.3/11/04.

Sustainability Statement

Effect on Environment: The Byford Detail Area Plan aims to put in place guidelines which ensure good subdivision and development outcomes including biodiversity management and addressing resource consumption.

Biodiversity:

With the R20 zoning over residential land in Byford allowing lots to be subdivided to around 500m² there will be the loss of trees within lots when this occurs. This has been discussed and considered within the DAP and through new POS in areas of larger scale subdivision and through improving streetscapes in existing areas there will be an increase in the tree canopy in these areas to compensate for the loss within individual lots. In the areas of greenfields development consideration has been given to retaining as much of the existing valuable remnant vegetation as possible within POS areas.

Energy Use/Greenhouse Gas Emissions:

Energy Use has been addressed in the DAP through a range of measures at both the subdivisional scale and at the house design stage. At the subdivision stage there are requirements to have streets generally north/south or east/west to facilitate solar passive house designs. The higher densities especially R30 around the town centre are aimed at reducing car dependencies and providing walkable neighbourhoods. In the design of houses there is a requirement to address solar passive design and a guide to have living areas facing north. Energy efficiency is also addressed within the scorecard encouraging further efficient measures to be incorporated.

Water Quality: stormwater management, waterways management

The Byford DAP area is covered by the Byford Urban Stormwater Strategy and this gives the principles for water quality and quantity management. Within the existing townsites the shire will have to take contributions for stormwater management and then determine the best stormwater management system to be integrated to meet the water quality and quantity requirements. The waterways through the northern and southern parts of the DAP area will be protected and enhanced in Multiple Use corridors which will form the majority of the POS and stormwater management areas for those subdivisions within that precinct.

Heritage and Culture:

The heritage and amenity of the existing housing stock is discussed in the DAP in regards to its cultural and heritage values. To ensure that some of the existing housing stock is protected whilst allowing subdivision within Area A the allowable development is at the back of the block either as battleaxe or accessing the laneway. This allows the existing front house to be retained and through this the heritage of the area can be retained.

Resource Implications: The DAP aims to minimise resource use in the new subdivision and development through encouraging sustainable building practices and denser housing development encouraging less car usage.

Energy & Water Use :

Guidelines in the DAP encourage water and energy efficiency and the scorecard offers areas to undertake initiatives which will reduce these resource uses. There is also information about waterwise gardening and requirements to use natives in POS to reduce water dependency.

Waste:

The provision of infill development aims to maintain the existing housing stock which would reduce the waste generation that often occurs in infill development areas from demolition. However additional households created will increase domestic waste production in the area.

Use of Local, renewable or recycled Resources: The DAP encourages the use of local materials in particular for retaining walls and planting materials.

Economic Viability: The DAP aims to incorporate external costs in the requirements and guidelines for subdivisions through consideration of ongoing costs and impacts. For example solar passive housing requirements and guidelines aim to reduce the cost of running the house as well as reduce greenhouse gas emissions. This has also been addressed through water resource efficiencies, storm water management and POS requirements.

Economic Benefits: The adoption and subsequent implementation of the DAP will allow several areas to commence further subdivision and development including the town centre, highway commercial and light industrial areas. This will allow for the development of these areas and subsequent economic benefits for Byford and surrounding areas.

Social – Quality of Life The DAP aims to improve the quality of life for the community through providing guidance and controls for the subdivision and development allowable under the zonings adopted through the Byford Structure Plan.

Planning/Subdivisions:

Through the DAP guidelines the subdivision and development standards address a range of issues including solar access, POS, good design for crime prevention, retention of existing vegetation and access to services.

Assets:

Infrastructure including roads, storm water management, footpaths and cycleways are addressed and the plan identifies the need for developer contributions to be developed for this area to ensure that these can be adequately provided.

Social Diversity: The DAP doesn't disadvantage any social groups and it does provide for diversity in our community. The DAP includes diversity in housing options and allows for design to suit the users needs.

Statutory Environment:

Local Government Act 1995
Town Planning and Development Act 1928 (as amended)
Town Planning Scheme No. 2
Byford Structure Plan

Policy/Work Procedure Implications:

New Detailed Area Plan for Byford Townsite
The Developer Contributions Plan being developed at present will include the outcomes of the DAP.

Financial Implications:

The Byford DAP will guide the Developer Contributions Plan being developed at present.

Strategic Implications:

This proposal relates to the following Key Sustainability Result Areas:-

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Provide recreational opportunities.
2. Develop good services for health and well being.
3. Retain seniors and youth within the community.
4. Respect diversity within the community.
5. Value and enhance the heritage character, arts and culture of the Shire.
6. Ensure a safe and secure community.

Objective 2: Plan and develop towns and communities based on principles of sustainability

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.
2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.
3. Design and develop clustered neighbourhoods in order to minimise car dependency.
4. Foster a strong sense of community, place and belonging.
5. Protect built and natural heritage for economic and cultural benefits.

2. Environment

Objective 1: Protect and repair natural resources and processes throughout the Shire

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
3. Encourage protection and rehabilitation of natural resources.
4. Reduce water consumption.
5. Reduce green house gas emissions.
6. Value, protect and develop biodiversity.

Objective 2: Strive for sustainable use and management of natural resources

Strategies:

1. Implement known best practice sustainable natural resource management.
2. Respond to Greenhouse and Climate change.
3. Reduce waste and improve recycling processes

3. Economic

Objective 1: A vibrant local community

Strategies:

1. Attract and facilitate appropriate industries, commercial activities and employment.

Objective 2: Well developed and maintained infrastructure to support economic growth

Strategies:

2. Consider specific sites appropriate for industry /commercial development.

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.
3. Integrate and balance town and rural planning to maximise economic potential.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.

Community Consultation:

Required: Yes.

Community consultation was undertaken at two stages of the project. Firstly early on in the project to explain the Byford DAP process and expected outcomes and get feedback from the community on their expectations. The second stage of consultation was undertaken in October and involved a community information evening going through the draft DAP and outcomes of the investigations to date and also an open day in which people from different precincts could talk to the consultants.

A summary of the initial community consultation is with the attachments marked P031.4/11/04.

The community consultation on the draft Detail Area Plan undertaken in October 2004 received a range of community input. The issues raised and a response to them is attached as follows:

Area A ***attached at P031.5/11/04.***

Area B ***attached at P031.6/11/04.***

Area C - no submissions received

Area D, E & F **attached at P031.7/11/04**
Area G - no submissions received
Area H **attached at P031.8/11/04**
Area I - no submissions received
Area J **attached at P031.9/11/04**
General Submissions **attached at P031.10/11/04**

A workshop with Councillors was held on 25 October 2004 to discuss the main unresolved issues raised as part of the community consultation. Five issues were discussed by Councillors and technical officers. Each workshop group recommended solutions and a preferred solution was reached for each. **A summary of the workshop recommendations is attached at P031.11/11/04.**

Comment:

The detail area plan has been prepared in accordance with the Byford Structure Plan principles and the vision of the community. It has been through two phases of community consultation as well as had extensive review by the Shire technical staff.

Voting Requirements: Normal

P031/11/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price seconded Cr Hoyer
Council adopts the Byford Townsite Detail Area Plan at attachment P031.3/11/04 with the following changes:

1. Plan N and O correct title to Area B, not Area C.
2. Plan P for Area F the central POS be amended to be rectangular in shape.
3. Central Core photos be reinserted in page 88 from draft.
4. Plan R for Area H notation referring to carparking be amended to read “ Typical New Development with central shared carparking creating a vista linking the Highway and George Street”.
5. All references to Colourbond be removed and replaced with a generic name for the material not a brand name.
6. Reference be made to the showrooms in Area K within section (ii) Subdivision Form requirements of the Subdivision and Development Guidelines.
7. Details be included on the landscape buffer required along the boundary of Area K that interfaces with the residential area. This needs to detail that a minimum of 15 metres will be a landscape buffer on the southern side of the internal road incorporating stormwater requirements for the precinct.
8. All references including diagrams amended to have that the acceptable angle from north, east and west as 15’ not 20’ and 30’ as is currently in the plan.
9. The Byford Townscape Policy and Design Guidelines be incorporated into Attachment 1 Byford Townscape Study (Extracts).
10. In the Infrastructure Matrix the following changes be made:
 - Remove references to catchment 9D as it does not exist.
11. The following changes to be made to the landscape masterplan:
 - a) Amend location of POS in Area F to match amended Plan P
 - b) Remove blue dot for proposed stormwater detention basins from both the legend and all locations on the plan
 - c) Amend location of POS along MUC in Area B to match Plan N and O indicating continuous POS along the watercourse within the precinct
 - d) Amend notation in legend paths and trails to major paths and trails
 - e) Amend reference to swales in Thomas Road to match approved Structure Plan for catchment area 3D3
 - f) Add notation “Link to Scarp Walking Trails” to arrows leading into scarp

12. The DAP being amended to adequately address the workshop resolutions as per attachment P031.11/11/04 to the satisfaction of the Director Sustainable Development.
CARRIED 8/0

P035/11/04 PROPOSED RURAL USE (NURSERY) – LOT 117 (NO. 86) STOCKMANS CLOSE, OAKFORD (P02069/01)		
Proponent:	David Self	In Brief The applicant is seeking approval for a Rural Use (nursery) on the property. It is recommended that the application be conditionally approved.
Owner:	As Above	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	1 November 2004	
Previously	Not applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.	
Delegation	Council	

Owner: David Self
 Owner's Address: 86 Stockmans Close, Oakford
 Applicant: As Above
 Applicant's Address: As Above
 Date of Receipt: 21 June 2004 (further information was submitted on 16 August 2004)
 Advertised: Yes
 Submissions: 11 letters of objection, 1 of no comment.
 Lot Area: 2.0074 ha
 L.A Zoning: Special Rural
 MRS Zoning: Rural
 Byford Structure Plan: NA
 Rural Strategy Policy Area: Rural Living B
 Rural Strategy Overlay: NA
 Municipal Inventory: NA
 Townscape/Heritage Precinct: NA
 Bush Forever: NA
 Date of Inspection: 28 September 2004

Background

The applicant is proposing to develop a Rural Use (nursery) on the property. The nursery, under the name of 'Tarcus Conifer Nursery' will occupy approximately 5000m² of land at the rear of the property for the containerized growing of ornamental trees for Perth gardens and landscape areas. The nursery will grow approximately 1000 advanced trees for sale.

The subject site is located within Special Rural zone 17 and currently contains a dwelling and a shed.

Details of the proposal are as follows:

Nature of business: Containerised growing of ornamental trees for Perth gardens and landscape areas.

- Customers:** *The majority of sales will be off site at a market with a limited number of appointment only special sales from home (approximately 5 per week).*
- No. of staff:** *2 (the owners of L117 Stockmans Close).*
- Hours of operation:** *9am to 5pm seven days a week.*
- Vegetation:** *The only vegetation to be removed consists of weeds and introduced grasses. No revegetation is planned.*
- Water:** *2 bores exist on the property. An application has been made to Water and Rivers Commission to licence the bores to irrigate the land.*
- Watering:** *Watering of the nursery will be by individual drippers on each pot to minimize wastage of water and nutrients. Nutrients will be added to the water by a controlled injection system.*
- Drainage:** *A compensating basin is proposed to collect drainage water from the area to allow for nutrient stripping before the water leaves the land.*
- Drains within the boundaries of the property were established by previous owners and provide drainage to the low point on the property. No changes to the drainage lines are proposed.*
- Equipment:** *Equipment to be used on site consists of a tractor, spray-barrel irrigation and a welder.*
- Chemicals:** *Up to 20 litres of hydrocarbons (fuel) will be contained in jerry cans and stored on the concrete floor within the existing shed.*
- Up to 5 litres of weedicides and pesticides will be purchased on a needs basis and stored in the manufacturers containers.*
- Potting mix will be the only soil used.*
- Fertilisers with urea will be mixed with water and used through the controlled injection system. Annual usage will be less than one (1) tonne.*
- Minimal chemical spraying of 'Coppox' will be used on the plants.*

A copy of the site and development plans are with attachments marked P035.1/11/04.

Sustainability Statement

Effect on Environment: The entirely containerized growing of the trees and the use of the greenhouse will avoid the need for in-ground propagation and will provide a totally above ground pot plant nursery. If appropriately managed, this will enable controlled nutrient application, minimise the amount of water required for irrigation and may enable waste water retention and re-use.

Resource Implications: The controlled environment provided by the containerized growing and the greenhouse has the ability to significantly reduce the amount of water required for the plants through drip irrigation. There is also the potential for retention and re-use of waste water.

Additionally, nutrient application will be better able to be controlled within the greenhouse environment resulting in less wastage and significant reduction in the potential for nutrients

to enter groundwater. In contrast, in-ground propagation carries significant risk of excess nutrients entering groundwater.

There is a concern with the development of the compensation basin and the possibility that some of the nutrients may leach into the groundwater or be discharged as overflow into existing drainage lines.

Use of Local, renewable or recycled Resources: It is considered that the application may use locally and regionally available resources.

Economic Viability and Benefits: The proposal could be economically viable in a way that incorporates its external costs with the implementation of a nutrient and irrigation management plan to reduce land and waterway pollution and reduce water use through retention and re-use of waste water. The nursery provides employment for two full time staff.

Social – Quality of Life: This proposal could potentially impact on the quality of life for residents of adjacent properties with odours, pesticide drift and nutrients leaching into groundwater if it is not managed properly. Accordingly, any approval should be conditional upon compliance with the Water and Rivers Commission's (now Department of Environment) Water Quality Protection Note – Nurseries and Garden Centres (March 2002). The proponents should be required to prepare and implement a Nutrient and Irrigation Management Plan in accordance with the Water and Rivers Commission's Water Quality Protection Note – Nutrient and Irrigation Management Plans (October 1998).

Social and Environmental Responsibility: Not Applicable.

Social Diversity: The proposal will not disadvantage any social groups.

Statutory Environment: Town Planning Scheme No.2

Advertising of the proposal for public comment was not required by any provision of the town planning scheme. However, given the scale and nature of the development it was considered appropriate to refer the proposal to neighbours for comment.

Under State Planning Policy 2.1 "Peel Harvey Coastal Plain Catchment Area" the application was required to be referred to the Department of Environment and the Department of Agriculture as it constitutes "Intensive Agriculture".

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

Financial Implications: There are no Financial implications to Council related to this application/issue.

Strategic Implications: This proposal relates to the following Key Sustainability Result Areas:-

- 1. People and Community**
Objective 2: Plan and develop towns and communities based on principles of sustainability
Strategies:
 2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.
- 2. Environment**

Objective 1: Protect and repair natural resources and processes throughout the Shire

Strategies:

3. Encourage protection and rehabilitation of natural resources.
6. Value, protect and develop biodiversity.

3. Economic

Objective 1: A vibrant local community

Strategies:

1. Attract and facilitate appropriate industries, commercial activities and employment.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.

Community Consultation:

Required: Not required but was carried out due to the scale and nature of the development.

Support/Object: 11 objections and 1 no objection

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Not Supported)
#A249118	<p>No objection only submission of concerns: Increase in traffic. Will the increase in water usage affect our bore?</p> <p>Overflow channel from the compensating basin flows into our property and drainage line.</p> <p>Will the drainage channel be modified to improve drainage? High level of nutrients in the drainage channel poses a threat to wildlife. Will the chemicals go into the groundwater system? Will all the chemicals be stored safely?</p>	<p>The potential traffic issues can be controlled through appropriate conditions. The proponent requires approval from the Department of Environment to draw ground water. Water will be allocated to the lot appropriately. The overflow channel is proposed to go into existing drainage lines. Concerns in this regard can be managed through appropriate conditions which require retention of all stormwater on site. The proponent is not intending to modify any drainage lines. The disposal of nutrients can be assessed through the preparation of a Nutrient & Irrigation Management Plan to the satisfaction of Council. The chemicals are proposed to be stored within an existing shed on the property.</p>	<p>Comments noted conditions can be imposed relating to traffic, stormwater drainage and storage of fuels and fertilisers.</p>

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Not Supported)
#A249116	<p>Object for the following reasons: Increase in traffic. Proposal will increase over time to a large scale development (increase in noise, pollution, vehicles and decrease in security). Type of development is out of character and inconsistent with surrounding properties.</p> <p>Submitter also raised the following questions: Will the activity occur outside of the hours 9am to 5pm?</p> <p>What days of the week will they operate?</p> <p>What figures have been provided for increased vehicle movement on Stockmans Close? What types of vehicles will be servicing the lot? Will service vehicles only arrive and depart between 9am and 5pm?</p> <p>Is the business not open to the public during operating hours?</p> <p>Is there any intention by the applicant to increase the size of the nursery in the future?</p>	<p>The potential traffic issues can be controlled through appropriate conditions. The claim that the nursery will increase in size is unsubstantiated.</p> <p>A Rural Use is an AA use in the Special Rural zone and therefore can be considered by Council at its discretion.</p> <p>The proposal can be conditioned to restrict the hours of operation. The proponent is not intending to operate outside of the hours of 9.00am to 5.00pm. The proponent is looking to work on the property 7 days a week. Truck movements can be conditioned to specific days of the week.</p> <p>No figures have been provided for proposed increased traffic movements.</p> <p>Service vehicles will be servicing the lot (drop off & pick up supplies) and delivery times for commercial vehicles can be controlled by a planning condition.</p> <p>The applicant has stated that retail sales from the property will only occur up to five times a week. The applicant has not stated that he intends to increase the size of the operation.</p>	<p>Comments noted. Appropriate conditions can be put on the approval to address these concerns.</p>
#A249115	<p>Objects for the following reasons: Use of chemicals causes health issues. Chemicals leaching into the groundwater and into drainage lines onto our</p>	<p>The disposal of nutrients can be assessed through the preparation of a Nutrient & Irrigation Management Plan that is prepared and implemented to the satisfaction of Council and</p>	<p>Comments noted. Appropriate conditions can be put on the approval</p>

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Not Supported)
	<p>property. The storage of pesticides and chemicals is dangerous and should be in an industrial area. The compensating basin confirms our fear of excessive water usage.</p> <p>Increase in traffic will upset this peaceful area and poses a safety risk to children and horses.</p> <p>This type of development will cause a security problem for residents (increase in theft) as thieves can gain entry to properties from bridle paths. Operating hours seem widespread for a non-public operation. Special Rural zoning does not permit the operation of a business.</p>	<p>relevant agencies.</p> <p>The storage of chemicals can be appropriately managed on-site. The applicant is proposing limited storage of chemicals and fertilisers within the shed on the property.</p> <p>Water allocation and usage will be determined by the Department of Environment subject to an application being made to draw groundwater. It is unsubstantiated that the increase in traffic is high enough to pose any additional safety concerns to residents. The claim that security problems will increase is unsubstantiated.</p> <p>Operating hours are proposed to be from 9am to 5pm with a limited number of sales from the site. A Rural use is an AA use in the Special Rural zone and can be considered by Council at its discretion.</p>	
#A249113	<p>Objects for the following reasons: No business is allowed to operate within our street. It is not appropriate to operate a business in the street. Chemicals will pollute the groundwater, blow onto neighbouring properties and aggravate our health problems (chronic asthma). Pesticides and other chemicals should not be stored on a residential street. Increased traffic in the street</p>	<p>A nursery is an AA use in the Special Rural zone and can be considered by Council at its discretion.</p> <p>The disposal of nutrients can be assessed through the preparation and implementation of a Nutrient and Irrigation Management Plan to the satisfaction of Council. The storage of chemicals can be appropriately managed on-site. The applicant is proposing</p>	<p>Comments noted. Appropriate conditions can be put on the approval to ensure that all excess water is managed and monitored on site.</p>

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Not Supported)
	<p>will disturb our peaceful way of life.</p> <p>The nursery will attract thieves to the area and will pose a security risk to surrounding neighbours. Our insurance will increase because of the business. Water used by the nursery will cause a significant disadvantage for everyone else in the street (low water levels). Is the water in the basin going to be tested for chemical levels?</p>	<p>limited stormwater of chemicals and fertiliser within the shed on the property.</p> <p>It is unsubstantiated that the increase in traffic is high enough to pose any additional safety concerns to residents. The claim that security problems and insurance will increase is unsubstantiated. Water allocation and usage will be determined by the</p> <p>Department of Environment subject to an application being made to draw groundwater.</p> <p>The proponent has stated that no monitoring of water for nutrients will be undertaken however it is likely that the approved nutrient and irrigation management plan will require this.</p>	
#A249111	<p>Objects for the following reasons: The proposal will result in excessive nutrient discharge into the Peel-Harvey system. The use of chemicals, pesticides and fertilizers will pollute the water supplies. We believe the proposal is in violation of the management guidelines in respect to groundwater. The Town Planning Scheme states "that the land is situated within the Serpentine Groundwater Area and under the current management guidelines 1500 kilolitres per year is allocated. This allocation if efficiently used is sufficient for domestic use and irrigation of up to 0.1 hectares".</p>	<p>The disposal of nutrients can be assessed through the preparation and implementation of a Nutrient & Irrigation Management Plan to the satisfaction of Council.</p> <p>A clause is included in the scheme advising landowners of the regulations relating to the siting of bores, requirement for licensing and groundwater allocations. Additional requirements for groundwater allocations will be determined by the Department of Environment (and not the Shire) subject to an application being made to draw groundwater.</p>	<p>Comments noted Appropriate conditions can be put on the approval</p>

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Not Supported)
	<p>The increase in traffic will detract from the rural setting which we specifically chose when we purchased our property.</p>	<p>It is unsubstantiated that the increase in traffic is high enough to pose any additional safety concerns to residents.</p>	
<p>#A249101 #A249109 #A249103 #A249110 #A249112 #A249104</p>	<p>All 6 submissions object for the following reasons: Special Rural zoning does not permit the operation of a business. The proponent was advised that businesses are not acceptable in the street. Chemicals cause adverse health impacts. Chemicals may leach into the groundwater. The use of water will reduce water levels for other residents in the street. The compensating basin confirms our fears of excessive water use. Increased traffic is detrimental to the peaceful and safe lifestyle chosen by us. The storing of pesticides and other chemicals should be stored in an approved industrial area. The nursery will present a security problem for all residents in the street. Theives can enter properties from the bridle path behind Stockmans Close. The operating hours of 9am to 5pm indicate a much wider availability for the public to enter the nursery. We were not given information about this proposal from the Shire or</p>	<p>A nursery is an AA use in the Special Rural zone and can be considered by Council at its discretion. It is unsubstantiated that the proposed chemical use will cause adverse health impacts when chemicals are applied in accordance with the manufacturers specification. The disposal of nutrients can be assessed through the preparation and implementation of a Nutrient & Irrigation Management Plan to the satisfaction of Council. Water allocation and usage will be determined by the Department of Environment subject to an application being made to draw groundwater. It is unsubstantiated that the increase in traffic is high enough to pose any additional safety concerns to residents. The storage of chemicals can be appropriately managed on-site. The applicant is proposing limited storage of chemicals and fertilisers within the</p>	<p>Not supported</p>

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Not Supported)
	the proponent. We should have been advised of the proposal and invited to comment.	shed on the property. The claim that security problems will increase is unsubstantiated. Operating hours are not considered widespread for the operation of a nursery. Council officers referred the proposal to those residents in the street that would be the most affected by the proposal.	

Response from Government Agencies

Department of Environment: Submission received. No comments provided.

Department of Agriculture: No submission received.

Comment:

Rural Strategy and Scheme Requirements

The subject site is zoned 'Special Rural' under Council's Town Planning Scheme No.2 and is identified within the 'Rural Living B' Policy Area under the Rural Strategy. Plant nurseries fit within the Scheme's broad land use classification of 'Rural Use' which is currently an 'AA' (discretionary use) in the Special Rural zone. In the Rural Strategy, Commercial Agriculture and Commercial Intensive Agriculture are identified as undesirable land uses within the 'Rural Living B' policy area.

Nurseries can pose a risk to groundwater quality if the application of fertilisers and pesticides, water usage and waste disposal are not properly managed. Although the subject land does not fall within any ground water protection areas, it is important that if this proposed development is approved appropriate measures are put in place to minimise the potential for leachates to enter the groundwater resource.

Minimisation of water use also needs to be addressed. If the development is approved, that approval should be conditional upon the operation of the business being in accordance with the Water and Rivers Commission's Water Quality Protection Note – Nurseries and Garden Centres (March 2002). It is recommended that the proponents prepare and implement a Nutrient and Irrigation Management Plan in accordance with the Water and Rivers Commission's Water Quality Protection Note – Nutrient and Irrigation Management Plans (October 1998).

Water Disposal

Stormwater disposal and water run-off is of particular significance to this development given the scale and nature of the business. The development must be designed to enable all stormwater runoff from roofs and hardstand areas to be disposed of on-site and prohibit any nutrient laden water draining off the property into surrounding properties or into existing drainage lines. All water needs to be managed on site. Methods of disposal such as the use of an on-site compensating basin has been proposed by the applicant to allow for nutrient stripping. Given that the development is one which has the potential for high water usage, it

would be appropriate to insist that any stormwater disposal system and waste water disposal (ie runoff from watering of containerised plants) incorporate retention and re-use of the water for irrigation purposes. This can be addressed in the Nutrient and Irrigation Management Plan.

Revegetation

A revegetation plan should be required addressing the planting of screening vegetation between buildings, outdoor propagation areas and other hardstand areas and adjoining properties. This plan will also need to address issues related to bush-fire control/protection of assets. As part of the proposal, the applicant is proposing to plant advanced deciduous trees at the front of the growing area.

It is recommended that the applicant prepare a Nutrient and Irrigation Management Plan (NIMP) in accordance with the Water and Rivers Commission's (Now DoE) Water Quality Protection Note. The applicant has not satisfied this requirement to date. It is considered that the application could be approved subject to appropriate management systems and practices being put in place.

Voting Requirements: Normal

Officer Recommended Resolution:

Subject to a Nutrient and Irrigation Management Plan being prepared to the satisfaction of the Shire, the Director Sustainable Development be granted the authority to issue planning approval for a Rural Use (container plant nursery) on Lot 117 Stockmans Close, Oakford subject to the following conditions:

1. The proponent shall implement the Nutrient and Irrigation Management Plan to the satisfaction of the Shire.
2. The operation of the nursery to be in accordance with the Water and Rivers Commission's Water Quality Protection Note (March 2002) entitled "Nurseries and Garden Centres" (copy attached).
3. Only five (5) wholesale customer visits to the site are permitted per week.
4. The growing area as identified on the approved plans for the containerized plants is not to exceed 1600m² in area.
5. All chemicals and fuel associated with the nursery are to be stored in a secure hardstand area within the shed. The area is to be bunded to contain 110% of the materials stored.
6. All storm water runoff from roofs and hardstand areas to be disposed of on-site.
7. The compensation basin is to be designed, constructed and landscaped in accordance with water sensitive design principles to maximize detention time and minimize the discharge of nutrients to the satisfaction of the Shire.
8. No polluted waters, including but not limited to waste waters or turbid storm water arising from the existing or proposed development or use of this land, shall be discharged into the storm water drainage system or any water course.
9. Mosquito and midge control to be incorporated into storm water system design with consideration given to water retention times and detention basin construction.
10. The proponent shall prepare a vegetation management plan incorporating the planting of locally native trees and shrubs as screening vegetation between vehicle accessways, parking areas and buildings and the boundaries of the lot, shall be submitted for Shire approval within 28 days of development approval being issued.
11. All revegetation shall comply with Council's Info Note PS03 – Landscaping and Revegetation. The revegetation shall meet the requirements for nutrient management and screening of the development contained in conditions 1 and 10.
12. Revegetation is to be implemented and maintained in accordance with the approved plan with planting works to be completed by 30 September 2005.
13. A building licence must be applied for and issued by Council before any work commences on the site.

14. No vehicle associated with the operation of the nursery is to be permitted to stand on the adjacent road verge or street at any time.
15. No retail sales to be conducted from the subject premises.
16. Hours of wholesale trading to be within normal business hours – Monday to Friday, 9.00am to 5.00pm.
17. The development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products or grit, oil or otherwise.
18. A maximum of two (2) people as nominated in the application are permitted to be employed to operate the nursery unless the prior written approval of the Shire is obtained.
19. The provision of one on site parking bay for visitors, and truck parking and loading bays adequate to service the development in a location to the satisfaction of the Shire prior to the occupation of the development for the use hereby permitted.
20. The vehicle accessways shall be designed, constructed and drained to a compacted gravel, limestone or similar material standard to the satisfaction of the Shire prior to the occupation of the development for the use hereby permitted and then maintained at all times to the satisfaction of the Shire.
21. The approved greenhouse/shadehouse must be maintained in good condition free from dilapidation at all times to the satisfaction of the Shire.
22. No signage is to be permitted to be displayed on site unless the prior written approval of the Shire is obtained.

Advice Notes:

1. In relation to condition 10, The Vegetation Management Plan shall:
 - a) Include a scaled map of the block which can be placed as an overlay over a recent (since 2002) aerial photograph;
 - b) Locate on the map, and both identify and describe how existing indigenous vegetation is to be protected or not to be retained as a result of driveways, fences, firebreaks, and other structures associated with the development;
 - c) Locate on the map and both identify and describe the management of existing exotic vegetation;
 - d) Locate on the map and identify both the types and magnitudes of weed infestations and describe weed management to be undertaken;
 - e) Locate on the map and describe the indigenous tree, shrub, groundcover and aquatic species, sizes, planting densities, soil preparation and plant protection for plants within and/or buffering natural water courses, drains, constructed dams, nutrient stripping or compensation basins and the augmentation of visual screens and vegetation buffers;
 - f) Comply with the Planning Guidelines for Nutrient Management, Council's Information Note PS03 – Landscaping and Revegetation and best management practices for the planting of native water tolerant plants capable of absorbing nutrients;
 - g) Clearly state auditable targets for vegetation management including weed control and revegetation outcomes for periodic audit;
 - h) Locate fire breaks on the map or include a firebreak variation notification.
2. The noise generated by the use and occupation of the premises including, machinery motors or vehicles is not to exceed the levels as set out under the Environmental Protection (Noise) Regulations 1997.
3. The construction or deepening of drains outside of the above approval requires separate approval by the Commissioner of Soil and Land Conservation.
4. The applicant is advised that this planning consent does not absolve the applicant or owner from time to time from complying with the restrictions contained in any restrictive covenant, estate covenants or easement pertaining to the site. This is the case even if this planning consent is in respect of a development which if constructed or carried out, would necessarily breach such a covenant or easement. Any such restrictive covenant, estate covenant or easement is a matter of private rights between the applicant or owner from time to time and the owner and owners of the land with the

benefit of that restrictive covenant, estate covenant or easement, and this planning consent does not authorise a breach of such private rights or prevent such owners from enforcing such rights.

5. All necessary bore and water use licences are to be obtained from the Department of Environment and renewed as required.

P035/11/04 Committee Recommended Resolution:

That item P035/11/04 be deferred to the November Ordinary Council Meeting so that supplementary information can be provided.

Committee Note: The Officer Recommended Resolution was changed to enable Council to be provided with additional information.

SUPPLEMENTARY INFORMATION

A site inspection was undertaken on 16 November 2004 to ensure that no development had commenced on the property in relation to the proposed nursery operations. The site visit was held in conjunction with the landowner.

The site inspection confirmed:

1. There were about 180 young trees in pots placed on the property. This had occurred in 3 separate deliveries by truck.
2. There was no storage of any “commercial quantities” of any other nursery related materials.

The owner has advised that there had not been any visits to the property by potential clients of the business.

The owner also advised that there had been approximately 27 truck movements to the property over the last 6 months to deliver equipment for private and domestic purposes only. Officers were satisfied that these deliveries had not been in any way associated with the proposed business.

The site inspection has confirmed that there has been no development on the land or commencement of the business, other than the delivery of a small quantity of plants to the property.

Officer Recommended Resolution

Moved Cr Price seconded Cr Star

Subject to a Nutrient and Irrigation Management Plan being prepared to the satisfaction of the Shire, the Director Sustainable Development be granted the authority to issue planning approval for a Rural Use (container plant nursery) on Lot 117 Stockmans Close, Oakford subject to the following conditions:

1. The proponent shall implement the Nutrient and Irrigation Management Plan to the satisfaction of the Shire.
2. The operation of the nursery to be in accordance with the Water and Rivers Commission’s Water Quality Protection Note (March 2002) entitled “Nurseries and Garden Centres” (copy attached).
3. Only five (5) wholesale customer visits to the site are permitted per week.
4. The growing area as identified on the approved plans for the containerised plants is not to exceed 1600m² in area.
5. All chemicals and fuel associated with the nursery are to be stored in a secure hardstand area within the shed. The area is to be bunded to contain 110% of the materials stored.
6. All storm water runoff from roofs and hardstand areas to be disposed of on-site.

7. The compensation basin is to be designed, constructed and landscaped in accordance with water sensitive design principles to maximize detention time and minimize the discharge of nutrients to the satisfaction of the Shire.
8. No polluted waters, including but not limited to waste waters or turbid storm water arising from the existing or proposed development or use of this land, shall be discharged into the storm water drainage system or any water course.
9. Mosquito and midge control to be incorporated into storm water system design with consideration given to water retention times and detention basin construction.
10. The proponent shall prepare a vegetation management plan incorporating the planting of locally native trees and shrubs as screening vegetation between vehicle accessways, parking areas and buildings and the boundaries of the lot, shall be submitted for Shire approval within 28 days of development approval being issued.
11. All revegetation shall comply with Council's Info Note PS03 – Landscaping and Revegetation. The revegetation shall meet the requirements for nutrient management and screening of the development contained in conditions 1 and 10.
12. Revegetation is to be implemented and maintained in accordance with the approved plan with planting works to be completed by 30 September 2005.
13. A building licence must be applied for and issued by Council before any work commences on the site.
14. No vehicle associated with the operation of the nursery is to be permitted to stand on the adjacent road verge or street at any time.
15. No retail sales to be conducted from the subject premises.
16. Hours of wholesale trading to be within normal business hours – Monday to Friday, 9.00am to 5.00pm.
17. The development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products or grit, oil or otherwise.
18. A maximum of two (2) people as nominated in the application are permitted to be employed to operate the nursery unless the prior written approval of the Shire is obtained.
19. The provision of one on site parking bay for visitors, and truck parking and loading bays adequate to service the development in a location to the satisfaction of the Shire prior to the occupation of the development for the use hereby permitted.
20. The vehicle accessways shall be designed, constructed and drained to a compacted gravel, limestone or similar material standard to the satisfaction of the Shire prior to the occupation of the development for the use hereby permitted and then maintained at all times to the satisfaction of the Shire.
21. The approved greenhouse/shadehouse must be maintained in good condition free from dilapidation at all times to the satisfaction of the Shire.
22. No signage is to be permitted to be displayed on site unless the prior written approval of the Shire is obtained.

Advice Notes:

1. In relation to condition 10, The Vegetation Management Plan shall:
 - a) Include a scaled map of the block which can be placed as an overlay over a recent (since 2002) aerial photograph;
 - b) Locate on the map, and both identify and describe how existing indigenous vegetation is to be protected or not to be retained as a result of driveways, fences, firebreaks, and other structures associated with the development;
 - c) Locate on the map and both identify and describe the management of existing exotic vegetation;
 - d) Locate on the map and identify both the types and magnitudes of weed infestations and describe weed management to be undertaken;
 - e) Locate on the map and describe the indigenous tree, shrub, groundcover and aquatic species, sizes, planting densities, soil preparation and plant protection for plants within and/or buffering natural water courses, drains, constructed dams, nutrient stripping or compensation basins and the augmentation of visual screens and vegetation buffers;

- f) Comply with the Planning Guidelines for Nutrient Management, Council's Information Note PS03 – Landscaping and Revegetation and best management practices for the planting of native water tolerant plants capable of absorbing nutrients;
 - g) Clearly state auditable targets for vegetation management including weed control and revegetation outcomes for periodic audit;
 - h) Locate fire breaks on the map or include a firebreak variation notification.
2. The noise generated by the use and occupation of the premises including, machinery motors or vehicles is not to exceed the levels as set out under the Environmental Protection (Noise) Regulations 1997.
 3. The construction or deepening of drains outside of the above approval requires separate approval by the Commissioner of Soil and Land Conservation.
 4. The applicant is advised that this planning consent does not absolve the applicant or owner from time to time from complying with the restrictions contained in any restrictive covenant, estate covenants or easement pertaining to the site. This is the case even if this planning consent is in respect of a development which if constructed or carried out, would necessarily breach such a covenant or easement. Any such restrictive covenant, estate covenant or easement is a matter of private rights between the applicant or owner from time to time and the owner and owners of the land with the benefit of that restrictive covenant, estate covenant or easement, and this planning consent does not authorise a breach of such private rights or prevent such owners from enforcing such rights.
 5. All necessary bore and water use licences are to be obtained from the Department of Environment and renewed as required.

LOST 3/5

Foreshadowed Motion

Cr Murphy foreshadowed an alternate motion to refuse the application if the motion under debate is lost.

P035/11/04 COUNCIL DECISION

Moved Cr Murphy seconded Cr Hoyer

That the application for a Rural Use (nursery) on Lot 117 Stockmans Close, Oakford be refused for the following reasons:

1. The proposal does not comply with Council's intention for the Special Rural zone. Clause 5.9.1 of Council's Town Planning Scheme states:

"The purpose and intent of the Special Rural zone is to depict places within the rural area wherein closer subdivision will be permitted to provide for such uses as hobby farm, horse training and breeding, rural residential retreats and intensive horticulture, and also to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of the selected areas".

It is considered that the scale and nature of the proposal does not fit in with the intention of the Special Rural zone and will negatively impact on the landscape and amenity of the surrounding area.

2. The commercial nature of the business will result in commercial traffic and customers entering Stockmans Close and travelling the entire length of the street to service the property. This will negatively impact on surrounding residents and the amenity of the area.
3. The nature and scale of the development is considered inappropriate on a 2 hectare Special Rural zoned property.

4. The applicant has not sufficiently demonstrated to Council a commitment towards best management practices in relation to water quality management and nutrient management.

CARRIED 5/3

Council Note: The Officers Recommended Resolution was changed to refuse the application.

P036/11/04 LICENCE RENEWAL – EXTRACTIVE INDUSTRY – PART COCKBURN SOUND LOCATION 22 KILN ROAD, CARDUP (P06022/03)		
Proponent:	Statewest Surveying and Planning	In Brief To consider the issue of an extractive industry licence in accordance with the Local Laws for Extractive Industries for clay extraction for a one year period up to 31 December 2005.
Owner:	Austral Bricks	
Officer:	Brad Gleeson - Manager Planning and Regulatory Services	It is recommended that the Extractive Industry licence be granted.
Signatures Author:		
Senior Officer:		It is recommended that the Extractive Industry licence be granted.
Date of Report	26 October 2004	
Previously	P049/12/03	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Owner: Austral Bricks
 Owner's Address:
 Applicant: Statewest Surveying and Planning
 Applicant's Address: PO Box 1377, Midland WA 6936
 Date of Receipt: N/A
 Advertised: N/A
 Submissions: N/A
 Lot Area: 33.25 ha.
 L.A Zoning: Special Use
 MRS Zoning: Rural
 Byford Structure Plan: N/A
 Rural Strategy Policy Area: Raw materials extraction
 Rural Strategy Overlay: Landscape Protection Policy area
 Municipal Inventory: N/A
 Townscape/Heritage Precinct: N/A
 Bush Forever: N/A
 Date of Inspection: 27 October 2004

Background

Planning approval for the extractive industry was granted by the Western Australian Planning Commission (WAPC) on 23 December 2002 for a period of 2 years. The approval will expire on 23 December 2004 and the owner is required to seek a new approval for an extractive industry from the WAPC under the provisions of the Metropolitan Region Scheme.

Planning approval for the extractive industry was granted by the Shire on 28 February 2002 and is valid for a period of 5 years. Excavation of the site has not commenced.

An extractive industry licence for the subject land was issued on 2 January 2004 for a period of 12 months and is valid until 31 December 2004.

A copy of the conditions placed on the Extractive Industry Licence is with the attachments marked P036.1/11/04.

Sustainability Statement

Effect on Environment:

Most of the native vegetation has been previously cleared due to the farming and grazing activities on the land. Once site works commence, the extractive industry has the potential to cause impacts on the environment by way of noise, vegetation, visual amenity, dust and water quality. These matters are examined at the time of site visits by Council officers and if any complaints are received from the public.

The Environmental Officer advises that the previously submitted revegetation plan does not provide an appropriate species mix or density of planting.

Resource Implications and Use of Local, renewable or recycled Resources:

The proposal will extract clay over the life of the extractive industry. The proposal does not specify any specific measures to minimise resource use. The proposal has the potential to use significant amounts of water for dust prevention and fuel for the operation of machinery.

Economic Viability:

The extraction of clay has the potential to significantly alter the existing landscape, reduce the visual amenity of the area and reduce biodiversity on the land, which is not taken into account in the economic cost of the operation.

Economic Benefits:

The extractive industry once operating has the potential to create employment opportunities for residents within the Shire.

Social – Quality of Life, Social and Environmental Responsibility and Social Diversity:

The proposal may impact upon the community if the operations do not comply with statutory approvals and licence conditions.

Statutory Environment:

Metropolitan Region Scheme
Town Planning and Development Act.
Local Government Act 1995.
Extractive Industries – Local Law

Extractive Industries Local Law

Extracts from the Local are outlined below

Part 2 - Licensing Requirements for an Extractive Industry

EXTRACTIVE INDUSTRIES PROHIBITED WITHOUT LICENCE

2.1 A person must not carry on an extractive industry -

- (a) Unless the person is the holder of a valid and current licence; and***
- (b) Otherwise than in accordance with any terms and conditions set out in, or applying in respect of, the licence.***

Penalty \$5000 and a daily penalty not exceeding a fine of \$500 in respect of each day or part of a day during which an offence has continued.

PAYMENT OF ANNUAL LICENCE FEE

3.2 *On or before 31 December in each year, a licensee must pay to the local government the annual licence fee determined by the local government from time to time.*

RENEWAL OF LICENCE

- 4.3(4) *Upon receipt of an application for the renewal of a licence, the local government may-*
- a) *refuse the application; or*
 - b) *approve the application on such terms and conditions, if any, as it sees fit.*

The annual licence fee has not been paid at the time of writing this report, nor has a renewal been applied for.

Policy/Work Procedure

Implications:

Landscape Protection Policy Area.

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 Western 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.

Financial Implications:

Extractive Industry Licence fee for 2005 to be paid.

Strategic Implications:

This proposal relates to the following Key Sustainability Result Areas:-

1. People and Community

Objective 2: Plan and develop towns and communities based on principles of sustainability

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.
5. Protect built and natural heritage for economic and cultural benefits.

2. Environment

Objective 1: Protect and repair natural resources and processes throughout the Shire

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
3. Encourage protection and rehabilitation of natural resources.
4. Reduce water consumption.

Objective 2: Strive for sustainable use and management of natural resources

Strategies:

1. Implement known best practice sustainable natural resource management.

3. Economic

Objective 1: A vibrant local community

Strategies:

1. Attract and facilitate appropriate industries, commercial activities and employment.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.
3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

Community Consultation:

Required: No

Comment:

An extractive industry licence for the subject land was issued on 2 January 2004 for a period of 12 months and is valid until 31 December 2004. The following is a summary of the operators compliance with the conditions of that licence.

Condition 4 – Stormwater management plan

The landowners accepted in writing in December 2003 that a stormwater management plan is required to be submitted for this property and would initiate this action. The licence condition required this plan to be submitted by 30 November 2004, however at the time of writing this report, the documentation had not been submitted.

Condition 6 - Annual report

The annual report for 2004 had not been submitted by the required date of 1 November 2004.

Conditions 8 – 13 (inclusive) Staging, Revegetation and Rehabilitation Plans

- A staging plan was required to be submitted by 30 November 2004, however at the time of writing this report, the documentation has not been submitted.
- A revegetation plans was required to be submitted by 30 June 2004 for approval with all works to be completed by 30 September 2004.
- A rehabilitation plan was required to be submitted to Council for approval with the 2004 annual report.

The applicant advised in writing in December 2003 that all the matters outstanding in conditions 8 – 13 (inclusive) will be reviewed and presented to Council. To date, none of this information has been submitted.

Officer comment:

The extractive industry had not commenced on the land and it is not known when the landowners will start work on the land.

A number of the current licence conditions have not been complied by the due date in 2004.

The licence conditions have been reworded to require the submission of the additional information prior to the commencement of any on-site works on the property. The reworded condition will still require the information to be submitted and approved by the Shire, but will avoid the situation where a number of conditions remain non compliant each year.

It is recommended that the extractive industry licence for Part Cockburn Sound Location 22 Kiln Road, Cardup be granted for a one year period from 1 January 2005 to 31 December 2005.

Voting Requirements: Normal

P036/11/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Hoyer seconded Cr Star

Subject to the annual extractive industry licence fee and compliance with the Extractives Industries Local Law (Part 4.3 - Renewal of Licence) being completed to the satisfaction of the Manager Planning and Regulatory Services, the extractive industry licence be issued for clay extraction at Part Cockburn Sound Location 22 Kiln Road, Cardup for a one year period expiring 31 December 2005 subject to the following conditions:

PLANNING

1. **Payment to Council of an annual renewal licence fee, which is based on the volume of extraction.**
2. **The licensee is to submit an annual report to the Director Sustainable Development by 15 September 2005. (AD1)**
3. **The licensee is to comply with all provisions of the Serpentine Jarrahdale Extractive Industry Local Law. (AD3)**
4. **No works are to be exposed to the view from the South Western Highway and the Coastal Plain.**

ENVIRONMENTAL

Water Quality

5. **The licensee shall prepare prior to commencing excavation, a revised Water Management Plan for Director Sustainable Development approval and thereafter implement the approved revised Water Management Plan in its entirety. (WQ1)**
6. **All surface water drainage from site operations including access tracks, stock piles and any other area of land disturbed for the preparation, management, and/or rehabilitation of the extractive industry is to be retained on Part Cockburn Sound Location 22 Kiln Road and must not flow into natural water courses which exit the site. (WQ2)**
7. **At all times, the Quality of the water leaving the site within natural water courses is to be within 10% of the Quality of water entering the site. (WQ6)**

8. Water samples are to be taken in accordance with the approved Water Management Plan at a minimum frequency of two times a year with at least one of those readings being taken within two hours after a significant (25mm) rainfall event and are to be analysed for total suspended solids and hydrocarbon concentrations at an accredited laboratory. (WQ7)
9. On receipt of water sample data which is non compliant with the target levels set out in conditions WQ6, the licensee shall ensure that an immediate inspection of, and obvious repairs to, all the drainage and treatment systems on the site is undertaken and shall notify the Director Sustainable Development by facsimile within 24 hours and provide a written report within five working days with evidence to satisfy the Director Sustainable Development that measures have been taken to prevent a recurrence. (WQ8)
10. The licensee is to ensure that there are no interruptions or obstructions to the flow of the naturally occurring perennial creeks to the south of the site as a result of extractive industry site works, infrastructure, stockpiles, operations or site rehabilitation. (WQ9)

Biodiversity Management

11. The licensee shall prepare prior to commencement of extraction, a Biodiversity and Landscape Management Plan for Director Sustainable Development approval and thereafter implement the approved Biodiversity and Landscape Management Plan in its entirety. (BM1)
12. Revegetation of local native bushland is to be:
 - a) With provenance stock of locally occurring native plant species;
 - b) Achieve a minimum survival of 500 locally native tree stems and 10,000 locally native shrub and ground cover stems per hectare when a minimum of 80% of the plants are at least three years old;
 - c) Achieve a plant diversity of at least 60% of the plant diversity at an agreed natural community reference site;
 - d) Be managed adaptively to approximate the community structure of an agreed natural community reference site for a minimum of three years after complying with the density target above (BM3); and
 - e) Revegetation of aquatic habitats is to be with locally occurring native sedges and rushes which are to be planted at a density of 6 stems per square metre. (BM4)
13. The licensee shall control declared weeds throughout the site to the satisfaction of the Director Sustainable Development. (BM5)
14. The licensee is to maintain a 20 metre buffer between the top of all quarry pits and the property boundary and indigenous vegetation within this buffer is to be protected where possible, including where safe and practical the diversion of fire breaks around existing indigenous vegetation. (BM6)
15. A vegetated screen is to be established to screen extractive industry operations in accordance with the visual impact study required under condition 12 of the development approval issued on 28th February 2002. The screen is to be established prior to the commencement of excavation. (BM7)
16. Prior to the commencement of extractive industry operations, the licensee shall pay the Shire of Serpentine Jarrahdale an unconditional performance bond or Bank Guarantee equivalent to \$3000 per hectare of land which is to be disturbed and has not yet reached approved target revegetation outcomes. (BM9)

Dust

17. The licensee shall prepare prior to commencing excavation a Dust Management Plan for Director Sustainable Development approval and thereafter implement the approved Dust Management Plan in its entirety. (D1)
18. The licensee shall prevent the generation of visible particulates (including dust) from roads, access ways, trafficked areas, stockpiles and machinery

from crossing the boundary of the premises by using appropriate dust suppression techniques, including, but not limited to, water trucks, stabilisers, water sprays, sprinklers or canons. (D2)

19. The licensee shall ensure that all loads leaving the premises of shale, sand, soil, clay or other particulate material, are to be enclosed or completely covered by a secured impermeable tarpaulin to prevent dust nuisance. (D4)

Noise

20. The licensee shall prepare prior to commencement of excavation a Noise Management Plan for Director Sustainable Development approval and thereafter implement the approved Noise Management Plan in its entirety. (N1)

21. Site works including haulage is to take place only between the hours of 6am and 6pm Monday to Saturday. (N3)

22. The licensee must notify the Director Sustainable Development via facsimile 24 hours prior to each blasting being carried out on the site. (N4)

23. The licensee shall measure and document for each blast the necessary parameters, and shall ensure that:

a) the air-blast over-pressure on the curtilage of a premises approved for the purpose of blast monitoring is in accordance with the *Environmental Protection (Noise) Regulations 1997*.

b) the peak particle velocity from any single blast does not exceed 10 millimetres per second;

c) no more than one blast in any ten consecutive blasts (regardless of the interval between each blast) exceeds a peak particle velocity of 5 millimetres per second;

d) ground vibration levels do not exceed 10 millimetres per second peak particle velocity.(N5)

24. The licensee shall measure for each blast, the peak particle velocity on any point of a premises approved for the purpose of blast monitoring, at least the longest dimension of the foundations of a building or structure away from such building or structure. (N6)

25. In the event that any of the following are recorded at a premises approved for the purpose of blast monitoring:

a) the peak particle velocity from any single blast exceeds 10 millimetres per second;

b) more than one blast in any ten consecutive blasts (regardless of the interval between each blast) exceeds a peak particle velocity of 5 millimetres per second;

c) ground vibration levels in excess of 10 millimetres per second peak particle velocity are recorded;

The licensee shall notify the Director Sustainable Development by facsimile within 24 hours and provide a written report within seven days with evidence to satisfy the Director Sustainable Development that measures have been taken to prevent a recurrence. (N7)

Hazardous Chemicals

26. The licensee shall store environmentally hazardous chemicals including, but not limited to, fuel, oil or other hydrocarbons (where the total volume of each substance stored on the premises exceeds 250 litres) within low permeability (10^{-9} metres per second or less) compounds designed to contain not less than 110% of the volume of the largest storage vessel or inter-connected system, and at least 25% of the total volume of vessels stored in the compound. (HC1)

27. The compounds described in condition 26 shall:

a) be graded or include a sump to allow recovery of liquid;

b) be chemically resistant to the substances stored;

c) include valves, pumps and meters associated with transfer operations wherever practical - otherwise the equipment shall be adequately

protected e.g. bollards and contained in an area designed to permit recovery of chemicals released following accidents or vandalism;

- d) be designed such that jetting from any storage vessel or fitting will be captured within the bunded area - see for example Australian Standard 1940-1993 Section 5.9.3 (g);
- e) be designed such that chemicals which may react dangerously if they come into contact, are in separate bunds in the same compound or in different compounds; and
- f) be controlled such that the capacity of the bund is maintained at all times e.g. regular inspection and pumping of trapped uncontaminated rain water. (HC2)

- 28. The licensee shall immediately remove and dispose of any liquid resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, whether inside or outside the low permeability compounds. (HC3)
- 29. The licensee shall not store, or permit to be stored, any explosives or explosive devices other than in accordance with Department of Industry and Resources Regulations and with the approval of the Director Sustainable Development and the Department of Industry and Resources. (HC4)
- 30. The licensee shall keep a register of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a logbook to be kept on-site and available for immediate inspection by the Shire of Serpentine Jarrahdale. (HC5)
- 31. The proponent shall ensure that no chemicals or potential liquid contaminants are disposed of on-site. (HC6)

Minimal Impact Management

- 32. The proponent shall ensure that materials suitable for recycling are recycled, and that all other wastes are disposed of at a suitably licensed waste disposal facility. (IMP1)
- 33. Outside lighting is to be kept to a safe minimum and should be angled to minimize light impacts on neighbouring properties. (IMP2)

Advice Notes:

PLANNING

- 1. The annual report is to:
 - a) comply with provisions in the Serpentine Jarrahdale Extractive Industry Local law relating to requirements for documentation to accompany applications for renewal of licences;
 - b) include results of any dust, noise, water, biodiversity and complaints monitoring
 - c) provide a statement of actions taken and progress made in relation to the implementation of management plans during the period of this licence
 - d) provide a statement of actions to be taken and progress proposed in relation to the implementation of management plans during the next twelve months
 - e) identify any proposed changes to approved management plans
- 2. Compliance with the conditions of the Shire of Serpentine – Jarrahdale planning approval dated 28 February 2002.
- 3. Compliance with Approval to Commence Development granted by the WA Planning Commission (WAPC) issued on the 23 December 2002. This approval expires on 23 December 2004 and a new planning approval must be obtained from the WAPC.
- 4. Site compliance inspections will be carried out every six months to check compliance with the extractive industry licence and any other approvals granted for the site.

5. A further licence renewal fee (for 2006) must be submitted to Council by the 1 November 2005 in accordance with the Shire of Serpentine Jarrahdale's Extractive Industry Local Law and would be subject to full compliance with the above conditions.

Water Quality

6. For the purpose of condition 7, "Quality" refers to the concentrations of total suspended solids, hydrocarbons and pH.
7. The Water Management Plan is to be based on previous studies but is to further clarify through text and diagrams for the different stages of proposed operations-
 - a) The amounts of storm water runoff in 10 year, 50 year and 100 year storm events;
 - b) The capacities, designs and locations of proposed detention basins and settlement ponds;
 - c) The projected residence times of surface waters within detention basins and settlement ponds in relation to their abilities to retain water on site during storm events;
 - d) The designs and locations of other pollution control infrastructure including bunds to meet water retention and quality conditions;
 - e) Proposed management of existing natural water courses;
 - f) Where water is discharged from the site along natural water courses, a water sampling program describing the sample sites, and work site operational procedures for collecting samples, sending them for analysis, storing the data and notifying the Director Sustainable Development if required. (refer condition 5)
8. The written report in relation to condition 9 is to detail the times, dates and locations of water samples, rainfall within the previous 24hours of the samples being taken, water quality readings, why the non compliant levels were recorded and how the licensee has adjusted operations to ensure that it does not occur again.
9. The Biodiversity and Landscape Management Plan should include text and diagrams and is to:
 - a) Include a statement of biodiversity values on the premises;
 - b) Identify threats to and pressures on biodiversity values;
 - c) Include a commitment to strategies to be implemented by the licensee to protect biodiversity values from the identified threats and pressures;
 - d) Include at least one scaled map of the premises which can be placed as an overlay over a recent (since 2003) aerial photograph of the whole premises;
 - e) Illustrate and describe land contours at proposed stages of the development including prior to development and following completion of extractive industry activities;
 - f) Locate on the map, and both identify and describe where and how existing indigenous vegetation is to be protected or is proposed to be cleared as a result of extractive industry activities, firebreaks, drainage, the provision of power and any other activities that may impact vegetation;
 - g) Locate on the map and both identify and describe the management of existing exotic vegetation;
 - h) For areas outside bushland, locate on the map and describe the management of mature dead standing trees that may have hollows;
 - i) Map the locations of, and identify both the types and magnitudes of weed infestations and describe weed management to be undertaken;
 - j) Locate on the map and describe all end point vegetation types for example local bushland, agricultural parkland cleared, visual screening, aquatic and riparian.

- k) Describe the species, sizes, planting densities, soil preparation and adaptive management to ensure endpoint vegetation types are established in accordance with the vegetation types map described in the clauses above;
- l) Describe the community structures, species compositions and diversities of naturally growing reference communities for each endpoint community to be reinstated;
- m) Include a commitment to auditable completion criteria for vegetation in the different habitat types (including weed burden);
- n) Illustrate and describe the drainage patterns and structures proposed on completion of industry activities;
- o) Locate fire breaks on the map.
- p) Provide time frames for stages of proposed industry operations;
- q) Include copies of any necessary State Government approvals for clearing. (BM1)

Dust

10. The Dust management Plan is to include information relating to:
- a) The prevailing winds;
 - b) Buffers;
 - c) Proposed dust control measures including vegetated screening;
 - d) Any proposed dust monitoring;
 - e) Potential sources of complaints about dust including a map showing the proximity of dwellings and sensitive land uses;
 - f) Procedures to both document and address complaints with complainants and regulatory authorities. (refer condition 17).

Noise

11. The Noise Management Plan is to consist of text and diagrams and include-
- An acoustic consultants report that identifies:
- a) All potential sources of noise;
 - b) Shows noise contours;
 - c) Details proposed noise management measures for each source which may include monitoring, buffers and vegetation or other screening;
- Details of complaints management that identifies:
- a) Potential sources of complaints including local residences;
 - b) Procedures to both document and address complaints with complainants and regulatory authorities. (refer to condition 20)
12. The written report in relation to condition 25 is to detail the times, dates, non compliant blast parameters, the relevant Environmental Protection (Noise) Regulations 1997 and other prescribed limits in condition 23, why the non compliant levels were recorded and how the licensee has adjusted operations to ensure that it does not occur again.
13. The licensee is encouraged to develop and implement an environmental management system (EMS) using the conditions on this licence as targets. If the EMS is approved, further licenses could be redrafted to remove individual conditions and instead refer to the approved EMS document.
14. Operational and blast noise to comply with the Environmental Protection (Noise) Regulations 1997 at all times.

CARRIED 7/1

Cr Kirkpatrick voted against this motion.

Cr Needham declared an interest in Item P038/11/04 as a friend of the applicant and vacated the chair and left the meeting at 8.27pm. Cr Price took the chair.

P038/11/04 PROPOSED HOLIDAY ACCOMMODATION AND SINGLE HOUSE - LOT 12 GOBBY ROAD, KEYSBROOK (P02344/01)		
Proponent:	A Scott Hambley	In Brief Application to construct two holiday accommodation units and a Single House. Approval with conditions is recommended.
Owner:	J Buttfield	
Officer:	Meredith Kenny - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	4 November 2004	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 28 July 2004 (additional information provided on 28 August 2004)
 Advertised: Yes
 Submissions: Nil
 Lot Area: 39.55 hectares
 L.A Zoning: Rural
 MRS Zoning: Rural
 Byford Structure Plan: N/A
 Rural Strategy Policy Area: Agricultural Protection
 Rural Strategy Overlay: Agricultural Protection overlay
 Roadside Vegetation overlay
 Municipal Inventory: N/A
 Townscape/Heritage Precinct: N/A
 Bush Forever: No
 Date of Inspection: 22 September 2004

Background

The subject site has been parkland cleared and contains numerous mature trees but minimal understorey vegetation. Several streams traverse the property from the north eastern corner to the South Western portion of the site and there are two dams located at the ends of a couple of the streams. There aren't any existing buildings on the property and it is currently used to graze horses in association with a horse breeding operation located on Lots 10 and 11 to the north.

The eastern boundary of the property abuts State Forest.

The application is for the construction of a Single House for the proponent and his family and two chalets to be used as short-stay holiday accommodation. The proponent is an architect who works from home and the main dwelling will contain an office to be used for this purpose. This would also serve as an office for any administration work involved in operating the holiday accommodation.

The proponent advises that depending on the demand for the holiday accommodation they may wish to construct three or four more chalets in the future.

Copies of the site, floor and elevation plans are with attachments marked P038.1/11/04.

The walls of the dwellings will be Colorbond in custom orb profile in the Colorbond shades "Jasper" and "Blue Ridge" and the roofs will be Zinalume.

The proponent recently obtained a permit to clear native vegetation from the Department of Environment for the corridor of land to be used for the underground powerline from Gobby Road to the proposed dwelling.

Sustainability Statement

Effect on Environment: The applicant has chosen two areas of land for the chalets and main dwelling which are already predominantly cleared. Accordingly, minimal clearing of trees will be required.

The dwellings are to be raised off the ground on stumps/poles. As a result minimal cut and fill and other site disturbance will occur.

The three dwellings are all designed to be energy efficient and incorporate solar passive principles.

Resource Implications: All of the dwellings are designed to solar passive design standards with all living areas and outdoor entertaining areas on the north side. The dwellings will be raised off the ground on stumps or poles which will allow for under floor ventilation. The design of the dwellings is such that cross ventilation is possible in most rooms. These design features will help to reduce the use of powered heating, cooling and lighting.

Use of Local, renewable or recycled Resources: Not known at this stage.

Economic Viability: The proposal will be economically viable with regards to its effect on resources and the environment due to the energy efficient design features, minimal loss of native vegetation and the minimal site disturbance that will occur due to the proposed use of stump/pole foundations rather than the use of cut and fill normally used to create a level building area on steep properties such as this.

Economic Benefits: The proposal will provide economic benefits to the community as a tourism generator.

Social – Quality of Life This proposal has the potential to improve the quality of life for the proponents by providing them with the ability to produce income from the property they live on and by providing opportunities to work from home for the proponent and his family will be able to spend more time at home and reduce the needs for vehicle trips associated with commuting to work.

Social and Environmental Responsibility: Not applicable.

Social Diversity: The proposal will enable tourists to stay temporarily within this community. Currently, there is limited tourist accommodation of any standard in the Shire. A condition should be imposed requiring at least one of the Holiday Accommodation units to be designed to comply with the Australian Standard for accessibility and mobility. Minor modifications to the layout of the bathroom/laundry and widening of doorways would be all that would be required to achieve compliance with this standard as there is level access direct from the carports to the front doors of the chalets and their open plan design makes them extremely accessible.

Statutory Environment: Holiday Accommodation is an "SA" use in the Rural zone and as such the Scheme requires the proposal to be advertised prior to the Council making a decision.

Policy/Work Procedure Implications:

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

Financial Implications:

There are no Financial implications to Council related to this application/issue.

Strategic Implications:

This proposal relates to the following Key Sustainability Result Areas:-

1. People and Community

Objective 2: Plan and develop towns and communities based on principles of sustainability

Strategies:

5. Protect built and natural heritage for economic and cultural benefits.

2. Environment

Objective 1: Protect and repair natural resources and processes throughout the Shire

Strategies:

3. Encourage protection and rehabilitation of natural resources.
5. Reduce green house gas emissions.

3. Economic

Objective 1: A vibrant local community

Strategies:

1. Attract and facilitate appropriate industries, commercial activities and employment.
2. Identify value-adding opportunities for primary production.
3. Develop tourism potential.
4. Promote info-technology and telecommuting opportunities.

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.
3. Integrate and balance town and rural planning to maximise economic potential.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.

Community Consultation:

Required: Yes as Holiday Accommodation is a "SA" use in the Rural zone and the Scheme requires applications for "SA" uses to be advertised prior to them being determined.

Support/Object: No submissions received

External Agencies' Comments

The application was required to be referred to the Department of Conservation and Land Management (CALM) for comment prior to being determined as the development site abuts State Forest. CALM provided the following comment:

"The Department requests that, the proponent consider:

- *Positioning of the dwelling greater than 100 metres from CALM Managed Land to minimize the impact of Departmental activities on neighbours and vice versa.*

- That 1080 fox baiting is undertaken in the State Forest. Measures, such as fencing, should be taken to ensure domestic animals do not stray into State Forest.
- The building site and track alignment need to be considered carefully to ensure minimal clearing of remnant vegetation including single trees.
- *Phytophthora cinnamomi* (Dieback) hygiene should be addressed when developing the site. Vegetation in this area can be susceptible to dieback which can have devastating effects on environmental and aesthetic values.

The Department recommends that the developer considers closed-in eaves to prevent possums from inhabiting roof cavities. Such eaves will also provide protection from fire.

The proponent should be made aware that the CALM Managed land adjacent to this property, currently Pt State Forest 22, is proposed to become a Nature Reserve. Nature Reserves are set aside for the conservation of flora and fauna and may not be commercially exploited or used for recreation which damages the natural environment. This includes horse riding and walking of domestic animals".

CALM's comments can be included as footnotes to the planning approval.

Comment:

Statutory and Strategic Context

Under the Shire's Rural Strategy, tourism uses such as farm stay, caravan parks and the like are included in the range of "Conditional" uses that may be considered in the Agricultural Protection Area. These uses are seen as a way that property owners can value add to their agricultural operations. In this case, Lot 12 Gobby Road is used as part of the horse breeding and associated businesses carried out by the owner of lots 10, 11 and 12 Gobby Road.

The site also abuts, as detailed above, a portion of State Forest 22 that is to be excised for the purposes of a Nature Reserve by CALM. This land will provide for passive recreational opportunities (ie walking) for patrons of the holiday units. Patrons will also be able to participate in horse related activities within lots 10, 11 and 12.

There is currently a lack of tourist accommodation within the Shire. The units will provide quality self-contained, short-stay accommodation which will attract tourists to the Shire.

Building Design

The design of the buildings is extremely appropriate for the site as cut and fill of the land is minimised, energy efficiency (including solar passivity) is maximised, views are maximised and the character, materials, bulk and scale of the dwellings is appropriate for the location.

Bushfire Safety and Management

The proximity of the property to the State Forest and the existing vegetation on Lot 12 and surrounding properties places the property with an Extreme Risk bushfire area. In addition, the holiday units will attract visitors who may not be familiar with the area. Accordingly, the following issues should be addressed:

- construction should be required to comply with the Australian Standard for buildings in bush fire prone areas;
- an alternative vehicle access should be provided as an escape route during fire incidents;
- low fuel zones should be maintained around all buildings;
- water tanks should be fitted with connection valves consistent with FESA apparatus and mechanism to conserve minimum levels of water for fire fighting purposes;
- consideration should be given to the development of a fire proof bunker for emergency refuge.

The Department of Environment has recently issued a permit for a corridor of land within the site to be cleared for the installation of underground power from where Gobby Road abuts the western boundary of the property to the site of the proposed buildings. The main vehicle access to the development is shown on the site plan as coming off Gobby Road where it abuts the southern boundary of the property. It would be logical, given its location and the permit to clear that has already been granted, that the power line corridor be retained as an alternative escape route/emergency services access route for fire emergency.

The plans for the main dwelling indicate a semi-cellar room. It is considered that this room should be designed as a refuge for bushfire emergencies if possible.

The other fire issues raised above can be addressed by conditions.

Conclusion

The development will assist in the Shire achieving its strategic vision with regard to providing value-adding opportunities for primary production and development of tourism potential. The design of the dwellings address energy efficient principles and will result in minimal site disturbance. Accordingly, approval is recommended, subject to conditions addressing the issues raised in this report and standard conditions.

Voting Requirements: Normal

Committee/Officer Recommended Resolution:

Moved Cr Wigg (pro forma) seconded Cr Star

The application for a Single House and two Holiday Accommodation units at Lot 12 Gobby Road, Keysbrook be approved subject to the following conditions:

1. A building licence is required to be obtained prior to the commencement of any development (including earthworks).
2. Only materials identified in the approved plans are to be used in the construction of the buildings unless the prior written approval of the Director Sustainable Development is obtained.
3. At least one of the Holiday Accommodation units shall be designed to comply with AS1428.1 Design for Access and Mobility.
4. All structures to be constructed to comply with AS3959 Construction of Building in Bushfire Prone Areas.
5. The power line corridor to be maintained as a fire escape route as an alternative to the main access driveway and as such shall be kept clear of vegetation (including overhanging branches) to a minimum width of 4 metres.
6. A guaranteed potable water supply of 90,000 litres minimum shall be provided for each dwelling.
7. Potable water supply may be tested by Council's Environmental Health Department prior to occupying premises and thereafter. Proprietor shall maintain a potable water supply in accordance with the Australian Drinking Water Guidelines.
8. To enable standardisation of fire brigade access to the water supply, each water tank shall be fitted with a minimum 50mm male threaded coupling at the base of the tank so that the total capacity (10,000 litre minimum) is available for fire fighting purposes. This coupling shall be installed with a full flow ball valve and 75mm storz coupling and maintained in a correct operating condition and adequately sign posted at all times.
9. A 30 metre low fuel zone measured from the outer wall of all buildings/structures is to be kept free of all combustible undergrowth and ground litter to the satisfaction of Councils Director Asset Services. Combustible trees should not form a continuous canopy or line between the fire source and the building. All fire suppressant trees and shrubs should be retained within this area. The low fuel zone is to be connected to the fire break system within the property.
10. The driveway shall be constructed in a manner that avoids tight corners and steep grades, so that large tankers can easily obtain access and egress to buildings and water supplies on the property to the satisfaction of Council's Director Asset Services.

11. At least one gate is to be provided within boundary fences adjoining private or public land, in a location to the satisfaction of the Council's Director Asset Services, to allow free and easy movement of fire tenders in times of emergency.
12. An approved effluent disposal system to the satisfaction of the Council and/or the Health Department of Western Australia must be installed prior to the occupation of any building the subject of this approval requiring a system under legislation. Details of the proposed system are to be submitted as part of a building licence application.
13. All onsite effluent disposal systems shall be set back a minimum distance of 100 metres from any streams, river or water course and/or dam (including non-perennial streams) and have a minimum 2m vertical separation from the groundwater table or any impermeable layer of bedrock.
14. No clearing of vegetation is permitted outside the building envelope, unless in accordance with the Bush Fires Act (as amended) or for the purpose of constructing an approved driveway, installing essential services, or removing dead or dangerous trees.
15. The caretakers/manager's residence shall be constructed and occupied prior to the habitation of the tourist accommodation, and shall not be used for short stay accommodation.
16. The chalets/guesthouse/farmstay hereby approved shall be occupied by persons undertaking short stay accommodation only. Which for the purpose of this approval means tourist accommodation for persons, during a single stay, for a period of not more than a total of three (3) months in any one (1) twelve (12) month period.
17. All stormwater runoff from roofs and hardstand areas (including driveways) shall be disposed of on site but is not be permitted to drain directly into watercourses or drainage lines.
18. The vehicle parking, accessways and crossover shall be designed, constructed and drained to a compacted gravel, limestone or similar material standard to the satisfaction of the Shire prior to the occupation of the development for the use hereby permitted.
19. The use/development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, odour, dust, light spill or waste products.
20. One sign identifying the name, address and phone numbers of the business/property only and having maximum dimensions for the sign face of 1 metre by 1 metre is permitted to be erected on the property. Such sign shall be fixed to the front fence or otherwise contained wholly within the boundaries of the lot and shall not be placed on or protrude into the adjacent verge.
21. A classification certificate to be obtained from the Shire's Principal Building Surveyor prior to the commencement of use of the proposed Holiday Accommodation.

Advice Notes:

1. A new application for planning approval will be required for any additional Holiday Accommodation units and any additional landuses, structures or facilities incidental to that use.
2. A building licence is required to be obtained prior to the commencement of any works on-site including earthworks.
3. Under Part 9 of the Environmental Protection Act 1986 a permit is required to be obtained from the Department of Environment for the clearing of any remnant indigenous vegetation. Failure to obtain the required clearing permit is an offence which carries a maximum penalty of up to \$250 000 for individuals and \$500 000 for a body coporate.
4. The Department of Conservation and Land Management advises that the proponent should consider the following:
 - a) Positioning of the dwelling greater than 100 metres from CALM Managed Land to minimize the impact of Departmental activities on neighbours and vice versa.

- b) That 1080 fox baiting is undertaken in the State Forest. Measures, such as fencing, should be taken to ensure domestic animals do not stray into State Forest.
- c) The building site and track alignment need to be considered carefully to ensure minimal clearing of remnant vegetation including single trees.
- d) Phytophthora cinnamomi (Dieback) hygiene should be addressed when developing the site. Vegetation in this area can be susceptible to dieback which can have devastating effects on environmental and aesthetic values.
- e) Closed-in eaves to prevent possums from inhabiting roof cavities. Such eaves will also provide protection from fire.
- f) The CALM Managed land adjacent to this property, currently Pt State Forest 22, is proposed to become a Nature Reserve. Nature Reserves are set aside for the conservation of flora and fauna and may not be commercially exploited or used for recreation which damages the natural environment. This includes horse riding and walking of domestic animals.

LOST 0/7

Foreshadowed Motion

Cr Hoyer foreshadowed that he would move a motion modifying Condition 8 and by adding a Condition 22 to the Committee/Officers Recommended Resolution if the motion under debate was defeated.

P038/11/04 COUNCIL DECISION/

Moved Cr Hoyer seconded Cr Kirkpatrick

The application for a Single House and two Holiday Accommodation units at Lot 12 Gobby Road, Keysbrook be approved subject to the following conditions:

1. **A building licence is required to be obtained prior to the commencement of any development (including earthworks).**
2. **Only materials identified in the approved plans are to be used in the construction of the buildings unless the prior written approval of the Director Sustainable Development is obtained.**
3. **At least one of the Holiday Accommodation units shall be designed to comply with AS1428.1 Design for Access and Mobility.**
4. **All structures to be constructed to comply with AS3959 Construction of Building in Bushfire Prone Areas.**
5. **The power line corridor to be maintained as a fire escape route as an alternative to the main access driveway and as such shall be kept clear of vegetation (including overhanging branches) to a minimum width of 4 metres.**
6. **A guaranteed potable water supply of 90,000 litres minimum shall be provided for each dwelling.**
7. **Potable water supply may be tested by Council's Environmental Health Department prior to occupying premises and thereafter. Proprietor shall maintain a potable water supply in accordance with the Australian Drinking Water Guidelines.**
8. **To enable standardisation of fire brigade access to the water supply, each water tank shall be fitted with a coupling at the base of the tank so that the total capacity (10,000 litre minimum) is available for fire fighting purposes. This coupling shall be installed with a full flow ball valve and maintained in a correct operating condition and adequately sign posted at all times. The nature and size of the coupling is to be to the satisfaction of the Director Asset Services.**
9. **A 30 metre low fuel zone measured from the outer wall of all buildings/structures is to be kept free of all combustible undergrowth and ground litter to the satisfaction of Councils Director Asset Services. Combustible trees should not form a continuous canopy or line between the fire source and the building. All fire suppressant trees and shrubs should be**

- retained within this area. The low fuel zone is to be connected to the fire break system within the property.
10. The driveway shall be constructed in a manner that avoids tight corners and steep grades, so that large tankers can easily obtain access and egress to buildings and water supplies on the property to the satisfaction of Council's Director Asset Services.
 11. At least one gate is to be provided within boundary fences adjoining private or public land, in a location to the satisfaction of the Council's Director Asset Services, to allow free and easy movement of fire tenders in times of emergency.
 12. An approved effluent disposal system to the satisfaction of the Council and/or the Health Department of Western Australia must be installed prior to the occupation of any building the subject of this approval requiring a system under legislation. Details of the proposed system are to be submitted as part of a building licence application.
 13. All onsite effluent disposal systems shall be set back a minimum distance of 100 metres from any streams, river or water course and/or dam (including non-perennial streams) and have a minimum 2m vertical separation from the groundwater table or any impermeable layer of bedrock.
 14. No clearing of vegetation is permitted outside the building envelope, unless in accordance with the Bush Fires Act (as amended) or for the purpose of constructing an approved driveway, installing essential services, or removing dead or dangerous trees.
 15. The caretakers/manager's residence shall be constructed and occupied prior to the habitation of the tourist accommodation, and shall not be used for short stay accommodation.
 16. The chalets/guesthouse/farmstay hereby approved shall be occupied by persons undertaking short stay accommodation only. Which for the purpose of this approval means tourist accommodation for persons, during a single stay, for a period of not more than a total of three (3) months in any one (1) twelve (12) month period.
 17. All stormwater runoff from roofs and hardstand areas (including driveways) shall be disposed of on site but is not be permitted to drain directly into watercourses or drainage lines.
 18. The vehicle parking, accessways and crossover shall be designed, constructed and drained to a compacted gravel, limestone or similar material standard to the satisfaction of the Shire prior to the occupation of the development for the use hereby permitted.
 19. The use/development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, odour, dust, light spill or waste products.
 20. One sign identifying the name, address and phone numbers of the business/property only and having maximum dimensions for the sign face of 1 metre by 1 metre is permitted to be erected on the property. Such sign shall be fixed to the front fence or otherwise contained wholly within the boundaries of the lot and shall not be placed on or protrude into the adjacent verge.
 21. A classification certificate to be obtained from the Shire's Principal Building Surveyor prior to the commencement of use of the proposed Holiday Accommodation.
 22. The applicant must submit an Emergency Management Plan for the development that addresses the Prevention, Preparation, Response and Recovery issues for the property to the satisfaction of the Director Asset Services prior to occupation of the facilities. The approved Emergency Management Plan is thereafter to be implemented in its entirety.

Advice Notes:

1. A new application for planning approval will be required for any additional Holiday Accommodation units and any additional landuses, structures or facilities incidental to that use.
2. A building licence is required to be obtained prior to the commencement of any works on-site including earthworks.
3. Under Part 9 of the Environmental Protection Act 1986 a permit is required to be obtained from the Department of Environment for the clearing of any remnant indigenous vegetation. Failure to obtain the required clearing permit is an offence which carries a maximum penalty of up to \$250 000 for individuals and \$500 000 for a body coporate.
4. The Department of Conservation and Land Management advises that the proponent should consider the following:
 - a) Positioning of the dwelling greater than 100 metres from CALM Managed Land to minimize the impact of Departmental activities on neighbours and vice versa.
 - b) That 1080 fox baiting is undertaken in the State Forest. Measures, such as fencing, should be taken to ensure domestic animals do not stray into State Forest.
 - c) The building site and track alignment need to be considered carefully to ensure minimal clearing of remnant vegetation including single trees.
 - d) Phytophthora cinnamomi (Dieback) hygiene should be addressed when developing the site. Vegetation in this area can be susceptible to dieback which can have devastating effects on environmental and aesthetic values.
 - e) Closed-in eaves to prevent possums from inhabiting roof cavities. Such eaves will also provide protection from fire.
 - f) The CALM Managed land adjacent to this property, currently Pt State Forest 22, is proposed to become a Nature Reserve. Nature Reserves are set aside for the conservation of flora and fauna and may not be commercially exploited or used for recreation which damages the natural environment. This includes horse riding and walking of domestic animals.

CARRIED 7/0

Council Note: The Committee/Officer Recommended Resolution was changed by changing Condition 8 and the addition of Condition 22.

Cr Price vacated the chair at 8.33pm and Cr Needham returned to the meeting at 8.33pm and resumed the chair.

P041/11/04 PROPOSED PATIO ADDITION TO EXISTING SINGLE HOUSE – LOT 205 WATERSIDE PASS, BYFORD (P01060/03)		
Proponent:	Michael Beaverstock	In Brief Applications for planning approval and building licence submitted by a member of Shire staff is required to be referred to Council for determination. Approval is recommended subject to standard conditions.
Owner:	Michael Beaverstock	
Officer:	Andrew Pawluk - Contract Planning Consultant	
Signatures Author:		
Senior Officer:		
Date of Report	9 November 2004	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 2 November 2004
 Advertised: Not required
 Submissions: N/A
 Lot Area: 2086 square metres
 L.A Zoning: Urban Development
 MRS Zoning: Urban
 Byford Structure Plan: Rural-Residential
 Rural Strategy Policy Area: N/A
 Rural Strategy Overlay: N/A
 Municipal Inventory: N/A
 Townscape/Heritage Precinct: N/A
 Bush Forever: N/A
 Date of Inspection: 9 November 2004

Background

The application has been submitted for both planning approval and a building licence for the addition of a patio to the existing dwelling. As the proponent is a member of staff of the Shire the application is required to be referred to Council for determination and must be assessed by a private enterprise contractor. The planning application has been assessed by the Shires Contract Planning Officer (Mr Andrew Pawluk) and the building licence has been assessed by the Shire’s Contract Building Surveyor (Mr Greg Leuzzi).

A full copy of the planning and building applications is with the attachments marked P041.1/11/04 & P041.2/11/04.

Sustainability Statement

Effect on Environment: The patio will create an extra 75m² of roof space on the property. Rain water collected on the roof will need to be retained on site in accordance with Council’s standard requirements. Therefore, there will be negligible effect on the environment outside of the property. A standard condition will be imposed requiring all stormwater to be contained on-site.

Social – Quality of Life: The patio lies on the northern side of the house providing shade in the summer months allowing use of the existing brick paved area to become a (proper) verandah and habitable entertaining space.

The proposed patio will have no adverse impact and/or will not prejudice any of these objectives: [Use of Local, renewable or recycled resources; Economic Viability, Economic Benefits; Social and Environmental Responsibility; Social Diversity].

Statutory Environment: Town Planning Scheme No. 2
Local Planning Policy LPP 8 - *Landscape Protection*
Local Planning Policy LPP 17 - *Residential and Incidental Development*

Policy/Work Procedure Implications: Corporate Services Policy CSP 34 - *Council Control Over Employees Dealing in Land and other Business Activity Within the Serpentine Jarrahdale Shire*

Any Council approval issued under the provisions of CSP 34 must be made by a majority decision of those Councillors in attendance and be subject to specific conditions including audit, review, reporting and disclosure conditions.

Financial Implications: There are no Financial implications to Council related to this application.

Strategic Implications: Apart from the Policy/Work Procedure, as discussed above, there are no Strategic Implications related to this proposal.

Community Consultation:

Required: No

Comment:

General

The patio is an extension to the existing residence. The patio has been designed to reflect the character and materials used in the construction of the house.

Corporate Services Policy No. 34

Corporate Services Policy No. 34 (CSP 34) contains the following restrictions with regard to any application for development where the applicant is a staff member:

Delegations for approval of any developments will not apply in any cases where staff are involved as an applicant; in these instances each employee's development application should go to council for approval. This will apply to both the employee's place of residence (including CEO's and Directors) and other developments. Applications of this kind should be dealt with by a private sector contractor or an appropriate qualified officer from another local government at council's cost. This will diminish the perception of the application being given favourable treatment by a fellow officer of the local government. Selection of the contractor or officer of another local government would need to be done carefully to remove the possibility of allegation.

Accordingly, the applications for planning approval and a building licence for the patio were referred to the Shire's Contract Planning Consultant (Mr Andrew Pawluk) and Contract Building Surveyor (Mr Greg Leuzzi) for assessment.

The applicant submitted an Applicant's Assessment Form as well as required under CSP 34.

A copy of the Applicant's Assessment Form is with the attachments marked P041.3/11/04.

TPS 2 Landscape Protection Policy and LPP No. 17 Residential and Incidental Development Within Serpentine-Jarrahdale Shire

The proposed patio has been assessed in accordance with the Landscape Protection Policy and Residential and Incidental Development Within Serpentine-Jarrahdale Shire Policy. The requirements of these Polices are summarised in the table below:-

Issue	Requirement	Provided	Complies
Side Setback	Relative To Design	Patio does not extend beyond existing sandpad and is within building envelope	Yes
Rear setback	6m	24m and within building envelope	Yes
Building Envelope	Within building envelope	Within building envelope	Yes
Siting of Development	Not located on ridge, spur, bluff, knoll or slope greater than 25%	Located on existing approved flat house pad	Yes
Siting of Development	To limit visual intrusion	Patio matches eaves line of existing house and is not obtrusive.	Yes
Colours/materials	To be of earthy colours matching environment	Roof: colourbond, slate grey. Columns: colourbond, magnolia.	Yes
Trees	Retain where possible	No trees will be removed	Yes

The proposed patio meets the intent of both polices and accordingly approval to the patio is recommended.

Building Licence

The details provided with the plans submitted comply with all the required Australian Standard Requirements referenced in the Building Code of Australia. There are no impediments to the issue of a building licence.

Voting Requirements: ABSOLUTE MAJORITY

P041/11/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Wigg seconded Cr Price

A. Council grants planning approval for the addition of a patio to the existing Single House on Lot 205 Waterside Pass, Byford subject to the following conditions:

1. The patio is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant legislation. Please contact Council's Health Services for setbacks and requirements for other systems.
2. No direct discharge of stormwater into watercourses or drainage lines.
3. All stormwater runoff from roofs and hardstand areas to be disposed of on site.
4. Only materials identified in the schedule of colours, materials and finishes are to be used in the construction of the patio unless the prior written approval of the Manager Planning and Regulatory Services is obtained.

B. Council grants approval for a Building Licence to be issued for the above patio by the Shire's Contract Building Surveyor.

CARRIED 8/0 ABSOLUTE MAJORITY

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

C053/11/04 ANNUAL REPORT 2003/2004 (A0006)		<p>In Brief</p> <p>That Council accepts the 2003/2004 Shire of Serpentine Jarrahdale Annual Report.</p>
Proponent	Local Government Act 1995	
Officer	G R Dougall – Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	17 November 2004	
Previously	SM016/10/04	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995.	
Delegation	Council	

Background

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

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

1. A report from the Mayor or President.
2. A report from the Chief Executive Officer (CEO)
3. A report of the principal activities commenced or continued during the financial year.
4. An assessment of the local government's performance in relation to each principal activity.
5. An overview of the principal activities that are proposed to commence or to continue in the next financial year.
6. The financial report for the financial year.
7. The auditor's report for the financial year.

At the October Strategic Management Committee (and audit committee) a recommendation was forwarded to Council to approve the wording for the annual report. Council adopted this recommendation. Now that the audit process is due for completion Council is required to adopt the Annual Report in accordance with the Act.

Statutory Environment:

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

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

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

prepare a report thereon and forward a copy of the report to –

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

Policy Implications:

Work Procedure WCSP2 – Elector Meetings (annual) provides that Annual meetings of electors be held on the first Wednesday in December each year in Mundijong, commencing at 7:00pm provided that this is not more than 56 days after Council accepts the annual report for the previous financial year (s5.27(2) Local Government Act 1995).

Financial Implications:

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

Strategic Implications:

4 Governance

Objective 3: Compliance to necessary legislation

Strategies:

- 3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

Community Consultation:

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

Comments

The audit was undertaken during the week commencing 25 October 2004 and is expected to be finalised and signed on Monday, 23 November 2004. This will allow sufficient time to include the audit report with the Annual Report and provide financial statements to the community prior to the Electors Meeting to be held on 1 December 2004.

No major issues have been raised as part of the audit process. The Audit Manager from Grant Thornton will be invited to attend the Corporate Governance and Asset Management Committee (also the audit committee) in the new year to answer any councillor questions in relation to the audit. A copy of the financial statements and accounts will be provided as part of the annual report document. ***A copy of the Annual Report is included with the agenda and marked attachment C053/11/04.***

Voting Requirements:

Normal

Officer Recommended Resolution

- 1. The 2003/2004 Annual Report for the Shire of Serpentine Jarrahdale (as provided in attachment C053/11/04) be accepted.
- 2. Council notes that the 2003/2004 Annual Report has been advertised in November in accordance with the Local Government Act 1995.

C053/11/04 COUNCIL DECISION

**Moved Cr Wigg seconded Cr Simpson
 Council defers item C053/11/04 to a Special Council Meeting to be held on Monday
 29th November, 2004.
 CARRIED 8/0**

Council Note: The Officer Recommended Resolution was changed as the audit report was not available at the time of the Ordinary Council Meeting held on 22nd November, 2004.

CRD17/11/04 AUSTRALIA DAY CELEBRATIONS (A0009-02)		
Proponent:	Cr DL Needham	In Brief Council is asked to consider the change of venue for the 2005 Australia Day Celebrations to the Serpentine Sports Pavilion and that this event incorporate the official opening and naming of the Pavilion.
Owner:	Council	
Officer:	Carole McKee - Community Development Officer	
Signatures Author:		
Senior Officer:		
Date of Report	16.11.04	
Previously	CRD44/05/01	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act if no interest	
Delegation	Council	

Background

In May 2001, the Clem Kentish Hall and Bruno Giannatti Hall were evaluated as potential venues for Australia Day. The evaluation concluded that the Mundijong Hall was considered the best venue in the area (site centrality, functionality, sound, stage, etc, and the fact that it would also give Mundijong its own event – the other townsites having their Fairs/Log Chop). The Council decision determined that the Mundijong Hall remain as the official venue for the annual Australia Day Celebrations.

This item considers a request from Councillor Needham to evaluate the Serpentine Sports Pavilion to be used for a combined Australia Day Celebration and official pavilion opening. This was raised through an item of new business of an urgent nature at the Community and Recreation Development Committee held 8 November 2004.

Moved Cr Needham seconded Cr Murphy that a change of Australia Day venue to Serpentine Sports Pavilion and use this as the official opening of the Pavilion be evaluated and brought to the November 2004 Ordinary Council Meeting.

Comparison between facilities at venues:

Mundijong Hall

Marquee provides shade/tables for 120 out of 500 people for breakfast/outdoor entertainment. Indoor facility with stage for ceremony/indoor entertainment which holds 400 people. Kitchen has hatches to the bar and hall areas and an internal bar area. Small stage is normally hired to create more informal atmosphere. Investment has been made in improving acoustics and mechanics for decoration. Volunteers and officers are accustomed to running the event at this venue.

Serpentine Sports Pavilion

Indoor facility able to seat 150 people at tables, and veranda/natural shade for another 100-150 for breakfast/outdoor entertainment. Kitchen has a hatch to outdoors area and there is an internal bar area. The configuration of toilets and their access is slightly better at this facility than at the Mundijong Hall. Additional shade would need to be hired to accommodate 300-400 people for the ceremonies/entertainment. Small stage would also be required as at Mundijong. The user groups of the sports reserve are hoping to come on board to assist with the setting up/entertainment for the event. Acoustics and options for decoration are new challenges which should be overcome. PA system may be able to link in with Heritage Country Choir system. New volunteers are likely to add value to this event and the officers and volunteer organisers perceive it as a refreshing challenge. The change of venue for 2005 will also give some Mundijong volunteers a rest.

The evaluation of facilities was discussed at the Australia Day Project Group Meeting on 16 November 2004. The Group moved "that the venue for the 2005 Australia Day Celebrations move from the Mundijong Hall to the new Serpentine Sports Reserve pavilion and be held in conjunction with the opening of this pavilion.
Moved: Myra; seconded Colleen. Carried unanimously."

A copy of the minutes is with the attachments marked CRD17/11/04.

Sustainability Statement

Effect on Environment: Compared to the Mundijong venue, additional shade would be required at Serpentine as the event would be predominantly outdoors. The Serpentine Sports Reserve Pavilion & David Butfield Equestrian Ground is well suited to cater for the proposed construction of additional temporary shade, as well as the local entertainment with sheep and dog displays, which was already being considered for the Mundijong Hall/Oval venue. The Serpentine venue would also enable horses to participate in the entertainment – to complete the proposed stockmen's display. This type of activity is within the scope of what the grounds have been designed for, thus minimising any potential environmental damage.

The use of Serpentine as the venue would result in a slight increase in car/transport use, with the venue being at the southern end of the Shire.

The event would use gas BBQ's and a public address system that would emit noise to the environment for the duration of one morning at a similar level to any of the events that take place on this, or the Mundijong site, throughout the year.

The event would reflect both indigenous and non indigenous heritage and culture through the participation of the Aboriginal elder, didgeridoo player, stockmen and equine displays, and the recitation of Australian poetry and music.

Resource Implications: The use of the Serpentine venue would increase officer time normally required to organise Australia Day in the Mundijong Hall, but this would be partly balanced against the potential officer time required to help organise a separate future event for the official opening of the Serpentine Pavilion.

Maximum use would be made of the available shade from the veranda, trees, western side of the building, and constructed shade, in order to minimise the amount of additional shade necessary. The areas proposed for use are within the current picnic tables and grassed spectator areas.

Crockery would be borrowed from the Mundijong Hall to minimise the use of throwaway items. The Shire's contractor would provide both recycling and normal waste bins for the event.

Use of Local, renewable or recycled Resources: The Australia Day event engages the assistance of a number of voluntary groups including Byford & Districts Guides, Byford & Districts Rotary Club, Serpentine CWA, SJ Lions Club, Serpentine St John's Ambulance, local schools, etc. These groups have been approached and will consult with their members regarding the move. Through the evaluation of Serpentine as a potential venue, three new groups have been canvassed for their support - Serpentine Bushfire Brigade, the Serpentine Horse & Pony and Polocrosse Clubs.

The caterer uses local produce suppliers, where possible, to support local business, the entertainment is local, and the Indigenous representation is regional.

Economic Viability: Use of the Serpentine venue compared to the Mundijong venue would mean that the cost of the constructed shade area would be greater. It is anticipated that, with the assistance of the Serpentine Horse & Pony and Polocrosse Clubs in helping to set up the site the day before, and providing activities/displays for entertainment during the breakfast, that this cost can be offset within the existing budget.

Economic Benefits: Combining the 2005 Australia Day Celebrations with the official opening of the Serpentine Sports Pavilion has the potential to promote a community facility that may be of interest for groups and families around the Shire to use/visit for future functions and events. It is the kind of event that connects the wider community giving a feeling of improved quality of life about where you live. It also has the potential to break down social barriers which currently exist between the current users of the reserve and groups/residents that perceive it to be exclusive. It, therefore, has the potential to build relationships and increase community connectedness and cohesion, which can lead to better communication, support and long-term community well being.

Social and Environmental Responsibility: Holding the event in Serpentine in 2005 would potentially engage at least three additional Serpentine based community groups, over and above the groups traditionally involved. It would also enable the Mundijong Brigade to have a rest. Council is able to build the capacity of the volunteers involved to participate in the organisation of the event through the assignment of tasks through volunteer team leaders.

Social Diversity: There is no bus service to Serpentine. Access for people with disabilities and prams is provided at the Serpentine Sports Pavilion.

Statutory Environment: Geographic Names Committee WA Principles, Guidelines & Procedures to be followed

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

Financial Implications: It is anticipated that with the assistance of the Serpentine Horse & Pony and Polocrosse Clubs in helping to set up the site, and providing equine displays for entertainment, that the Australia Day Celebrations can be organised within the 2004/05 allocated budget of \$6,000 in MOC528. The production and erection of a plaque for the official naming of the building would be allocated from the Pavilion building fund OSR902.

Strategic Implications: This proposal relates to the following Key Sustainability Result Areas:-
1. People and Community
Objective 1: Good quality of life for all residents
Strategies:
1. Provide recreational opportunities.
4. Respect diversity within the community.

5. Value and enhance the heritage character, arts and culture of the Shire.

Objective 2: Plan and develop towns and communities based on principles of sustainability

Strategy:

4. Foster a strong sense of community, place and belonging.

Objective 3: High level of social commitment

Strategies:

1. Encourage social commitment and self determination by the SJ community.
2. Build key community partnerships.

4. Governance

Objective 1: An effective continuous improvement program

Strategy:

5. Harness community resources to build social capital within the Shire.

Objective 2: Formation of Active Partnerships to progress key programs and projects

Strategies:

1. Improve coordination between Shire, community and other partners.
3. Develop specific partnerships to effectively use and leverage additional resources.

Objective 3: Compliance to necessary legislation

Strategy:

2. Develop a risk management plan.

Community Consultation:

The Serpentine Jarrahdale Community Events Committee Australia Day Project Group has considered this proposal. Their comments are attached in their minutes (Attachment CRD17/11/04).

Comment:

The Serpentine Pony, Polocrosse and Golf Clubs resolved, through their representatives at their 16 November 2004 Serpentine Sports Reserve Management Committee Meeting to canvas their members for availability and ideas for the setting up and entertainment on the day, and provide letters outlining their commitment before the end of November 2004.

Serpentine Sports Reserve Management Committee also put forward a committee submission regarding their preferred name for the pavilion. Serpentine Community Forum has been communicating with the Serpentine community and Serpentine based groups to encourage submissions for names to Council

The timeframe/process for the naming of the Serpentine Pavilion is planned as follows:

22 November 2004	Council asked to approve process and form a working group to assess submissions and make recommendations
25 November 2004	Advertisement placed in the <i>Examiner</i> , library, notice boards and website regarding submissions for name of the pavilion to be submitted by 16 December 2004
17 December 2004	Working group meets to consider submissions/recommend name (include liaison with Department of Land Administration)
December 2004	Response letters to all submissions, informing of recommended name and opportunity to make a statement or ask questions at the

- Corporate Governance & Asset Management Committee to be held on 11 January 2004
- 11 January 2005 Corporate Governance & Asset Management Committee to determine name
- 12 January 2005 Plaque ordered in time for Australia Day

The pavilion naming process would have to be progressed sufficiently prior to the printing of the JAZZ to indicate that holding this event in Serpentine will incorporate the official opening and naming of the Pavilion.

In conclusion:

Mundijong Hall is now a finely tuned venue for Australia Day where investment has been made in décor, mechanics and acoustics which provides for a smooth operation for volunteers and officers.

Changing to the Serpentine Pavilion as a venue for the 2005 Australia Day so close to the event will involve a more intense commitment from officers and volunteers, but at the same time avoids the time involved to organise a separate official opening event later in the year. It should attract a greater cross-section of the community to the combined opening and adds an element of excitement with a refreshing new challenge for those organising it.

The Australia Day Project Group felt that it was important that the Official opening be kept separate and prior to the opening of the Australia Day Welcomes, Ceremonies and Awards.

There is sufficient evidence, therefore, in the evaluation which has been conducted to assess the Serpentine Sports Pavilion as the venue for the 2005 Australia Day Celebrations (incorporating the official opening of the Pavilion) to suggest that this event can be organised within budget and timeframe as long as the following conditions are met:

- (a) Voluntary commitment be confirmed for setting up and entertainment to offset additional shade costs prior to the printing of December 2004 JAZZ.
- (b) The pavilion naming process be progressed sufficiently to indicate that this event will be incorporated in the official opening/naming of the Pavilion.

Voting Requirements: Normal

CRD17/11/04 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Wigg seconded Cr Star

Council agrees to:

A The venue for the 2005 Australia Day Celebrations being changed to the Serpentine Sports Reserve Pavilion and that this event incorporate the official opening of the New Pavilion subject to the following conditions being met by 1 December 2004:

- 1 Voluntary commitment be confirmed for setting up and entertainment to offset additional shade costs.**
- 2 The pavilion naming process be progressed sufficiently to indicate that this event will be incorporated into the official opening/naming of the Pavilion.**
- 3 There being no additional expenditure above the \$6,000 allocated in the 2004/05 budget for the Australia Day event.**

B The timetable for determining the naming of the pavilion being as follows:

- 1 Council endorsing advertising regarding submissions for the naming of the Serpentine Sports Reserve pavilion, to be open for 21 days from 25 November 2004 until 4.00pm on Thursday, 16 December 2004.**

- 2 Council setting up a working group comprising the Community Development Officer (Carole McKee) and the following three (3) Councillors Cr Price, Cr Wigg and Cr Needham to consider all submissions and make a recommendation to the Corporate Governance & Asset Management Committee to be held on 11 January 2005 on the name of the pavilion.
- 3 The Corporate Governance & Asset Management Committee meeting on 11 January 2005 determining the name of the pavilion, following receipt of a recommended name from the working group for the pavilion.

C Requesting the Serpentine Jarrahdale Community Events Committee to make a recommendation on the future location and venues for Australia Day Celebrations for the next five (5) years to Council by May 2005.

CARRIED 8/0

Council Note: Three (3) Councillors (Cr Price, Cr Wigg and Cr Needham) names were nominated to the working group in part B 2 of the motion.

P042/11/04 PROPOSED HOME BUSINESS (ANIMAL LIVESTOCK CONSULTANCY) - LOT 4 (NO. 40) WARRINGTON ROAD, BYFORD (P05457/01)		
Proponent:	Dr J Ahmat	In Brief Application has been received for a proposed home business incorporating animal livestock consultancy on the abovementioned property. It is recommended that the application be refused for the reasons discussed in this report.
Owner:	LG & EL Foster	
Officer:	Andrew Trosic - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	17 November 2004	
Previously	Not applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Owner: LG & EL Foster
 Owner's Address: 40 Warrington Road, Byford
 Applicant: Dr J Ahmat
 Applicant's Address: 136 Galvin Road, Whitby
 Date of Receipt: 21 October 2004
 Advertised: NA
 Submissions: NA
 Lot Area: 4.0495ha
 L.A Zoning: Urban Development
 MRS Zoning: Urban
 Byford Structure Plan: Residential R20 and Multiple Use Drainage/Recreation Corridor
 Rural Strategy Policy Area: N/A
 Rural Strategy Overlay: N/A
 Municipal Inventory: N/A
 Townscape/Heritage Precinct: N/A
 Bush Forever: N/A
 Date of Inspection: N/A

Background

Application has been received for a proposed home business incorporating animal livestock consultancy on the abovementioned property. According to the applicant's advice, the proposed home business will involve phone and e-mail based consults to livestock owners regarding animal health and nutrition issues. This will include advice regarding dietary needs and vitamin/mineral supplements.

The second aspect of the proposal involves the existing produce store approved and operating on the subject property (Byford Stockfeeds). The applicant states that this will be used in partnership with the proposed home business, through the applicant firstly designing a custom feed mix to address a livestock health/nutrition issue identified in consult, then making the feed mix from ingredients currently stocked in the produce store. While there will be no visitation of livestock animals to the proposed home business, it is likely that additional patrons will visit the property to pick up custom feed mixes which have been designed specifically for them.

The subject property is zoned 'Urban Development' pursuant to Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 ("the Scheme"), and is located within the Byford Structure Plan area. According to the Structure Plan which has been adopted by Council, the subject property is identified as 'Residential R20', and also has running through it a multiple use drainage/recreation corridor. The existing produce store will therefore become a non-conforming use once the Structure Plan is adopted for final approval by the WA Planning Commission (i.e. not being permitted within the 'Residential' zone).

As the Structure Plan anticipates that the subject property and surrounding area will be developed for residential purposes (as well as performing an important drainage/recreation role), consideration must be given to what affect approval of the proposed home business would have. As the proposed home business is considered to strongly complement the existing produce store, it is not unreasonable to suggest that it may bolster and reaffirm the produce store use. This is not recommended, as such may jeopardise the intended planning direction set out by the Structure Plan.

For this reason the proposed home business is not considered to comply with the Scheme nor reflect the coordinated planning direction set by the Byford Structure Plan. On this basis it is recommended for refusal.

A copy of the location is provided with attachments marked P042.1/11/04.

Sustainability Statement

Effect on Environment: The proposed home business is considered to have an indirect affect on the natural and built environment, through not reflecting the planning direction set by the Byford Structure Plan for the subject property and surrounds. This indirect affect is considered to exist through the proposed home business bolstering the current produce store use on the subject property, which is not consistent with the residential and multiple use corridor designation set by the Structure Plan for the subject property. This further departure away from the Structure Plan is considered to jeopardize and adversely affect the ultimate development of the surrounding natural and built environment.

Resource Implications: As the Byford Structure Plan area represents an important urban land resource for the Shire and Perth metropolitan region, any development not in accordance with the Structure Plan may affect such a resource. The proposed home business is not considered to reflect the Structure Plan, through further bolstering the current produce store use on the subject property. This existing and proposed new use will hence detract from the residential and multiple use corridor designation set by the Structure Plan for the subject property.

Use of Local, renewable or recycled Resources: The proposed business would be using the feed store to supply both local and regional customers with specialised feed mixes.

Economic Viability: Economic viability is best assessed on the affect the proposed home business will have on the future development of the subject property and surrounding neighbourhood area. As mentioned, the Byford Structure Plan designates the subject property for 'Residential R20' and multiple use drainage/recreation corridor. The current produce store use will therefore become a non-confirming use for the subject property, and will need to be relocated prior to eventual development of the neighbourhood area occurring. It is therefore not considered appropriate on planning grounds to bolster the produce store use through the proposed home business, as such may jeopardise the viability of future development in the neighbourhood area.

Economic Benefits: It is considered that the proposed home business will offer a service which there exists both a local and regional demand. Partnered with the existing produce store on the subject property will also further increase the likelihood of the proposed home business being very successful at its proposed location.

Social – Quality of Life: The proposal would in the short term, permit the proponent to live and work from the same property. However, in the long term the quality of life for residents in adjoining developments will have the potential to be impacted upon by the continued operation of the feed store.

Statutory Environment: Town Planning and Development Act 1928
Town Planning Scheme No. 2

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

Financial Implications: There are no Financial implications to Council related to this application/issue.

Strategic Implications: This proposal relates to the following Key Sustainability Result Areas:-

1. People and Community
Objective 2: Plan and develop towns and communities based on principles of sustainability
Strategies:

2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.
3. Design and develop clustered neighbourhoods in order to minimise car dependency.
5. Protect built and natural heritage for economic and cultural benefits.

3. Economic
Objective 1: A vibrant local community
Strategies:

1. Attract and facilitate appropriate industries, commercial activities and employment.

Objective 2: Well developed and maintained infrastructure to support economic growth
Strategies:

2. Consider specific sites appropriate for industry /commercial development.

Objective 3: Effective management of Shire growth
Strategies:

1. Enhance economic futures for Shire communities.

3. Integrate and balance town and rural planning to maximise economic potential.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

Objective 3: Compliance to necessary legislation

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.
3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

Community Consultation:

Required: Yes however not yet undertaken.

The application has not yet been advertised for public consultation as required by Clause 5.18.7.3 of the Scheme. This has been due to the application not being supported by Planning Staff, and also the request to determine the application as soon as possible. If Council resolves to support the application, this will need to be subject to public consultation being undertaken first in accordance with the Scheme. In doing this, however, it is recommended that if any objections or issues of concern are received during public consultation, then the application be referred back again to Council for determination.

Comment:

As mentioned previously, the subject property is zoned 'Urban Development' pursuant to Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 ("the Scheme"). The stated intent of this zone is to provide for the orderly planning of large areas of land (in this case Byford) in a locally integrated manner and within a regional context, whilst retaining flexibility to review planning with changing circumstances. With regard to the 'Urban Development' zone, Clause 5.18.1.1 of the Scheme states the following;

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

Reflecting this requirement, the Byford Structure Plan has been prepared by the Shire and has been adopted for final approval by the Shire. The Structure Plan is expected to be finally adopted by the WA Planning Commission in November 2004.

As the Structure Plan provides the guiding policy instrument for the Byford area, any subsequent development or use of land needs to comply with the direction identified through the Structure Plan. In this regard Lot 4 Warrington Road is identified as 'Residential R20', and also has running through it a multiple use drainage/recreation corridor. The existing produce store will therefore become a non-conforming use once the Structure Plan is adopted for final approval (i.e. not being permitted within the 'Residential' zone).

As the Structure Plan anticipates that the subject lot and surrounding area will be developed for residential purposes, consideration must be given to what affect approval of the proposed home business would have. As the proposed home business is considered to strongly complement the existing produce store, it is not unreasonable to suggest that it may bolster and reaffirm the produce store use. This is not recommended, as such may jeopardise the intended planning direction set out by the Structure Plan.

While the applicant may suggest a willingness to relocate the home business and produce store in the future, it is not a practical point to make at this stage as the future is uncertain. If

the home business and produce store complement one another in a manner which makes the venture highly successful, then it is expected that there will be an unwillingness to relocate them from the subject property. For this reason the proposed home business is not considered to comply with the Scheme nor reflect the coordinated planning direction set by the Byford Structure Plan. On this basis it is recommended for refusal.

Voting Requirements: Normal

Officer Recommended Resolution:

Moved Cr Murphy (proforma) seconded Cr Hoyer (proforma)

The application dated 21 October 2004 proposing a home business (animal livestock consultancy) on Lot 4 Warrington Road, Byford be refused for the following reasons:

1. The proposed development does not comply with Clause 5.18.7.3 of the Scheme which states;

“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:

- a) the preparation of a Structure Plan for, or*
- b) the orderly and proper planning of, or*
- c) 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.”*

With regard to the above, the proposed development is considered to have an adverse effect on the Structure Plan area, through proposing a use which will not be consistent with the zoning established by the Structure Plan for the subject property and surrounding land. Specifically, the proposed development is considered to bolster the current produce store use on the subject property, which itself is a non-conforming use in the ‘Residential’ zone. This further intensification of non-conforming use on the subject property detracts from the intended planning direction set by the Structure Plan. This is not consistent with the Scheme, and not supported for reasons of proper and orderly planning.

2. The proposed development is not considered to satisfy the requirements of home business as defined by the Scheme. In this regard, a home business is defined as;

“a business, service or profession carried out in a dwelling or on land around a dwelling which:

- (a) does not employ more than two people not members of the occupiers household;*
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;*
- (c) does not occupy an area greater than 50m²*
- (d) does not entail the retail sale, display or hire of goods of any nature;*
- (e) in relation to vehicles and parking, will not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and*
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone.”*

The proposed development is not considered to meet criteria (b), (d) and (e) above, and is therefore not considered to satisfy the requirements for home business. The proposal is specifically considered to generate further traffic volumes in the neighbourhood, and will involve the retail sale of goods related to the home business through the produce store. This is not consistent with the definition of home business established by the Scheme.

3. The proposed development is not considered to reflect orderly and proper planning, through proposing a use which will further detract from the intended purpose of the subject land and surrounding area.

LOST 0/8

Foreshadowed Motion

Cr Simpson foreshadowed a motion proposing the home business be advertised for public consultation if the motion under debate is lost.

P042/11/04 COUNCIL DECISION

Moved Cr Simpson seconded Cr Hoyer

- A. That the application dated 21 October 2004 proposing a home business (animal livestock consultancy) on Lot 4 Warrington Road, Byford be advertised for public consultation in accordance with Clauses 5.18.7.3 and 6.3 of the Scheme.
- B. That should objections or issues of concern be received during public advertising in accordance with A. above, the application be referred back to Council for further consideration.
- C. That should no objections or issues of concern be received during public advertising, Council delegate authority to the Director Sustainable Development to grant planning consent for the proposed home business subject to the following conditions:
1. The home business is required to be undertaken in accordance with the definition of 'Home Business' under Shire of Serpentine Jarrahdale Town Planning Scheme No. 2. In this regard, the proposed home business must comply at all times with the following criteria to the satisfaction of the Shire;
 - (i) not employ more than two people not members of the occupiers household;
 - (ii) not cause injury to or adversely affect the amenity of the neighbourhood;
 - (iii) not occupy an area greater than 50m²
 - (iv) not entail the retail sale, display or hire of goods of any nature;
 - (v) in relation to vehicles and parking, not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
 - (vi) not involve the use of an essential service of greater capacity than normally required in the zone.
 2. Suitable vehicle access and carparking is to be provided and maintained for the home business, and constructed of a suitable material such as paving, road base, or coarse gravel to limit the generation of dust and sediments entering any nearby creeks and drainage lines.
 3. No direct discharge of stormwater into watercourses or drainage lines.
 4. All stormwater runoff from roofs and hardstand areas to be disposed of on site.
 5. Planning consent for the home business is given to the applicant only and is not transferable in case of sale of the subject property.
 6. Any proposed signage associated with the home business shall not exceed a maximum area of 0.2 square metres and shall be located entirely within the boundaries of the subject property.
 7. Planning consent for the home business will lapse after 5 years from the date of issue. A new application will need to be lodged with Council at least 6 months prior to lapsing to allow for consideration of the home business continuing beyond the 5 year time period.

8. **The home business is not to cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, vapour, steam, soot, ash, dust, grit, oil liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding on or the land on which the business is conducted.**

Footnote: The approval has been time limited given the intending development of Byford as proposed in the Byford Structure Plan

CARRIED 8/0

Council Note: The Officer Recommended Resolution was lost and an alternative motion put forward to support the application but with a specified time (refer Condition C7) to ensure that no conflict with the Byford Detailed Area Plan would not occur in the future.

9. CHIEF EXECUTIVE OFFICER'S REPORT

SM022/11/04 INFORMATION REPORT		
Proponent	Chief Executive Officer	In Brief Information Report.
Officer	D E Price – Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	17 th November, 2004	
Previously		
Disclosure of Interest		
Delegation	Council	

SM022.1/11/04 COMMON SEAL REGISTER REPORT – OCTOBER 2004 (A1128)

The Common Seal Register Report for the month of October 2004 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the attachments marked "SM022.1/11/04". (E02/5614)

SM022.2/11/04 ECONOMIC & TOURISM DEVELOPMENT OFFICER REPORT – NOVEMBER 2004 (A0436-05)

The Economic & Tourism Development Officer report of priorities to 5th November, 2004 is with the attachments marked "SM022.2/11/04". (E04/5622)

SM022.3/11/04 USE OF DELEGATION REPORT (A0039-02)

The Chief Executive Officer exercised the following delegations during the month of October, 2004:

CS-9 – Internal & External Funding Applications Seeking Council Endorsement

Letter of Support – Replacement of roof of timber mill – Jarrahdale Heritage Park (OC04/7441)

Letter of Support – Peel Harvey Rivercare Action Project Proposal (OC04/7428)

AS-23 – Plant & Light Vehicle Replacement Strategy

Vehicle Replacement – SJ 300 (E04/5288)

SM022.4/11/04 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION -
PEEL ZONE STATUS REPORT NOVEMBER 2004 (A1164)

The status report to the Peel Country Zone meeting in November 2004 are in the attachments marked "SM022.4/11/04". (IN04/10776).

SM022.5/11/04 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION
STATE COUNCIL MINUTES 6 OCTOBER, 2004 (A1164)

The Western Australian Local Government Association Summary of State Council Meeting minutes held on 6th October, 2004 are in the attachments marked "SM022.5/11/04" (IN04/9823)

SM022.6/11/04 2004 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT
– NOVEMBER, 2004 – REPORT BY COUNCIL REPRESENTATIVE
CR JAN STAR (A0435)

In the attachments marked "SM022.6/11/04" (E04/5893) is the 2004 National General Assembly of Local Government report by Cr Jan Star as per Council Policy CSP25 Council Training, Development And Conference Attendance Policy.

SM022.7/11/04 STATE OPPOSITION POSITION ON PRIORITY PROJECTS (A0108-
02)

Following the Shire President writing to the State Opposition, please find attachment marked "SM022.7/11/04" (IN04/11237) a response from the Leader of the Opposition, identifying the Opposition's position on priority projects relating to the Shire.

SM022.8/11/04 STATE GOVERNMENT POSITION ON PRIORITY PROJECTS
(A0108-02)

Following the Shire President writing to the State Government, please find attachment marked "SM022.8/11/04" (IN04/11317) a response from the Premier identifying the State Government's position on priority projects relating to the Shire.

SM022.9/11/04 STAFF ATTITUDINAL SURVEY 2004 (A0106-05)

As part of the People Plan Review another Staff Attitudinal Survey was conducted in September 2004. Below is a summary of the 2004 results and a comparison to the previous years surveys is provided for Councils information.

CATEGORY	SERPENTINE- JARRAHDAL 2004	2002	2001	2000	1999	1998	AUSTRALIAN AVERAGE
ORGANISATIONAL PERFORMANCE	4.01	3.95	4.00	3.88	3.92	3.85	3.55
STRATEGY, POLICY AND PLANNING	3.83	3.86	3.71	3.32	3.14	2.75	2.74
INFORMATION ANALYSIS &	3.81	3.76	3.78	3.59	3.43	3.10	2.93
CUSTOMER FOCUS	3.80	3.74	3.58	3.66	3.72	3.49	3.26
INDIVIDUAL EMPLOYMENT	3.78	3.63	3.48	3.48	3.39	3.47	3.06
LEADERSHIP	3.65	3.38	3.40	3.38	3.28	3.39	2.70
PROCESSES, PRODUCTS & SERVICES	3.58	3.62	3.46	3.37	3.47	3.31	2.93
WORKPLACE AS A PART OF THE ORGANISATION	3.56	3.46	3.33	3.17	3.15	3.04	2.66
ORGANISATION AS AN EMPLOYER	3.35	3.31	3.23	3.14	3.21	3.07	2.74

SM022/11/04 COUNCIL DECISION/Officer Recommended Resolution

Moved Cr Star seconded Cr Kirkpatrick
 The Information Report to 17th November 2004 is received.
 CARRIED 8/0

10. URGENT BUSINESS:

COUNCIL DECISION

**Moved Cr Wigg seconded Cr Star
 That the item relating to the departure of the Chief Executive Officer, David Price be dealt with as an item of new business of an urgent nature.
 CARRIED 9/0**

SM023/11/04 CHIEF EXECUTIVE OFFICER ACKNOWLEDGEMENT(H0031-02)		
Proponent:	DE Price	In Brief Acknowledge the dedication of the departing Chief Executive Officer to the enhancement of Local Government in Serpentine Jarrahdale
Owner:	Councillors	
Officer:		
Signatures Author:		
Senior Officer:		
Date of Report	22 nd November, 2004	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

COUNCIL DECISION

**Moved Cr Wigg seconded Cr Star
 This Council recognizes with acclamation a vote of appreciation to our departing Chief Executive Officer acknowledging his dedication to the enhancement of Local Government in Serpentine Jarrahdale.
 CARRIED 8/0**

11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

12. CLOSURE:

There being no further business the meeting closed at 9.01pm.

I certify that these minutes were confirmed at the ordinary council meeting held on 20th December, 2004

.....
 Presiding Member

.....
 Date

13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

C044/11/04 REGIONAL INSURANCE EXPRESSION OF INTEREST (A0578-02)		
Proponent:	WA Local Government Association Peel Zone	In Brief
Officer:	G.R. Dougall – Director Corporate Services	To approve the calling for expressions of interest for regional insurance services for 2005/06.
Signatures Author:		
Senior Officer:		
Date of Report	01/11/04	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995.	
Delegation	Committee in accordance with resolution SM046/05/04	

C044/11/04 COMMITTEE DECISION/Officer Recommended Resolution:

The Shire of Serpentine-Jarrahdale enter into a region expression of interest by the Peel Local Governments for insurance broking services for the 2005/2006 financial year based on the following points;

- * Joint review of existing risk profiles, resources and experiences and alternative risk tolerance capabilities for opportunities to improve performance and cost,
- * Support for local government to be able to settle minor claims before assessors are appointed or claims denied,
- * Development of standard wording for correspondence and amount where pay-outs of incidentals can occur without admitting liability,
- * Cancel the requirement for “report only” incidents to have a claim form completed,
- * Joint review of risks and mitigating strategies for volunteers working with community groups,
- * Review of the renewals process,
- * Tabling of alternative quotations,
- * Assessment of risk strategy needs,
- * Assessment of revaluation needs for local government infrastructure,
- * Joint review of claim approval process for items under an agreed value (such as \$3,000).

CARRIED 5/0

C046/11/04 PROPOSED AMENDMENT TO FINANCIAL MANAGEMENT REGULATIONS – RE RATE CONCESSIONS (A0091 & A1164)		
Proponent:	Minister for Local Government and Regional Development	In Brief
Officer:	G.R. Dougall – Director Corporate Services	To consider a recommendation not to oppose the suggested amendments to the Financial Management Regulations as they deal with a single issue and any modification may result in unintended consequences.
Signatures Author:		
Senior Officer:		
Date of Report	02/11/04	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995.	
Delegation	Committee in accordance with resolution SM046/05/04	

C046/11/04 COMMITTEE DECISION/Officer Recommended Resolution:

The Western Australian Local Government Association be advised that the Shire of Serpentine Jarrahdale, whilst disappointed at this reaction to a single issue, will not oppose the amendment to the Financial Management Regulations by the Minister for Local Government and Regional Development, in their circular dated 29 October 2004 (reference 05-034-01), in relation to rate concessions as it is believed the proposal deals with the single issue at hand and will not create any unintended consequences for local governments applying the concession for common sense reasons.
CARRIED 5/0

C047/11/04 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent:	Director Corporate Services	In Brief
Owner:	N/A	To confirm the creditor payments made during October 2004
Officer:	S. O'Meagher – Finance Officer	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM046/05/04	

C047/11/04 COMMITTEE DECISION/Officer Recommended Resolution:

Council notes the payments authorised under delegated authority and detailed in the list of invoices for the month of October, 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

C048/11/04 DEBTOR ACCOUNTS WITH A BALANCE IN EXCESS OF \$1,000 (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the statement of debtors over \$1,000 as at 31 October 2004
Owner:	Not Applicable	
Officer:	Lauren Whitsed – Customer Support Officer	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM046/05/04	

C048/11/04 COMMITTEE DECISION/Officer Recommended Resolution:

**Council receive and note the report on Debtors with a balance in excess of \$1,000 outstanding for 90 days or greater as at 31 October 2004.
 CARRIED 5/0**

C049/11/04 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the sundry debtor balances as at 31 October 2004
Owner:	Not Applicable	
Officer:	Lauren Whitsed – Customer Support Officer	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM046/05/04	

C049/11/04 COMMITTEE DECISION/Officer Recommended Resolution:

**Council receive and note the report on Sundry Debtor Outstanding Accounts as at 31 October 2004.
 CARRIED 5/0**

C050/11/04 RATE DEBTORS REPORT (A0917)		
Proponent:	Director Corporate Services	In Brief
Owner:	Not Applicable	
Officer:	V Tapp – Finance Officer - Rates	To receive the rates report as at 31 October 2004
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM046/05/04	

C050/11/04 COMMITTEE DECISION/Officer Recommended Resolution:

**Council receive and note the report the Rate Debtors accounts as at 31 October 2004.
 CARRIED 5/0**

C051/11/04 INFORMATION REPORT		
Proponent:	Director Corporate Services	In Brief
Owner:	Not Applicable	
Officer:	Various	To receive the information report to 31 October 2004
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM046/05/04	

C051/11/04 COMMITTEE DECISION/Officer Recommended Resolution:

**The information report to 1 November 2004 be received.
 CARRIED 5/0**

AS026/11/04 LONG VEHICLE PERMIT APPLICATION – ELLIOTT ROAD, KEYSBROOK (R0016)		
Proponent:	J.J. Hawkins Transport Services	In Brief Council is requested to refuse an application for the use of Long Vehicles on Elliott Road, Keysbrook for the purpose of delivery of concrete railway sleepers for the refurbishment of the Kwinana to Bunbury rail line. Approval of an alternate route is recommended.
Officer:	Mick Beaverstock Director Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	27 October 2004	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM046/05/04	

AS026/11/04 Officer Recommended Resolution:

1. Consent be conditionally granted for the use of Long Vehicles (up to 27.5 metres in length) by J.J. Hawkins Transport Services to access the WestNet Rail hardstand area located in the rail reservation at the intersection of Baden Road and Elliott Road, Keysbrook via Dirk Road (South Western Highway to Baden Road) and Baden Road (Dirk Road to Elliott Road).
2. Consent being subject to the following conditions:
 - (i) Verification by Main Roads Western Australia as to the suitability of the proposed route and issue of permits;
 - (ii) Vehicle speeds on Dirk Road and Baden Road not to exceed 40km/h;
 - (iii) Vehicle turnaround is to be undertaken solely within the hardstand area with no vehicles permitted to use any section of Elliott Road;
 - (iv) Vehicles are to operate between the hours of 9AM and 4PM only between Monday and Friday;
 - (v) The applicant providing Council with a representative name and contact number for liaison during the permit period;
 - (vi) The applicant satisfying Council that use of this route during permitted times will not conflict with any school bus movements;
 - (vii) John Holland Pty Ltd (on behalf of WestNet Rail) providing written confirmation by 15 November 2004 that any damage caused to road pavements or seal caused by vehicles accessing the hardstand area will be repaired at no cost to Council; by 30 April 2005 and
 - (viii) No use of this route is to occur beyond 31 March 2005

AS026/11/04 COMMITTEE DECISION

1. **Consent be conditionally granted for the use of Long Vehicles (up to 27.5 metres in length) by J.J. Hawkins Transport Services to access the WestNet Rail hardstand area located in the rail reservation at the intersection of Baden Road and Elliott Road, Keysbrook via Dirk Road (South Western Highway to Baden Road) and Baden Road (Dirk Road to Elliott Road).**
2. **Consent being subject to the following conditions:**
 - (i) Verification by Main Roads Western Australia as to the suitability of the proposed route and issue of permits;**
 - (ii) Vehicle speeds on Dirk Road and Baden Road not to exceed 30km/h;**
 - (iii) Vehicle turnaround is to be undertaken solely within the hardstand area with no vehicles permitted to use any section of Elliott Road;**

- (iv) Vehicles are to operate between the hours of 9AM and 3PM only between Monday and Friday;
- (v) The applicant providing Council with a representative name and contact number for liaison during the permit period;
- (vi) The applicant satisfying Council that use of this route during permitted times will not conflict with any school bus movements;
- (vii) John Holland Pty Ltd (on behalf of WestNet Rail) providing written confirmation by 15 November 2004 that any damage caused to road pavements or seal caused by vehicles accessing the hardstand area will be repaired at no cost to Council; by 30 April 2005 and
- (viii) No use of this route is to occur beyond 31 March 2005

CARRIED 5/0

Note: Minor changes were made to the vehicle operating speed and time of operation, however these were not considered substantial by the Chair and the item was dealt with under delegated authority.

AS027/11/04 FREE VERGE PLANT AND HERBICIDE PROGRAM (A0992)		
Proponent:	Reserves Officer	In Brief The free verge plant and herbicide program be segregated into Landcare administering free verge plants and herbicide for purposes of re-vegetating verges, Shire Operations administering herbicide only for purposes of providing assistance to residents to manage weeds on verges.
Owner:	Shire of Serpentine Jarrahdale	
Officer:	Jenni Andrews Reserves Officer	
Signatures Author:		
Senior Officer:		
Date of Report	20 th October 2004	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM046/05/04	

AS027/11/04 COMMITTEE DECISION/Officer Recommended Resolution:

1. The “free verge plant and herbicide” program be administered by Community Landcare Centre for purposes of re-vegetating verges.
2. Shire Operations administer “free verge herbicide” program for purposes of providing assistance to residents to actively manage weeds on their verges.

CARRIED 5/0

AS030/11/04 INFORMATION REPORT		
Proponent	Director Asset Services	In Brief To receive the information report to the 31 October 2004
Officer		
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
Delegation	Committee in accordance with resolution SM046/05/04	

AS030/11/04 COMMITTEE DECISION/Officer Recommended Resolution:

**The Director Asset Services' report to the 31 October, 2004 be received.
 CARRIED 5/0**

CRD16/11/04 INFORMATION REPORT		
Proponent:	Not applicable	In Brief Information report
Owner:	Not applicable	
Officer:	Carole McKee – Community Development Officer	
Signatures Author:		
Senior Officer:		
Date of Report	27.10.04	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM046/05/04	

CRD16/11/04 COMMITTEE DECISION/Officer Recommended Resolution

**Council accepts the October 2004 Information Report.
 CARRIED 5/0**

B05/11/04 SERPENTINE SPORTS PAVILION - REQUEST TO USE SURPLUS FUNDS TO COMPLETE CONSULTING ROOM AND KITCHEN FITOUT(RS0180/02)		
Proponent:	Principal Building Surveyor	In Brief
Owner:	Shire of Serpentine-Jarrahdale	
Officer:	Wayne Chant - Principal Building Surveyor	Construction of the Serpentine Sports Pavilion has been completed with total expenditure less than budget.
Signatures Author: Senior Officer:		
Date of Report	8.11.04	Council is requested to permit the use of remaining funds to complete fit out of the Doctor's Consulting Room and purchase of some kitchen appliances, thus enabling the facility to be used to its full potential.
Previously	C023/09/04; C021/09/04; C015/08/04; SM042/05/04; CRD08/10/03; B23/05/03	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act if no interest	
Delegation	<i>Committee – in accordance with resolution SM046/05/04</i>	

B05/11/04 COMMITTEE DECISION/Officer Recommended Resolution:

Council endorses the expenditure of \$11,500 of Shire funds saved during construction of the Serpentine Sports Pavilion to enable the following:

- 1 Installation of an air conditioner system and window treatments to the Doctor's Consulting Room within the building; and
 - 2 Purchase of kitchen appliances to broaden the building's flexibility and uses.
- CARRIED 5/0**

B07/11/04 INFORMATION REPORT		
Proponent:	N/A	In Brief
Owner:	N/A	
Officer:	Wayne Chant - Principal Building Surveyor	Information report
Signatures Author: Senior Officer:		
Date of Report	05.11.04	Information report
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<i>Committee – in accordance with resolution SM046/05/04</i>	

B07/11/04 COMMITTEE DECISION/Officer Recommended Resolution

Council accepts the October 2004 Information Report.
CARRIED 5/0

H06/11/04 INFORMATION REPORT		
Proponent:	N/A	In Brief
Owner:	N/A	
Officer:	Tony Turner - Principal Environmental Health Officer	Information report
Signatures Author:		
Senior Officer:		
Date of Report	4.11.04	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM046/05/04	

H06/11/04 COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Needham seconded Cr Scott that Council accepts the information report for October 2004.
CARRIED 5/0

P033/11/04 PROPOSED SECOND DWELLING – LOT 28 (NO. 81) BLAIR ROAD, OAKFORD (P04318/03)		
Proponent:	JG Langridge	In Brief
Owner:	GS & VR Langridge	
Officer:	Andrew Trosic - Senior Planner	That Council refuse the application dated 27 September 2004 for a proposed second dwelling on Lot 28 Blair Road, Oakford for reasons outlined in the report.
Signatures Author:		
Senior Officer:		
Date of Report	25 October 2004	
Previously	Not applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.	
Delegation	Committee – in accordance with resolution SM046/05/04	

P033/11/04 COMMITTEE DECISION/Officer Recommended Resolution:

Council refuses the development application dated 27 September 2004 for an additional single dwelling on Lot 28 (No. 81) Blair Road, Oakford for the following reasons:

1. The proposed second dwelling does not satisfy the requirements of draft Amendment No. 127 to Shire of Serpentine Jarrahdale Town Planning Scheme No. 2, in that it does not comply with the following provisions;
 - a) accommodation for workers employed for agricultural and intensive agricultural activities on that holding;
 - b) the proposed second residence should generally be located in close proximity to the existing residence, to avoid future subdivision pressure and minimise constraints on adjoining uses; and

- c) all services to the dwellings from the lot boundary (including access roads) are shared where practicable.
- 2. The proposed second dwelling does not satisfy the requirements of Statement of Planning Policy No. 2.5 (*Agriculture and Rural Land Use Planning*), in that it does not comply with the following provisions;
 - a) accommodation for workers employed for agricultural and intensive agricultural activities on that holding;
 - b) the proposed second residence should generally be located in close proximity to the existing residence, to avoid future subdivision pressure and minimise constraints on adjoining uses; and
 - c) all services to the dwellings from the lot boundary (including access roads) are shared where practicable.
- 3. Approval of the application would set an undesirable precedent for other such applications which do not comply with the Scheme and WAPC planning policies, and this is not recommended for reasons of proper and orderly planning.
- 4. Approval of the application may generate pressure for the WAPC to support subdivision of the subject land which is not currently permitted pursuant to Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.

CARRIED 5/0

P034/11/04 PROPOSED CARETAKER'S DWELLING FOR POULTRY FARM - LOT 8 (47) MANNING ROAD, HOPELAND (P00604/01)		
Proponent:	Terrigal Investments Pty Ltd trading as Walloway Downs	In Brief Application for a second dwelling for use as Caretaker's residence on Walloway Downs poultry (Broilers) farm. It is recommended that the application, including the requested variation, be approved subject to conditions restricting the use of the dwelling and standard conditions.
Owner:	As above	
Officer:	Meredith Kenny - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	3 November 2004	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM046/05/04	

P034/11/04 COMMITTEE DECISION/Officer Recommended Resolution:

Council approves the application for a "Caretaker's Dwelling" on Lot 8 (47) Manning Road, Hopeland subject to the following conditions:

1. The dwelling the subject of this approval is approved for use as a "Caretaker's Dwelling" and may only be occupied by a person or persons having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area lawfully carried on or existing on the same site.
2. Prior to the issue of a Building Licence for the proposed dwelling, a Notification under Section 70 A of the Transfer of Land Act 1893 must be registered over the Certificate of Title for the land the subject of the proposed development notifying owners, their respective successors in heir and prospective purchasers of the restrictions applying to the use of the second dwelling as stipulated in condition 1. above.

3. The Section 70A Notification required by Condition 2. above shall be prepared by a solicitor to the satisfaction of the Shire of Serpentine-Jarrahdale and all costs of and incidental to the preparation of and registration of the Section 70A Notification including the Shire's solicitors' costs shall be met by the applicant or the owner of the land.
4. The specific approval of Council's Health Service is required for effluent disposal for the new dwelling prior to the occupation of the dwelling.
5. Dwelling to be constructed of new materials.
6. Dwelling is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by Legislation for other effluent disposal systems. Please contact Council's Health Services for setbacks and requirements to other systems.
7. All driveway surfaces are to be constructed of a suitable material such as paving, road base, or coarse gravel to limit the generation of dust and sediments entering nearby creeks and drainage lines.
8. No direct discharge of stormwater into watercourses or drainage lines.
9. All stormwater runoff from roofs and hardstand areas to be disposed of on-site.
10. All existing trees along the front boundary of the site shall be retained, except where required to be removed to permit a single width vehicle access point and/or firebreaks required under the Shire's local laws and shall be protected from damage prior to and during construction.
11. A building licence is required to be obtained prior to the commencement of any development (including earthworks).

CARRIED 5/0

P037/11/04 PROPOSED ANCILLARY ACCOMMODATION - LOT 14 (2389) SOUTH WESTERN HIGHWAY (CORNER LEWIS ROAD), SERPENTINE (P02777/01)		
Proponent:	W Hornsby	In Brief Application for Ancillary Accommodation which exceeds the maximum floor area under Building Policy 1 "Ancillary Accommodation and Rural Workers Dwellings". Policy limits floor area to 60m ² (unless otherwise approved by Council). Floor area of 151.5m ² proposed. It is recommended that the application be approved on the grounds that the accommodation is for a dependent family member with special needs.
Owner:	W & K Hornsby	
Officer:	Meredith Kenny - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	5 November 2004	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM046/05/04	

P037/11/04 Committee Decision/Officer Recommended Resolution:

The application for the construction of Ancillary Accommodation on Lot 14 (2389) South Western Highway (corner Lewis Road), Serpentine be approved subject to the following conditions:

1. Any occupier of the ancillary accommodation shall be a member of the family of the occupier of the main dwelling.
2. A notification under Section 70A of the Transfer of Land Act is to be prepared in a form acceptable to the Department of Land Administration and lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot, prior to the issue of a Building Licence. This notification is to be sufficient

- to alert prospective landowners of the use restrictions of the ancillary accommodation as stipulated under Condition 1 of this approval. All costs associated with the fulfillment of this condition shall be met by the landowner.
3. A building licence is required to be obtained prior to the commencement of any development (including earthworks).
 4. The specific approval of the Department of Health is required for effluent disposal prior to the commencement of development. Applications for effluent disposal apparatus are required to be submitted to the Council's Health Services and will then be forwarded on to the Department of Health.
 5. The ancillary accommodation is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant legislation for other effluent disposal systems.
 6. All driveway surfaces are to be constructed of a suitable material such as paving, road base, or coarse gravel to limit the generation of dust and sediments entering nearby creeks and drainage lines.
 7. No direct discharge of stormwater into watercourses or drainage lines.
 8. All stormwater runoff from roofs and hardstand areas to be disposed of on site.
 9. No trees are to be removed unless the prior written approval of the Shire is obtained.
 10. Only materials identified in the schedule of colours, materials and finishes attached to and forming part of this approval, are to be used in the construction of the ancillary accommodation unless the prior written approval of the Director Sustainable Development is obtained.

CARRIED 5/0

P040/11/04 INFORMATION REPORT			
Proponent	Director Sustainable Development		In Brief Information Report.
Officer	Lisa Fletcher – Support Officer Sustainable Development		
Signatures - Author:			
Senior Officer:			
Date of Report	1 November 2004		
Previously			
Disclosure of Interest			
Delegation	Committee – in accordance with resolution SM046/05/04		

P040/11/04 COMMITTEE DECISION/Officer Recommended Resolution

The Information Report to 10 November 2004 be received.
CARRIED 5/0