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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 20th DECEMBER, 2004. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.00PM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

1. ATTENDANCE & APOLOGIES:

IN ATTENDANCE:

COUNCILLORS: DL Needham..... Presiding Member
JE Price
KR Murphy
AW Wigg
WJ Kirkpatrick
THJ Hoyer
JC Star
AJ Simpson
IJ Richards
JA Scott

OFFICERS: Mr G Dougall Acting Chief Executive Officer
Mr M Beaverstock Director Asset Services
Ms J Abbiss Director Sustainable Development
Mr W Chant Principal Building Surveyor
Mrs S Langmair..... Minute Secretary

APOLOGIES:

GALLERY: 37

2. PUBLIC QUESTION TIME:

2.1 Response To Previous Public Questions Taken On Notice

2.2 Public Questions

The following questions were received in writing prior to the December Ordinary Council Meeting and the respective answers prepared:

Peter Hodgson – 496 Soldiers Road, Cardup

Q I lodged an application for a minor amendment to the Rural Strategy for Lot 30 Soldiers Road, Cardup. I was advised that Council could consider my submission and forward a letter to the Western Australian Planning Commission (WAPC) after the Council meeting. On 23 November 2004, I was advised in writing that the application would not be considered until the next review of the Rural Strategy.

Why did staff deal with the matter when it should have gone to Council.

A Council have previously supported the landowners submission for this land to be included in the Farmlot Policy Area, during the review of the Rural Strategy and advised the WAPC of this recommendation. Following an investigation of the files relating to the Rural Strategy, advice was found from the WAPC stating that it would not support the Shire's recommendation as:

This land forms part of the rural break (wedge) separating Byford and Mundijong Urban Cells and is adjacent to an established Special Rural Estate. Zoned Farmlot area is to be consolidated north of Mundijong Road. The Shire should consider the

future land use for the area bounded by the urban cells between Tonkin Highway reserve and South Western Highway

The WAPC requires further investigation to determine what the optimal form of land use will be for properties which make up the rural wedges between Byford, Mundijong, Serpentine and other smaller settlements.

On the basis of this advice, the landowner was advised that the Shire is not able to support the proposal until further investigations are completed regarding all land in the rural wedges between the various townsites to determine the optimum form of land use. The request from the landowner was not referred to Council as the Shire's position had been previously forwarded to the WAPC, and the WAPC had responded to the Shire advice.

Q Council has approved a 4 hectare subdivision in Mardella.

A The Council has supported rezoning proposals for land in Mardella from Rural to Farmlet. Land in this area has been identified in the Rural Strategy as a Farmlet zone and the rezoning and subdivision of land in this area is consistent with the Rural Strategy.

Public Question Time commenced at 7.04pm

Peter Hodgson – 496 Soldiers Road, Cardup

Mr Hodgson advised that he was disappointed with how his questions provided prior to the Council Meeting were summarised and the answers provided.

Q Are Council prepared to accept the answers to these questions?

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

Q In relation to subdivisions in Mardella and Cardup he felt that Council should take a stronger stance and be taking this matter up with the Department of Planning.

A The Director Sustainable Development advised that before the shire can do this the Western Australian Planning Commission (WAPC) require a full study of all land within the rural wedge.

Kerry Ann Warry, Nettleton Road, Byford

Q Why were they not contacted about access by builders to their property in relation to the section 401?

Q Why did Council not contact them regarding the building licence?

A The Principal Building Surveyor advised that he would check the office records following the Council meeting.

The Presiding Member advised these questions would be taken on notice.

John Mitchell, Henderson Road, Serpentine

Q Can a forum be organised, between Council, planning department, relevant government departments and residents in the south west area of the shire regarding the Poultry Policy Overlay?

- A The Presiding Member advised that a public forum will be organised between all parties, after the submission periods close.

Mrs Susan Iwanyk on behalf of Mrs Sweetman, Masters Road, Darling Downs

- Q Is there a policy for advertising to neighbours the construction of an arena?

- A The Director Sustainable Development advised that generally the only time an application is referred to neighbours is when it is required to be advertised under the town planning scheme.

- Q Are Councillors aware this arena was applied for as a private use arena? Does Council send staff to check the position of the arena from neighbours or houses.

- A The Director Sustainable Development advised that the original application was for private use and that generally inspections were carried out by officers.

- Q Is this normal for an arena to be approved under delegated authority if seen to be this close to a neighbours residence?

- A The Director Sustainable Development advised that she would need to check the specific delegation that was used.

- Q Why was it allowed so close to a neighbours residence?

- A The Director Sustainable Development advised that she would need to refer to the office records in relation to this.

- Q Is there a policy for arenas to be constructed so as not to create a nuisance by noise or dust?

The Presiding Member advised that the last three questions would be taken on notice.

Scott McBride, 515 Nettleton Road, Byford

- Q Why does the house have to be 20 metres from the back fence when we can be 10 metres from the side, both sides about state forest? Also will need to remove orange trees at the side of the house to bring in fill.

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

Public Question Time concluded at 7.19pm

3. PUBLIC STATEMENT TIME:

Public Statement Time commenced at 7.19pm

Kerry Ann Warry, Lot 8 Nettleton Road, Byford

In regards to Councils last meeting involving the games room addition at Lot 8 Nettleton Road Byford. We have been pursuing this matter since an archive search revealed no trace of the games room or other additions to the property in November, 2002. An immediate additional search revealed all other additions but still not the games room. We believed up until April this year that the games room was never approved and so have been pursuing legal action against the previous owners for some time.

In April this year we received a letter from Stirling Law Chambers (acting on Council's behalf) stating that approval had been found and the council has the power to issue either us, as current owners or the builder with a notice to rectify the addition. After requesting a copy of the approval application we did find that the previous owner was indeed the builder and that he had apparently deliberately defied the building regulations at the time.

As the lowest quote we have been able to obtain is well over \$16,000 and does not include painting, electricity or the sealing around window frames we do not have the resources needed to rectify the problem. Mr Wayne Chant has advised us that his recommendation to serve us with the section 401 was based solely on builder's access issues. We wish to convey to you that we will do everything in our power to give builders access anytime it is required. Statutory declarations signed by the owners were presented to council.

Thank you all for your time and consideration in this matter it is much appreciated.

John Mitchell, Henderson Road, Serpentine

Statement on the poultry situation in the area. This is a problem for a lot of people in the nearby area who have progressed their properties on the basis of previous agreement on the poultry overlay plan and are now disappointed with having to argue the same ground over again.

Aiden Hoey, Nettleton Road, Byford

Asked that Council use common sense when considering the item before them (B08/12/04) in hope that this matter can be resolved.

Lyn Zacaria, Serpentine

Owner of a property south of the proposed poultry farm in Punrak Road. Referred to correspondence from the previous Director Sustainable Development in 2002 and advised that a number of issues still have not been addressed regarding noise, vegetation and odour. If there will be room for new sheds then there surely will be room for bunding.

Susan Iwanyk on behalf of Mrs Sweetman

Mrs Sweetman has an issue with the proposed Riding School in Tulloch Way, Darling Downs as a planning problem only. Having been in the horse industry and pony clubs of WA for most of her life (70 years) it is not because of lack of understanding of the enjoyment of keeping horses. This arena was constructed within metres of my home even though the applicant has five acres. The arena has not been placed near the applicants residence. I have knowledge of previous lessons and a camp so know the noise that is to come. I do not want any camps to be conducted at all. I would like a buffer (solid) to be erected until such time as a tree buffer and the number of students to be limited to two at anytime due to the noise of the instructor. This in the past has been extreme and as late as this week, the applicant has not held to conditions.

Sunday is not listed in the application and yet at 10.00am two pupils were being instructed.

The arena is situated roughly 30 metres from my residence.

The issues are the buffer for the noise and the number of students with no camps to be conducted.

Raymond Bauskis, 196 Masters Road, Darling Downs

In relation to the proposed Riding School in Tulloch Way, Darling Downs - Request that a buffer zone be established and positioned on the northern boundary and no riding camps to be permitted.

Peter Dinnon on behalf of Tanya Spires

In relation to the proposed Riding School in Tulloch Way, Darling Downs, there are a number of issues to be presented back to Council, at the committee meeting a lot of inaccurate information was given. Ms Spires is comfortable with buffer zones and trees to create a buffer zone that is required, 200 trees have already been planted and there are more ready for planting. In relation to noise, unsure of excessive noise problem, a riding lesson is an instruction, they are structured and not noisy. Zoning in the area is rural, which means riding school can be conducted within the zone. Riding Schools do include camps. These are the issues that they would like to address.

Peter Hodgson, 496 Soldiers Road, Cardup tabled the following statement:

My dealings with Council and Council staff over the last two years have led me to be concerned about the relationship between Shire councillors and shire staff.

As a former shire councillor, I appreciate the time constraints on councillors to properly investigate actions that are taken and the need to rely on staff to provide background information on matters that come before it. However, I feel that this council, in wishing to be seen as a united council, is allowing staff to make the decisions and is not ensuring that staff properly reflect the wishes of council.

As a case in point in January 2003 a council resolution indicated clearly that my property, Lot 30 Soldiers Road, should be included in the Rural Strategy in the Farmlot Policy Zone yet council planning staff made no attempt to challenge the Planning Commission on its arguments. Furthermore, Councillors accepted that action had been taken on this resolution and never followed it up.

In January 2004, I met with shire councillors and a member of the planning staff to raise this matter and was assured that action would be taken. The only action was inaction.

I have made contact with Paul Sewell of the Department of Planning and he gave me two reasons for his refusal to allow my property into the rural strategy. The are:

The shire needs to reconcile its views in respect of submission (which was an application to change a property in Soldiers Road, Cardup from Rural Living B to Rural Living A which the Shire refused to because of the need to maintain a rural wedge between Byford and Mundijong). Paul Sewell considered this contradicted Shire's decision to change my property from Rural to Farmlot. This view was not challenged.

The Shire needs to articulate a position on the entire rural wedges between the townsites of Byford/Mundijong/Serpentine. Yet it has accepted farmlots in Mardella. Is this a contradiction of its own argument.

In May 2004 I applied to the Shire for a minor amendment to the Rural Strategy and in July 2004 I received a reply from Brad Gleeson that sets out four steps in the planning process. The first was for Council to consider my submission and make a new resolution. The second was that a letter would be sent to the WA Planning Commission after the council meeting requesting them to formally consider a modification to the Rural Strategy (assuming Council makes this decision).

In November 2004 I contacted a councillor to find out what was happening and later that month I received a letter from Brad Gleeson which indicated that no action was to be taken even though it had yet to go to a Planning or Council meeting.

This led me to put a letter in writing to the council meeting on 20th December 2004 along with backup notes which I asked to be sent to Councillors with their agenda. The notes were not sent and my questions have been totally misrepresented in the agenda.

If Council is not prepared to challenge its staff over the way they are handling this matter I will have no alternative but to make a complaint to the Minister for Local Government.

Public Statement Time concluded at 7.35pm

4. PETITIONS & DEPUTATIONS:

The Principal Librarian and library members presented a 'Thank You Day Card' (addressed to Councillors and Staff) to the Presiding Member. This card was made by two Library Customers as part of the 'Thank you Day @ Your Library' and has been signed by other library customers.

5. PRESIDENT'S REPORT:

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Cr Simpson declared an interest in item AS033/12/04 as he is a tenant of the developer of the units referred to in the item.

Cr Simpson declared an interest in Item P055/12/04 as he has an association with the applicant.

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 22nd November, 2004

COUNCIL DECISION

Moved Cr Star seconded Cr Wigg

That the minutes of the Ordinary Council Meeting held on 22nd November, 2004 be confirmed.

CARRIED 10/0

7.2 Special Council Meeting 29th November, 2004

COUNCIL DECISION

Moved Cr Hoyer seconded Cr Price

That the minutes of the Special Council Meeting held on 29th November, 2004 be confirmed.

CARRIED 10/0

7.3 Annual Electors Meeting 1st December, 2004

COUNCIL DECISION

Moved Cr Price seconded Cr Simpson

That the minutes of the Annual Electors Meeting held on 1st December, 2004 be received.

CARRIED 10/ 0

Cr Murphy highlighted an error in the Annual Electors Meeting Minutes under Any Other Business relating to the answer to a question by Mr Brian Duncan – change the word from “inability” to “the ability”.

REPORTS OF COMMITTEES:

C055/12/04 MOTION FOR INCREASED RESOURCES ON SUSTAINABILITY AT WESTERN AUSTRALIA LOCAL GOVERNMENT ASSOCIATION (A1164)		
Proponent:	Shire Serpentine Jarrahdale	In Brief The State Sustainability Strategy was released in 2003 and the State and Local Government Partnership was established to implement actions. Western Australia Local Government Association is the signatory and charged with implementing actions and outcomes but have not allocated a dedicated resource to this immense task. It is recommended that the shire put a motion to Western Australia Local Government Association to allocate more resources to sustainability at a strategic whole of local government level.
Owner:	N/A	
Officer:	Carlie Eldridge - Manager Sustainability Unit	
Signatures Author:		
Senior Officer:		
Date of Report	21 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	
Delegation	Council	

Background

Local Government and Sustainability

State Sustainability Strategy

The State Sustainability Strategy released in September 2003. In this was the recommendation to establish a sustainability roundtable and a series of partnership groups below to achieve the outcomes and advise the roundtable. Local Government is involved in both the partnership group and roundtable and is being represented primarily in Western Australia Local Government Association by the Manager of Environment who is already fully allocated to work within the environmental policy and management context of WA Local governments.

State Local Government Partnership

The Premier of Western Australia and the President, Western Australian Local Government Association, along with the Minister for Local Government and Regional Development and the President, Local Government Managers Australia (WA Division Inc) are committed to improving cooperation between State and Local Government to enhance sustainable social, environmental and economic development of Western Australia through consultation, communication, participation, cooperation and collaboration at both strategic and project levels.

Overarching Principle

A commitment to improving cooperation between State and Local Government to enhance sustainable social, environmental and economic development of Western Australia through consultation, communication, participation, cooperation and collaboration at both strategic and project levels.

A copy of the State Local Government Sustainability Partnership Agreement is included with the attachments and marked C055.1/12/04.

Sustainability Roundtable and Partnership Groups

The Sustainability Roundtable has been established as an advisory body to the State Government to support the implementation of the State Sustainability Strategy. It advises the Premier on sustainability issues to do with the community, industry and the regions. It seek to do this through collaborative or partnership approaches involving government, business and the community.

Below the roundtable are partnership groups who have been established to provide advice to the roundtable on sustainability in particular areas. The groups include:

1. local government partnership group
2. education and community awareness partnership group
3. regional sustainability partnership group
4. sustainable building partnership group

An outline of the Local Government Partnership Groups are attached at C055.2/12/04.

Sustainability and Local Government

Local Government has been engaged with sustainability for decades. In 1992 at the Rio Summit on Environment and Development, Agenda 21 was born as part of the Rio Declaration on Environment and Development and was adopted by more than 178 governments. Agenda 21 highlighted the important role of local government and set a course of action which became known as local agenda 21 (LA21). Since 1992 the support for LA21 has been reaffirmed nationally and internationally. In WA Western Australia Local Government Association has a key role in coordinating, facilitating, training/development and providing advice on Local Government activities that support sustainability. To date approximately 15 WA councils have formally committed to sustainability and LA21 and many more have commenced investigating how to incorporate it into their activities.

Resourcing at Western Australia Local Government Association for implementation of the State Sustainability Strategy

Western Australia Local Government Association is the body representing local government in the partnership groups implementing and developing ways to achieve the state sustainability strategy. At present there is no dedicated officer and the Manager of Environment has been attending and representing Local Government within limited resources. As there is no dedicated resource the integration of all areas of Western Australia Local Government Association representing the breadth of local government issues is being achieved. There are 144 councils in WA who need to be engaged at a range of different levels with different issues relating to long term sustainability.

Sustainability Statement

Effect on Environment:

The State Sustainability Strategy addresses a range of environmental issues that need to be addressed both as a whole of State approach with all sectors of society and those that are specifies sectors eg local government, state government and industry.

Western Australia Local Government Association under the strategy, the sustainability roundtable and the 4 partnership groups are charged with ensuring the engagement of local

governments across a range of environmental issues both within the metropolitan area and regionally including:

- Biodiversity:
- Energy Use/Greenhouse Gas Emissions:
- Water Quality: stormwater management, waterways management
- Air Quality:
- Heritage and Culture:

Resource Implications:

As with broader environmental issues resource management is a big issues in WA with a large resource industry primarily managed outside of the capacities of most local governments. They areas where Western Australia Local Government Association could provide support education and training to all councils are:

- Energy Use: renewable energy technologies, passive solar design eg facing the building north
- Water Use: water sensitive urban design eg stormwater tanks, swales, increased infiltration, reduced areas of lawn
- Land: minimise use of vegetated land to protect biodiversity
- Non renewable Resources: ways we are minimising this use
- Waste: Minimise waste in the process which would go to landfill, recycling and reuse of waste

Economic Viability & Economic Benefits:

Sustainability was initially focused on environmental management at a local government level as it arose from the RIO Summit on environment and development. Sustainability is the triple bottom line of social environment and economic management and development. This area has not been developed really at all within local councils and is an area that would require training support and development from Western Australia Local Government Association. Corporate Governance is beginning to be addressed strongly within local governments and this is a key element of sustainability, a resource at Western Australia Local Government Association could help the smaller and regional councils to learn from the larger councils.

Resources could help in the areas of:

- Full cost accounting including life cycle costing
- Employment Creation
- tourism generator
- external costs eg pollution from transport or car dependence

Social – Quality of Life :

Some councils have social planners and/or community development officers that look at the integration of social issues into achieving long term sustainability. This includes social capital and community capacity building, planning for an ageing population, youth issues, support services as well as quality of life concerns.

Some of the quality of life issues that are part of local government activities and are covered within the state sustainability strategy are:

- Planning/Subdivisions: unrestricted solar access, POS, good design for crime prevention, retention of existing vegetation, access to services eg local shops, public transport, noise
- Assets: quality roads, lighting for safety, water sensitive urban design, pedestrian footpaths, trails, cycleways
- Finance: equitable cost structures to all residents eg rates, council support of community projects

- Council activities: allowing communities to be involved, provision of events and training, support of groups/committees.

Social and Environmental Responsibility & Social Diversity:

Achieving sustainability at a local level will require the engagement of the community and also building up of their capacity to enable full participation. Resources and the development of toolkits would assist in this process especially in smaller and regional councils.

All groups within society need to be engaged in achieving sustainability locally and groups must not be disadvantaged. This engagement needs to be a coordinated effort for local governments through Western Australia Local Government Association.

Statutory Environment:

N/A

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.

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.
2. Develop partnerships with community, academia and other management agencies to implement projects in line with Shire objectives.

3. Economic

Objective 3: Effective management of Shire growth

Strategies:

2. Represent the interests of the Shire in State and Regional planning processes.

Objective 1: An effective continuous improvement program

Strategies:

2. Promote best practice through demonstration and innovation.
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:

N/A

Comment:

The State Sustainability Strategy outlined a broad and diverse strategy to achieve a sustainable future for WA. Local Government is engaged and/or affected by all the areas and activities outlined in the strategy in some way. For decades local government has been leading the move towards a more sustainable future. With the release of the strategy the State government has been allocated significant resources within departments to address and achieve outcomes. Western Australia Local Government Association as the local government coordinating body has not received funding despite lobbying for additional resources to ensure that local governments are engaged in the achieving meaningful outcomes that are reflective of local communities needs.

To ensure that local governments can address sustainability through all their actions and work together Western Australia Local Government Association would need to have additional resources at a strategic /corporate level. This would be to educate both internally all sectors of Western Australia Local Government Association to allow all staff to assist local governments and also engage state government , industry and local governments to achieve a sustainable future.

The resources are needed to:

- representing Western Australia Local Government Association and local governments on the partnership groups
- liaising with State government agencies on areas of implementation of the State Sustainability Strategy
- engaging local governments in training and education of the true meaning of sustainability within the local government context. Training could be offered to educate all staff and particular leaders on integrating sustainability across all aspects of local government operations.
- Engaging regional local governments in defining what sustainability is to regional WA and how to implement.

It is recommended that to ensure local governments are engaged in the implementation of the state sustainability strategy and also in ensuring that they have the support skills and tools available to ensure they can make decisions that contribute to achieving a sustainable future Western Australia Local Government Association requires more resources at a corporate/organisational level on sustainability.

Voting Requirements: Normal

Officer Recommended Resolution

The Serpentine Jarrahdale Shire put a motion at the next Western Australia Local Government Association South East Metropolitan Zone meeting allocate more resources to sustainability at a strategic whole of local government level within Western Australia Local Government Association.

**C055/12/04 COUNCIL DECISION/Committee Recommended Resolution/
Foreshadowed Motion**

Moved Cr Hoyer seconded Cr Price

The Serpentine Jarrahdale Shire support the motion put to the South East Metropolitan Zone regarding allocation of more resources to sustainability at a strategic whole of local government level within Western Australia Local Government Association and forward a letter of support to Western Australia Local Government Association.

CARRIED 10/0

Note: This motion was changed to support the motion as the resolution was forwarded to the South East Metropolitan Zone Meeting on Wednesday 24 November 2004.

C056/12/04 2005-2008 PEOPLE PLAN (A0106-05)		
Proponent:	Chief Executive Officer	In Brief Council to adopt the recommendations contained within the final report "Review and Forward Planning of Human Resources for 2005-2008 – November 2004" (People Plan) prepared by EQUAL Management Services for the Shire of Serpentine Jarrahdale
Officer:	David Price - Chief Executive Officer	
Signatures Author:		
Senior Officer:		
Date of Report	30 November 2004	
Previously	SM003/07/04, SM040/01/02, SM018/09/01	
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	
Delegation	Council	

Background

Council resolved the following at the July 2004 Ordinary Meeting of Council:

Council notes the information provided in SM003.3/07/04 and agrees subject to funds being included in the adopted 2004-2005 budget that the members and deputy members of the Staff Management Committee liaise with the Chief Executive Officer to evaluate the proposals received to enable the finalisation of a suitable consultant to undertake the People Plan Review and where required be used as a reference group by the Chief Executive Officer, and the consultant, if required on matters associated with the development of the new 2005-2008 "People Plan" which is to be referred upon completion to Council for adoption.

The members and deputy members of the Staff Management Committee, Chief Executive Officer and Directors developed a brief to undertake the development of a new People Plan. The brief was provided to five (5) consultants who were invited to submit a quotation to undertake the work.

EQUAL consulting group were appointed to undertake the development of the 2005-2008 People Plan based on the brief as agreed.

Equal undertook an extensive research phase. Firstly, to ensure recommendations aligned with the Shire's vision, Equal conducted a review of corporate documents such as the:

- Annual Report;
- 2004-2014 Forward Financial Plan;
- 2003 Strategic Plan;
- 2004-2005 Budget;
- 2003-2008 Tourism Strategy;
- 2002-2007 Employment and Economic Development Strategy;
- 2001 Communications and Marketing Strategy;
- 2000 Asset Services Management Strategy;
- 2003 Byford Structure Plan;
- 2002 Rural Strategy Review;
- 2003 Customer Satisfaction Survey; and
- 2004 Department of Health Audit of Environmental Health Services.

Equal also undertook:

- an Audit of the 2002-2005 People Plan;
- a review of the results analysed by Neil Pope & Associates of the 2004 Staff Attitudinal Survey conducted by Equal as part of this Assignment;
- a review of the 2002 Murray Jorgensen and Associates (MJA) Resource Sharing Report; and
- a review of comments made by Learning Horizons regarding alignment of the People Plan with best-practice organisational models and principles.

Finally, the research included an examination of services and processes of eight (8) other councils throughout Australia and New Zealand, chosen for their similarity in size and character to the Shire. The purpose of this was to explore local and national trends in services, staffing and funding in local governments.

Four (4) of these councils were located in other Australian states, and New Zealand, including:

- Eurobodalla (NSW);
- Macedon Ranges (Victoria);
- Alexandrina (South Australia); and
- South Wairarapa (New Zealand).

The remaining four councils were located in Western Australia (WA), including:

- Mundaring;
- Murray;
- Dardanup; and
- Swan

Statutory Environment:

Local Government Act 1995

Policy/Work Procedure

The report proposes the introduction of several policy/work procedures.

Implications:

Financial Implications:

New positions identified in the People Plan have been aligned to the funding of future staff resources shown in the 2004-2014 Forward Financial Plan.

Unfunded recommendations contained within the report will be referred to the Forward Financial Planning process for consideration.

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.
5. Value and enhance the heritage character, arts and culture of the Shire.

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 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.

Community Consultation:

Equal undertook an extensive round of interviews with a variety of the Shire's stakeholders including:

- six Councillors;
- the Executive, being the Chief Executive Officer (CEO) and three Directors; and
- all Service Team staff.

These interviews examined the potential growth areas and general staffing issues for the Shire.

Random surveys were also conducted with ratepayers in Byford, Serpentine, Mundijong, Jarrahdale, Oakford and Oldbury, including businesses and developers, to determine the key service areas for the Shire in the future and their performance to date.

Equal also consulted with the Chamber of Commerce and Industry and the Town of Victoria Park regarding remuneration proposals which could be considered to assist in retaining employees in management positions.

Councillors and all staff participated in a presentation and feedback session conducted by EQUAL on the Interim report on the 3 November 2004.

Comment:

In summary, Equal found that there has been significant progress in the Shire since the last review of human resource needs also conducted by Equal in December 2001. Councillors, management and staff acknowledge that the implementation of recommendations made from the December 2001 "People Plan" has allowed the Shire to position itself in an efficient

and effective manner, both strategically and operationally, for changes to the size and expectations of the local community. In addition to this, the “People and Partnerships” program has continued to play a key role in assisting a structured approach to organisational change.

With the Shire having prepared itself for this change, the challenge for the Shire now is to deliver this vision it has worked to establish. This will necessitate a strategic change in its approach to human resources that will affect not only the organisation in its current form but also on the sort of people the Shire wishes to engage in the future.

The development and acquisition of human capital within the Shire is seen as critical to ensuring the objectives of the Shire’s Strategic Plan are realised. Importantly, the People Plan is now recognised not only as a plan for human resources, but increasingly as a “workforce” plan, taking into consideration aspects such as retention strategies, peak performance, skill sets requirements, and reward and recognition for employees. Recommendations made in this People Plan therefore reflect shift in focus from establishing to delivering the vision for the Shire.

Councillors and the Executive staff received a presentation on the final report form EQUAL on Monday 29 November 2004.

A copy of a summary of the final 2005-2008 “People Plan” is included with the attachments and marked C056/12/04 for Councillors information and contains the following 30 recommendations. Councillors have been provided with the full report under separate cover including the appendices.

Recommendation 1

The Shire adopts the phrase “*We’re Delivering the Vision*” as its internal purpose for current and future employees. Consideration should also be given to using this phrase as a marketing tool for the Shire.

Recommendation 2

The implementation of the People Plan should take into consideration peak practices such as building expertise and professionalism, retaining existing knowledge and experience, and bringing in new knowledge and experience, and ensure that these peak practices align with the Shire’s peak purpose.

Recommendation 3

The Shire continues to pursue continual improvement initiatives within a management framework such as the Australian Business Excellence Framework.

Recommendation 4

The Shire explores ways to better accommodate staff, including interim options such as change of office space between Finance and Sustainable Development, relocation of the Emergency Services Support Officer to the Design Office, and use of the Committee Room as a “quiet area”. This Recommendation should be implemented by March 2005.

In the longer term if required, consideration should be given to expanding into the current record storage room and relocating records to a purpose built facility off site at the Council’s Operations Centre, Mundijong.

Recommendation 5

The Shire should:

- a) commission an independent review of Managers' performance and remuneration mechanisms similar to what already occurs with the Senior Management Group, to remunerate Managers annually. This Recommendation should be completed by March 2005.
- b) explore extending the award classification levels across the organisation in line with market expectations and other remuneration options such as salary sacrifice for education, motor vehicles etc to retain staff. This can be done either through a contract of employment or as a Shire policy.

Recommendation 6

- a) The Shire establishes a policy that focuses on employing people with the necessary skills and experience to assist in the delivery of the objectives of the Strategic Plan. The Shire should look to employ people with demonstrated success and experience in similar roles and therefore with some years of service in the relevant area.
- b) The Administration Trainee position be lengthened from 1 to 2 years.

Recommendation 7

The Shire continues to explore opportunities for mentoring and coaching to assist in the delivery of the Shire's objectives, particularly where more experienced staff are employed and other less experienced staff can benefit from such mentoring and coaching.

Recommendation 8

The Shire's Executive and senior managers should utilise further training and development opportunities in strategic and general management to complement their technical skills.

Recommendation 9

The Shire explores ways of providing human resource selection and recruitment training and/or services for relevant staff.

Recommendation 10

A new Design Team Leader position be created, with the Operations Technical Officer position being transferred to this role, and the Operations Technical Officer position be abolished. This Recommendation should be commenced by March 2005.

Recommendation 11

Outsourcing for design projects be refocused on major or complex projects and the design for minor works be conducted internally by the Design Team wherever possible.

Recommendation 12

The Shire ensures that appropriate staff are given adequate training regarding the implementation of Water Sensitive Design Treatments.

Recommendation 13

A new position of Asset Management Officer be created to oversee and maintain the Asset Management System (and possibility of GIS) and replace the position of Technical Officer in the Design Team and the position of Technical Officer in the Design Team be abolished. This Recommendation should be commenced by March 2005.

Recommendation 14

The Council explores further partnering opportunities with developers for increased developer-maintenance periods for public open space to meet the objectives of both the Shire and developers.

Recommendation 15

The role of the Finance Manager position be expanded to the Manager Corporate Services position. This Recommendation should be implemented by March 2005.

Recommendation 16

The Shire explores the possibility of outsourcing the payroll function.

Recommendation 17

An IT system support officer be appointed immediately following the completion of the Information Plan.

Recommendation 18

With respect to the Library, the Shire should:

- a) have an increase of 0.4 FTE by part-time employees in 2006/07 to make one full time FTE.
- b) review the human resources needs if the Byford Library is established.
- c) continue to review the services the library provides, and the linkages of these services with the Sustainable Communities Team.

Recommendation 19

The Shire appoints a part time Customer Relations Officer effective from 1 July 2005 and converts this position to full time in 2006/07.

Recommendation 20

By March 2005, the current Manager Sustainability Unit position be redesigned to the Manager of Sustainable Communities to oversee the environment, community development, economic and tourism, Jarrahdale Heritage Park and health functions. The Shire should re-evaluate the remuneration of this position, given these additional responsibilities as part of Recommendation 5.

Recommendation 21

The lines of responsibility and reporting for the Economic and Tourism Development Officer and the Jarrahdale Heritage Park Project Officer be moved from the CEO to new Sustainable Communities Team. This Recommendation should be implemented by March 2005.

Recommendation 22

The position description of Manager Planning and Regulatory Services be amended to reflect the re-allocation of Health responsibilities to Sustainable Communities. This Recommendation should be implemented by March 2005.

Recommendation 23

The Customer Support role for the Health area becomes the Support Officer for the new Sustainable Communities Team following the implementation of Recommendation 19.

Recommendation 24

The Shire appoints a full time Environmental Health (0.5FTE)/Environment Officer (0.5FTE) in 2006/07 to meet the needs in environmental health (as stated in the Audit conducted by the Health Department) and to ensure the environmental objectives of the Strategic Plan be promoted and realised. In the interim the need for administration support in the environmental area should be met from the dedicated customer support role reassigned to the Sustainable Communities Team and the existing Administration Trainee and budget consideration be given to employing a student Environmental Health Officer until 2006/07.

Recommendation 25

The Shire continues to promote the use of Memoranda of Understanding to facilitate the integration of developers and other related parties with the Shire's values and objectives. The Shire reviews these Memoranda periodically to ensure they are achieving this purpose.

Recommendation 26

The Shire explores the possibility of promoting a Community Induction Pack through members of the community or community forums. The Communications Officer should consider this concept as part of the review of the Shire Communications Plan being undertaken in 2004/05.

Recommendation 27

The Shire appoints a junior/trainee building surveyor in the second half of 2005/06 to assist with the anticipated increase in building applications and customer enquiries. The existing building consultancy of \$25,000 be reduced by up to 80% towards the appointment of the junior surveyor/trainee.

Recommendation 28

Council reviews the need for development applications in all situations, including consideration of a risk-based approach, particularly for minor works. The approach to be taken should be discussed further between senior staff and Councillors to develop a way forward which meets the objectives of both the Council and the community. This Recommendation should be implemented by March 2005.

Recommendation 29

The Shire should conduct a more specific evaluation of the Ranger services in the next twelve months to determine to what extent the compliance function can be integrated to their role. An additional internal or external resource may need to be considered in this area following the outcome of the evaluation.

Recommendation 30

The Shire should implement the new organisational structure referred to in Appendix I of the People Plan 2005-2008 by March 2005.

Voting Requirements: Normal

C056/12/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price seconded Cr Simpson

Council adopts the final report and recommendations contained in the "Review and Forward Planning of Human Resources for 2005-2008 – November 2004" ("People Plan") prepared by EQUAL Management Services for the Serpentine Jarrahdale Shire subject to the following conditions:

1. Council requests the Chief Executive Officer to progress the recommendations identified for implementation in 2004/2005 immediately and the remaining recommendations are to be considered as part of the 2005/2006 Forward Financial Planning and Budget deliberations.
2. Council agrees that the 2005-2008 "People Plan" supercedes the recommendations of the EQUAL 2002-2005 People Plan".
3. Council agrees to amend the reference to the " EQUAL 2002-2005 People Plan" in Delegated Authority AF-13 "Staff Matters" be deleted and replaced with "EQUAL 2005-2008 People Plan".

CARRIED 8/2

Cr Hoyer voted against the motion.

During debate Cr Hoyer foreshadowed that he would move a part 4 to the resolution to form a new Councillor/Executive Working Group if the motion under debate was defeated.

Foreshadowed Motion

4. Council forms a new Councillor/Executive Working Group by February 2005 to review new human resource issues associated with this people plan.

C057/12/04 FORWARD FINANCIAL PLAN REVIEW 2005-2015 (A0119/04)		
Proponent:	Local Government Act 1995	In Brief Council note the review of the Forward Financial Plan 2005-2015 and forward initial comments to the Acting Chief Executive Officer by 7 January 2005 for consideration in the initial review report to the Corporate Governance and Asset Management Committee in January 2005.
Officer:	G R Dougall – Acting Chief Executive Officer	
Signatures Author:		
Senior Officer:		
Date of Report	24/11/04	
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	Council	

Background

Under the recently amended provisions of section 5.56 of the Local Government Act 1995 (as yet to be promulgated);

- “(1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.”

The previous provisions of section 5.56 were for a local government to prepare a plan of principal activities for the next four or more financial years. The Serpentine Jarrahdale Shire has been preparing forward financial plans for five year periods and last year introduced a further five year shadow to give an indication of future financial requirements and capacity. A link has also been created between this document and our strategic plan to ensure that the key objectives of the strategic plan are backed with financial capacity. The adopted Plan has then been used as the template for the compilation of the annual budget.

Sustainability Statement

Economic Viability: The Forward Financial Plan ensures all anticipated future expenditure and revenue streams are considered and prioritised. Future grant funding needs and resource requirements are predicted to establish the viability of activities being achieved. Whilst this document is only an estimate of future needs and sources of funding it does reduce the risk associated with determining the ability for each activity to be undertaken by Council over the next ten years.

The Plan provides an indication of the priority of Council over the next five years when considering the Strategic Plan, People Plan, Information Plan, Tourism Strategy and the Service Level Agreements. The Forward Financial Plan is reviewed annually to ensure that these priorities remain current and therefore some of the activities indicated in the plan may change in the level of funding, the year of allocation or may be deleted if no longer deemed a current priority.

Economic Benefits: The Forward Financial Plan will provide the certainty of current priorities, subject to annual review, to ensure the continued sustainable development of the community. It will ensure the planning process undertaken by Council in consultation with the community brings the benefits expected from future growth.

Statutory Environment: Section 5.56 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: The Forward Financial Plan makes provision for the financial future of Council activities and services and prioritises these services. It takes into consideration future possible revenue streams and related planning such as the Strategic Plan objectives.

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

3. Economic

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

4. Balance resource allocation to support sustainable outcomes.

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:

Sections 5.57 and 5.58 of the Local Government Act 1995 previously provided the requirement for this plan to be advertised for public comment and for any comment to be considered before adoption of the plan. These two provisions have now been repealed (subject to proclamation). Council may wish to consider whether the plan should be advertised at the completion of the review.

Comment:

The inclusion of the five year shadow last year provided greater understanding of the future effects on revenue and expenditure from decisions made today. It also provided an understanding of the recovery period from the introduction of costs associated with the major capital works for the recreation centre. As this was the first year there were some issues not provided for in the shadow. One of these was an estimate of additional rate revenue streams as a result of the introduction of significant development in the Byford area. Whilst provision was made for interim rates each year, the basis for this figure was made on current events. Documentation is now available from the two significant developers in Byford to provide estimates on when land will be released and therefore more accurate details can be considered as part of the plan. A report is also currently before Council to consider placing the first years of rates for new property into an communities facilities fund to assist in the provision of future community needs.

A copy of the current Forward Financial Plan is included with the attachments and marked C057/12/04. Councillors are requested to review this document and forward suggestions for additions to this Plan for consideration to the Acting Chief Executive Officer by 7 January 2005 to enable a report to be tabled at the January Corporate Governance and Asset Management Committee.

Voting Requirements: Normal

C057/12/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Star seconded Cr Simpson
Council note the review of the Forward Financial Plan 2005-2015.
CARRIED 10/0**

AS031/12/04 REQUEST TO INSTALL TRAFFIC ISLAND AT INTERSECTION OF WILLIAM STREET & NORTH CRESCENT BYFORD (R0183)		
Proponent:	Mr T. Klinger	In Brief Council has received a request to consider the installation of a traffic island at the intersection of William Street & North Crescent Byford. The proposed works are currently unfunded and it is recommended that consideration is given to provision of funding at mid-year budget review.
Owner:		
Officer:	Patrick Rose	
Signatures Author:		
Senior Officer:		
Date of Report	12 th 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	

Background

The Shire has received a written request from Mr T Klinger of 1 William Street Byford to consider the installation of a traffic island at the intersection of William Street and North Crescent Byford to assist with a perceived safety issue in relation to vehicular traffic entering William Street from North Crescent. Mr Klinger's concern is that vehicles "cut the corner" and enter William Street from the north in the incorrect lane, thus causing safety issues to pedestrians and traffic utilising William Street.

A copy of the proposed design is with attachments marked AS031/12/04.

Sustainability Statement

Effect on Environment: The proposal will enhance the built environment by providing a better, safer road environment.

Resource Implications: The proposal would require motorists to negotiate the intersection in a more user friendly manner and therefore minimise potential for accidents.

Use of Local, renewable or recycled Resources: The proposal would use locally available resources and also regionally available products.

Economic Viability: Future minor maintenance of the traffic island if required, could be funded from annual maintenance budgets.

Economic Benefits: The proposed countermeasure treatment can create present value of potential crash savings.

Social – Quality of Life The provision of a traffic device at the intersection will provide a better quality road network and improve safety for adjoining properties, pedestrians and motorists.

Social and Environmental Responsibility: The proposal is designed to be socially and environmentally responsible.

Social Diversity: The proposal does not disadvantage any social groups and the proposal caters for all sectors of society.

Statutory Environment: Local Government Act 1995.

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

Financial Implications: There is no allocation in the 2004/05 Budget or Forward Financial Plan to carry out the proposed works.

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.

3. Economic

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

Strategies:

1. Improved freight, private and public transport networks.

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 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Not required, however letters would be sent to adjoining residents to advise of the proposed works prior to commencement.

Comment:

Following Mr Klinger's request, Asset Services staff contacted local police to obtain any traffic data or recorded incidents at the intersection. No official incidents were recorded.

An onsite inspection by staff however, identified vehicles cutting the corner as described by Mr Klinger due to the angle at which William Street enters North Crescent. It was considered that there may be a potential safety issue which could be addressed by realigning the intersection and installing local area traffic management treatment.

Due to the 60 degree angle at which William Street enters North Crescent realignment of the intersection to 90 degree intersection is required to enable turning movements for a large truck eg. Refuse compactor. Subsequently a design and cost estimate was carried out to realign the intersection and accommodate the installation of a traffic island at the intersection. Widening is required to realign the t-intersection and to install the island within the existing road reserve.

The design has been estimated to cost \$10,000.00. The required works are currently unfunded and would require consideration at mid-year budget review or in future Capital Works budgets.

It is recommended that Council consider provision of \$10,000.00 to carry out the proposed works at the intersection of William Street & North Crescent Byford if savings can be achieved on other works within the 2004/05 budget.

It is further recommended that if funding cannot be identified at mid-year budget review, Council consider an amount of \$10,000.00 for the works in the formulation of the "2005/06 Capital Works Programme."

Voting Requirements: Normal

AS031/12/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Hoyer seconded Cr Simpson

1. That Council consider provision of \$10,000.00 to carry out the proposed works at the intersection of William Street & North Crescent Byford if savings can be achieved on other works within the 2004/05 budget at mid-year review.
2. If funding cannot be identified at mid-year budget review, Council consider an amount of \$10,000.00 for the works in the formulation of the "2005/06 Capital Works Programme".

CARRIED 10/0

AS032/12/04 OVERSIZE VEHICLE APPLICATION – JARRAHDAL ROAD, JARRAHDAL (A0512-03)		
Proponent:	Heritage Sawmillers	In Brief Council is requested to consider an oversize vehicle permit application for access of long vehicle truck and trailer combinations on Jarrahdale Road, Jarrahdale after public comment. It is recommended that consent is not granted.
Owner:	Heritage Sawmillers	
Officer:	Bryce Coelho – Manager Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	30 th September 2004	
Previously	AS050/02/04, AS020/10/04	
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	
Delegation	Council	

Background

At its meeting of 11 October 2004 Council considered an application by Palcon Group for the use of oversize permit vehicles on Jarrahdale Road to service Heritage Sawmillers in Jarrahdale. Council resolved to advertise its intention to consider approval of this application on Jarrahdale Road to the local Jarrahdale Community prior to making a decision on this request.

Heritage Sawmillers submitted an application seeking Council consent to the use of oversize permit vehicles (Rigid Trailer combination or Pocket Road Train) maximum length of 27.5 metres to transport timber products to Heritage Sawmillers timber mill on Jarrahdale Road, Jarrahdale.

The applicant requests approval for the issuance of a permit for Jarrahdale Road (from South Western Highway to Millars Road) and Millars Road (from Jarrahdale Road to timber mill site) The applicant however does not intend to utilize Jarrahdale Road as a through road.

Heritage Sawmillers have requested that oversize vehicles be utilized to transport timber saw logs to the mill to reduce the number of vehicle trips as timber delivered to the business is transported via South Western Highway. The number of truck movements will likely not exceed 1 trip per week with the intended permit duration dependant on the ongoing supply of timber.

The applicant has also made a request for an alternative route to access the site from South Western Highway. This was Jarrahdale Road (South Western Highway to Nettleton Road), Nettleton Road (Jarrahdale Road to Millars Road) and Millars Road (Nettleton Road to timber mill site).

Jarrahdale Road is classified as a District Distributor A road and may be suitable for the proposed heavy vehicle operation. Millars Road is currently classified as a District Distributor B road and may be suitable for the proposed heavy vehicle operation between Jarrahdale Road and the timber mill. However there is approximately 300m in length of Millars Road to the mill site that is currently not sealed. An estimated cost to seal this section of Millars Road is in the order of \$7,000.

It should be noted that Heritage Sawmillers currently has approval to operate oversize permit vehicles to transport timber products on Jarrahdale Road however it is limited to the section from Albany Highway to Millars Road only.

Sustainability Statement

Effect on Environment: The proposal would reduce Greenhouse Gas Emissions by allowing oversize vehicles to carry out this transport service. The use of medium size trucks would be minimized resulting in less vehicle trips.

Resource Implications: Properly managed permit vehicle operations would minimize road resource use.

Use of Local, renewable or recycled Resources: The proposal utilizes regionally available resources.

Economic Viability: The proposal will not incur any ongoing costs or requirement of funding in the future for Council above routine maintenance.

Economic Benefits: Properly managed permit vehicle operations have potential sustainability benefits in reduced transport and road maintenance costs.

Social – Quality of Life By posing restrictions on heavy vehicle access onto Jarrahdale Road, heavy vehicle movements through the Jarrahdale Townsite would be minimized.

Social and Environmental Responsibility: Properly managed permit vehicle operations have potential sustainability benefits in reduced social impact from transport vehicles and reduced environmental emissions.

Social Diversity: It is considered that the proposal will not directly affect any social or community groups.

Statutory Environment: Motor Vehicle Act and Regulations.

Policy/Work Procedure Implications: In accordance with Council Policy AS-3 B-Double and Long Vehicle Permits.

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:-

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.

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

Strategies:

1. Improved freight, private and public transport networks.

Community Consultation:

This application from Heritage Sawmillers was advertised to the local community of Jarrahdale for 21 days requesting any comments in support for or against the request. Letters were sent to residents on Jarrahdale Road, notices were distributed in local shops and community groups were notified.

A copy of the comments received from ratepayers are contained within the spreadsheet with attachments marked AS032/12/04.

Comment:

The route via Jarrahdale Road and Nettleton Road would not be supported by officers as the existing road width for this section of Millars Road is not suitable for safe heavy vehicle operations, and the structural strength capacity of the bridge on Millars Road for the proposed heavy vehicle type is unknown.

Even though the existing road width for Jarrahdale Road may be deemed suitable for heavy vehicle operations, Council has recently sought commitment from both State Government and Shadow Ministers that the current position of Jarrahdale Road not being utilized as an oversize vehicle route be continued.

In total 23 submissions were received from the public with 22 objecting to the proposal.

It is therefore recommended that Council not approve the application and advise the proponent that oversized vehicle access to service Heritage Sawmillers is available from Albany Highway only.

AS032/12/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Kirkpatrick seconded Cr Murphy

- 1. Consent not be granted to the operation of oversize vehicles (up to 27.5 metres in length) by Heritage Sawmillers on Jarrahdale Road from South Western Highway due to community concerns and the position of Council that the use of this section of Jarrahdale Road by oversize vehicles is not supported.**
- 2. The applicant is advised that oversize vehicle access to Heritage Sawmillers on Jarrahdale Road is via Albany Highway only as previously approved by Council.**

CARRIED 10/0

Cr Simpson declared an interest in item AS033/12/04 as he is a tennant of the developer of the units referred to in this item and left the meeting at 7.56pm

AS033/12/04 FOOTPATH UPGRADING – SOUTH WESTERN HIGHWAY, BYFORD (R0001)		
Proponent:	Director Asset Services	In Brief Council is requested to agree to refund the cost of upgrading the footpath adjacent to the Byford Country Club to brick paved from its 2005/06 footpath budget, allowing the work to be completed this financial year.
Officer:	M Beaverstock Director Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	16 November 2004	
Previously	AS021/10/04	
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	
Delegation	Council	

Background

At its meeting of 11 October 2004, Asset Services Committee considered requests for projects to be included in the 2004/05 Footpath Program, including upgrading of the existing bitumen path adjacent to the Byford Country Club to brick paving. This request, although ranked second in the priority listing due to the high traffic volume on South Western Highway, could not be accommodated within the budget allocation.

The request was made based on providing continuity of path material along the western side of South Western Highway. A brick paved path exists from the Abernethy Road intersection to the Country Club Building. A condition of development of the Unit Development on Lot 3 South Western Highway (corner of George Road) is the provision of or upgrading of footpaths. For continuity of appearance the developer was instructed to use similar brick paving materials as exist in the previous section.

Continuity of path material will not occur as the section of path adjacent to the clubhouse will remain as bitumen until funding for upgrading is available. The benefit to the streetscape of this section of the Highway has been discussed with the developer who has offered to fund the works subject to Council agreeing to refund the cost from its 2005/06 Footpath Program allowance.

Removal of four Plane trees would be required to undertake this work. Approximately 6 years ago two similar trees were removed from the same area due to the hazard the root system was causing through lifting the footpath. This tree species is not included within the Byford Townscape Study as a recommended tree and replacement trees of a suitable species would be provided.

Sustainability Statement

Effect on Environment: The proposal will enhance the built environment through consistency of path materials. It will be necessary to raise the level of the path by approximately 300mm, resulting in the removal of 4 Plane Trees. Replacement trees will be provided of species and spacing as has been approved for the Lot 3 development.

Resource Implications: Brick paving, although marginal, is a more permeable material than bitumen and will allow a component of water to pass through hence some disposal of stormwater by soakage rather than pipe drainage can be achieved.

Use of Local, renewable or recycled Resources: While new paving will be provided, this material can be recycled in future should a refurbishment or replacement of the path occur.

Economic Viability: Provision of a new path will reduce maintenance costs to Council which currently occur due to the poor condition of the existing bitumen surface.

Economic Benefits: No direct economic benefit will be achieved through this proposal apart from reduced maintenance costs, however an improved streetscape may indirectly benefit the commercial area of Byford.

Social – Quality of Life: A footpath already exists in this location however it is in a condition which requires a moderate level of maintenance. Upgrading to brick paving will reduce the maintenance requirement and improve the streetscape amenity of this section of South Western Highway.

Social and Environmental Responsibility: No negative impact.

Social Diversity: No negative impact.

Statutory Environment:

As the recommendation of this item is requiring Council to pre-commit funds in a future budget, and absolute majority decision of Council is required.

Policy/Work Procedure Implications:

There is no existing policy directly related to this proposal however the intent of the funding arrangement is similar in nature to Asset Services Policy AP1 Access Tracks – Construction Of Unmade Public Roads in which a person may construct a public road to the specification of Council and the cost of works is refunded.

Financial Implications:

Quotations have been sought to undertake the work and it is expected that construction of the path, raising of an existing Telstra Service Pit and replacement of 4 trees can be undertaken at a maximum cost of \$20,000.

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.
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.

2. Environment

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

Strategies:

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.

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

Strategies:

1. Improved freight, private and public transport networks.
2. Consider specific sites appropriate for industry /commercial development.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

4. Balance resource allocation to support sustainable outcomes.

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

Strategies

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.

Community Consultation:

Required: No

Comment:

The developer of Lot 3, Mr Stephen White, has advised that as the upgrading of the footpath would benefit the streetscape and compliment the paving provided at his development he is willing to undertake the works in conjunction with those for the development subject to the cost being refunded by Council from the 2005/06 footpath budget.

It is recommended that Council accept this offer.

Voting Requirements:

ABSOLUTE MAJORITY

AS033/12/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Star seconded Cr Scott
Council:**

- 1. Agree to refund the cost of construction of a brick paved footpath on South Western Highway, adjacent to the Byford Country Club, from the 2005/06 footpath budget to a maximum of \$20,000.**
- 2. Approve the removal of four Queensland Box trees to allow this work to be undertaken.**

CARRIED 9/0 ABSOLUTE MAJORITY

Council Note: Minor correction to part 2: the word “Plane” trees replaced with the words “Queensland Box” trees

Cr Simpson returned to the meeting at 7.57pm.

AS034/12/04 REGIONAL ROAD GROUP FUNDING – KARNUP ROAD, HOPELAND (R0007)		
Proponent:	Director Asset Services	In Brief Council is requested to defer the reconstruction of Dougall Street, Byford to allow funding to be available as the contribution required for a State Government Grant for the reconstruction of Karnup Road, Hopeland.
Officer:	Mick Beaverstock Director Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	26 November 2004	
Previously	AS050/04/03 7 April 2003	
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

At its meeting of 7 April 2003, under delegation of Council, the Asset Services Committee endorsed the submission of the following projects for funding consideration by the Regional Roads Group (RRG) for 2004/05 financial year:

Karnup Road (Manning Road to Kiely Lane) - \$450,000
Karnup Road (Rapids Road to Punrak Road) - \$300,000
Kargotich Road (Gossage Road to Bishop Road) - \$210,000

These projects were assessed against projects submitted by other metropolitan councils and, due to their comparatively low scores, were not successful. As Karnup Road had deteriorated to poor condition, Council allocated a sum of \$110,000 from its own resources to undertake reconstruction of a section from Yangedi Road North to 800 metres east of the intersection in 2004/05. Work is programmed to be undertaken in January 2005.

At the 2004 Annual Roads Forum, held on 19 November 2004, the Minister for Planning and Infrastructure advised that a significant budget surplus had been achieved by the State Government and announced that an amount of \$23 million would be provided to Local Government for road projects. This additional funding would be distributed through the RRG with priority given to projects submitted for 04/05 funding consideration.

Officers were contacted by the RRG on 24 November 2004 and advised that the submission for Karnup Road (Manning Road to Kiely Lane) was now eligible and would be recommended for funding. The allocation of funding is however subject to Council contributing 1/3 of the project cost, in this case \$150,000.

Sustainability Statement

Effect on Environment: The reconstruction of Karnup Road will improve a major transport link allowing more efficient access for vehicles, particularly commercial, to rural industry in the south of the shire. Works will include provision of improved drainage and re-vegetation which will be of environmental benefit.

Resource Implications: Excess material and existing pavement materials not currently suitable for reconstruction works will be temporarily stockpiled at the Watkins Road facility for use in future construction works.

Use of Local, renewable or recycled Resources: Works are proposed to be undertaken by Councils own workforce using locally procured construction materials. Excess material or pavement material not currently suitable for reconstruction works will be stockpiled for recycling when technology permits.

Economic Viability: Reconstruction of this section of Karnup Road will reduce maintenance expenditure currently required due to the rapidly deteriorating condition of the road. This will allow maintenance funds to be reallocated to other areas of the shire, improving the overall condition of the road asset.

Economic Benefits: The proposal will provide an economic benefit to industry in the area through a more efficient transport route. A significant benefit to the shire is the allocation of \$300,000 of road funding from the State Government allowing a greater length of road to be upgraded.

Social – Quality of Life: Reconstruction of this section of road will improve the safety of motorists. Acceptance of the RRG grant also allows reconstruction of a greater length of road to be undertaken at no direct cost to ratepayers.

Social and Environmental Responsibility: The proposal is designed to socially responsible through improving the safety of this road. Re-vegetation works associated with the project will improve the natural environment of the road reserve which is currently cleared for a proportion of its length.

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

Statutory Environment:

As the recommendation of the report will result in reallocation of funding within the capital works budget, an absolute majority decision of Council is required.

Policy/Work Procedure Implications:

Nil.

Financial Implications:

The section of Karnup Road for which funding of \$110,000 has been provided by Council is within the section which would be funded through the RRG grant hence this allocation would be used towards the 1/3 contribution required of Council, resulting in a \$40,000 shortfall.

RRG have advised that funding can be provided over 04/05 and 05/06 financial years as many smaller Councils do not have capacity to fully fund their contribution this year. This option has been assessed by officers however it is not considered viable as, to undertake works in the most cost effective manner, the project would need to be completed as a single operation. To meet the requirement of expending monies in 04/05, works could only be commenced in winter which is not practicable in this low lying area of the shire.

It is recommended that the remaining \$40,000 is made available through deferment of works programmed for Dougall Street, Byford. This road is within the industrial area and has an allocation of \$45,000.

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:

5. Reduce green house gas emissions.

3. Economic

Objective 1: A vibrant local community

Strategies:

2. Identify value-adding opportunities for primary production.
3. Develop tourism potential.

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

Strategies:

1. Improved freight, private and public transport networks.

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:

4. Balance resource allocation to support sustainable outcomes.

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

Strategies:

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.

Community Consultation:

Nil

Comment:

The reconstruction of Karnup Road has been identified as necessary by officers for some years due to the poor condition of the road and its function in regard to being a primary road for residents of Serpentine and Hopeland accessing the Kwinana Freeway and coastal suburbs. Karnup Road is also a key freight route for many rural industries in the south of the shire.

Deferment of Dougall Street until 2005/06 is not expected to have any detrimental effect on this road and is considered as a more practical solution than undertaking the reconstruction of Karnup Road during winter to achieve the funding obligations necessary to accept the grant.

At this stage officers are waiting on confirmation that funding is approved however, due to the reconstruction of Karnup Road being scheduled to commence in January 2005, Council is requested to approve the deferment of Dougall Street subject to RRG funding being received.

Voting Requirements:

ABSOLUTE MAJORITY

AS034/12/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Wigg seconded Cr Scott

Council, subject to formal advice being received from Main Roads Western Australia that Regional Roads Group funding of \$300,000 is confirmed for the reconstruction of Karnup Road:

- 1. Defers the reconstruction of Dougall Street, Byford and considers inclusion of this project in its 2005/06 capital works budget; and**
- 2. Allocates the sum of \$40,000 from Dougall Street (RC236) to Karnup Road (RC077) with this allocation being the contribution of \$150,000 required of Council to accept the Regional Roads Group grant.**

CARRIED 10/0 ABSOLUTE MAJORITY

AS035/12/04 INFORMATION REPORT		
Proponent	Director Asset Services	In Brief To receive the information report to the 30 November 2004
Officer		
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
Delegation	Council	

AS035.1/12/04 ROADWISE (A0491/01)

A copy of the minutes of the meeting held on 24 November 2004 is with attachments marked AS035.1/12/04.

AS035.2/12/04 STATE EMERGENCY MANAGEMENT COMMITTEE - ANNUAL REPORT
(A0202)

The State Emergency Management Committee (SEMC) has provided Council with a copy of the SEMC Annual Report for the period ending 30 June 2004.

A copy of letter is with attachments marked AS035.2.1/12/04.

A copy of the Annual Report is with attachments marked AS035.2.2/12/04.

AS035/12/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Price seconded Cr Simpson
That the Director Asset Services' report to the 30 November, 2004 be received.
CARRIED 10/0**

CRD18/12/04 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	23.11.04	
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	Council	

CRD18.1/12/04 YOUTH ADVISORY COUNCIL (A1172)

Youth Advisory Council (YAC) members met on 2 November 2004. The main item on the agenda was to elect office bearers. The election had been postponed from July while the group stabilised its membership. Justin Dwyer was elected Chairperson and Troy van der Sanden Deputy Chairperson. These two young people will make fine representatives for the Youth Advisory Council. It was agreed to continue the capacity building technique of rotating minute takers. Each member takes a turn for two consecutive meetings to consolidate their learning.

Five YAC members attended the Young Leaders Day at the Perth Convention Centre on Friday, 12 November 2004. Armadale Senior High School sponsored two of the places. Inspiring talks were given by prominent West Australians about the qualities and responsibilities of leaders. Tina Altieri, The Premier, Dr Geoff Gallop, Brad Hardie, Graham Maybury and Grant Boxall, a quadriplegic and Athens Paralympian, all spoke about their personal lives and gave practical advice to the 1,200 young people in the audience as to how they could become great leaders within their school community and the wider community.

The action plan of the Serpentine Jarrahdale Youth Advisory Council, updated at their meeting held 2 November 2004, is with the attachments marked CRD18.1/12/04.

CRD18.2/12/04 COMMUNITY SAFETY AND CRIME PREVENTION PLAN (A0101)

Cr Hoyer and Community Development Officer, Carole McKee, attended two Crime Prevention Planning workshops in preparation for the rollout and monitoring of this project. The Shire is currently awaiting a response from the Office of Crime Prevention regarding Ministerial presence at a proposed cheque presentation ceremony which will also celebrate the signing of the partnership agreement.

CRD18.3/12/04 SOUTH EAST REGION RECREATION ADVISORY GROUP (A0146-02)

The South East Region Recreation Group Regional Plan has been finalised. A copy has been requested. Interested Councillors should contact the Community Development Officer, Carole McKee, to view the document. A summary brochure is being drafted. A copy of this will be obtained when it is completed.

CRD18.4/12/04 PEEL COMMUNITY DEVELOPMENT GROUP (A1123)

Community Development Officer, Carole McKee, was re-elected as the Serpentine Jarrahdale regional representative on the Peel Community Development Group Board at their October Annual General Meeting.

The minutes for the Peel Community Development Group Board for 1 November 2004 are with the attachments marked CRD18.4/12/04. The Update Newsletter can be found at www.peel.wa.gov.au/content/thePDC/aboutPDC/publications.cfm

CRD18.5/12/04 PEEL PHYSICAL ACTIVITY GROUP (A0174)

The minutes of the Peel Physical Activity Group for November 2004 are with the attachments marked CRD18.5/12/04.

CRD18.6/12/04 YOUTH ACTIVITY GROUP (A0164-02)

Families, friends and community members joined the SJ Youth Activity Group for the presentation of their members' annual certificates and opening of their new kitchen and computer lab on 30 October 2004 at the Council Depot in Whitby Street, Mundijong. The internal fittings of the new building were undertaken by the young people under the guidance of tradesman Alan Bassett, one of the many volunteers that help with the SJ Youth Activity Group. The volunteers who work with these young people have not only given them valuable skills but have become mentors, forming bonds that will have far-reaching benefits for these local youth.

The minutes of the Serpentine-Jarrahdale Youth Activity Group Inc meeting held in October 2004 are with the attachments marked CRD18.6/12/04.

CRD18.7/12/04 2004 NATIONAL GENERAL ASSEMBLY RESOLUTIONS (A0435)

A letter of thanks was received from the National General Assembly of Local Government. It acknowledges the motion submitted by Cr Hoyer on mental health and reports that it was carried as a "C" resolution, which indicates that it involves a new or expanded policy area. As a result, the resolution has been referred to the Australian Local Government Association Board of Directors to be considered at a special meeting of the Board on 9 December 2004.

A copy of the letter is with the attachments marked CRD18.7/12/04.

CRD18/12/04 COUNCIL DECISION/Committee/Officer Recommended Resolution

**Moved Cr Price seconded Cr Richards
Council accepts the November 2004 Information Report.
CARRIED 10/0**

COUNCIL DECISION

Moved Cr Price seconded Cr Wigg

That item B08/12/04 be dealt with out of sequence and after item P057/12/04 as the matter is of a confidential nature, with less disruption to the members of the gallery who would have to leave whilst this item is being debated.

CARRIED 10/0

B08/12/04 CONFIDENTIAL ITEM NOTICE OF REQUIRED ALTERATION FOR GAMES ROOM: LOT 8 (#66) NETTLETON ROAD, BYFORD (P04835)		
Proponent:	Principal Building Surveyor	In Brief Council is requested to consider the issue of a Notice of Required Alteration in accordance with Section 401 of the Local Government (Miscellaneous Provisions) Act 1960 requiring the raising of ceiling height in a games room addition in accordance with the condition of building licence. It is recommended that a Notice of Required Alteration be served on the current owners of the land.
Owner:	GJ Wyee	
Officer:	Wayne Chant – Principal Building Surveyor	
Signatures Author:		
Senior Officer:		
Date of Report	29.11.04	
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	Council	

Cr Simpson declared an interest in item P055/12/04 stating he has an association with the applicant and left the meeting at 7.59pm.

P055/12/04 EXTRACTIVE INDUSTRY LICENCE RENEWAL – LOT 344 SOUTH WESTERN HIGHWAY, WHITBY (P00035/01)		
Proponent:	WA Blue Metal	In Brief To consider the issue of an extractive industry licence in accordance with the Local Laws for Extractive Industries for crushed and screened granite. It is recommended that the extractive industry licence be granted for a six month period until 30 June 2005.
Owner:	Ransberg Pty Ltd	
Officer:	Brad Gleeson – Manager Planning and Regulatory Services	
Signatures Author:		
Senior Officer:		
Date of Report	3 December 2004	
Previously	P088/06/04	
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:	Ransberg Pty Ltd
Owner's Address:	PO Box 1457, Bibra Lake 6965
Applicant:	WA Blue Metal
Applicant's Address:	As above
Date of Receipt:	19 August 2004
Advertised:	N/A

Submissions:	N/A
Lot Area:	81 Ha.
L.A Zoning:	Rural
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:	9 August 2004

Background

Current Licence

Council at its meeting held on 28 June 2004 resolved to grant an Extractive Industry licence for a period of six months ending 31 December 2004.

A copy of the conditions imposed on the extractive industry licence is with attachments marked P055.1/12/04.

Appeal

The owner subsequently lodged an appeal on 13 August 2004 with the Minister for Local Government and Regional Development under Part 9 of the Local Government Act, against the Council's decision to only grant an extractive industry licence for 6 months. The Shire responded to the grounds of the appeal lodged by WA Blue Metal on 23 August 2004.

The Minister has accepted the advice from the Department of Local Government and Regional Development to dismiss the appeal.

A copy of the Minister's advice in relation to the appeal is with attachments marked P055.2/12/04.

Over the last six months, there have been five site visits by Shire officers to ensure compliance with the conditions of the extractive industry licence.

Sustainability Statement

Effect on Environment:

The area is currently used as an extractive industry operation. Extractive industries have the potential to have a significant effect on the environment if the operations are not undertaken in accordance with statutory approvals and licence conditions. Possible impacts on the environment include noise, dust, water quality, vegetation and visual amenity. These issues are examined at the time of site visits by Shire officers and if any complaints are received from the public.

Site visits for this site were planned during the heavy rainfall months to audit the conditions set out in this report, check that specific storm water discharge issues raised during the previous site visits have been addressed and to ensure issues raised since last winter have been addressed.

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

The proposal will extract a large volume of granite 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.

Use of Local, renewable or recycled Resources:

The proposal will extract granite over the life of the extractive industry.

Economic Viability:

The extraction of granite 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 operation provides employment opportunities for the community.

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:

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

Extractive Industries Local Law

Extracts from the Local Law 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.*

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 annual licence fee for 2005 has been paid. Costs associated with staff time to undertake site visits for audit purposes and meeting with the landowners to discuss licence conditions would be significant if totalled for the past 12 months.

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.

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

Strategies:

2. Consider specific sites appropriate for industry /commercial development

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 inspection was undertaken in August 2004, revealing a significant number of outstanding planning and environmental issues associated with the extractive industry operation. Four further site inspections have been undertaken since August 2004.

Staff have held a number of meetings with the landowners and their consultants over the last 18 months. These meetings have provided advice and given direction on how the conditions can be satisfied.

The current licence conditions were required to be satisfied at various dates over the last six months, during the term of the current licence, which was granted in June 2004.

The following is a summary of the operators conditions of that licence that have not been complied with.

Condition 10 – Water Quality

Ensure that any discharge of water from the land including runoff from unsealed access tracks and roadways and any other unvegetated areas, other than directly to sewer or septic systems, shall be via treatment in silt traps, detention ponds, settling ponds or other effective mechanism to remove suspended materials to the satisfaction of the Shire.

Site visit - 9 August 2004

The audit on 9 August 2004 was undertaken on a fine day so there was very little water flowing from the mine site into Manjedal Brook. However, it would appear that surface water regularly flows down the surface of the large overburden stock pile to the south of the mine area and then discharges at the base of the stock pile in three locations through temporary filter systems of seemingly inadequate capacity. The temporary structures were constructed following the last Shire winter inspection and the subsequent involvement of the Department of Environment. The overburden stockpile is located too close to the Brook to allow the development of adequate settlement traps or filters.

The three temporary filter structures rely on the frequent hand removal of sediment trapped behind a geofabric screen which has been secured across the discharge streams with star pickets, wooden crates and other temporary materials. One of the three structures had failed because the fabric had ripped presumably under the weight of sediment.

The stock pile walls are very steep and although revegetation works have been undertaken, deep furrows have been eroded down the sides. While these furrows remain, it is difficult to see how the sediment load in surface runoff will be diminished.

The rest of the mine site drains to a series of three settlement dams. Much of the water draining from the mine site passes through settlement traps prior to reaching the dams. Some of the settlement traps were inspected during the site audit. Bund walls around the edge of the premises had recently been upgraded ensuring that mine site water runoff flows through the settlement ponds.

Site visit - 26 & 27 August 2004

The company had not undertaken repairs to the failed temporary filter structure at the time of these inspections. The water leaving the site now passes through either the train of three settlement ponds or one of the temporary filters.

Site visit – 26 October 2004

The temporary sediment trap had been repaired since the previous visits. Staff on-site advised that approximately 1500 plants had been placed on the land.

The fines from the temporary sediment traps had been deposited next to the traps. In the case of the eastern of the three sediment traps, this was within the 50 metre vegetated buffer. Tube stock had been planted in the emptied fines at the eastern sediment trap. The central trap fines and old geotextile had been left on the vegetation adjacent to the trap. The repaired/maintained structures already held significant amounts of sediment and it would appear evident (from the way vegetation was swept in one direction) that since repairs had been undertaken, water had overflowed around the edge of the eastern trap. This design of filter requires a lot of maintenance.

Condition 11 – Water Quality

All water treatment traps, bunds, sumps, detention and settling ponds are to be regularly maintained to minimise the discharge to the environment of total suspended dissolved solids and total suspended solids and to prevent siltation of surface streams.

Site inspection - 9 August 2004

On site traps and ponds inspected had sediment levels below the level of the outflow indicating that they are periodically inspected and emptied. The mine site staff member who accompanied the Shire staff indicated that the company EMS ensured regular inspection and maintenance of traps.

The temporary filters installed beneath the rock wall and main overburden stockpile appeared to require maintenance. One of these three filters had failed and was no longer functioning to filter and discharge water.

The company was advised of the audit both in writing and by word of mouth prior to it taking place. Despite this, the central temporary structure was dysfunctional.

Site visit - 26 October 2004

Sediment from the silt traps at the base of the rock wall would appear to have been deposited on the adjacent vegetation. All three temporary silt traps contained sediment levels below the brim of the geo textile. However, the need for vigilance in maintenance was made evident by the amount of sediment that had accumulated since the repairs were undertaken at the beginning of September. The structure was finally repaired in September 2004.

Condition 12 – Water Quality

Ensure that any water directly or indirectly discharged from the premises, shall not exceed the following concentration limits:

- a) 80 milligrams per litre for total suspended solids; and
- b) 5 milligrams per litre for oil and grease (hexane soluble).

Site inspection - 9 August 2004

Water samples were not taken during this audit of the mine site. However, the company provided water sample data from samples which they had taken during 2004. The levels of suspended solids exceeded 80 milligrams on the 21 May 2004 (160mg/l) and 2 July (290mg/l). While clearly in breach of this condition, these readings are an improvement on the 5200 mg/l recorded on 27 June 2003.

Continuing non compliance in relation to water quality in Manjedal Brook requires further investigation with a view to collecting information regarding the degree of non compliance with the condition. To this end, it is recommended that Shire staff gather independent water samples at a time when surface water is discharging from the mine site.

Site visit - 26 October 2004

Water samples had been taken on two occasions since the last site audit: 26 August and 27 August 2004. On the 26 August the Shire Environmental Officer worked with Department of Environment Officers to take water samples. The results of these samples gave levels of 44, 46 and 40 mg/l of total suspended solids at samples sites close to the point of discharge from the premise.

On 27 August, The Shire Environmental Officer repeated the water sampling with the following total suspended solid results: 510, 490 and 260mg/l at locations close to the premise discharge point.

During both water sample exercises, it appeared evident from the way vegetation was lying down and from erosion channels in the vegetated buffer between the mine and the brook that water had been discharging at a higher rates during heavy rain events.

Condition 13 – Water Quality

The quality of the water leaving the property is to be within 10% of the quality of water entering the land at all times.

The company provided data of samples taken by the company on 26 Feb 2004, 21 May 2004 and 2 July 2004.

On 26 February, levels of total dissolved solids at the western side of the property were more than 10% higher than the levels of total dissolved solids at the eastern side of the property.

On 21 May, levels of both total dissolved solids and total suspended solids were more than 10% higher than the levels of total dissolved solids and total suspended solids at the eastern side of the property.

On the 2 July, levels of both total dissolved solids and total suspended solids were more than 10% higher than the levels of total dissolved solids and total suspended solids at the eastern side of the property.

Site inspection - 26 October 2004

On 26 August the upstream levels of total suspended solids were 3, and 4mg/l and the down stream concentrations were 44,46 and 40mg/l. On 27 August, the upstream levels of total suspended solids were 38, 34 and 29mg/l and the down stream concentrations were 510, 490 and 260mg/l.

Both of these levels are order of magnitudes over the 10% requirement.

The company has failed to recognize the validity of this condition. In a letter from the company dated 25th October, they state:

“There is a requirement to report and launch investigation into water quality where upstream/downstream results vary by more than 10%. Your letter implies we have breached a licence condition however, a variation of 10% is not in itself a breach. We are not sure about the origins of this Licence conditions. A letter requesting clarification was sent to the Shire on 8 May 2003 but no reply was ever received. This is not a Ministerial or DEP Condition.”

This condition comes from the ANZEC Guidelines which recommend that there should be no more than 10% change to water quality.

Conditions 14 & 16 – Environment

“14. Maintain a vegetated buffer zone extending at least 50 metres either side of the Manjedal Brook. This buffer zone shall be defined by fencing or other suitable means by the 30 December 2004 to the satisfaction of the Shire.

16. The proponent shall ensure no vegetation is disturbed and stockpiled materials do not encroach into the Manjedal Brook within the Manjedal Brook buffer zone described in the EPA Licence Condition 41.”

The company has encroached within 50 metres of Manjedal Brook on the northern side. The encroachment narrows the buffer down to 38 metres and extends for a length of 60 metres along the brook. The encroachment took place two years ago when the new unapproved rock wall was built and the clay stock pile was remodelled. The fence or marking is yet to be put in place.

Condition 18 – General

Storage of 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) compound(s) 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.

The compound(s) shall:

- a) be graded or include a sump to allow recovery of liquid;
- b) be chemically resistant to the substances stored;

include valves, pumps and metres 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;

- i) 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);
- ii) 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
- iii) 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.

Although generally compliant with this condition, the company was requested in writing on 12 October to construct bollards and a hard stand area where vehicles fuel and unfuel. This has not been done and company representatives on site were not aware of plans to do so.

Condition 23 – Submission to technical documents

These documents were required to be submitted to the Shire 30 September 2004. The documents were not submitted to the Shire until 18 November. Staff have had not has sufficient time to review this report due to the late submission of the document by the landowners.

The requirement for other documents to be submitted in this condition, appears to not have been addressed in the new document submitted on 18 November 2004.

Conclusion

There are 8 conditions outstanding on the current extractive industry licence that has not yet been signed off by officers.

Council has previously resolved to grant an extractive industry licence for a period of six months until 30 June 2004 and a further licence for a period of six months until 31 December 2004.

It is recommended that the extractive industry licence be granted for a six month period until 30 June 2005, in accordance with the updated and revised licence conditions. However, should any conditions continue to remain outstanding at that time then Council may need to consider whether a further renewal is appropriate.

It is also recommenced that staff be authorised to discuss with the Shire solicitors the options for legal action in relation to the non compliant conditions under the current extractive industry licence.

Voting Requirements: Normal

P055/12/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Richards seconded Cr Hoyer

- A. The extractive industry licence be issued for granite extraction at Lot 344 South Western Highway, Whitby for a six month period expiring 30 June 2005 subject to the following conditions:**

PLANNING

- 1. The licensee is to submit an annual report to the Director Sustainable Development by 15 September 2005. (AD1)**
- 2. The licensee is to comply with all provisions of the Serpentine Jarrahdale Extractive Industry Local Law. (AD3)**
- 3. The main access road from South Western Highway to Lot 344 is to be sealed and maintained so as not to produce dust emissions.**
- 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 by 1 April 2005, a revised Water Management Plan for Director Sustainable Development approval and thereafter implement the approved revised Water Management Plan in its entirety. (WQ1)**
- 6. The licensee shall ensure that any discharge of water from areas that have been disturbed including excavation and processing areas, stockpiles, roads and access tracks and incompletely vegetated areas, other than directly to sewer or septic systems, shall be via treatment in silt traps, detention ponds, settling ponds or other effective mechanism to remove suspended materials. (W03)**

7. All water treatment traps, bunds, sumps, detention and settling ponds are to be regularly maintained to minimized the discharge to the environment of total suspended dissolved solids and total suspended solids and to prevent siltation of surface streams. (W04)
8. The Quality of water in Manjedal Brook at the western boundary of the site is to be within 10 percent of the Quality of water at the eastern boundary of the site.
9. Water samples are to be taken in accordance with the approved Water Management Plan at a minimum frequency of four times a year with at least two of those readings being taken within two hours after significant (25mm) rainfall events and are to be analysed for total suspended solids and for hydrocarbon concentrations at an accredited laboratory. (WQ7)
10. On receipt of water sample data which is non compliant with the target levels set out in conditions 8, 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)
11. The licensee is to ensure that there are no interruptions or obstructions to the flow of Manjedal Brook as a result of extractive industry site works, infrastructure, stockpiles, operations or site rehabilitation. (WQ9)

Biodiversity Management

12. The licensee shall prepared by 1 April 2005, 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)
13. Revegetation of forest, bushland and riparian habitats is to be:
 - a) With locally occurring native tree, shrub and groundcover 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 with at least 5 species established per 100m²;
 - d) Be managed adaptively to approximate the community structure of an agreed natural community reference site for as long as quarry activities occur on the site and for a minimum of three years after complying with the density target above; and
14. Revegetation of aquatic habitats is to be with locally occurring native sedges and rushes which are to be planted at a minimum density of 6 stems per square metre. (BM4)
15. The licensee shall control declared and environmental weeds throughout the site to the satisfaction of the Director Sustainable Development. (BM5)
16. The licensee is to maintain a 20 metre buffer along the western boundary of Location 344 South Western Highway. (BM6)
17. The licensee is to maintain a buffer zone extending at least 50 metres along either side of Manjedal Brook within which no vegetation is to be disturbed and no stockpile materials is to encroach.

Dust

18. The licensee shall prepare by 1 April 2005 a Dust Management Plan for Director Sustainable Development approval and thereafter implement the approved Dust Management Plan in its entirety. (D1)
19. 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)
20. The licensee shall ensure that all loads entering and 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

21. The licensee shall prepare by 1 April 2005 a Noise Management Plan for Director Sustainable Development approval and thereafter implement the approved Noise Management Plan in its entirety. (N1)
22. Site works including haulage is to take place only between the hours of 6am and 6pm Monday to Saturday. (N3)
23. Blasting is to only take place between the hours of 7am and 6pm. (N3)
24. The licensee must notify the Director Sustainable Development via facsimile 24 hours prior to each blasting being carried out on the site. (N4)
25. 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)
26. 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)
27. 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

28. 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)
29. The compounds described in condition 28 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 metres 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)
30. 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)
31. 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. (HC4)
32. 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 Serpentine Jarrahdale Shire representatives. (HC5)
31. The proponent shall ensure that no chemicals or potential liquid contaminants are disposed of on-site. (HC6)

Minimal Impact Management

33. 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)
34. Outside lighting is to be kept to a safe minimum and should be angled to minimize light impacts on neighbouring properties. (IMP2)

Engineering

35. The licensee shall submit by 1 April 2005 a report from a certified Geotechnical Engineer on the short, medium and long term stability of all non-operational stockpiles and bund walls. (ENG1)

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 8, "Quality" refers to the concentrations of total suspended solids, hydrocarbons and nutrients and heavy metals.**
7. **The Water Management Plan is to include text and diagrams that detail:**
 - a) **The designs and locations of pollution control infrastructure including traps, filters and bunds to meet water quality conditions;**
 - b) **Proposed management of existing natural water courses;**
 - c) **A water sampling programme describing the sample sites, and operation 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 10 is to detail the times, dates and locations of water samples, rainfall within the previous 24 hours 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 (condition 12) should include text and diagrams and is to:**
 - a) **Include a statement of biodiversity values within that area of the site that is on the northern side of Manjedal Brook;**
 - 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 site north of Manjedal Brook which can be placed as an overlay over a recent (since 2003) aerial photograph of the whole site;**
 - e) **Illustrate and describe land contours at proposed stages of the development including the current stage of 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) **Map the locations of, and identify both the types and magnitudes of weed infestations and describe weed management to be undertaken;**
 - h) **Locate on the map and describe all end point land uses and associated vegetation types for example forest, agricultural parkland cleared, visual screening, aquatic, industrial and riparian;**
 - i) **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;**
 - j) **Describe the community structures, species compositions and diversities of naturally growing reference communities;**

- k) Include a commitment to auditable completion criteria for vegetation in the different habitat types (including weed burden);
- l) Illustrate and describe the drainage proposed at different stages of quarry activities including what is proposed on completion of the quarrying activities;
- m) Locate fire breaks on the map (Include copies of any necessary State Government approvals for clearing).
- n) Describe stages and where possible, timeframes for proposed industry operation and site rehabilitation.

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 18).

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, crusher cover, 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 21)

12. The written report in relation to condition 27 is to detail the times, dates, non compliant blast parameters, the relevant Environmental Protection (Noise) Regulations 1997 and other limits prescribed in this licence, 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.

15. The geotechnical report refers generally to large structures which have already been rehabilitated, or the licensee plans to rehabilitate. It needs to address short (within five years), medium (20 years) and long term (50 to 100 years) time frames and should include for each structure:

- a) an assessment of overall stability in relation to slumping;
- b) the stability of individual components for example the likelihood and consequences of any boulder being dislodged from its current position on any rock wall;
- c) the stability of surface layers in relation to rates of erosion;
- d) engineering options to ensure the short, medium and long term stability if the geotechnical engineer considers any aspect of the structure to be unstable.

B. Council resolves to refer the potential breaches of Council's Extractive Industry Local Law identified within this report to Council's solicitors for assessment prior to making a recommendation to Council as to whether to undertake legal action.

CARRIED 6/3

Council Note: Minor amendment to Advice Note 11 - Noise – by adding the words “crusher cover”

Cr Kirkpatrick, Cr Scott and Cr Wigg voted against the motion.

Cr Simpson returned to the room at 8.12pm

P047/12/04 LOCAL STRUCTURE PLAN – LOTS 1 & 2 ALEXANDER ROAD & LOT 63 LARSEN ROAD, BYFORD (A0710)		
Proponent:	Gray and Lewis Planning Consultants	In Brief To consider a Local Structure Plan for a residential development within the Byford Structure Plan area. The development will result in the creation of approximately 700 residential lots, open space areas and small neighbourhood commercial areas. It is determined that the Local Structure Plan is satisfactory for adoption subject to modifications.
Owner:	Danti Kingsway Pty Ltd (Lots 1 and 2) and V Hicks (Lot 63)	
Officer:	Brad Gleeson - Manager Planning and Regulatory Services	
Signatures Author:		
Senior Officer:		
Date of Report	23 November 2004	
Previously	P021/09/04	
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	
Delegation	Council	

Owner:	Danti Kingsway Pty Ltd
Owner's Address:	7 Winchester Road, Bibra Lake 6163
Owner:	V Hicks
Owners Address:	Lot 63 Larsen Road, Byford 6122
Applicant:	Gray and Lewis Planning Consultants Suite 5, 2 Hardy Street, South Perth 6151
Date of Receipt:	11 May 2004
Advertised:	Advertised 13 October – 11 November 2004
Submissions:	13 submissions received.
Lot Area:	65.23 ha.
L.A Zoning:	Urban Development
MRS Zoning:	Urban and Urban Deferred
Byford Structure Plan:	Residential R20, district recreation, neighbourhood parks, neighbourhood node and new link roads.
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:	1 September 2004

Background

Council at its meeting held on 27 September 2004 resolved:

“P021/09/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price seconded Cr Richards

1. Council pursuant to Clause 5.18.3.2 of Town Planning Scheme No. 2 determines that the Local Structure Plan for Lots 1 and 2 Alexander Road and Lot 63 Larsen Road, Byford can be advertised for public comment, subject to the following:-
 - a) Preparation of a public open space schedule within the report to confirm the exact POS calculations for the LSP, including drainage areas with up to a 50% credit for such areas.
 - b) The LSP to be redesigned to incorporate additional areas of the POS that is required as a result of (i) above.
2. Pursuant to clause 5.18.3.5, the applicant be required to place a notice in a local newspaper circulating in the district giving notice of the Local Structure Plan being advertised for comment for a period of 28 days from the date of the notice.
3. The Shire:-
 - a) advise Government agencies and servicing authorities; and
 - b) give notice in writing to landowners;of the Local Structure Plan being advertised for comment for a period of 28 days from the date of the notice.
4. Prior to adoption of the Local Structure Plan, the applicant be required to:
 - a) undertake an environmental impact assessment relating to the removal of marri trees on the land and any impact on the red tailed black cockatoos. The findings of this study are to be submitted to the Shire for assessment by the completion of the advertising period; and
 - b) plans being submitted and Local Structure Plan being modified if necessary to provide an adequate intersection treatment at the Town centre distributor road and Larsen Road and at the intersection of Thomas Road and Alexander Road, to the satisfaction of the Director Asset Services.
 - c) Submit a Community and Economic Development Plan (CEDP) for the Structure Plan area, to the satisfaction of the Shire of Serpentine-Jarrahdale Chief Executive Officer. The CEDP is to include a Memorandum of Understanding (MOU) between the developer and the Shire of Serpentine-Jarrahdale relating to per lot contributions toward a Community Development Trust Fund to assist with the funding of a community infrastructure plan, community facilities and services, a framework and principles for provision, roles and responsibilities and management processes.
 - d) Prepare and submit development guidelines for the local structure plan area to the satisfaction of the Shire.
 - e) Prepare and submit a strategy for the provision of advanced telecommunication infrastructure to the local Structure Plan area to the satisfaction of the Shire.
5. The Western Australian Planning Commission be:
 - a) advised of Council's decision; and
 - b) requested to consider a minor variation to the Byford Structure Plan for medium density (R30) areas to be included on the plan in accordance with the draft Local Structure Plan submitted.

6. *The Western Australian Planning Commission be requested to amend the MRS to transfer land within the Urban Deferred Zone to the Urban Zone, for land the subject of this Local Structure Plan.*
7. *Subject to 2, 3 and 4 above to the satisfaction of the Manager Planning and Regulatory Services, a report be presented back to Council to consider adoption of the Local Structure Plan.*

CARRIED 8/1”

A copy of the Byford Structure Plan and the Local Structure Plan is with attachments marked P047.1/12/04.

Additional information required:

1. Public Open Space (POS) schedule

A POS schedule has been completed for the land. Based on WAPC policy, a total of 6.1758 hectares of POS is required to be provided.

The following areas of POS have been provided by the applicant:

District open space	4.0797 ha.
Local open space	0.6192 ha.
Multiple use corridor	1.5285 ha
Total	6.2274 ha

The net over provision of POS in the LSP area would appear to be 516m² in area.

However, staff are currently investigating the POS figures provided by the applicants. Although the POS calculations appear reasonably accurate, further clarification is required with the Department for Planning and Infrastructure (DPI) on how the POS calculations will be applied for this property. Specifically, clarification is required on the widths of the drainage areas, which is shown as waterway in the Byford Structure Plan and the Byford Urban Stormwater Strategy. A meeting will be held soon with officers at DPI in order to clarify this issue.

2. Advertising

A public notice was placed in the Comment News on 12 October 2004.

The LSP was forwarded to Government agencies and servicing authorities for comments. Letters were also sent to landowners adjoining and in the vicinity of the LSP area requesting comments on the plan.

A summary of the comments received is outlined in the Community Consultation section of this report.

3. Environmental Impact Assessment (EIA)

An EIA relating to the removal of Marri trees on the land and the impact on the Red-tailed black cockatoo's has been prepared by Bowman Bishaw Gorham. An assessment of this study by staff is included in the Community Consultation table (submission 6 – comment 1).

4. Traffic management issues

The applicant was required to modify the LSP to ensure an adequate intersection treatment at the Town centre distributor road and Larsen Road and at the intersection of Thomas Road and Alexander Road, to the satisfaction of the Director Asset Services.

The applicants consulting engineers Gilbert Rose Consulting Pty Ltd, have submitted design options for the treatment of Larsen Road and the town centre distributor road. It is proposed as an interim option to construct a small section of the distributor road within the LSP area and provide a connection to Larsen Road. These road works would only need to occur when the adjacent land is subdivided, however land will be provided for the ultimate intersection.

The Manager Asset Services advises that the interim option for treatment of roads in the vicinity of Larsen Road and future distributor road is acceptable. Further detailed engineering plans will need to be submitted for approval by the Shire, prior to subdivision occurring in this area.

The applicants also advise:

Due to the proximity of the rail crossing at Thomas Road it is proposed to remove the connection of Alexander Road to Thomas Road. This has been appropriately noted on the modified Local Structure Plan.

A copy of the options Larsen Road/ town centre distributor road intersection is included in attachments marked P047.2/12/04.

5. Development guidelines

The applicants have submitted draft Development Guidelines including Sustainable Living Criteria.

The development guidelines will apply to land within a Detailed Area Plan (DAP) as well as land outside the DAP areas. The design guidelines will ultimately be controlled under the Town Planning Scheme with the preparation of a Local Planning Policy (LPP). Until a LPP is prepared and formally adopted by Council under the provisions of the Town Planning Scheme, a legal agreement may need to be prepared in favour to ensure development is controlled in the first stages of the subdivision.

A copy of these Guidelines is included in attachments marked P047.3/12/04.

6. Community and Economic Development Plan (CEDP) and Memorandum of Understanding

The applicants advise:

The project manager, Mr Tony Anderson of Arbitrage Pty Ltd met with the Shire Officers on 14 October 2004 to discuss the requirements for the Community and Economic Development Plan. ***A Memorandum of Understanding has been prepared between Byford Central Pty Ltd and the Serpentine Jarrahdale Shire which commits the applicant to the development of a CEDP and is attached at P047.4/12/04.***

7. Advanced telecommunication infrastructure Strategy

The applicants advise:

"Discussion between Gilbert Rose Consulting Pty Ltd and the Shire officers indicate that Council's expectation is to provide "spare conduit" for possible (later) use by a communications carrier. Providing the cost is in the order of \$100-\$150 per lot such request could be accommodated.

Mr Gary Chappell has been appointed the Broadband Broker for the Peel Region. Mr Chappell will be approaching the developer to discuss the provision of broadband infrastructure by the developer at the time of subdivision."

8. Western Australian Planning Commission:

Discussions have occurred with officers at the Department of Planning and Infrastructure (DPI) in relation minor variations to the Byford Structure Plan to allow for medium density (R30) areas to be included on the plan, as shown on the draft LSP for this area. DPI has advised that the Byford Structure Plan does not need to be modified to show the medium density sites (R30). DPI is seeking to ensure that in the total Byford Structure Plan area, an overall minimum density of R20 is obtained.

One option is to allow for some areas of larger lots sizes in strategically located positions offset by pockets of higher density areas (R30) with lots sizes below the prevailing R20 density for the area. This means that a minimum density of R20 is maintained across the LSP area.

A notification can be placed on the LSP to ensure that a minimum average density of R20 is maintained over all lots.

The WAPC was also requested to amend the Metropolitan Region Scheme (MRS) to transfer land within the Urban Deferred Zone to the Urban Zone, for land the subject of this Local Structure Plan. The WAPC is currently considering this matter and the LSP can be considered for final approval even without the zoning changes being completed to the MRS.

Sustainability Statement

Effect on Environment:

The applicants advise:

“The Vision for the project is to create a sustainable living environment which is responsive to the physical character of the site and provides an urban form conducive to the creation of a traditional neighbourhood incorporating a range of residential, community and recreation facilities within a highly interconnected and extensively landscaped street pattern.

The core objective is to maximise community formation by creating an integrated land use pattern in a manner that generates social, economic and environmental opportunities and reflects the principles of sustainability.”

The land has been predominately cleared and used until recently as a dairy farm. A number of farm buildings exist on the lot and a residence is situated on Lot 63.

The applicants advise that an environmental assessment of the property has been undertaken by Bowman Bishaw Gorham.

Landscape Master Plan

The master plan has been prepared for landscape treatment concepts for the Thomas Road drainage swale and district open space. The major elements of the master plan are:

- Use of mostly native Western Australian species with a limited use of deciduous trees, mainly around seating and/or recreation areas to provide for winter sun/summer shade.
- A main oval and various smaller recreation spaces adjacent to the oval.
- Shallow drainage basins around 3 sides of the park will resemble recreated damplands, planted with indigenous trees, shrubs and groundcovers up to one metre in height.
- The regional drainage swale along Thomas Road will be planted with indigenous species to create the impression of an ephemeral water course.
- The multiple use corridor will be revegetated with groves of indigenous trees to establish a grassed woodland character.

Staff comment:

The landscape master plan will be reviewed by staff as part of the assessment of the subdivision application. A separate report will be presented to Council for assessment of this plan.

Resource Implications:

An outline of the drainage strategy and filling that was proposed for this land was outlined in the report to Council in September 2004. The specific details of the stormwater management system will be assessed by staff at the subdivision approval stage and when clearing subdivision conditions. The applicant has demonstrated a good understanding of the Shire's objectives relating to stormwater management in Byford and has implemented these principles in the LSP.

Use of Local, renewable or recycled Resources:

The development maximises the amount of stormwater that can be retention on-site and demonstrates best practice in drainage design.

Economic Viability:

The applicants advise:

"Whilst there is currently no bus route servicing the subject property bus routes are planned for Thomas Road, Larsen Road, the east-west and north-south access roads. The bus services will be provided as demand requires as determined by Transperth."

"One of the fundamental principles of the BSP is to provide an effective pedestrian/cycle system to encourage non vehicular trips. The dual use path network relates closely to the main access street road structure defined on the LSP. In addition to the dual use path network, pedestrian paths will be provided on at least one side of the internal local road network."

The Shire will incur ongoing costs in the future for the maintenance of areas of public open space, roads and drainage infrastructure. The developers generally reach agreement with local government to maintain the POS for a period of two years after they are developed.

Economic Benefits:

The applicants advise:

"A neighbourhood node is proposed at the centre of each of the two walkable catchments as identified in the BSP at the intersection of Thomas Road and the main distributor road at the northern end and Larsen Road and the main distributor road at the southern end. The primary objective of the neighbourhood node is to establish a focal centre for the localised community."

"The neighbourhood nodes could incorporate "corner stores" with floor areas of between 100m² and 200m² net leasable area. Alternatively other uses such as a medical centre, day care centre or other community facilities and the like may also be considered. The uses will be determined at the subdivision application and development approval stage."

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

The development predominately caters for the sector of the market seeking single houses on individual lots. The LSP incorporates some areas of medium density housing that would provide housing choice for different sectors of the market.

The developer has given a commitment to ensure a quality development is achieved on their land in Byford.

Statutory Environment:

Metropolitan Region Town Planning Scheme Act.
Metropolitan Region Scheme
Town Planning Scheme No. 2
Byford Structure Plan

Metropolitan Region Scheme (MRS)

Most of the subject land is zoned Urban in the MRS, except for a small portion of Lots 2 and 63 which is zoned Urban Deferred adjacent to the trotting complex. An amendment is required to the MRS to transfer land within the Urban Deferred zone to the Urban zone.

Thomas Road is reserved as Other Regional Roads in the MRS. A reservation extends into Lot 1 by 20 metres along the length of the property. This land is shown on the LSP as road widening.

Town Planning Scheme No. 2

Town Planning Scheme No. 2 (TPS 2) establishes the statutory framework to facilitate the planning and subdivision of the land in the Urban Development zone by:

- introducing a procedure for the preparation and adoption of structure plans; and
- introducing development contribution area provisions for the equitable sharing of costs for essential services and urban infrastructure

1. Developer contributions

Consultants have recently been engaged by the Shire to prepare a development contribution plan for the BSP area. This study should be completed by February 2005 and will necessitate an amendment to the Town Planning Scheme.

Clause 5.18.1.5 of the scheme states:

“Where a Development Contribution Plan is necessary but is not in effect, the local government may support subdivision or approve development where the Owner has made other arrangements satisfactory to the local government with respect to the Owner’s contribution towards the provision of Infrastructure in the Development Contribution Area.”

It is proposed to reach negotiated agreements with developers in the Byford area in respect to developer contributions until such time as the necessary infrastructure funding mechanism is in place in the Scheme. A legal agreement will need to be prepared and entered into between the developer/landowner and the Shire at the time of considering a subdivision application for the land.

2. Adoption of Local Structure Plan (LSP)

Clause 5.18 of TPS 2 makes provision for the preparation of structure plans and detailed area plans. The procedure for adoption of this LSP is required to be in accordance with clause 5.18.3 of the Scheme which specifies timeframes for advertising the plan, consideration of submissions by Council and referral of the recommendation to the WAPC.

The Scheme requires that within 60 days of the completion of the advertising period, Council is to either:

- (a) adopt the Proposed Structure Plan with or without modifications; or
- (b) refuse to adopt the Proposed Structure Plan and give reasons for this to the Proponent.

Within 21 days of the Council making its determination of the LSP, the Shire is required to forward to the WAPC:

- (a) a summary of all submissions and all comments received by the local government in respect of the proposed structure plan, and the local governments decisions or comments in relation to these;
- (b) the local government's recommendation to the WAPC to approve, modify or refuse to approval the LSP; and
- (c) any other information the local government considers may be relevant to the WAPC consideration of the proposed LSP.

The WAPC is required to either:

- (a) grant approval to the Proposed Structure Plan with or without modifications; or
- (b) refuse to approve the Proposed Structure Plan and give reasons for its decision to the Proponent and the local government.

Policy/Work Procedure

Implications:

Local Planning Policy No. 6 – Water Sensitive Design
Byford Urban Stormwater Management Strategy

Financial Implications:

Future ongoing costs to the Shire to maintain new areas
eg POS, roads etc.

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.
- 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.
- 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.

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

Strategies:

1. Improved freight, private and public transport networks.

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

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

Support/Object: 13 submission received

Affected Property	Summary Submission of	Officer's Comment	Action (Condition/ Support/ Dismiss)
Submission 1 - Public Transport Authority	No objection. Request the developer to take into consideration the proximity of the railway and construct buildings and dwellings in a manner that will ameliorate the affects of noise and vibration. When the proposal is formally referred from the WAPC, we may impose a condition requiring a memorial (or similar) be placed on the titles regarding the effects of noise and vibration.	At the time of subdivision, a condition can be imposed on the titles of these lots abutting the railway advising that they will be effected by noise and vibration. It may be prudent to require a noise assessment to scientifically determine the extent of lots to which the notification should apply.	Condition to be included on the subdivision approval.
Submission 2 – Western Power	No objection. The cost of any change to the existing power system will be the responsibility of the developer.	Noted	Comments noted.
Submission 3 - Department of Environment (DoE)	No objection subject to the following conditions: 1. Environmental Protection (Peel Inlet – Harvey Estuary) Policy 1992 The subject site is located within the policy area and is subject to this Policy.	1. Conditions will be imposed on the subdivision to ensure compliance with this policy.	Condition to be included on the subdivision approval.

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Dismiss)
	<p>2. Statement of Planning Policy No. 2 – Peel Harvey Coastal Plain Catchment</p> <p>The subject site is located within the policy area and is subject to this Policy.</p> <p>3. Drainage, Nutrient and Irrigation Management Plan (DNIMP)</p> <p>The preparation of a DNIMP to the satisfaction of DoE.</p> <p>4. The following advice is provided:</p> <p>Groundwater Allocation</p> <p>The property is located in the Serpentine Groundwater area where there are issues of groundwater quality and availability. The proponent is advised to seek advice from DoE Mandurah office concerning groundwater usage for the areas of public open space and any proposed dewatering or dust suppression operations. A licence will be required before groundwater abstraction can commence and will contain a number of conditions, which are binding on the proponent.</p>	<p>2. Conditions will be imposed on the subdivision to ensure compliance with this policy. The Byford Urban Stormwater Strategy has been designed to ensure compliance with the water quality criteria of these policies. The applicant must design their stormwater treatments to meet the Strategy water quality and quantity targets.</p> <p>3. This will be imposed as a condition of subdivision. Extensive studies have already been undertaken for the property ie drainage.</p> <p>4. Applicant to be advised as an advice note on the subdivision. The Shire must be sure that any groundwater licences are issued in the Shire's name and located within land owned or vested in the Shire.</p>	
Submission 4 - Water Corporation	<p>1. Water</p> <p>A supply of reticulated water is available for development of this area by an extension from the existing scheme at the developers cost.</p> <p>2. Sewerage</p>	<p>1. Comments noted.</p> <p>2. Comments noted.</p>	Comments noted.

Affected Property	Summary Submission of	Officer's Comment	Action (Condition/ Support/ Dismiss)
	<p>Subdivision of the area will require reticulated sewerage in accordance with the Government Sewerage Policy. Connection to the reticulated sewerage system is available at the developers cost. Providing the permanent connection is secured to the Corporations satisfaction temporary staging options may be considered once development plans have been finalised.</p> <p>3. Drainage</p> <p>The area will require a drainage scheme to the Corporations satisfaction once the development has been finalised. The drainage scheme is fully developer funded.</p>	<p>3. Comments noted. The drainage scheme would need to be consistent with the Byford Urban Stormwater Strategy.</p>	
Submission 5 - Kevin Murphy	<p>Submission of an amended plan of subdivision that has improvements to obtain the Shire objectives regarding energy sensitive placement of dwellings to achieve solar efficiency.</p> <p>A copy of the submission is with the attachments marked P047.5/12/04.</p>	<p>The Manager, Sustainability Unit advises:</p> <p>The current proposed layout of the LSP has approximately 60 % of streets aligned north/south and east/west. The remainder of the streets are located on a grid layout at 45' to the north/south grid. This whole subdivision is laid out in accordance with liveable neighbourhoods with good connectivity, centrally located POS with good walking catchment and integrated stormwater management into the urban fabric. The lots not located within the recommended solar passive design principles of 20' north and 30' south of true east and 20'west and 30'east of true north are still located within a connected grid and are uniform in their grid</p>	<p>Conditions to be included on the subdivision approval.</p>

Affected Property	Summary Submission of	Officer's Comment	Action (Condition/ Support/ Dismiss)
		<p>layout.</p> <p>To achieve solar passive housing, attention will have to be paid to the house design or house selection to ensure living areas can face north. As the lot layout proposed will require more attention to house design it is important that therefore it is a condition of approving the LSP that we ensure that solar passive design is achieved. This can be done through conditioning subdivision and subsequent planning and building approvals to have houses with living areas facing north as a condition of approval.</p> <p>This in addition to the development of a sustainability scorecard or equivalent requiring owners to select additional initiatives they will implement, that could also be considered. This is currently a requirement of development within the townsite under the DAP.</p> <p>Based on liveable neighbourhoods it is possible to achieve solar passive design with the 45' angles if the housing design is controlled. The following minimum lot frontages (based on information supplied by SEDO) should be achieved:</p> <p>Blocks street frontage facing North: 23 metre minimum width Blocks street frontage facing East or West: no minimum width Blocks street frontage facing South: 15 metres minimum width Blocks street frontage facing Diagonal: 17 metre minimum</p>	

Affected Property	Summary Submission of	Officer's Comment	Action (Condition/ Support/ Dismiss)
		<p>width</p> <p>This allows a minimum of 4stars which is large (4 stars) solar access potential.</p> <p>The alternative is to have 3.5 stars and the following minimum lot frontages (based on information supplied by SEDO):</p> <p>Blocks street frontage facing North: 15 metre minimum width</p> <p>Blocks street frontage facing East or West: no minimum width</p> <p>Blocks street frontage facing South: 15 metres minimum width</p> <p>Blocks street frontage facing Diagonal: 13 metre minimum width</p> <p>This alternative allows a minimum of 3.5 stars which between moderate (3 stars) and large (4 stars) solar access potential</p> <p><i>Recommendation:</i></p> <p>Support the layout as it addresses a range of sustainability issues and is designed to achieve a strong community with access and stormwater management being strong focuses. In regards to ensuring solar passive design within the development it is recommended that the provisions for solar passive housing equivalent to those for the Byford Townsite as set out in the Detail Area Plan are conditioned for this Local Structure Plan and are therefore required for subsequent subdivision applications and where applicable, as part of planning and building</p>	

Affected Property	Summary Submission of	Officer's Comment	Action (Condition/ Support/ Dismiss)
		<p>approvals. These are:</p> <p>New dwellings are to be orientated to provide all living areas (those other than bedrooms, toilets and laundries and passageways) with winter sun access to the north.</p> <p>All new two storey dwellings shall submit shadow diagrams for winter solstice (21 June 9am, 12pm and 3pm) to demonstrate that the proposal will not negatively impact on the solar access of an adjoining property.</p> <p>All north facing glazed areas to be shaded by eaves or awnings or other permanent shade device extending between 0.4 and 0.7 times the height of the glazed area measured from the bottom of the glass to the lowest point on the eave, awning or shade device.</p> <p>It is also recommended that the design guidelines within the local structure plan that state that they may be appropriate should be conditioned to be designed and implemented as a requirement for all subdivisions and subsequent approvals. These should set out a range of sustainability initiatives including energy, water and waste initiatives and have a minimum of 4 initiatives to be used. The alternative is that the design scorecard adopted as part of the Byford DAP be required for this LSP.</p> <p>It is also recommended to have the following minimum lot frontages (based on information supplied by</p>	

Affected Property	Summary Submission of	Officer's Comment	Action (Condition/ Support/ Dismiss)
		<p>SEDO): Blocks street frontage facing North: 23 metre minimum width Blocks street frontage facing East or West: no minimum width Blocks street frontage facing South: 15 metres minimum width Blocks street frontage facing Diagonal: 17 metre minimum width</p> <p>This allows a minimum of 4 stars which is large (4 stars) solar access potential. This is recommended to overcome the limitations of the 45' angles street grid in regards to solar access.</p> <p>It is important to note that there is potential for the WAPC to reject the requirement for four stars in favour of smaller frontages and a lesser rating.</p>	
Submission 6 – Byford Community Development Link	<p>As a community organisation we would like to comment on the development and make the following observation:</p> <p>1. Given that the red tailed and white tailed cockatoos are endangered and that they rely for their survival on the native vegetation we believe it is essential that the development retains the marri gums and West Australian Christmas trees that grow within the effected area. We also believe that this can be achieved without loss of commercial return to the developer.</p>	<p>1. The environmental impact assessment was submitted by the applicant for review. The study gives a description of the red tailed black cockatoos in regards to their current and historical range, feeding requirements, breeding and nesting requirements, conservation status and local habitat opportunities.</p> <p>The report states that the red tail black cockatoo is listed as not threatened by Department of Conservation and Land Management. In separate research it has noted that the species is</p>	<p>Condition to be included on the subdivision stating:</p> <p>1. Feeding trees need to be mapped for the stands for vegetation in the north, north west and western areas of the site that are to be in the urban development areas. These are to be provided with subdivision applications for this precinct with the feed trees marked</p>

Affected Property	Summary Submission of	Officer's Comment	Action (Condition/ Support/ Dismiss)
		<p>listed as near threatened by Garnett and Crowley (2000), based on a significant and continuing decline in abundance in over 50% of its former range of occupancy and/or extent of occurrence. Our research has shown that there are three forms of Red Tailed Black Cockatoo in Western Australia. Only the Forest Red Tailed Black Cockatoo is threatened.</p> <p>The report discusses the cockatoo in regards to regional habitat opportunities and states that there is a significant amount of habitat land in the south west region as well as within the Byford region with CALM lands as well as State Forest and Timber Reserve. It has surrounding habitat opportunities as bush forever sites (5-10 sites) and considering the large urban development that will take place in Byford these are not significant in area.</p> <p>The study focuses on the breeding and nesting requirements and does not look at the feeding needs of the cockatoo within Byford in the current and future urban development context. In the future the need for feeding trees will be greater with the increased urban development and subsequent loss of feeding trees.</p> <p>The report concludes that the removal of the 150 Marri trees of site will not affect the local Red Tail Black Cockatoo population for the following reasons: (a) There is significant nesting areas in the region; (b) The trees are not at the</p>	<p>on an aerial with the subdivisional pattern overlaid. Feeding trees are to be retained and protected within road reserves where feasible and public open space.</p>

Affected Property	Summary Submission of	Officer's Comment	Action (Condition/ Support/ Dismiss)
		<p>size used for nesting; (c) Significant fill is required for urban development in alignment with the Stormwater strategy; and (d) New Marri will be planted in Public Open Space</p> <p>In reviewing the report and the conclusions there are a number of problems with the basis for the conclusions and they are:</p> <ol style="list-style-type: none"> 1. Feeding is a larger issue for the species in the Byford area rather than nesting. As urban development increases within the Perth and South West region areas for feeding whilst travelling between nesting areas are decreasing placing pressure on the species. 2. The report notes that the average age of nesting trees is 233 years and thus it is important to protect trees in existence rather than constantly removing and replanting 3. Fill is mentioned as a reason for not retaining trees. Fill is only required on lots not within road reserves or POS. There is therefore the potential to adjust or design road reserves to encompass some of the remaining Marris that are identified as feeding trees. <p><u>Recommendation:</u></p> <p>Feeding Trees need to be mapped for the stands for vegetation in the north, north west and western areas of the site that are to be in the urban development areas. These are to be provided with subdivision applications for</p>	

Affected Property	Summary Submission of	Officer's Comment	Action (Condition/ Support/ Dismiss)
	<p>2. Are there going to be water retention basins within the POS.</p> <p>3. We do not agree with lot sizes as small as 333m² unless the dwellings on those lots are units or townhouses ie common walls. If the minimum house size that is allowed is still 110m² we would consider this too small and not appropriate for the Byford area.</p> <p>4. We note that there was a limited catchment area for written notification for advertising for public comment. This process should have been extended to include those landowners affected by the closure of Larsen Road.</p>	<p>this precinct with the feed trees marked on an aerial with the subdivisional pattern overlaid. Feeding trees are to be retained and protected within road reserves where feasible and public open space.</p> <p>2. The central area of POS will have shallow, vegetated retentions basins. There will be no permanent water bodies in the POS other than the creekline in the multiple use corridor.</p> <p>3. It is considered desirable to ensure that there are a range of lot sizes in a subdivision to cater for a range of housing types. The small lots at the R30 density (average 333m²) are known as cottage lots. These lots can accommodate grouped or aged person dwellings or a single house. The dwellings could either have walls with a nil setback or walls setback from the boundary.</p> <p>There are no restrictions on the minimum size of a residential dwelling, as a dwelling may be a single room eg aged person dwelling. There is a restriction in the scheme for houses in the Farmlet zone to be a minimum of 110m²</p> <p>4. Consultation with the local community has occurred in accordance with the requirements of the Town Planning Scheme. Letters were sent to a number of landowners adjoining or located nearby to the LSP. Letters were not sent to all residents in Larsen Road as the proposed future road closure of Larsen Road was</p>	

Affected Property	Summary Submission of	Officer's Comment	Action (Condition/ Support/ Dismiss)
	<p>5. What separation will there be between the new distributor road and the Marri Grove primary school. How will people access the school from the west, particularly children walking or cycling.</p> <p>6. What will the use of the land be when Larsen Road is closed.</p> <p>7. The ownership of cats within the proposed area should be seriously considered. Cats should not be allowed unless the owner can keep them within their own property. There are still remnant species of native animals in the area, largely protected by isolation,</p>	<p>included as part of the Byford Structure Plan that was developed by Council over a number of years and the subject of public consultation at that time.</p> <p>However, comments in relation to the method and extent of public consultation are noted and are currently being reviewed by the Planning Services.</p> <p>5. The proposed distributor between Thomas Road and the town centre runs adjacent to the corner of the Marri Grove Primary School. Evans Way separates the school from this road, but a portion of the new road abuts the corner of the school. When the road is constructed in the future, detailed designs will need to be submitted to incorporate safe crossing points for pedestrians and cyclists from west to east.</p> <p>Notation 3 of the BSP specifies that the intersection treatment of Thomas Road deviation and Larsen Road is to be reviewed as part of the Local Structure Plan.</p> <p>This plan has been completed and a notification can be placed on the LSP requiring Shire approval for the intersection design prior to subdivision being supported on the adjoining land.</p> <p>6. The future use of the closed section of Larsen Road is not known at this time. The land could be sold to an adjoining landowner or left as road reserve or POS.</p>	

Affected Property	Summary Submission of	Officer's Comment	Action (Condition/ Support/ Dismiss)
	and if predators are introduced the populations will be completely decimated.	<p>7. The Council currently does not have any local laws that restrict domestic cats. There is however a provision in Council's Town Planning Scheme requiring cats not to be kept in the Chestnuts in Jarrahdale but none for residential areas. The restriction of cats in a residential environment is not supported.</p> <p>Dogs are controlled by the Dog Act and Shire Local Laws.</p>	

Submission 7 - Val Hicks Lot 63 Larsen Road, Byford	No objection. The road layout over my lot may slightly change due to the location of a new house I propose to construct on the land.	The location of the new house will need to ensure that it does not impact on the location of future roads.	Comments noted.
Submission 8 – G & L Hutchins 34 Kentucky Drive, Darling Downs	<p>Wish to raise some points that concern us regarding this development</p> <p>1. We have a Council easement within our property and are concerned that any increase in water flow will cause flooding to our property.</p> <p>2. Will there be any restriction on domestic animals mostly cats and dogs as we have wildlife on our land and are concerned that without proper animal control fauna will be destroyed.</p> <p>3. What effect will numerous bores have on the water mound.</p>	<p>1. All stormwater will be treated onsite and ultimately drained into the multiple use corridor or swale along Thomas Road. The engineering designs for the estate will ensure that there is no flooding of private land within standard return events.</p> <p>2. Refer Submission 6, comment 7 above.</p> <p>3. The Shire cannot advise on what effect this development will have on the local domestic bores. The DoE advise that there is currently problems with groundwater availability in the</p>	Comments noted. Conditions to imposed on the subdivision relating to dust.

	<p>4. Will traffic lights be installed at the corner of Thomas Road and South Western Highway as this intersection is already busy.</p> <p>5. Will there be dust and noise controls.</p> <p>6. Are there any plans for increased education facilities as population increases.</p> <p>7. Are there any plans for playgrounds and parks in the estate.</p> <p>8. Will there be any effect on our property eg loss due to roadworks.</p>	<p>area. Residential bores are currently not licenced by the DoE.</p> <p>4. The Manager Asset Services advises that Main Roads WA have proposed traffic lights to be placed at this intersection. The timing of the traffic lights is not confirmed but is anticipated to occur in conjunction with the completion of the extension of the Tonkin Highway to Byford.</p> <p>5. The developer is required to ensure that there are no dust problems generated during the subdivision works on the land. This can be placed on the subdivision approval as condition</p> <p>There will be some noise generated during the subdivision works on the land eg truck movements, earthworks etc. Some noise from the site will be unavoidable but must be within limits required by legislation and it is likely a construction noise management plan will be required.</p> <p>6. No new schools are proposed in the LSP area as Marri Grove Primary School is located adjacent to the site, on Larsen Road. Over time, a number of new primary schools and a high school will eventually be built in the Byford Structure Plan area. The timing of new schools is at the discretion of the State Government.</p> <p>7. Parks, playground and a sports oval are all included in the LSP.</p> <p>8. Thomas Road will be widened on the southern side and does not effect any other private landowners.</p>	
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<p>Submission 9- J & S White Lot 61 Briggs Road, Byford</p>	<p>1. Retain the marri gums for endangered red tailed and white tailed cockatoo's.</p> <p>2. Retain indigenous vegetation including marri gums and WA Christmas trees.</p> <p>3. Not allow planting of non WA trees in POS or any road verges.</p> <p>4. The ownership of cats should be seriously considered. Now is the time to form policies regarding this issue. Cats should not be allowed in the subdivision as there are still remnant species of native animals within the area, largely protected by their isolation. If predators are introduced then their numbers will be decimated.</p>	<p>1. Refer to submission 6, comment 1 above.</p> <p>2. Refer to submission 6, comment 1 above.</p> <p>3. The landscape master plan that is considered by Council will ensure that local native or WA species are predominately used. For example, as a park feature tree Jacarandas will be permitted (but will not be permitted as a street tree) because of their long association with Byford.</p> <p>4. Refer to submission 6, condition 1 above.</p>	<p>Comments noted.</p>
<p>Submission 10- T Thorp 38 Larsen Road, Byford</p>	<p>1. Petition submitted from all residents on the south side of Larsen Road.</p> <p><i>A copy of the Petition is included in Attachments marked P047.6/12/04.</i></p> <p>2. Concerned not all residents on Larsen Road were notified of the proposal.</p> <p>3. What consideration has been given to the effect of children attending the local primary school and what effect will it have on Larsen Road residents.</p>	<p>1. Noted.</p> <p>2. Refer to submission 6, comment 4 above.</p> <p>3. Refer to submission 6, comment 5 above.</p> <p>4. The Byford Trotting</p>	<p>Comments noted.</p>

	<p>4. The buffer zone around the trotting complex is zoned urban deferred. The buffer zone was approved by Parliament in 1995 to be at least 200 metres wide. The buffer zone has been reduced to around 80 metres in some places. My objection is the same as based on the arguments as detailed in Parliament in 1995.</p> <p>5. No mention is made of the red tailed black cockatoo's. What effect will this development have on the birds regularly seen in the area. What is proposed by the developer to protect this endangered species.</p> <p>6. The public notice was placed in the local paper</p>	<p>complex is surrounded by a 200 metre wide buffer of Urban Deferred zoned land. In 1995, the Minister for Planning advised local residents that the urban deferred zone is to address the interface between equestrian activities and adjoining land uses. He also advised that there was a requirement to undertake comprehensive detailed planning to establish an appropriate transition area to future urban development.</p> <p>The Shire of Serpentine – Jarrahdale is responsible for progressing local structure planning and zoning proposals for the area in consultation with the community. The Byford Structure Plan was completed and incorporated the 200 metre buffer in the following way:</p> <p>(a) A 200 metre buffer was included on the northern side of Larsen Road and rural residential zone shown. This provided for 4000m2 lots.</p> <p>(b) Within the LSP, a multiple use corridor and the proposed distributor road is shown in the Byford Structure Plan to a width of 150 metres from the corner of the nearest trotting complex lot. The approved Byford Structure Plan does allow for some residential lots within a portion of the 200 metre wide urban deferred buffer area.</p> <p>5. Refer to submission 6, comment 1 above.</p> <p>6. The ad in the local</p>	
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	stating objections to be lodged no later than 31 October 2004. There was some confusion in the community about the time frame as advertised as the letters to residents stating submission closed 11 November 2004.	newspaper stated that submissions were to be received by 31 October 2004. Due to a delay in sending the letters to the surrounding landowners the close of submission date was extended to 11 November 2004. Some residents queried this and were advised that the submission date was 11 November.	
Submission 11 – B. Duncan 34 Larsen Road, Byford	<p>1. Main concern relates to the erosion of the buffer zone surrounding the trotting complex. This matter was vigorously debated in Parliament to provide protection for residents to the complex and to allow a harmonious existence of all residents.</p> <p>2. Noise pollution will occur due to the horse industry traditionally leaving early in the morning for early morning track work. Trainers will be returning to stables after race meetings in the evening. Concerned ratepayers money will be being used by Council staff to address noise complaints from urban dwellers. There is the potential to consider placing a notification on the title of lots less than 200m from the Trotting Complex Area advising of potential impacts of the activities at subdivision stage.</p>	<p>1. Refer to submission 10, comment 4 above.</p> <p>2. Some noise complaints may be received from future residents in the area, but the nearest house is 150 metres away from the edge of the nearest trotting complex lot. If noise complaints are received, they will be investigated against the Environmental Protection (Noise) Regulations 1997.</p>	Condition to be considered at subdivision stage
Submission 12 – R Sutherland	<p>As a horse trainer and past president of the Byford Trotting Training Complex during the 1995 submission to the WAPC, I am concerned with several areas of the plan.</p> <p>1. It appears the buffer zone surrounding the horse complex is being eroded. Our committee</p>	<p>1. Refer to submission 10, comment 4 above.</p>	

	<p>vigorously defended the buffer zone when it was debated in Parliament in 1995.</p> <p>2. The complex has trotting and race horses and many equestrian type people. There are between 1,500 and 2000 horses in the area and the trotting tracks accommodate up to 200 horses per day. Will the area be decimated by population as has happened in other areas eg Wanneroo, Guildford, Cannington, Kelmscott, Armadale, Fremantle and Jandakot. Dogs, children, joggers and traffic do not successfully coexist with horses.</p> <p>3. It is ludicrous to close Larsen Road and only notify 3 or 4 residents on this road. Request an extension of time to allow all residents in Larsen Road to be given the chance to comment on the plans.</p> <p>4. Where will the protected species of red tailed black cockatoo's go.</p> <p>5. Should a main road be permitted adjacent to the Marri Grove Primary School near children.</p>	<p>2. Planning for the area has retained the Byford trotting complex as a rural zone in the Metropolitan Region Scheme and Town Planning Scheme to ensure the land is protected. The Byford Structure Plan was designed to ensure there is adequate separation between rural uses and urban uses to minimise or eliminate any adverse conflicts with the future urban population.</p> <p>3. Refer to submission 6, comment 4 above.</p> <p>4. Refer to submission 6, comment 1 above.</p> <p>5. Refer to submission 6, comment 5 above.</p>	
Submission 13 – Byford and Districts Country Club	<p>Proposal has been submitted on behalf of the Byford and Districts Country Club regarding the relocation of the club to an alternative location. The submission proposes the use of a portion of the 4 hectare area of POS shown in the LSP.</p> <p>A copy of the submission is included in the attachments</p>	<p>The proposal to relocate the Country Club is considered an issue that cannot be resolved as part of the assessment of the LSP.</p> <p>The 4 hectare area of district POS will incorporate a small oval for use by a variety of sports. The balance of the POS will contain playgrounds and extensive areas of native vegetation. There is insufficient land within the</p>	<p>Submission be dismissed as this proposal cannot be considered at this time.</p> <p>The Club will be requested to arrange a separate meeting with Council officers to discuss their</p>

	numbered P047.7/12/04.	POS area to incorporate a separate sports club with buildings, car parks and the bowling greens. This proposal should be the subject of further discussions between the applicant and Council officers. The preferred location identified by staff for the bowling club (if relocated) is Briggs Park.	submission and alternative locations.
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Comment:

The DPI has advised that it will only impose Detailed Area Plans (DAP) over certain areas within an LSP area where it is deemed that development should be controlled. These areas include grouped housing areas, small “cottage” lots, commercial areas etc. In the likely absence of a DAP over most of the R20 single residential lots, controls need to be put in place to ensure development is controlled to appropriate standards.

Subdivision application (stage 1)

The applicant has recently lodged a subdivision application with the WAPC for stage 1. This will create 133 lots from smaller cottage lots of 350m² to approximately 615m². Two larger lots on Larsen Road are shown as neighbourhood node lots.

A copy of the subdivision plan is with the attachments marked P047.8/12/04.

Conclusion

The Local Structure Plan has been reviewed by staff and aligns with Council’s vision for sustainable communities. It is recommended that the Local Structure Plan be adopted subject to modifications and then forwarded to the WAPC for adoption.

Voting Requirements: ABSOLUTE MAJORITY

Cr Richards left the meeting at 8.15pm.
Cr Richards returned to the meeting at 8.18pm.

P047/12/04 Committee/Officer Recommended Resolution:

1. The Local Structure Plan be modified as follows:
 - a) a notification be placed on the plan to advise that no access to Thomas Road will be permitted from Alexander Road.
 - b) a notification be placed on the plan to ensure that the final design of the intersection of the distributor road and Larsen Road is to be approved by the Shire at the time of subdivision of the adjoining land.
 - c) a notification be placed on the plan advising that an overall minimum average density of R20 is maintained over all lots in the Local Structure Plan area.
 - d) the structure plan be modified to incorporate additional areas of public open space (if required) following discussions with the Department for Planning and Infrastructure to clarify the POS figures in relation to drainage areas (waterway) identified in the Byford Structure Plan and Byford Urban Stormwater Strategy.
2. Payment of the planning fees associated with the structure plan are to be paid prior to the referral of the Local Structure Plan to the WA Planning Commission.

3. The developer signs the Memorandum of Understanding with the Shire as *attached at P047.4/12/04* and commits to the development of a Community and Economic Development Plan (CEDP) for the Structure Plan area and a telecommunications strategy prior to December 2005.
4. Subject to 1, 2 and 3 above, Council pursuant to Clause 5.18.3.7 of Town Planning Scheme No. 2 adopts the Local Structure Plan for Lots 1 and 2 Alexander Road and Lot 63 Larsen Road, Byford and forwards the Plan to the WA Planning Commission in accordance with Clause 5.18.3.9 of TPS 2 and advises the WA Planning Commission and the applicant that the Shires adoption of the Local Structure Plan is contingent upon the following matters being resolved to Council's satisfaction at the subdivision stage:
 - a) Engineering designs being approved by the Shire for the intersection of Larsen Road and the distributor road
 - b) Adoption of a detailed area plan in areas as determined necessary by the Shire
 - c) A legal agreement be entered into with the Shire relating to development contributions, pending adoption of the Development Contribution Plan for the Byford area
 - d) A notification be imposed on the titles of these lots as determined by the Shire that abut the railway advising that they will be effected by noise and vibration
 - e) Drainage plans are to comply with the Byford Urban Stormwater Management Strategy
 - f) Preparation of a Drainage, Nutrient and Irrigation Management Plan
 - g) Groundwater licences are to be issued in the Shire's name on land that is intended to be placed in the care, control and management of the Shire
 - h) Widths of some lots may need to be increased to ensure solar passive design principles are achieved
 - i) Detailed drawings are to be provided to identify all existing mature trees to allow for protection of these trees, where possible, in road reserves and public open space
 - j) Preparation of a dust management plan
 - k) Preparation of a noise management plan
 - l) Notification on titles of lots located within 200 meters of the edge of the Byford trotting complex rural lots are determined by the Shire, advising that they may be effected by some nuisances relating to noise, dust and odours from the rural activities in this area
 - m) Provision of broadband infrastructure and cabling to all lots
 - n) Restrictive covenants incorporating developer guidelines being required for all lots
5. Council grants delegated authority to the Chief Executive Officer and the Shire President to sign the Memorandum of Understanding as *attached at P047.4/12/04*.

COUNCIL DECISION

Moved Cr Price seconded Cr Scott

1. The Local Structure Plan be modified as follows:

- a) a notification be placed on the plan to advise that no access to Thomas Road will be permitted from Alexander Road.
- b) a notification be placed on the plan to ensure that the final design of the intersection of the distributor road and Larsen Road is to be approved by the Shire at the time of subdivision of the adjoining land.
- c) a notification be placed on the plan advising that an overall minimum average density of R20 is maintained over all lots in the Local Structure Plan area.
- d) the structure plan be modified to incorporate additional areas of public open space (if required) following discussions with the Department for Planning and Infrastructure to clarify the POS figures in relation to

- drainage areas (waterway) identified in the Byford Structure Plan and Byford Urban Stormwater Strategy.**
- 2. Payment of the planning fees associated with the structure plan are to be paid prior to the referral of the Local Structure Plan to the WA Planning Commission.**
 - 3. The developer signs the Memorandum of Understanding with the Shire as *attached at P047.4/12/04* and commits to the development of a Community and Economic Development Plan (CEDP) for the Structure Plan area and a telecommunications strategy prior to December 2005.**
 - 4. Subject to 1, 2 and 3 above, Council pursuant to Clause 5.18.3.7 of Town Planning Scheme No. 2 adopts the Local Structure Plan for Lots 1 and 2 Alexander Road and Lot 63 Larsen Road, Byford and forwards the Plan to the WA Planning Commission in accordance with Clause 5.18.3.9 of TPS 2 and advises the WA Planning Commission and the applicant that the Shires adoption of the Local Structure Plan is contingent upon the following matters being resolved to Council's satisfaction at the subdivision stage:**
 - a) Engineering designs being approved by the Shire for the intersection of Larsen Road and the distributor road**
 - b) Adoption of a detailed area plan in areas as determined necessary by the Shire**
 - c) A legal agreement be entered into with the Shire relating to development contributions, pending adoption of the Development Contribution Plan for the Byford area**
 - d) A notification be imposed on the titles of these lots as determined by the Shire that about the railway advising that they will be effected by noise and vibration**
 - e) Drainage plans are to comply with the Byford Urban Stormwater Management Strategy**
 - f) Preparation of a Drainage, Nutrient and Irrigation Management Plan**
 - g) Groundwater licences are to be issued in the Shire's name on land that is intended to be placed in the care, control and management of the Shire**
 - h) Widths of some lots may need to be increased to ensure solar passive design principles are achieved**
 - i) Detailed drawings are to be provided to identify all existing mature trees to allow for protection of these trees, where possible, in road reserves and public open space**
 - j) Preparation of a dust management plan**
 - k) Preparation of a noise management plan**
 - l) Notification on titles of lots located within 200 meters of the edge of the Byford trotting complex rural lots are determined by the Shire, advising that they may be effected by some nuisances relating to noise, dust and odours from the rural activities in this area**
 - m) Provision of broadband infrastructure and cabling to all lots**
 - n) Restrictive covenants incorporating developer guidelines being required for all lots**
 - 5. Council grants delegated authority to the Chief Executive Officer and the Shire President to sign the Memorandum of Understanding as *attached at P047.4/12/04*.**
 - 6. Council directs officers to prepare a planning policy to address the assessment of local structure plans and subdivisions within the Byford Structure Plan area to**
 - (i) require notifications on the titles of lots within 200m of the boundary of the trotting complex area**
 - (ii) to only lift the urban deferred status of those portions of land not indicated for rural residential under the Byford Structure Plan**
 - (iii) wherever possible to locate areas of public open space or other features to increase the buffer to the trotting complex area where consistent with other planning outcomes.**

CARRIED 7/3 ABSOLUTE MAJORITY

Advice Note: That the applicant be advised that given the rural thematic of the area it is recommended that residents are educated regarding appropriate means of minimising the impact of keeping cats on the surrounding area.

Council Note: The Committee/Officer Recommended Resolution was changed by adding point 6 to ensure a planning policy is prepared to ensure a consistent approach to the future subdivisions around the Byford Trotting Complex.

Cr Murphy, Cr Wigg voted against this motion.

P043/12/04 FINAL ADOPTION OF LOCAL PLANNING POLICY NO.18 – CLEARANCE OF CONDITIONS OF SUBDIVISION (A1245)		
Proponent:	Shire of Serpentine-Jarrahdale	In Brief To adopt for final approval without modification draft Local Planning Policy No.18 – Clearance of Conditions of Subdivision.
Owner:	Not Applicable	
Officer:	Michael Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	15 November 2004	
Previously	P009/08/04	
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

At its meeting of 23rd August 2004, Council resolved:

“P009/08/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Star seconded Cr Wigg

- 1. Council adopt draft Local Planning Policy (LPP18) ‘Clearance of Conditions of Subdivision’ as attached at P009.1/08/04 for public comment for a period of 21 days in accordance with Part IX of Council’s Town Planning Scheme No.2.*
- 2. The draft Local Planning Policy (LPP 18 – Clearance of Conditions of Subdivision) be advertised for public comment for a period of 21 days including advertising twice in a local newspaper circulating in the Shire.*
- 3. Upon completion of the advertising period a report be presented back to Council on any submissions received in relation to the draft Policy.*

CARRIED 7/0”

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

Comments

No submissions were received during the advertising period. It is therefore recommended that draft Local Planning Policy No.18 – Clearance of Conditions of Subdivision be finally adopted with one modification. A modification has been made to the wording of the draft policy to clarify the intent of the environmental bonds. The draft policy required payment by the subdivider of \$500 per lot to encourage new landowners to look after the revegetation for the first two years.

The revised policy has removed the requirement of payment of the \$500 per bond and now requires the subdivider to lodge a notification on the title advising that the revegetation is a condition of subdivision and is to be maintained by the new landowner.

Sustainability Statement

Effect on Environment: The introduction of a Local Planning Policy (LPP18) will ensure that consistent subdivision requirements are placed on subdividers and land developers to comply with all conditions of subdivision approval. It is considered that the policy will enhance the built environment by enabling properties to be developed and sold, and titles issued within a much shorter timeframe.

Resource Implications: The proposed policy will result in decreased officer time spent dealing with requests for clearances and trying to ascertain whether actions have been taken by a subdivider to comply with the subdivision conditions.

Use of Local, renewable or recycled Resources: Not applicable

Economic Viability and Benefits: It is considered that consistent controls on developers to comply with subdivision conditions will result in better development and help promote the Serpentine Jarrahdale Shire as an attractive place to live.

Social – Quality of Life, Social and Environmental Responsibility & Social Diversity: The policy has the potential to improve the quality of life for existing/potential residents within the Shire. New subdivision lots are often sold before clearance has been issued from Council. If clearance can be issued more effectively then owners of land can start to develop their properties sooner.

Partnerships between the Council and the subdivider can be fostered through providing developers with a clear understanding of the standard of work that the Shire expects and the information that needs to be submitted in order to obtain clearance. This will also improve communication between the two parties.

Statutory Environment: Town Planning Scheme No.2

Policy/Work Procedure Implications: PS02 – Subdivision Clearance

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:-
1. People and Community
Objective 3: High level of social commitment
Strategies:
2. Build key community partnerships.
2. Environment
Objective 1: Protect and repair natural resources and processes throughout the Shire

Strategies:

2. Develop partnerships with community, academia and other management agencies to implement projects in line with Shire objectives.

3. Economic

Objective 3: Effective management of Shire growth

Strategies:

2. Represent the interests of the Shire in State and Regional planning processes.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

1. Identify and implement best practice in all areas of operation.

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.

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Community consultation was undertaken as part of the adoption of the draft policy by Council.

Voting Requirements:

Normal

P043/11/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Hoyer seconded Cr Simpson

1. Council adopt for final approval draft Local Planning Policy No.18 – Clearance of Conditions of Subdivision at *Attachment P043.1/12/04*.
2. Notification of the final adoption of the Policy be published once in a newspaper circulating in the Shire.

CARRIED 10/0

P044/12/04 CLEANER PRODUCTION STATEMENT – ACTION PLAN (A0293-03)		
Proponent:	Shire Serpentine Jarrahdale	In Brief Council as a signatory to the Cleaner Production Statement run by the WA Sustainable Industries Group (WASIG) must prepare and complete an action plan. Council is requested to endorse the attached action plan for submission to WASIG.
Owner:	Not applicable	
Officer:	Carlie Eldridge - Manager Sustainability Unit	
Signatures Author:		
Senior Officer:		
Date of Report	1 December 2004	
Previously	SM031/01/03	
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	

Background

In 2003 the Council endorsed the Shire becoming a signatory to the Cleaner Production Statement, either as part of a regional initiative or stand alone. WASIG, the Western Australia Sustainable Industries Group coordinated the development of the WA Cleaner Production Statement. This statement of intent calls on stakeholders in WA to consider Cleaner Production and Eco-Efficiency seriously and act accordingly. For government it encourages State Government Agencies and Local Governments to adopt and promote Cleaner Production as a preferred approach for implementing policies, programs and activities.

Following the endorsement from the Shire to become a signatory to the Cleaner Production Statement the Shire signed a memorandum of understanding with WASIG in early 2004. As part of this MOU the Shire is required to produce an action plan and report annually on its implementation.

There had been support initially at a regional level through the Peel Economic Development Unit (PEDU) for all the regional councils to sign and work together on a shared action plan. The Shire of Boddington supported the idea but resolved not to become a signatory due to limited resources. The Shire of Murray also considered becoming a signatory as part of a regional initiative but resolved not to support the initiative. The Shire of Waroona did become a signatory but did decided to prepare an independent action plan and not work regionally. Serpentine Jarrahdale and Mandurah were still keen for a regional approach and reviewed a joint approach but decided in October 2004 that it would be more advantageous to prepare individual action plans relevant to our own area issues.

The Shire as part of the agreement must prepare an implementation strategy for the two year program and the Shire must host two workshops within the two year time frame in conjunction with WASIG. WASIG through the Centre for Cleaner Production will also run two workshops throughout the two years that will promote cleaner production to businesses in the Shire. WASIG through the Centre for Cleaner Production will provide resources to local business that would like individual assessment of cleaner production and eco-efficiencies of their business.

A copy of the action plan is with attachments marked P044.1/12/04

Sustainability Statement

Effect on Environment:

The promotion and implementation of cleaner production by businesses in the Shire will reduce environmental damage through the reduction of waste being produced and released into the environment as either solid, liquid or gaseous waste.

Resource Implications:

The promotion and implementation of cleaner production by businesses in the Shire will result in a reduction in resource use. Cleaner production promotes reducing resource use, in particular water and energy resources.

Use of Local, renewable or recycled Resources:

The Shire's action plan is tailored to reach the business community. It also provides expert advice to local business people on cleaner production so they can assess potential areas of improvement. It allows the local community to obtain useful information to their businesses.

Economic Benefits:

The provision of the workshops and advice is provided for free to the Shire and the businesses within the Shire. Making changes to current practices based on an assessment by WASIG may provide some economical small scale solutions but may also identify large scale solutions that some businesses could not afford to implement in the short term.

Social and Environmental Responsibility:

The process is aimed at building up the capacity of the community to make their businesses more efficient, both financially and environmentally, through cleaner production and eco-efficiency approaches. The workshops allow for broad dissemination of information and the newsletter provides ongoing information.

Social Diversity:

Support of the cleaner production statement does not disadvantage any social groups it aims to reach all social groups.

Statutory Environment:

Not applicable

Policy/Work Procedure Implications:

There is the opportunity in new policies to incorporate and encourage cleaner production in the Shire's practices and developments within the Shire.

Financial Implications:

There are no significant Financial implications to Council related to this application/issue. The projects mentioned are already funded. There may be a minor cost with providing refreshments at the cleaner production workshops (2).

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.
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:

2. Develop partnerships with community, academia and other management agencies to implement projects in line with Shire objectives.
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.
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

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

Strategies

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

Community Consultation:

Not applicable

Comment

The action plan outlines the ways in which the shire will integrate cleaner production into our projects and approach. The action plan must be endorsed and completed within two years.

Voting Requirements:

ABSOLUTE MAJORITY

P044/12/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Star seconded Cr Scott

- 1. The action plan *attached at P044.1/12/04* is endorsed for submission to the WA Sustainable Industries Group to meet the requirements of signing the Cleaner Production Statement.**
- 2. Council delegates authority to the Chief Executive Officer and the Shire President to sign the Cleaner Production action plan at *Attachment P044.1/12/04*.**

CARRIED 10/0 ABSOLUTE MAJORITY

P045/12/04 RESPONSE TO DRAFT LIVEABLE NEIGHBOURHOODS OPERATIONAL POLICY (A1171)		
Proponent:	Serpentine Jarrahdale Shire	In Brief That this report be endorsed by Council as the Shire's response to the draft Liveable Neighbourhoods Operational Policy currently being advertised for public comment.
Owner:	Serpentine Jarrahdale Shire	
Officer:	Andrew Trosic - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	3 December 2004	
Previously	NA	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The draft Liveable Neighbourhoods Operational Policy ("the draft policy") represents the third edition refinement of the Liveable Neighbourhoods concept. Originally introduced by the Western Australian Planning Commission ("WAPC") in early 1998, it has been prepared to implement the objectives of the State Planning Strategy, which aim to guide the sustainable development of Western Australia ("WA") to 2029. Liveable Neighbourhoods focuses on neighbourhood design as an important determinate of sustainability, and sets out to guide the design of new and existing neighbourhood environments in a manner which promotes sustainable living.

The draft policy replaces previous editions one and two of Liveable Neighbourhoods, incorporating key refinements and improvements identified through operation and stakeholder consultation since its inception. The draft policy incorporates many new additions to Liveable Neighbourhoods, including new considerations for local employment generation and schools. The draft policy also reaffirms its key performance based approach, whereby proposals need to demonstrate adequate performance against a variety of objectives based on sustainable development principles. This is a significant departure away from the current prescriptively focussed system of assessment within WA.

The draft policy encourages a greater commitment to sustainability, through having application to all forms of structure planning and subdivision within the metropolitan region and country centres. Such application and commitment, however, is dependent upon the draft policy being implemented so it carries appropriate force and affect. To this end the draft policy has been released for public comment until 31 December 2004, with this being a precursor to a decision early next year on whether to formally adopt the draft policy.

Given the continued interest the Shire has shown in promoting sustainable development at the local level, the draft policy represents an important step in having this interest extended further to other levels of government and relevant stakeholders (i.e. the development industry). While the draft policy does remove some levels of certainty from the structure planning and subdivision assessment process (through being performance based), such is needed to ensure the most responsive and robust method of assessment exists to promote the best form of development outcome.

This report discusses key issues from the draft policy as they affect the Shire's interests regarding sustainability 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 policy has a wide range of positive affects on the environment, with these evident at both local and regional scales. In terms of urban structure, the draft policy aims to provide for walkable neighbourhood environments clustered to form towns of compatible mixed uses. This approach is focussed at reducing car dependency, realising that historical development within the Perth metropolitan region has maintained a strong focus toward the Central Business District ("CBD") as providing for the majority of the region's employment, retail and community facilities. Through targeting neighbourhood design in a manner which addresses local employment generation and the provision of appropriately scaled retail and community facilities, car dependency can be significantly reduced. This approach will have a positive environmental affect for the whole of the region.

Further to this, the draft policy looks at maintaining flexibility and adaptiveness in neighbourhood design, so that change can be accommodated over time. This is important given the evolving attitudes toward environmental sustainability within the modernised urban environment. Through advocating a neighbourhood design which lends itself more easily to adaptive change over time, better outcomes can be achieved in terms of environmental sustainability. This is particularly pertinent in relation to mixed use development at the local neighbourhood scale, whereby appropriately selected land and housing stock should be designed so that adaptation to commercial uses can occur. This philosophy focuses on the fact that it is not often viable to establish mixed commercial uses when a new neighbourhood is only just starting to be developed. As a permanent population establishes itself, however, selected land and housing stock can then be adapted to mixed use developments providing for services and employment generation at the local level.

The draft policy also includes specific objectives related to:

- Solar passive lot orientation;
- Climate responsive dwelling design;
- The integration of urban water management into public parkland;
- The protection of water courses, water bodies and wetlands through water sensitive urban design;
- The advocating of best practice in terms of maintaining water quality and limiting quantity use;
- Ensuring subdivision design is based upon a more thorough analysis of the site and its context with regard to adjoining land and environmental influences.

These are also considered to have far reaching positive affects on the environment, and should be supported as part of the draft policy.

Resource Implications: The draft policy has positive implications on resource use, through advocating the design of neighbourhoods which focus on resource efficient development.

This is particularly in relation to the following key objectives and requirements:

- An integrated approach to the design of open space and water management;
- Lots being predominantly orientated for passive solar development;

- The use of water sensitive urban design, particularly in the reuse of stormwater on site wherever possible;
- Provisions being made for the appropriate reuse of waste water in neighbourhoods;
- The protection of important environmental areas within neighbourhoods, particularly in terms of increasing the biodiversity resource of the Swan Coastal Plain.

These are all considered to have positive implications for resources use.

Use of Local, renewable or recycled Resources: Not applicable

Economic Viability: The draft policy focuses strongly on economic viability as part of neighbourhood design, particularly in relation to local employment generation and the provision of appropriately scaled community and retail uses. This is an important path toward achieving the decentralisation of employment and other activities/services to where people will actually be living in the future. As such, in terms of economic viability the draft policy is considered to set meaningful objectives in place which work toward achieving local neighbourhood viability.

Economic Benefits: The draft policy 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 policy looks at supporting regional areas such as the Shire so that neighbourhood development is based upon nodes of local economic viability, where residents will be afforded opportunities to live, work and recreate in a diverse local environment. While not advocating the replication of uses which are more suited to larger commercial centres (i.e. Armadale, Rockingham, Mandurah), the draft policy looks toward encouraging local economic benefits based upon employment generation and the provision of appropriately scaled mixed uses. This is correctly addressed by the draft policy as being primary determinants in the initial planning stage for neighbourhoods.

Social – Quality of Life The draft policy has principal aims for the design of neighbourhoods which are accessible by all, and which foster a strong sense of community and local identity based on shared values for an area. These aims are supported by a variety of objectives and requirements, which are considered to set in place appropriate performance based targets regarding the delivery of high social benefits as part of neighbourhood design. The draft policy also advocates the design of mixed uses within neighbourhoods so that a high quality public realm is created, encouraging social interaction and activity by local residents. This is supported in terms of social benefit, and will help in creating a more fluent urban scale within communities.

Social and Environmental Responsibility: The draft policy is proposed to be incorporated as part of the new Network City Strategy, which provides for the coordinated sustainable planning of future Perth, Murray and Peel. Both of these documents detail the engagement of the community and local industry in decision making, particularly at the local level of neighbourhood design. The formation of such partnerships are supported through the draft policy, ensuring people feel part of the process rather than isolated as has happened in the past. This is considered a more socially responsible approach for the future.

Social Diversity: The draft policy advocates the design of neighbourhoods which are accessible by all, based upon the provision of a diverse range of housing types which make it possible for people to live, work and recreate in the one neighbourhood area. This is strongly supported in terms of social diversity, and is the kind of community outcome which the Shire should be striving to achieve. The draft policy recognises that social diversity should be accounted for as part of neighbourhood design, with consideration extending to how a wide ranging social makeup can be achieved. This is strongly supported as part of the draft policy.

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
Draft Network City Strategy

**Policy/Work Procedure
Implications:**

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

Financial Implications:

While there are no immediate financial implications to Council related to the draft policy, it is likely that implementation of it will lead to more detailed assessments needing to be made by Shire Staff and Council alike in terms of neighbourhood development. This will be particularly relevant in the future development of both Byford and Mundijong townsites, which are ideally suited for application of the Liveable Neighbourhoods concept. It is likely that financial implications will exist with regard to the need for future resources to adequately handle the more detailed assessments needing to be made under the policy.

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 policy represents an important response to the changing nature of community design state wide. While reasons for change are diverse and subject to much commentary, some clear trends have emerged affecting planning for neighbourhood communities. These include:

- An emergence of single and two person households;
- Increasing costs for providing services and facilities for continued rapid urban expansion;
- The need for greater housing affordability;
- Exacerbated concerns of safety and security;
- The desire for greater social, economic and environmental sustainability;
- The desire for locally based employment;
- The desire for a more efficient public transport system.

While within the metropolitan region, the Shire of Serpentine-Jarrahdale has also experienced many other trends more common to regional and country areas. These include:

- The need for maintaining a strong local economic base to balance increased urban development;
- Problems in accessing higher education and community services locally;
- The retention of environmental quality;
- The desire for a better quality neighbourhood environment;
- The movement of young people away from the local community.

These noted trends and influences affect the way in which neighbourhoods need to be designed. Importantly, they show that each land situation is different, and that having a prescriptively focussed set of controls is not optimal in achieving the most appropriate development outcome for a site. Rather, communities need to be designed from a flexible viewpoint, whereby a selected site can be placed in a regional context and planned for accordingly. Such flexibility is paramount to producing an urban environment which is sustainable from environmental, economic and social viewpoints, and fulfils the expectations held by local residents and the wider community.

The draft policy is considered to deliver this more effective flexible approach to neighbourhood design, whereby a performance based code has been adopted to ensure that all proposals adequately address stipulated objectives and requirements. The draft policy allows for the majority of objectives and requirements to be fulfilled in a variety of ways, thus encouraging innovative design solutions based on thorough site analysis. This aspect of the draft policy is strongly supported, as it forces a commitment to innovation and sustainable development on all parties involved in the development process. The draft policy establishes this new approach effectively, through requiring a wide ranging and rigorous assessment in the design of communities.

In terms of structure, the draft policy acts as a performance based code for both design and assessment at three levels of neighbourhood detail; the regional/district structure plan, the local structure plan and the detailed (usually residential) subdivision plan. The draft policy is separated into eight key elements, drawing together the key policy aspects affecting neighbourhood design. These elements are:

Element 1: Community Design

Element 2: Movement Network

Element 3: Lot Layout
Element 4: Public Parkland
Element 5: Urban Water Management
Element 6: Utilities
Element 7: Activity Centres and Employment
Element 8: Schools

Each element has a dedicated list of principal objectives, with more specific requirements relating to objectives then provided. Each requirement is then phrased as something which either must or should be satisfied. While objectives are largely performance based, the related requirements are often prescriptively worded to ensure achievement of related objectives. To this end the draft policy advocates objectives as being more important than requirements, although satisfying most requirements will largely lead to the fulfilment of related objectives.

In terms of operation, the first comments are made regarding the draft policy's performance based approach. By operating as a performance based policy where negotiations and tradeoffs will be encouraged to meet best design solutions, the policy will act very much as a flexible planning document. This is however in direct contrast with the majority of other prescriptively based planning legislation within WA, specifically at the local government level. In local government, town planning schemes and associated policies are often prescriptively formulated, to operate as clear and explicit guides for the community. This allows for ease of interpretation and assessment, with proposals either meeting or not meeting specified requirements.

While the concept of a performance based code for community design is logical and generally supported, it must be commented that in general local government is unfamiliar with such flexible planning terms. While recent revisions to Statement of Planning Policy No. 3.1 (*Residential Design Codes*) have introduced a more performance based approach for local government to administer, experience has shown a reluctance to do so amongst some local authorities. Given the pressure being felt at the local level to ensure an open and accountable planning process, it is considered that operation of a predominantly performance based policy for neighbourhood design will prove difficult to administer by local government. This will be an important point to consider, as the WAPC are trying to increase the role of local government particularly in the assessment and design of local structure plans. Therefore, local government having the confidence and knowledge in dealing with a flexible planning policy like Liveable Neighbourhoods will be important in determining its success.

While the WAPC has the ultimate responsibility when it comes to subdivision assessment and approval, local government are the level of government closest to the community and hence are regarded as ultimately responsible as to why something has been developed as is. For this reason other local government (including elected members) must become very comfortable with the performance based aspects of the draft policy, so as to have the confidence in making the right informed decisions.

In terms of making application under the draft policy, far more information will need to be submitted in order to adequately demonstrate a proposed design is the most innovative and hence appropriate. This heightened level of detail is supported and starts to reflect the importance which community development will play in accommodating the sustainable growth capacity for the state over the next 30 years. However, given the level of change in terms of application, it is felt that local government and developers alike will have issues in ensuring the right assessment takes place based on what the draft policy expects. Reoccurring themes of resources and education will therefore need to be addressed as part of implementation of the draft policy.

With regard to the specific elements of the draft policy, the following comments are made:

Element 1: Community Design

The community design element is considered to be well structured and communicates clearly the requirements needing to be achieved as part of neighbourhood design. It focuses on the creation of neighbourhoods which are socially diverse, accommodating a wide array of housing types and compatible mixed uses and based on a movement network which is highly legible and permeable. The element focuses on the creation of a strong sense of place as part of community design, and looks toward environmental sustainability as a headlining factor for development.

The draft policy provides that fulfilment of element 1 should generally equate to fulfilment of other elements, given their holistic relationship back with community design. Element 1 has also introduced the consideration for local employment generation, being objective O3 and requirements R14 and R15. These state as follows:

- “O3 To develop a coherent urban system of compact walkable neighbourhoods which cluster to form towns with relatively intense, mixed use town centres that are capable of catalysing a broad range of employment and social opportunities.*
- R14 District structure plans should provide for jobs by allocating land for around 60 percent of the jobs needed by a new population, (i.e. provide 0.8 jobs per person, based on a total requirement of 1.3 jobs per household). Local structure plans should provide for a relevant share of jobs, as derived from the district structure plan.*
- R15 Sufficient and appropriately located non-residential land should be identified, and have an appropriate street and lot layout for a wide variety of business and home-based business development opportunities, and ensure transitions between uses are arranged to minimise land use conflicts, while still delivering efficient urbanism.”*

While generally supportive of these, it is felt that the draft policy should go further to ensure that stronger commitments exist toward the generation of local employment. While further expanded upon in element 7, neither it or element 1 are considered strong enough in terms of requiring a development to show how local employment targets have been met. To this end it is recommended that, as part of considering a structure plan, local government and the WAPC consider the application of deferred development areas until a minimum number of local jobs in the neighbourhood have been provided. This should not be viewed as planning intervention to prevent further development, but rather encouraging the better provision of local employment generators from the start of neighbourhood development to get employment thresholds up to where further development could then take place and be supported.

The following general comments are also made:

- O7: Acid sulphate soils should be added as a relevant environmental constraint.
- R29: The use of permanent water bodies for urban water management is not consistent with the state government approach to reducing water use and creating communities within their ecological limitations. Permanent water bodies are not sustainable in that they are affected by evaporation, a range of health issues and do not engage communities in understanding the climate in which they live. This aspect of R29 is therefore not supported.

Element 2: Movement Network

Social improvements are the focus of objectives and requirements within this element. Social values placed on neighbourhood walkability, convenience and equity of transport provision are reflected well in the outlined objectives and detailed requirements. For example, walkability and access to public transport are given a quantitative requirement which states:

- “R37 At least 60 percent of dwellings within a 400 m radius from an existing or potential neighbourhood or town centre, or an existing or potential bus stop, should be within 400 m safe walking distance.”*

This element also supports local stimulus for growth and employment. Objectives are provided to improve public transport provision and make mixed used districts more accessible to the pedestrian, both of which are values held in respect to the economic

development of communities. The detailed requirements are also well constructed and seen as appropriate strategies in achieving objectives. The main environmental values exist with regard to making communities more self sustaining, therefore reducing car dependencies and decreasing non-renewable energy use. This is well covered by the requirements related to the objectives, which deal with the environmental aspects of transport.

The following general comments are also made:

- R33: Footpaths should be able to abut the kerb line in quieter residential streets (i.e. access streets B-D), so that verges can be better maintained without small strips of grass otherwise isolated between the kerb line and footpath. Footpaths along the street edge in low use areas also increases security for pedestrians at night.
- R49: The integration of urban water management is not incorporated into the section on movement. There should be incorporation of the need for swales into streets to manage both water quality and quantity. They are not required in all streets but there should be guidelines for where they will be incorporated into streets to allow sufficient width for all functions to be accommodated.

Element 3: Lot Layout

This element represents objectives and requirements relating to lot layout and design expected in neighbourhoods. The stipulated requirements represent suitable strategies in achieving the objectives and it is perhaps the most detailed and well devised section in the draft policy. It covers key aspects including solar orientation and climate responsive design, specifying quantitative requirements in terms of both.

The following general comments are made:

- Fig 5: This diagram is not clear and could imply an inconsistent streetscape with 10m and 20m frontages side by side rather than fairly consistent frontage down the street. It also doesn't reflect housing that faces north for solar passive design. The figure should therefore be changed.
- Fig 11: This is confusing in its labelling. On an east west block all living areas should be located facing north with appropriate eaves/shading for summer. This implies north rooms facing east with the arrows.
- R19: The optimal solar passive range given is 20 and 30 degrees from long axis. This conflicts with advice of the Office of Energy and Sustainable Energy Development Office stating for WA it is 15 degrees in each direction. This needs to be clarified.
- R22: Battleaxe lots should be encouraged where the streetscape is considered valuable from an amenity and/or heritage viewpoint. In not allowing battleaxes there could be the resultant effect of homes being pulled down and two side by side narrow lots being built in a street of consistent wide frontages. This affects the rhythm of the street and also promotes the removal of older housing stock which forms part of the heritage of WA.
- R36: It is recommended that front fencing heights be maintained at 1.2m solid, as this is consistent with minimum pool height fencing and also the majority of standard fencing materials.

Element 4: Public Parkland

This element sets objectives and requirements to ensure public parkland is both well designed and well located, taking account of environmental values inherent to a site and also expectations held with regard to useability. The element supports site responsive design with regard to public open space provision, with considerations also extending to the regional context of a site. This is a strongly supported departure away from the traditional thinking of a simple 10 per cent contribution to public open space, with this often taking little account of both environmental values and regional context. The element also deals with the provision of community purpose sites as part of public open space, joint parkland/drainage provision in certain circumstances, foreshore reservations and regional open space and requirements for future public parkland maintenance.

The following general comments are made:

- R28: The use of permanent water bodies for urban water management is not consistent with the state government approach to reducing water use and creating communities within their ecological limitations. Permanent water bodies are not sustainable in that they are affected by evaporation, a range of health issues and do not engage communities in understanding the climate in which they live. This aspect of R28 is therefore not supported.

Element 5: Urban Water Management

This element deals with the management of urban water so as to achieve a water sensitive urban design that aids environmental sustainability (by reducing erosion, discharge of stormwater, maintenance of water quality and quantities etc). The element promotes opportunities for linking water management infrastructure with the urban built form and landscape design and aims at achieving a more sustainable development through:

- Reducing the amount of water transported between catchments, both in water supply and wastewater export;
- Optimising the use of rainwater that falls in urban areas;
- Achieving appropriate quality and quantity targets with respect to stormwater run-off; and
- Achieving sustainable urban structure and form.

The element is considered well structured through its advocating of best planning practices for water sensitive urban design. This will focus at achieving on optimal urban structure regarding water management, the protection of water quality, the management of water quality and most importantly focus at water conservation.

The following general comments are made:

- R1: An objective for the measurement, protection and maintenance of predevelopment flows and water quality should be included as part of the urban water management strategy.
- R4: Water sensitive urban design does not promote underground pipes and the movement of water through heavy infrastructure. Rather, it looks at a range of more natural landforms and above ground solutions (eg. swales) that have far reaching benefits including reduction in costs for pipe-work infrastructure, reduction in nutrients through stripping by grass and/or plants and a greater awareness of the community of the issues related to water management and pollution. This should be included as a principal objective for the achievement of urban water management.
- R21: The use of drainage swales does not interfere with on street parking so parking should not limit the use of drainage swales. Parking on the verge in residential areas is not encouraged and should not prohibit drainage and pedestrian functions that should be a priority. Swales are a very effective means of moving water and improving water quality and have been successfully used in WA. Drainage swales should be encouraged and these must manage water across driveways and access points and integrate into the verge treatment.
- R22: As part of the two year maintenance period, water quality monitoring should be a requirement to ensure that the drainage system implemented is functioning and also allows for corrections to be made before handover to local authorities.

Element 6: Utilities

This element looks at the servicing of communities in a manner which promotes utility provision in a sustainable land efficient manner. While recognising the need for an appropriate service structure as part of neighbourhood design, the element also encourages innovative approaches to infrastructure so that other objectives (particularly urban water management) are not compromised.

The following general comments are made:

- O1: The encouragement of common trenching for services should be included as a headlining objective.
- O2: This objective should be altered to also show how drainage swales can be located into streets.

To facilitate home based business and economic development an objective requiring the provision of technology related infrastructure in new developments should be provided.

Element 7: Activity Centres and Employment

This element is a new addition to the draft policy. It is strongly supported, on the basis that it recognises the provision of local employment and appropriately scaled activity centres as vital to the sustainable functioning of communities into the future. The element covers the key principles behind the structuring of an urban area to provide for an appropriately distributed range of mixed use activity centres. It recognises that most retail, civic, institutional, commercial and service businesses can potentially be provided in these centres. In addition, it also addresses that some larger scale and less urban compatible forms of employment activity will still need to be provided in strategically located and relatively single-use precincts.

The element requires regional and district structure plans to show the location and size of incorporated activity centres and other employment areas. It importantly requires the preparation of employment strategies to accompany structure plan proposals to show how the achievement of minimum employment thresholds will be met. The draft policy also looks at economic, social and civic diversity in its promotion of local activity centres. These are not considered 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.

As mentioned previously, one criticism is that the draft policy should go further to ensure that stronger commitments exist toward the generation of local employment. It is specifically recommended that, as part of considering a structure plan, local government and the WAPC consider the application of deferred development areas until a minimum number of local jobs in the neighbourhood have been provided. This should not be viewed as planning intervention to prevent further development, but rather encouraging the better provision of local employment generators from the start of neighbourhood development to get employment thresholds up to where further development could then take place and be supported.

While supported, local employment generation and areas of mixed use activity must be committed to in terms of the draft policy. It is strongly felt that if further encouragement can be included in the draft policy to address the need to demonstrate local employment prior to further stages of a community's development, then sustainability can be better recognised.

Element 8: Schools

This element contains objectives and requirements regarding the establishment of schools within community neighbourhoods. The element is generally well founded, recognising that school location on the edge of neighbourhood catchment areas can promote a focus of activity for the area. It also looks at the collocation of schools nearby activity centres, so that compatible sharing of facilities can be achieved. The element is supported in its dedication to local schooling as an important component to neighbourhood development.

Addition Comments: Community and Social Development

Liveable Neighbourhoods thoroughly addresses the spatial construct of neighbourhoods (i.e. through focussing on land use and transportation). It also addresses social and economic factors, but this is done predominantly through the effect that a well constructed physical environment has on enabling a community to be connected and enjoy quality of life.

What is missing in this approach is the need to consider how new neighbourhood design will facilitate community growth. An integral part of the draft policy should therefore deal with the

ability of a new or infill development to show how community development will be facilitated or heightened through an appropriate plan or strategy. This would ideally set parameters to work with new and existing residents and other partners to build community capacity and social capital, so that the community can maximise their physical and social environment for the best quality of life.

Such a community development plan or strategy could identify ways of getting together to meet community needs, identify opportunities and find local solutions to local problems (including safety/crime, playgroups, seniors, groups, leaders/volunteers, community activities/events etc). In order to address this it is suggested that an additional element is added to the plan:

Proposed Element 9: Community Development

This element should be fleshed out in consultation with relevant community development stakeholders to ensure a well constructed and achievable outcome exists.

Conclusion

Given the continued interest the Shire has shown in promoting sustainable development at the local level, the draft policy represents an important step in further having this interest extended to other levels of government and relevant stakeholders (i.e. the development industry). It is a generally well founded document, being the third edition refinement of the original Liveable Neighbourhoods concept introduced in 1997. Subject to the comments made in this report, it is recommended that Council support the formal adoption of the draft policy.

It noted that to date Liveable Neighbourhoods has operated only as an alternative means of structure planning and subdivision assessment within the state. Proponents have therefore had a choice in whether to submit proposals for the much more rigorous assessment under Liveable Neighbourhoods, or alternatively keep using the existing policies of the WAPC (which take limited account of sustainability). Suffice to say Liveable Neighbourhoods has not been heavily used when compared with the number of proposals being assessed under existing policies. For this reason it is seen as vital that the draft Liveable Neighbourhoods Operational Policy be implemented, so that meaningful steps can start being taken to set community design on the right path toward sustainability.

Voting Requirements: Normal

P045/12/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Hoyer seconded Cr Price

- 1. The comments in this report P045.1/12/04 'Response To Draft Liveable Neighbourhoods Operational Policy' are endorsed by Council to form the Shire's response to the draft Liveable Neighbourhoods Operational Policy currently being advertised for public comment with the exception of R33 which should read the location of footpaths is to be determined at the local level and their specific location within the road reserve should not be prescribed.**
- 2. The Director Sustainable Development be endorsed to sign the submission on behalf of the Council.**

CARRIED 10/0

Council Note: Minor amendment with the addition of words to part 1 of the recommended resolution in relation to the location of footpaths.

P046/12/04 BYFORD BY THE SCARP – LANDSCAPE MASTERPLAN (S123469)		
Proponent:	LWP Property Group	<p>In Brief</p> <p>The landscape masterplan for the Byford by the Scarp (RANAD) site has been submitted for approval.</p> <p>Approval is recommended subject to conditions.</p>
Owner:	Bradwell Pty Ltd	
Officer:	Carlie Eldridge - Manager Sustainability Unit	
Signatures Author:		
Senior Officer:		
Date of Report	23 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	

Background

Zoning

In 1999, the majority of the site was rezoned from Rural to Residential with residential density codes of R20-R40. A portion of the site was rezoned to Commercial (approximately 3 hectares) to facilitate a future neighbourhood shopping centre. At the same time, land within the site was reserved for the purpose of a primary school site (approximately 4 hectares) and public open space. The land is zoned Urban under the Metropolitan Region Scheme. The scheme amendment documents incorporated a Development Concept Plan for the site.

Subdivision Approvals

Following gazettal of the above Scheme Amendment an application to subdivide the site into approximately 1000 residential lots was submitted to the Western Australian Planning Commission. The subdivision was generally in accordance with the Development Concept Plan incorporated in the Scheme Amendment documentation. The Western Australian Planning Commission (WAPC) granted approval for this subdivision on 20 January 2000. Development was never commenced in accordance with this approval and accordingly, the approval expired on 20 January 2003.

A new application for subdivision of a portion of the site was submitted by Taylor Burrell Barnett (TBB) planning consultants on behalf of Bradwell Pty Ltd. The development site is approximately 90 hectares in area with the area of the site comprising the new subdivision application being approximately 22 hectares. The application proposed the creation of 111 residential housing lots ranging in size from 505 square metres to 1780 square metres.

In February 2004 Council resolved to support approval of the application subject to 56 conditions. In 2004 the WAPC approved the subdivision with 20 conditions.

Landscape masterplan

In accordance with the advice notes on the WAPC approval the proponent was required to work with the shire regarding any Public Open Space (POS) and foreshore reserves and any requirements for approval of these areas. The Shire had requested as one of its conditions that a development concept plan be prepared and a landscape masterplan for public land throughout the whole of the site. The details requested included the following:

- finished site levels;
- a drainage and nutrient management strategy;
- water sensitive design;
- integrated cycle and pedestrian paths linked to regional network;

- schedule of colours and materials for public infrastructure;
- domain interface between public/private domain/streetscapes (eg fences, setbacks to allow for the future character of the precinct to be assessed);
- community safety (active street frontages, lighting, and other crime prevention measures);
- street trees;
- screening/buffering between residential lots and non-residential land uses on adjacent lots and South Western Highway;
- foreshore rehabilitation and maintenance; and
- vegetation/wildlife corridor link between RANAD site and Brickwood Reserve.

In September 2004 a Landscape Masterplan was submitted for review and consideration for approval. The masterplan includes and addresses the following issues:

- a) landscape context
- b) landscape principles and objectives
- c) general principles and guidelines
- d) public open space
- e) streetscape
- f) POS housing interface
- g) water sensitive design
- h) stormwater drainage management
- i) colours and materials
- j) security and Surveillance
- k) public art and heritage
- l) play
- m) plant selection
- o) irrigation
- p) maintenance and management

A copy of the Landscape masterplan is with attachments marked P046.1/12/04.

Detailed landscape plans are also to be submitted separately to the Shire for approval of each POS area. These will be assessed against the approved landscape masterplan.

A meeting was held on Monday 29 November 2004 with LWP and their consultant landscape architects and planners to discuss the landscape masterplan and to discuss the proposed locations of POS 3, 4, 5 and 6 and the reservoir.

Sustainability Statement

Effect on Environment:

Biodiversity:

The site contains stands of remnant vegetation including Marri's which provide for feeding and potential nesting for local black cockatoo populations as well as a section of the Cardup Brook and foreshore reserve. The landscape masterplan includes all the proposed POS within the site. Only the location of areas 1 and 2 have been approved within the subdivision approval. The location of POS 3, 4, 5 and 6 is subject to separate subdivisional approval. Part of this approval will be the consideration of locating POS where there are valuable remnants of vegetation. The landscape architects on this project have mapped the existing vegetation within the approved stages to highlight high value vegetation for inclusion in road verges and POS. This process will be undertaken for all subsequent stages.

It is inevitable that some remnant vegetation will be removed through subdivision to achieve the required level building lots. Where possible the roads and lots have been designed to retain vegetation.

The foreshore area along the brook will be revegetated to enhance the biodiversity values within the area and protect the brook.

Energy Use/Greenhouse Gas Emissions:

A network of walks and pathways which link to key pedestrian and cycle routes are one of the objectives Council was seeking. The landscape masterplan does not include a paths and cycleways plan but a paths network plan was submitted separately as part of the planning strategy being separately dealt with. For successful achievement of reducing car dependence and increasing residents walking within the area footpaths are required in every street. The landscape masterplan outlines the material and objectives of the path network to be of local materials and responsive to their site needs. There are two main path types 2100mm wide for main paths and 1500mm for internal paths. The details are as follows:

1. Sealed Laterite Paths (1500 or 2100mm wide, depending on location)

This is a 2 coat sealed cracked laterite aggregate on compacted roadbase - i.e. smooth surface, but with an appropriate colour and texture. These are the primary access circulation routes.

2. Ferricrete Paths (1500mm wide)

These are more like tracks, constructed from 75mm lateritic ferricrete with a waterbound cement additive. The finish is less smooth than the sealed paths. These paths wander through the landscape, near the trees, boardwalks, grassland and areas of sensitivity.

Water Quality: stormwater management, waterways management

Water sensitive design (WSD) and stormwater management are addressed in the masterplan. WSD refers to both the management of water quality and quantity within the total water cycle. The landscape masterplan does not refer to the water quality treatments that are required to ensure that post development nutrient levels are not higher than pre development only referring to them as a landscape element. Nutrient stripping and integrated stormwater management are the key outcomes of WSD stormwater management. The design includes areas of nutrient stripping within the POS but it does not clearly demonstrate or articulate that the landscape treatment will ensure the removal of nutrients to predevelopment levels. The calculations demonstrating nutrient removal will occur as a result of the landscape design within the stormwater design and will be required with each stage.

Heritage and Culture:

Areas of indigenous heritage have been identified on the site. All of these are to be protected and retained within POS in a manner that ensures their protection. The heritage wetland located within POS 2 has been incorporated into the landscape design to ensure its protection with defined access and revegetation around it.

Resource Implications:

Water Use:

The objectives throughout the masterplan state that water use is to be minimised. In regards to the landscape design and the standard proposed it is designed to maximise the reduction in water use with limited areas of grass and some irrigated planting areas. The areas of grass have been included to meet the social needs of the community for active open space. 50% of the POS is proposed to be irrigated. This calculation is for all turf and for the plants that are planted as advanced plant stock. Tube stock planting will not require irrigation. The plants, if planted at the correct time of year, usually need a little or no irrigation to get established or be maintained if they are correctly selected.

There is a reservoir proposed to store water for irrigation. Department of Environment has advised that this area has limited groundwater available and testing is underway at present on site to confirm exact amounts available. It is expected that the underground water supply

available will be less than required for direct irrigation in terms of the flow rate and it is proposed if there is sufficient water with low drawing potential that it be drawn and stored in a reservoir until sufficient volume is available for watering. The testing underway will confirm if there is enough water available to be drawn and stored in a reservoir. If sufficient water is not available, alternatives will need to be considered and discussed with the shire and the design will need to be adjusted to meet the water restrictions.

Reservoir Function: The reservoir accommodates a range of functions, stormwater detention and flood mitigation, irrigation water storage and also wetland habitat along the edges. If there is not enough groundwater available (established through testing) the reservoir will remain in the same location but will be much shallower and act as an ephemeral wetland.

Reservoir Design and Amenity: The reservoir is proposed to be a permanent water body which is lined to maintain the irrigation water. Aeration will be provided to ensure stagnation does not occur. The reservoir will be designed to have natural edges that are planted banks with sedges on a 1:8 slope. There is a boardwalk to a section of the area to allow residents to look over the area. It has been designed to be site responsive forming part of the overall drainage approach and systems located in the POS and to blend into the landscape.

Reservoir Technical Details: The reservoir will be approximately 2.5-3metres in depth. It will have a maximum drawdown of 200mm to ensure that large areas of banks are not exposed. The reservoir has been designed to irrigate POS of 9 hectares within Byford by the Scarp and an additional 9 hectares which includes areas owned by LWP/Futuris on the east side of the Highway. The reservoir could be designed to accommodate only the Byford by the Scarp development and its nine hectares of POS. This would result in a reduction in the area of the reservoir but not the depth as the depth is required to ensure the water quality is maintained.

There is an issue with water quality that relates to permanent water bodies that form part of a stormwater management system. If the pollutants and nutrients are not stripped before entering the waterbody in some storm events this will cause material to become re-suspended resulting in high concentrations of pollutants being discharged.

Alternatives to Reservoir: Based on a low volume rate of groundwater being established on the site, if a reservoir is not an acceptable solution storage of water would have to occur through water storage structures or having irrigation connected to the mains water scheme could also be considered. Connection to the mains is not supported as it is both costly to council and also a poor use of high quality water.

In regards to storage there is the option of underground or above ground storage tanks. The consultants have advised that due to site conditions and the volume of water needed for irrigation underground storage would be cost prohibitive and above ground storage would also be unsightly. This option may be possible if the area requiring irrigation was reduced and a cost effective location could be found. In regards to costs of excavation these costs would be incurred for the reservoir which is proposed to be three metres deep. A system could be designed to retain stormwater in the wetter season to reduce groundwater use and pumping costs and use groundwater in summer. It is acknowledged that tanks are very costly.

The use of grey water for irrigation has been discussed with the consultants and LWP but was not considered achievable with the restrictions placed on grey water use in POS especially near water treatment areas and wetlands. There are also the issues that the development will be staged and inadequate volumes would be available for Stages 1 and 2.

The draft Liveable Neighbourhoods Policy which is out for comment at the moment, supports permanent water bodies where they serve a drainage and irrigation function that cannot be met otherwise and a management plan for them is prepared for the local council.

Non renewable Resources:

The masterplan states a commitment to maximise renewable resources.

Use of Local, renewable or recycled Resources:

The masterplan states a commitment to maximise locally available resources wherever possible. The use of natural stone and laterite will be within POS areas. Where possible recycled materials eg timber will be sourced for the project.

Economic Viability:

In regards to the ongoing maintenance and management of the POS areas a number of issues have been raised. After the two year management period the shire will be responsible for maintaining the POS and there may be a community expectation that it will be maintained at the same standard. Although specified area rates can apply to cover the cost of POS areas with high maintenance costs there should still be consideration for ongoing costs to council. There will be the management of turf and planting areas which are standard across POS areas, there is also proposed to be the ongoing costs for the proposed lake, pumps required and potentially scheme water costs dependant on the groundwater testing results. It is noted that the proposed design for POS 1 and 2 are water efficient in their design to limit the areas of turf whilst ensuring that the recreational needs of the residents are met.

It is noted that once the water source is established details of pumping and irrigation systems will be provided. The reservoir size and/or irrigation regime cannot be approved until the groundwater testing is complete and the Council is aware of what its commitment in regards to maintenance is.

The masterplan proposes that there is a recirculating pump to draw water from the reservoir up to the top of the main streets stream channel. The approximate cost of this is \$2000 for electricity each year as well as maintenance and replacement costs. The recirculation of water via the stream has not been demonstrated to be the most cost effective means of aeration for the reservoir and is therefore not supported.

Economic Benefits:

There are no economic benefits directly gained through the landscape masterplan. Indirect economic gains may be to local businesses involved in the construction and/or supply of materials to the site.

Social – Quality of Life

The provision of open space including both passive and active areas as well as a connected path network provides opportunity for the residents to engage in exercise. Health is a key indicator of quality of life and the provision of POS that caters for all is included in this masterplan.

Planning:

The masterplan states that POS will be designed to ensure crime prevention strategies are incorporated.

Assets:

The landscape masterplan incorporates lighting for safety to streets and footpaths, providing footpaths and cycle tracks as part of the objectives. Water sensitive urban design is incorporated into the landscape which will provide better water quality and flood management outcomes.

Finance:

Specified area rates can be applied to this area to cover additional costs of maintenance above the normal cost of standard POS maintenance if they are required. This will allow the council to maintain the standard to that of the developers as long as the principles of waterwise landscapes are adhered to.

Social and Environmental Responsibility:

The community has not been engaged in the design directly. The Byford Link Group has discussed protection of site vegetation with LWP.

Social Diversity:

For successful achievement of providing access and increasing residents walking within the area footpaths are required in every street. This will also make access to the surrounding areas available through safe paths to less abled body residents and visitors as well increase safety for children. The paths network will be addressed in the planning strategy.

A range of POS types, both active and passive, are incorporated into the masterplan catering for a wide range for activities.

Paths in the POS areas should be designed to meet disabled access codes that allow for all members of the community to access the POS areas.

Statutory Environment: Not applicable

**Policy/Work Procedure
Implications:**

This development is located next to the light industrial area that forms part of the Byford Townsite Detailed Area Plan. It is therefore affected by the development controls in that adjacent precinct especially relating to the vegetated buffer between the areas.

LPP 6 Water Sensitive Design this outlines how water sensitive design is to be considered in developments.

Financial Implications:

There are financial implications related with this masterplan. Firstly the general ongoing costs and management of the POS areas after the establishment period of two years. Secondly the ongoing cost for the irrigation and proposed lake relating to obtaining additional water (scheme water) and the infrastructure.

The costs in the masterplan need to be amended to include all costs including those for the irrigation.

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.
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.
3. Design and develop clustered neighbourhoods in order to minimise car dependency.
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.
2. Develop partnerships with community, academia and other management agencies to implement projects in line with Shire objectives.
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.

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Required: No

Comment:

The table below provides a review against the requirements requested by the shire in their proposed conditions to the WAPC:

Requirement of landscape Masterplan	Completed	Comments
finished site levels;	N/A	Not required for the masterplan
a drainage and nutrient management strategy	x	Some details are in the previously submitted plan but further information on meeting the water quality outcomes needs to be provided with the detailed landscape plans for each stage.
water sensitive design;	✓	
integrated cycle and pedestrian	N/A	A plan has been submitted with the

Requirement of landscape Masterplan	Completed	Comments
paths linked to regional network		planning strategy for review.
schedule of colours and materials for public infrastructure;	✓	
Domain interface between public/private domain/streetscapes (eg fences, setbacks to allow for the future character of the precinct to be assessed);	✓	See comments section
community safety (active street frontages, lighting, and other crime prevention measures);	✓	
street trees	✓	See comments section
screening/buffering between residential lots and non-residential landuses on adjacent lots and South Western Highway.	x	See comments section regarding DAP requirements for adjacent land
foreshore rehabilitation and maintenance.	✓	Rehabilitation addressed but maintenance not addressed
vegetation/wildlife corridor link between RANAD site and Brickwood Reserve.	✓	

Below are some comments and issues that need to be addressed that relate to sections of the Landscape Masterplan:

The Vision

Where locally indigenous species are not suitable natives from Western Australia only are to be used. Eastern States plants are not waterwise in WA.

The location of POS areas outside the current approval, areas 3, 5 & 6 will not be endorsed as shown as they are subject to a separate planning approval. The location of POS 4 is supported as it is located to protect an area of aboriginal heritage. Location of the other POS areas will only be supported if it is located in areas that are site responsive and aim to protect existing vegetation of high value and in accordance with statutory requirements. There are a number of areas of high value vegetation on the site that can be incorporated within POS. This will mean that the subdivision design is designed around the POS and protection of existing vegetation. A site meeting with technical staff and Councillors to view areas of remnant vegetation and areas suitable for POS is proposed in early 2005.

Landscape Principals and Design Objectives

Principles that are aligned with councils strategic plan and vision also include:

- To create public open space that allows for retention of areas of high value vegetation.
- To create road reserves that also function as community open space where recreational use is a priority over vehicle use.
- To create public open space including road reserves that provide ecological linkages to the scarp and Brickwood Reserve.

General Principals and Guidelines

Streetscape Principles:

In regards to streetscapes consideration needs to be given to having a diversity of indigenous street trees within a street to provide ecological linkages along the streets and to the streets incorporating water sensitive design treatments where appropriate. Safe and accessible pedestrian access is provided in all streets for residents to access POS, public transport routes and to encourage walking.

Public Open Space Principles:

In regards to the public open space the shire is committed to a sustainable future which encompasses minimizing resource use and managing water quality. This would mean waterwise landscape treatments as well as public open space that does not rely on watering, fertilisers and other nutrients which affect the water quality. The POS should positively contribute to water quality management through the incorporation of water sensitive design treatments.

The site also contains stands of remnant vegetation with habitat value as well as connecting to surrounding areas of vegetation. POS should be located to protect high value remnant trees and vegetation where possible and integrated into the POS design.

Public Open Space Number 1

The 2.1 metre wide path parallel to the brook is to be located along the street edge or within close proximity to provide safe pedestrian access throughout this area.

Public Open Space Number 2

- In regards to irrigation a well designed waterwise POS only requires irrigation for turf areas not the planting areas. It is acknowledged that to have established trees and plants at the commencement of a subdivision that irrigation may be required for the first summer.
- The drainage swales need to be designed in accordance with Water Sensitive Design principles and to perform both a water quality and quantity function.
- The existing wetland needs to be protected through sensitive design and construction ensuring existing waterflows are not altered.

General Street Tree Planting

- It is noted that a single species will be used per street. You are encouraged to explore a mix of species within a street which is more representational of the area and provides greater habitat diversity.
- The street tree masterplan or strategy should form part of this masterplan for adoption by council.
- The developer will be required to ensure that the street trees are planted at a minimum of one per property and these are to be planted before the hand over of the landscape to the Shire.

Street Trees:

The list below is the tree species recommended for use within the main streets of Byford in the Detailed Area Plan.

Eucalyptus lanepoolei
Corymbia Haematoxylon - Mountain Marri
Corymbia calophylla rosea
Eucalyptus todtiana
Eucalyptus wandoo
Melaleuca preisiani
Eucalyptus ficifolia - red flowering gum
Eucalyptus marginata sp. elegantella
Allocasuarina fraserina
Eucalyptus rudis
Callistemon sp. (as used on South Western Highway in Byford)

Paving

Paving can also be used to calm traffic as streets will be designed to be pedestrian friendly. The paving for the streets is to be in accordance with subdivisional guidelines of the Shire.

Main Street Stream

The planned movement of water through pumping from the reservoir up to the top of the rock lined stream purely for visual purposes is not supported. Aeration of the reservoir can be achieved within the reservoir if it is supported.

Side of Block to POS

Where a house block fronts a POS on the side of the block this should be treated the same as blocks adjacent to a park and have a visually permeable fence and the housing design can respond to this as the fencing will be installed as the site is developed. This ensures there are no security issues for the house or park users.

Irrigation

The following issues need to be addressed in regards to irrigation in both this landscape masterplan and the engineering designs before approval could be given for the reservoir:

- The amount of water required in the irrigation “reservoir” for irrigation
- The evaporation rate in summer
- A shortfall of water is noted in the landscape masterplan in regards to bore water available being less than irrigation water required. Where is the shortfall being sought from? POS that does not have sufficient irrigation will not be considered acceptable.
- It is noted that access for humans and animals will be restricted to the “lake” how will this be achieved during the first few years?

Maintenance and Management

There needs to be clarification of the maintenance period. Is it 2 years beyond the development of the entire development or 2 years beyond the completion of each POS?

There needs to be further costing information provided for irrigation proposed in regards to upfront and ongoing maintenance and replacement costs. Pumps reticulation etc only have a finite life. This is to be provided for approval with the detailed landscape plans.

Adjacent Land:

The Byford Detail Area Plan (DAP) for the Byford Townsite which encompasses the area east of the railway has been completed and was adopted in November by Council. This plan outlines the design guidelines for areas adjacent to this site. In particular the light industrial area adjacent to the northern boundary of this site. As the residential development of this site will interface with light industrial the DAP has addressed this issue by establishing a showroom zone in the area adjacent. There is also the requirement for a 30 metre landscaped buffer 15metres within the light industrial precinct and 15metres within this site Byford by the Scarp.

Conclusion: The overall approach of the landscape masterplan is aligned with the councils direction. The materials and colors reflect the natural landscape and environment of the site. There is the integration of public art into the public open space adding cultural value to the area. The vegetation proposed contains large areas of revegetation and planting areas of native plants with limited areas of turf to ensure a waterwise landscape. The proposed reservoir, subject to confirmation of groundwater being available but not enough for direct irrigation, is the only viable and cost effective solution to irrigate the turf areas and areas of advanced planting establishment. It is recommended to reduce the reservoir area so that it only accommodates the POS contained within the Byford by the Scarp development.

It is recommended that Council support for the reservoir should be subject to following conditions:

- i) maximum drawdown of 200mm
- ii) only be for irrigation of 50% of the 9 hectares of POS within the Byford by the Scarp development site
- iii) demonstrate that 90% of the nutrients have been stripped from the stormwater before entering the lake.

- iv) Planting of reeds to the edge of reservoir to a minimum width of 3 metres at a minimum density of 3/m²
- v) the irrigated areas and the reservoir having a five year maintenance period by the developer
- vi) a management plan is submitted to the shire for approval detailing maintenance and replacement costs, details and monitoring regimes for water quality and quantity.

Voting Requirements: **ABSOLUTE MAJORITY**

Committee/Officer Recommended Resolution:

Moved Cr Hoyer seconded Cr Price

1. The landscape masterplan be approved as the guiding document for the design and development of POS and foreshore reserve within Lots 521 and 523 South Western Highway with the following conditions:
 - a) the location of POS 3, 4, 5 and 6 not be approved as shown in the landscape masterplan
 - b) the location of POS 3, 4, 5 and 6 be subject to separate planning approval
 - c) No scheme water to be used for irrigation. POS is to be designed to ensure the irrigation needs can be met otherwise through greywater reuse, stormwater and/or groundwater.
 - d) Path access in the POS areas should provide disabled access.
 - e) Recirculating pump from reservoir to main street stream channel not be included in the landscape design.
 - f) The following questions and issues in the Comments section of this report be addressed in an amended masterplan:
 - i) Where locally indigenous species are not suitable natives from Western Australia only are to be used.
 - ii) A site meeting with technical staff and Councillors to view areas of remnant vegetation and areas suitable for POS is recommended in early 2005.
 - iii) Add the following to Landscape Principles and Design Objectives:
 - Principles that are aligned with councils strategic plan and vision also include:
 - To create public open space that allows for retention of areas of high value vegetation;
 - To create road reserves that also function as community open space where recreational use is a priority over vehicle use.
 - To create public open space including road reserves that provide ecological linkages to the scarp and Brickwood Reserve.
 - iv) Streetscapes are to have a diversity of indigenous street trees within a street to provide ecological linkages along the streets and to the streets incorporating water sensitive design treatments where appropriate.
 - v) Add the following to General Principles and Guidelines Streetscape Principles:
 - Safe and accessible pedestrian access is provided in all streets for residents to access POS, public transport routes and to encourage walking.
 - vi) Add the following to General Principles and Guidelines Public Open Space Principles:
 - The POS will positively contribute to water quality management through the incorporation of water sensitive design treatments.
 - The site also contains stands of remnant vegetation with habitat value as well as connecting to surrounding areas of vegetation.

POS will be located to protect high value remnant trees and vegetation where possible and integrated into the POS design.

- vii) In Public Open Space Number 1 the 2.1 metre wide path parallel to the brook is to be located along the street edge or within 1.5 metres to provide safe pedestrian access throughout this area.
- viii) In Public Open Space Number 2 the drainage swales need to be designed in accordance with Water Sensitive Design principles and to perform both a water quality and quantity function.
- ix) In Public Open Space Number 2 the existing wetland is to be protected through sensitive design and construction ensuring existing waterflows are not altered.
- x) A street tree masterplan is to be prepared and submitted for approval as part of this landscape masterplan.
- xi) The developer is required to ensure that the street trees are planted at a minimum of one per property and these are to be planted before the hand over of the subdivision to the Shire.
- xii) The paving for the streets is to be in accordance with subdivisional guidelines of the Shire.
- xiii) The pumping of water from the reservoir up to the top of the rock lined stream in the main street purely for visual purposes is not supported. Aeration of the reservoir will be achieved within the reservoir.
- xiv) Where a house block adjoins a POS on the side of the block this will be treated the same as blocks adjacent to park and have visual permeable fence.
- xv) The following issues need to be addressed in regards to irrigation in both this landscape masterplan and the engineering designs before approval could be given for the reservoir:
 - The amount of water required in the irrigation "reservoir" for irrigation;
 - The evaporation rate in summer;
 - A shortfall of water is noted in the landscape masterplan in regards to bore water available being less than irrigation water required. Where is the shortfall being sought from POS that does not have sufficient irrigation will not be considered acceptable.
- xvi) The developer is required to enter into an MOU with the Shire on the maintenance period for the public open space.
- xvii) There needs to be further costing information provided for irrigation proposed in regards to upfront and ongoing maintenance and replacement costs. This is to be provided for approval with the detailed landscape plans.
- xviii) Adjacent Land - A 15 metre landscaped buffer is required along the northern boundary adjoining the industrial zoned land as shown in the Byford Townsite Detail Area Plan.

2. The lake/reservoir be approved and be subject to the following conditions:
- a) maximum drawdown of 200mm
 - b) only be for irrigation of 50% of the 9 hectares of POS within the Byford by the Scarp development site.
 - c) demonstrate that 90% of the nutrients have been stripped from the stormwater before entering the lake/reservoir including storm events.
 - d) planting of reeds to the edge of reservoir to a minimum width of three metres at a minimum density of 3/m²
 - e) the irrigated areas and the reservoir having a five year maintenance period by the developer.
 - f) a management plan is submitted to the shire for approval detailing maintenance and replacement costs, details and monitoring regimes for water quality and quantity.

- g) A balustrade meeting legislative requirements be installed on the boardwalk adjacent to the reservoir.
3. Council delegates approval for the amended masterplan in accordance with conditions contained in 1 to the Director Sustainable Development.

LOST 0/10

During debate Cr Star foreshadowed that she would move a motion to delete “within a street” from part 1.f (iv) if the motion under debate was lost.

P046/12/04 COUNCIL DECISION/FORESHADOWED MOTION

Moved Cr Star seconded Cr Wigg

1. The landscape masterplan be approved as the guiding document for the design and development of POS and foreshore reserve within Lots 521 and 523 South Western Highway with the following conditions:
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 - b) the location of POS 3, 4, 5 and 6 be subject to separate planning approval
 - c) No scheme water to be used for irrigation. POS is to be designed to ensure the irrigation needs can be met otherwise through greywater reuse, stormwater and/or groundwater.
 - d) Path access in the POS areas should provide disabled access.
 - e) Recirculating pump from reservoir to main street stream channel not be included in the landscape design.
 - f) The following questions and issues in the Comments section of this report be addressed in an amended masterplan:
 - i) Where locally indigenous species are not suitable natives from Western Australia only are to be used.
 - ii) A site meeting with technical staff and Councillors to view areas of remnant vegetation and areas suitable for POS is recommended in early 2005.
 - iii) Add the following to Landscape Principals and Design Objectives:
 - Principles that are aligned with councils strategic plan and vision also include:
 - To create public open space that allows for retention of areas of high value vegetation;
 - To create road reserves that also function as community open space where recreational use is a priority over vehicle use.
 - To create public open space including road reserves that provide ecological linkages to the scarp and Brickwood Reserve.
 - iv) Streetscapes are to have a diversity of indigenous street trees to provide ecological linkages along the streets and to the streets incorporating water sensitive design treatments where appropriate.
 - v) Add the following to General Principals and Guidelines Streetscape Principles:
 - Safe and accessible pedestrian access is provided in all streets for residents to access POS, public transport routes and to encourage walking.
 - vi) Add the following to General Principals and Guidelines Public Open Space Principles:
 - The POS will positively contribute to water quality management through the incorporation of water sensitive design treatments.

- The site also contains stands of remnant vegetation with habitat value as well as connecting to surrounding areas of vegetation. POS will be located to protect high value remnant trees and vegetation where possible and integrated into the POS design.
- vii) In Public Open Space Number 1 the 2.1 metre wide path parallel to the brook is to be located along the street edge or within 1.5 metres to provide safe pedestrian access throughout this area.
- viii) In Public Open Space Number 2 the drainage swales need to be designed in accordance with Water Sensitive Design principles and to perform both a water quality and quantity function.
- ix) In Public Open Space Number 2 the existing wetland is to be protected through sensitive design and construction ensuring existing waterflows are not altered.
- x) A street tree masterplan is to be prepared and submitted for approval as part of this landscape masterplan.
- xi) The developer is required to ensure that the street trees are planted at a minimum of one per property and these are to be planted before the hand over of the subdivision to the Shire.
- xii) The paving for the streets is to be in accordance with subdivisional guidelines of the Shire.
- xiii) The pumping of water from the reservoir up to the top of the rock lined stream in the main street purely for visual purposes is not supported. Aeration of the reservoir will be achieved within the reservoir.
- xiv) Where a house block adjoins a POS on the side of the block this will be treated the same as blocks adjacent to park and have visual permeable fence.
- xv) The following issues need to be addressed in regards to irrigation in both this landscape masterplan and the engineering designs before approval could be given for the reservoir:
 - The amount of water required in the irrigation "reservoir" for irrigation;
 - The evaporation rate in summer;
 - A shortfall of water is noted in the landscape masterplan in regards to bore water available being less than irrigation water required. Where is the shortfall being sought from POS that does not have sufficient irrigation will not be considered acceptable.
- xvi) The developer is required to enter into an MOU with the Shire on the maintenance period for the public open space.
- xvii) There needs to be further costing information provided for irrigation proposed in regards to upfront and ongoing maintenance and replacement costs. This is to be provided for approval with the detailed landscape plans.
- xviii) Adjacent Land - A 15 metre landscaped buffer is required along the northern boundary adjoining the industrial zoned land as shown in the Byford Townsite Detail Area Plan.

- 2. The lake/reservoir be approved and be subject to the following conditions:**
- a) maximum drawdown of 200mm
 - b) only be for irrigation of 50% of the 9 hectares of POS within the Byford by the Scarp development site.
 - c) demonstrate that 90% of the nutrients have been stripped from the stormwater before entering the lake/reservoir including storm events.
 - d) planting of reeds to the edge of reservoir to a minimum width of three metres at a minimum density of 3/m²
 - e) the irrigated areas and the reservoir having a five year maintenance period by the developer.

- f) a management plan is submitted to the shire for approval detailing maintenance and replacement costs, details and monitoring regimes for water quality and quantity.
 - g) A balustrade meeting legislative requirements be installed on the boardwalk adjacent to the reservoir.
3. Council delegates approval for the amended masterplan in accordance with conditions contained in 1 to the Director Sustainable Development.

CARRIED 10/0 ABSOLUTE MAJORITY

Council Note: The Committee/Officers Recommended Resolution was changed to remove the words “within a street” from part 1.f (iv).

P049/12/04 PROPOSED RIDING SCHOOL – LOT 501 (NO. 19) TULLOCH WAY, DARLING DOWNS (P04774/02)		
Proponent:	Tania Spires	In Brief The applicant is seeking approval for a Riding School 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	18 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: Tania Spires
 Owner's Address: 19 Tulloch Way, Darling Downs
 Applicant: As Above
 Applicant's Address: As Above
 Date of Receipt: 4 August 2004
 Advertised: 8 September to 6 October 2004
 Submissions: 6 letters of objection, 1 of no comment
 Lot Area: 2.0298 ha
 L.A Zoning: Rural
 MRS Zoning: Rural
 Byford Structure Plan: NA
 Rural Strategy Policy Area: Residential and Stable
 Rural Strategy Overlay: NA
 Municipal Inventory: NA
 Townscape/Heritage Precinct: NA
 Bush Forever: NA
 Date of Inspection: July 2004

Background

On 2 June 2004, the applicant received Planning approval from the Shire to establish a Horse Arena on the property. This approval included the condition that a maximum of 6 horses can be kept on the property and are to be stabled a minimum of 14 hours during each 24 hour period. This approval did not include any approval to operate a commercial business from the property.

On 8 July 2004 a complaint was received regarding the advertisements for a riding school operating from Lot 501 Tulloch Way, Darling Downs. After investigating the complaint, the

owner was advised that no approval has been issued for a Riding School from the property and that an application needs to be lodged with Council and that all operations are to cease immediately. The operations were ceased and an application for a Riding School was received by Council on 4 August 2004.

The subject site is located within the Rural zone and currently contains a dwelling and horse facilities such as yards, paddocks and a stable complex.

The applicant is proposing to develop a Riding School on the property. A summary of the proposal is as follows:

Nature of business: Riding School to offer riding lessons for young people aged 8-16 years of age. The applicant is also looking to conduct a riding camp during each school holiday period.

No. of staff: 2 (the residents of L501 Tulloch Way).

Hours of operation: Monday to Friday 4:00pm – 6:30pm and Saturday 8:00am – 11:30am. The times may vary depending on demand.

The riding camps are proposed to be held over a period of 2-3 nights once every two week school holiday period. These will operate between the hours of 9:00am – 5:00pm.

No. of students: There will generally be only one (1) student for tuition but may on occasion have a group lesson of up to four (4) pupils.

The proposed camps will cater for approximately 10-12 students.

No. of horses: The applicant has previous approval for 6 horses on the property. Each student attending the school will bring their own horse.

Equipment: There will not be any equipment used in the operation of the business other than would be expected to keep a 5 acre property in neat and presentable condition.

Facilities: There are two fully operational toilets and washroom facilities located in the residence which adequately cover any requirement that may arise.

Car parking: There is ample parking both in the driveway area and alongside the stable complex. It would be expected that there would be a maximum of four (4) cars and horse floats parked at the property at any time.

Signage: No signage is intended to be erected on the property.

A copy of the site plan is with attachments marked P049.1/12/04.

Sustainability Statement

Effect on Environment: It is considered that the operation of a riding school on the property may detrimentally impact on the environment. The applicant has previous approval to keep six (6) horses on the property with each proposed rider bringing their own horse onto the property for lessons creates the potential for up to an additional twelve (12) horses on the property during school holiday camps. Additional horses may cause dust problems if the land is not managed properly. In relation to the proposed holiday camps, it is considered that the property will be overstocked if horses are kept on the property overnight.

The additional horses on the property will result in an increase of manure being deposited on the land. Waste management needs to be given high consideration in this proposal to ensure that the potential for nutrients to leach into the groundwater is not increased.

Resource Implications: There are no resource implications relating to this proposal.

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 riding school will provide employment for two staff. It is considered that the proposal may increase tourism within the Shire by attracting residents from surrounding localities into the Shire to learn how to ride.

Social – Quality of Life: This proposal could potentially impact on the quality of life for residents of adjacent properties with odours, noise, dust and traffic being generated and impacts on the visual amenity of the streetscape. Accordingly, any approval should be conditional to reduce any impacts to surrounding landowners.

Social and Environmental Responsibility: It is considered that the proposal creates opportunities for the community to participate in the activities on the property.

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

Statutory Environment: Town Planning Scheme No.2
Statement of Planning Policy No.2 – The Peel-Harvey
Coastal Plain Catchment

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.

Objective 3: High level of social commitment

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.
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:

1. Attract and facilitate appropriate industries, commercial activities and employment.
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.
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: 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 surrounding neighbours for comment.

Support/Object: Six objections and one non objection (two objections were received from the same property).

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Dismiss)
A270500	<p>Object for the following reasons: The size of the property is too small.</p> <p>Disturbances caused by the activities and the quantity of children would be a problem for our neighbours and ourselves.</p>	<p>The size of the property is considered to be too small for a large scale commercial operation. The size of the business can be appropriately controlled by limiting the number of horses on the land and number of customers visiting the property.</p> <p>Possible noise disturbances to neighbours are acknowledged and could occur when customers are dropped off and picked up. The classes are unlikely to impact upon neighbours by way of noise.</p>	<p>Comments noted. Conditions can be imposed to reduce the scale of the operation and disturbance to neighbours.</p>
A267700	<p>Object for the following reasons: A riding school on 5 acres</p>	<p>Specific reasons for the</p>	<p>Comments noted.</p>

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Dismiss)
	and camps during the holidays is not a very sensible suggestion.	objection have not been supplied.	
A271000 (two submissions were received from this property)	<p>Objects for the following reasons: The size of the property is too small for a riding school and camps.</p> <p>The applicant has operated camps during previous school holiday periods.</p> <p>Extreme noise is caused by the owner verbally instructing the students in the arena.</p> <p>There is no buffer zone between the subject property and surrounding residences to reduce visual nuisance or noise created by the instructor.</p> <p>The owner continues to keep between 10 and 13 horses on the property plus those visiting the property for riding instruction.</p> <p>The description of hours of business and number of cars parked on the property is too broad and allows the</p>	<p>The size of the property is considered to be too small for a large scale commercial operation. The size of the business can be appropriately controlled by limiting the number of horses on the land and number of customers visiting the property.</p> <p>The applicant did operate riding classes on the property during a school holiday period without Shire approval. The applicant was advised to cease operations. This directive has been complied with.</p> <p>Comments noted, however it is not expected that the noise from instructing students would be considered excessive or impact upon the amenity of the area.</p> <p>A buffer can be considered by Council as a means to reduce impacts on surrounding properties by imposing tree planting conditions on the approval. Tree planting may not necessarily control noise but can act as a visual screen between properties.</p> <p>A site visit to the property confirmed that 6 horses were being kept on the property as per the planning approval for the arena.</p>	Comments noted. Appropriate conditions can be put on the approval to control the scale of the development and impacts on neighbours.

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Dismiss)
	<p>opportunity for expansion.</p> <p>We are concerned that lights could be installed on the arena, shining into our house.</p> <p>Hazards are possible should a horse become loose while unloading.</p> <p>A riding school and camp on a 2 ha property and so close to residences is not consistent with the Shire's rural and environmental policies.</p> <p>The submitter has also raised the following questions: Why wasn't the applicant required to plant trees between the approved arena and the property border?</p> <p>Has an application been submitted for the keeping of horses on this property since November 2003?</p>	<p>The proposal can be conditioned to control the hours of operation and the location/number of cars parked on the property.</p> <p>The applicant has not indicated any intention to install lights in the arena.</p> <p>Hazards could occur whether or not the property is used for commercial or private purposes. This issue is not a planning consideration and is the responsibility of the landowner.</p> <p>A riding school is an AA use in the Rural zone. The stabling aspect of the proposal is consistent with the zoning of the land, although the large scale commercial aspects of the proposal can be considered undesirable. A planting condition can be imposed on the approval to improve vegetation screening on the property.</p> <p>As part of the approval for the arena, it was not considered necessary to plant trees between the arena and neighbouring properties. This could be imposed as a planning condition as part of this application.</p> <p>The applicant has previous approval to keep 6 horses on the property (stabled 14 hours a day).</p>	
A267200	<p>Objects for the following reasons: The applicant has not addressed how she intends to control noise, dust and odour.</p>	<p>These issues can be controlled through appropriate conditions. As part of the previous approval for the horse</p>	<p>Comments noted. Appropriate conditions can be put on the approval to address these</p>

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/Support/Dismiss)
	<p>There are no details given to how the developer intends to address landscaping along the Tulloch Way alignment.</p> <p>Details of the business are not specific (uses words like maybe).</p> <p>No proper car parking plan has been submitted. Increased traffic movements will increase dust.</p>	<p>arena the applicant is required to dispose of manure and maintain pasture coverage to reduce dust impacts. These conditions still need to be adhered to at all times.</p> <p>Landscaping can be addressed through a planning condition to prepare a landscaping plan and undertake tree planting to Council's satisfaction.</p> <p>Conditions can be imposed to restrict intensity of activities such as number of visitors and hours of operation.</p> <p>The number of vehicles using the property can be appropriately controlled. The loop driveway can be used to accommodate the restricted number of vehicles entering the property.</p>	<p>issues.</p>

A213100	<p>Objects for the following reasons: People should learn to ride but not in an area that is already showing signs of overcrowding.</p> <p>Approval granted to this riding school will open the gates to everyone.</p> <p>The submitter also raised the following question: Do these people contribute to the area (ie busy bees)?</p>	<p>This is a subjective comment and it is not known what the overcrowding issue relates to.</p> <p>Any application for a riding school requires approval from Council and any landowner has the right to apply for planning approval in accordance with the Scheme requirements.</p> <p>This question does not impact on the determination of this application.</p>	<p>Comments noted.</p>
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Response from Government Agencies

Department of Environment: Submission received and no comments provided.

Comment:

Rural Strategy and Scheme Requirements

The subject site is zoned 'Rural' under Council's Town Planning Scheme No.2 and is identified within the 'Residential and Stable' policy area within the Rural Strategy. A Riding School is defined in the scheme as:

"land and buildings used for the purpose of giving instructions in the equestrian activities of riding, handling and care of horses and may include overnight accommodation for students".

A Riding School is classified as an 'AA' use within the Rural zone which means that the Council may, at its discretion, permit the use.

Statement of Planning Policy No.2 – The Peel Harvey Coastal Plain Catchment

The subject lot falls within the Peel-Harvey Coastal Plain Catchment as identified in Statement of Planning Policy No.2. General Policy Provisions relating to the proposal include assessing land capability and suitability and specific management practices (such as stocking rates) and also obtaining approvals to draw ground water. The applicant has previous approval from the Department of Environment (DoE) to irrigate some of the pasture on the land. Specific management practices relating to the land can be enforced through stringent planning conditions.

Stocking Rates

The applicant has previous approval for a 'Horse Riding Arena' on the property. Under this approval, the applicant is allowed to keep a maximum of six (6) horses on the property and these are to be stabled a minimum of 14 hours out of each 24 hour period.

Under the Department of Agriculture's 'Stocking rate guidelines for rural small holdings' publication, stocking rates are defined as:

"the numbers of stock...that can consistently be kept on a piece of pasture all year round with minor additional feed and without causing environmental degradation".

It is therefore considered that any additional horses that are brought onto the property for lessons will not significantly increase the stocking rate on the land as the horses will only be on the property for a short period of time, often only one hour.

The proposed camps that are to be held during the school holiday periods will potentially result in an additional 10-12 horses being kept continually on the property over the period of 2-3 nights. It is considered that the keeping of these horses on the property will exceed the stocking rate of the property. This is not supported and no horses should be permitted to be kept on the property beyond the period of time of the lessons or overnight.

Impacts on Surrounding Neighbours

The scale of development and the intense commercial activities that are proposed have the potential to adversely impact on the amenity of the district and the life of surrounding residents if not managed properly. The previous approval for the horse arena stipulated that all paddocks are to be irrigated as required to maintain a pasture coverage of at least 95 per cent year round. This condition if complied with will reduce any problems associated with dust nuisance.

It is considered that the tuition of one rider at a time will not result in any significant noise impacts on neighbours. However, the potential to have a group of up to four (4) riders at a time and the possible riding camps during the holidays will increase the noise generated from the property. To reduce the impacts on the surrounding landowners, the number of riders attending the property at any one time will need to be stringently managed.

Traffic will not pose a great concern to neighbours or decrease the quality of life for residents if one child is being given instruction on the property at a time. This will involve only one additional car and horse float entering and leaving the property for the purpose of the lesson. During the proposed school camps, the increase in traffic will be substantial with approximately an additional 10 cars and floats entering and leaving the property. This traffic flow and the parking of vehicles on the property will also need to be appropriately managed.

Conclusion

The scale of commercial operation that the applicant is proposing, through the running of school holiday camps and overnight accommodation is considered to be excessive and undesirable for a 2 hectare property and is likely to significantly impact on surrounding land owners through noise generation, traffic flow and visual amenity. The riding lessons involving more than one child at any one time and overnight stay is therefore not supported. However, it is considered that the proposed riding lessons to be held during the week Monday to Saturday will not impact significantly on neighbours and is an appropriate use to be undertaken from the property if managed appropriately.

Through restricting the hours of operation and the number of students that are to attend the riding school, a compromise can be reached that helps the applicant to establish a use that is being applied for whilst ensuring that the quality of life for surrounding residents is not jeopardised. A community that is focussed around horse and equestrian facilities will benefit from the establishment of a controlled and regulated Riding School in the local area.

Voting Requirements: Normal

Officer Recommended Resolution:

The application for a Riding School at Lot 501 (no. 19) Tulloch Way, Darling Downs be approved subject to the following conditions:

1. A maximum of one (1) student is permitted on the property at any one time for lessons.
2. A maximum of one (1) additional horse is permitted to be kept on the property during the duration of the riding lessons.
3. The operation of overnight riding camps is not permitted.
4. Hours of operation are to be Monday to Friday 4:00pm – 6:30pm and Saturday 8:00am – 11:30am.
5. This approval is granted to the applicant only and is not transferable.
6. The keeping of horses is to be in accordance with the previous approval for a 'Horse Riding Arena' dated 2 June 2004.
7. All customer parking is to be contained wholly within the boundaries of the lot.
8. No vehicle associated with the operation of the Riding School is permitted to stand on the adjacent road verge or street at any time.
9. All activities associated with the operation of the Riding School are to be contained on site.
10. A maximum of two (2) people are permitted to be employed to operate the Riding School.
11. No signage is permitted to be displayed on site unless the prior written approval of the Shire is obtained.
12. No flood lighting is to be installed on the property unless the prior written approval of the Shire is obtained.

13. 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.

Advice Note:

1. In relation to condition 9, the Darling Downs trails network is not to be used for riding school activities.

Committee Recommended Resolution

Moved Cr Simpson seconded Cr Hoyer

The application for a Riding School at Lot 501 (no. 19) Tulloch Way, Darling Downs be approved subject to the following conditions:

1. A maximum of up to four (4) students is permitted on the property at any one time for lessons.
2. A maximum of four (4) additional horses is permitted to be kept on the property during the duration of the riding lessons.
3. The operation of overnight riding camps is not permitted.
4. Hours of operation are to be Monday to Friday 4:00pm – 6:30pm and Saturday 8:00am – 11:30am.
5. This approval is granted to the applicant only and is not transferable.
6. The keeping of horses is to be in accordance with the previous approval for a 'Horse Riding Arena' dated 2 June 2004.
7. All customer parking is to be contained wholly within the boundaries of the lot.
8. No vehicle associated with the operation of the Riding School is permitted to stand on the adjacent road verge or street at any time.
9. All activities associated with the operation of the Riding School are to be contained on site. The Darling Downs trails network is not to be used for riding school activities.
10. A maximum of two (2) people are permitted to be employed to operate the Riding School.
11. No signage is permitted to be displayed on site unless the prior written approval of the Shire is obtained.
12. No flood lighting is to be installed on the property unless the prior written approval of the Shire is obtained.
13. 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.

AMENDMENT

Moved Cr Hoyer seconded Cr Murphy that the words "That a vegetated buffer between the arena and the boundary fences be established prior to 30 August 2005 and thereafter maintained to the satisfaction of the Director Sustainable Development" be added as a part 14 to the recommended resolution.

After debate the presiding member then put the amendment which was
CARRIED 7/3

The amendment then formed part of the motion as a point 14 as follows:

P049/12/04 COUNCIL DECISION

The application for a Riding School at Lot 501 (no. 19) Tulloch Way, Darling Downs be approved subject to the following conditions:

1. A maximum of up to four (4) students is permitted on the property at any one time for lessons.
2. A maximum of four (4) additional horses is permitted to be kept on the property during the duration of the riding lessons.
3. The operation of overnight riding camps is not permitted.
4. Hours of operation are to be Monday to Friday 4:00pm – 6:30pm and Saturday 8:00am – 11:30am.
5. This approval is granted to the applicant only and is not transferable.
6. The keeping of horses is to be in accordance with the previous approval for a 'Horse Riding Arena' dated 2 June 2004.
7. All customer parking is to be contained wholly within the boundaries of the lot.
8. No vehicle associated with the operation of the Riding School is permitted to stand on the adjacent road verge or street at any time.
9. All activities associated with the operation of the Riding School are to be contained on site. The Darling Downs trails network is not to be used for riding school activities.
10. A maximum of two (2) people are permitted to be employed to operate the Riding School.
11. No signage is permitted to be displayed on site unless the prior written approval of the Shire is obtained.
12. No flood lighting is to be installed on the property unless the prior written approval of the Shire is obtained.
13. 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.
14. That a vegetated buffer between the arena and the boundary fences be established prior to 30 August 2005 and thereafter maintained to the satisfaction of the Director Sustainable Development

CARRIED 7/3 ABSOLUTE MAJORITY

Cr Wigg left the meeting at 8.56pm
Cr Wigg returned to the meeting at 8.58pm.

Council Note: The recommended resolution was changed by adding point 14 to include a provision of a buffer zone between the arena and the boundary fences.

During debate Cr Richards foreshadowed that he would move that the application for the riding arena at Lot 501 Tulloch Way, Darling Downs be referred to the January 2005 Sustainable Development committee if the motion under debate was defeated.

FORESHADOWED MOTION

That the application for a riding school at Lot 501 Tulloch Way, Darling Downs and the information in relation to the riding arena be referred back to the January 2005 Sustainable Development committee for further information and consideration.

P052/12/04 LICENCE RENEWAL - EXTRACTIVE INDUSTRY - LOT 4 KING ROAD, OLDBURY (P00068/01)		
Proponent:	Readymix	In Brief To consider the issue of an extractive industry licence in accordance with the Local Laws for Extractive Industries for sand at Lot 4 King Road, Oldbury for a one year period up 31 December 2005. It is recommended that the Extractive Industry Licence be granted for a period of only 6 months.
Owner:		
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	26 November 2004	
Previously	P052/12/03	
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: Alec Cumming
 Owners Address: PO Box 9 Byford 6122
 Applicant: Readymix
 Applicants Address: PO Box 555 Victoria Park, WA 6979
 Date of receipt: Not received as at 3 December 2004
 Advertised: Not applicable
 Submissions: Not applicable
 Lot Area: 14 hectares
 LA Zoning: Rural
 MRS Zoning: Rural
 Byford Structure Plan: Not applicable
 Rural Strategy Policy Area: Raw Materials Extraction
 Rural Strategy Overlay: Not applicable
 Municipal Inventory: Not applicable
 Townscape/ Heritage: Not applicable
 Precinct:
 Heritage Precinct: Not applicable
 Bush Forever: Not applicable
 Date of Inspection: 22 November 2004

Background

Planning approval for the extractive industry was granted by the Western Australian Planning Commission (WAPC) on 8 February 2000 for a period of 5 years. The approval will expire on 8 February 2005 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.

An extractive industry licence for the subject land was issued by the Shire on 2 January 2004 and is valid until 31 December 2004.

A copy of the conditions placed on the Extractive Industries Licence is with the attachments marked P052.1/12/04.

Sustainability Statement

Effect on Environment: The area to be extracted has generally been cleared of vegetation.

Resource Implications: The proposal will extract a large volume of sand 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 operation of machinery.

Use of Local, renewable or recycled Resources: The proposal will extract locally available materials within the Shire, which will then mostly be exported from the Shire.

Economic Viability: The proposal will be economically productive in a way that incorporates the external costs. However, the extraction of sand has the potential to significantly alter the existing landscape, reduce the visual amenity of the area and reduce biodiversity on the subject land, which cannot be priced as a monetary value.

Economic Benefits: If a new extractive industry licence is granted, the operation has the potential to create employment for residents in the Shire.

Social – Quality of Life: It is considered that the proposal will not impact on the quality of life for the community.

Social and Environmental Responsibility: The application for an extractive industry licence renewal under normal circumstances is not referred to surrounding landowners for comment.

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

Statutory Environment: Local Government Act 1995.
Extractive Industries Local Law
Town Planning and Development Act.

Extracts from the Extractive Industries Local Law is 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-
- refuse the application; or
- approve the application on such terms and conditions, if any, as it sees fit.

The applicant has not yet submitted an application for an extractive industry licence renewal for the subject land.

Policy Implications: Not applicable.

Financial Implications: Extractive Industry Licence annual fee to be paid.

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.

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.

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

Strategies:

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

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:

Not applicable.

Comment:

A site visit was undertaken on 22 November 2004, revealing a number of outstanding conditions that have not yet been complied with in accordance with the licence issued on 2 January 2004.

Current Outstanding Licence Conditions

The licence conditions were required to be satisfied at various dates over the last 12 months, during the term of the current licence which was issued in January 2004.

Condition 1 – Compliance with Extractive Industries Local Law and TPS No.2

The company has encroached within the 20 metre buffer required in the Local Law, Part 6.1. The block of land to the north is owned by the same landowner and the company had intended originally to mine both Lot 4 and Lot 5. However, permission to mine lot 5 was not granted.

The mine manager has advised that they have excavated within the 20 metre setback area and over the property boundary. The manager advises that they will now commence surveying the boundary and then replace the buffer.

Clause 6.1 of the Local Law states:

- 6.1 *Subject to any licence conditions imposed by the local government, a person shall not, without the written approval of the local government, excavate within -*
20 metres of the boundary of any land on which the excavation site is located;
20 metres of any land affected by a registered grant of easement;
40 metres of any thoroughfare; or
40 metres of any watercourse.

Penalty \$2,000

This is a serious breach of the Local Law and it is recommended that Council's solicitors be requested to investigate commencing legal action for a breach of the Local Laws and the licence condition. Once the advice has been received from the Shire's solicitors, a further report will be presented to Council to consider commencement of legal action.

It is recommended that the condition still remain on the licence.

Condition 2 – Submission of Cross-section Drawings

The company indicated that this document had not been prepared by the due date of 30 November 2004.

It is recommended that the condition remain on the licence.

Condition 4 – Rehabilitation Plan

The Environmental Officer advises:

The presence of this condition on the current licence would indicate that the Shire considered the existing documentation to be in need of revision.

A document entitled "Proposed Sand Mining and Rehabilitation" was prepared in 1999 when the original application was assessed. It is just a few paragraphs long, it lacks detail and does not include auditable completion criteria. There is no record of formal approval of this document and it is not of a standard or level of detail that would comply with this condition.

A document entitled "Mine Management Plan", dated 30 November 2003 included quite a lot of statements in relation to environmental management and management processes. On some issues, it appears contradictory to the original rehabilitation plan prepared in 1999. Despite the document being prepared only 12 months ago, it does not appear to address the current situation within the mine. For example commitments are made to use top soil from each stage to rehabilitate the previous stage in a progressive manner. However, on site, most sand has been exhausted and practically no rehabilitation has taken place. The document also does not include the detailed rehabilitation plans and commitments required under this condition.

It appears that this condition is seeking a revised rehabilitation plan of higher standard and with auditable completion criteria. This has not been prepared, and will still need to be prepared as a condition of the next licence. Now that the company head office staff are aware of this requirement a formal request for an extension on the deadline has been forwarded.

It is recommended that this condition remains on the licence.

Condition 5 – Weed Control

The Environmental Officer states:

The company representative on site indicated that this will not be prepared by the deadline. However, now that the company head office staff are aware of this requirement, a formal request for extensions to deadlines has been received.

Weed control on site has included some hand pulling of weeds. However, the Mine Management Plan committed to spraying twice a year and hand pulling. The level of pasture grass weeds is very high and has escaped both into the remnant bushland on site and into surrounding property to the north. The weed burden needs to be controlled if there is to be any hope of either maintaining the remnant bushland or rehabilitating the excavated areas.

It is recommended that this condition remain on the licence.

Condition 6 – Lodgement of Annual Report

The company representative on site indicated that this document had not been prepared by the deadline.

It is recommended that the condition remain on the licence.

Condition 7 – Preparation of an Environmental Management System

The Environmental Officer states:

This document has not been received as of 23 November and the company representative on site indicated that it will not be prepared prior to the deadline. Readymix has an environmental management system and they are currently seeking ISO14000 accreditation. However, the company has not applied this document to the Lot 4 King Road site in a manner that is compliant with this condition.

Discussions between Shire staff and Readymix head office staff have indicated that the Shire will not be seeking to reissue this condition in the next licence. Instead, although the Shire encourages the implementation of an on site EMS for Lot 4 King Road, the Shire will provide more comprehensive conditions relating to the environmental hazards usually managed through an EMS and the company can choose to use these as targets within their EMS or not.

It is recommended that this condition not be included on the next licence.

Condition 8 – Removal of Spur Section

The Environmental Office states:

“Extraction from this area is proceeding but the Shire has not received plans showing both the existing and proposed land contours. A contour map is provided in the 2003 document entitled Mine Management Plan, but it addresses only current contours, as of 2003, it does not include proposed final contours.

The pattern of removal of sand was explained on site and the spur has almost been removed on one location. From this point, the company will remove sand in a easterly direction.”

The requirement for contours remains and should be provided as part of a landscape and rehabilitation plan of the site.

It is recommended that this condition remain on the licence as part of a rehabilitation and landscape plan.

Conclusion

There are seven conditions on the current Extractive Industry Licence which have not yet been complied with. At the time of writing this report, the company have requested an extension of time to submit the required documentation, however this cannot be granted as the current extractive industry licence expires on 31 December 2004. It is recommended that a licence be issued only for a period of six months due to the large number of licence conditions that remain outstanding.

Voting Requirements: Normal

P052/12/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Murphy seconded Cr Hoyer

- A. 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 sand extraction at Lot 4 King Road, Oldbury for a six month period expiring 30 June 2005 subject to the following conditions:

PLANNING

1. The licensee is to submit an annual report to the Director Sustainable Development by 15 November 2005. (AD1)
2. The licensee is to comply with all provisions of the Serpentine Jarrahdale Extractive Industry Local Law. (AD3)

ENVIRONMENTAL

Dust

3. The licensee shall prepare by 1st April 2005 a revised Dust Management Plan for Director of Sustainable Development approval and thereafter implement the approved revised Dust Management Plan in its entirety (D1).
4. 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, where necessary, appropriate dust suppression techniques, including, but not limited to, water trucks, stabilisers, water sprays, sprinklers or canons (D3).
5. The licensee shall ensure that all loads leaving the premises of shale, sand, soil, clay or other particulate material likely to blow around, are to be enclosed or completely covered by a secured impermeable tarpaulin to prevent dust nuisance (D4).

Noise

6. The licensee shall prepare by 1 April 2005 a revised Noise Management Plan for Director of Sustainable Development approval and thereafter implement the approved revised Noise Management Plan in its entirety (N1).
7. The licensee shall take all measures to ensure that noise from machinery and vehicles complies with the Environmental Protection (Noise) Regulations 1997 (N8).
8. The licensee shall not store or use explosives on site without the prior written approval of, and in compliance with any conditions required by, the Director Sustainable Development (N9).

Hazardous Chemicals

9. 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 (H1).
10. The compounds described condition 9 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 (H2).
11. The licensee shall implement measures to minimise the risk of spills or leaks of chemicals including fuel, oil or other hydrocarbons and 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 any low permeability compounds (H3).
12. 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 brought on-site and made available for immediate inspection by the Shire of Serpentine Jarrahdale staff during site audits (H5).
13. The proponent shall ensure that no chemicals or potential liquid contaminants are disposed of on-site (H6).

Biodiversity Management

14. The licensee shall prepare by 1 April 2005 a revised Biodiversity and Landscape Management Plan for Director of Sustainable Development approval and thereafter implement the approved revised Biodiversity and Landscape Management Plan in its entirety (BM1).
15. Management of existing, plus revegetation of, banksia woodland and lowland bushland areas is to achieve:
 - a) a self sustaining dense cover of locally occurring native tree, shrub and groundcover plant species indicative of adjacent banksia woodland on the batters, around the periphery of the excavated sand pit and in areas identified for banksia woodland in the approved Biodiversity and Landscape Management Plan;
 - b) a self sustaining dense cover of locally occurring native tree, shrub and groundcover plant species indicative of lowland vegetation in areas identified for lowland bushland revegetation on the approved Biodiversity and Landscape Management Plan;
 - c) a minimum survival of 500 local 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.
 - d) a plant diversity of at least 60% of the plant diversity at agreed natural community reference sites and a minimum species richness of 5 native species per 100 square metres.

- e) a weed burden at levels not likely to threaten the native species;
- 16. Banksia woodland and lowland bushland areas are to be managed adaptively to approximate the community structures of agreed natural community reference sites until all areas within the extractive industry site are compliant with the completion criteria listed in condition 15 above.
- 17. Revegetation and maintenance of parkland cleared land is to achieve:
 - a) Stable soils resistant to wind erosion;
 - b) A 90% cover of deep rooted perennial pasture species that are not grass species considered to be environmental weeds such as veldt or love grasses;
 - c) Clumps of locally occurring trees and large shrubs (greater than 2 metres) indicative of local native lowland habitats at densities of no less than 100 stems per hectare; and
 - d) A minimal and controlled weed burden of declared weeds.
 in rehabilitated areas throughout the period of extractive industry activities on site and for a minimum of three years from commencement of any stage of rehabilitation (BM3).
- 18. The licensee shall control declared and environmental weeds throughout the site to the satisfaction of the Director Sustainable Development (BM5).
- 19. The licensee is to ensure that all machinery and personel implement dieback hygiene measures including ensuring that no soil is on vehicles or footwear when entering areas of the site other than the sand pit area (BM6).
- 20. Where stockpiling, extraction, screening, loading or haulage operations occur within close proximity (30 metres) of remnant vegetation or revegetated areas, the boundaries of the vegetation and revegetation areas are to be defined by star pickets and brightly coloured tape or some other mechanism to the satisfaction of the Director Sustainable Development to prevent machinery encroaching and damaging these areas (BM9).
- 21. Remnant vegetation and revegetated areas, including clumps of trees and large shrubs within parkland cleared areas are to be fenced in a manor that allows native animal access but prevents domestic stock from entering and degrading these areas (BM10).
- 22. Logs from on-site clearing are to be progressively used in rehabilitation and must not be burnt (BM12).
- 23. Extraction of the western end of the sand pit is not to occur until a visual vegetation buffer has been established to the satisfaction of the Director Sustainable Development.

Impact Management

- 24. 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).
- B. Council resolves to refer the potential breaches of Council's Extractive Industry Local Law identified within this report to Council's solicitor for assessment prior to making a recommendation to Council as to whether to undertaken legal action.

Advice Notes:

- 1. 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 (D1).
 2. The Noise Management Plan is to consist of text and diagrams and should include:
 - a) All potential sources of noise;
 - b) Detail 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 (N1).
 3. The Biodiversity and Landscape Management Plan should include text and diagrams and is to:
 - a) Include a statement of biodiversity values on the site;
 - 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 site;
 - e) Illustrate and describe land contours at proposed stages of the development including current contours and those proposed at 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 on vegetation;
 - g) Map the locations of, and identify both the types and magnitudes of weed infestations and describe weed management to be undertaken;
 - h) Locate on the map and describe all end point vegetation types for example banksia woodland, lowland bushland or agricultural parkland cleared;
 - i) Describe the species, projected 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;
 - j) Describe the community structures, species compositions and diversities of naturally growing reference communities;
 - k) Include a commitment to auditable completion criteria for vegetation in the different habitat types (including weed burden and the placement of logs for habitat provision);
 - l) Illustrate and describe the drainage patterns and structures proposed on completion of industry activities;
 - m) Locate fire breaks on the map.
 - n) Provide time frames for stages of proposed industry operations;
 - o) Include copies of any necessary State Government approvals for clearing (BM1).
 4. In relation to condition 16, community structure refers to the heights, densities and growthforms of dominant taxa in accordance with level IV assessments using the National Vegetation System. Further advice in relation to vegetation structure can be provided by the Shire Environmental Officer (BM3).
 5. In relation to condition 23, a determination in relation to the adequacy of a visual buffer must be received in writing from the Director Sustainable Development prior to the removal of sand from the western end of the sand pit (BM12).
 6. In relation to condition 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 14 months;
 - e) identify any proposed changes to approved management plans (AD1).
7. The licensee is encouraged to develop and implement an environmental management system using the conditions on this licence as targets. If the Director Sustainable Development approved such a document, the licence conditions could be redrafted to remove individual conditions and instead refer to the approved EMS document (AD3).

CARRIED 8/2

Cr Kirkpatrick and Cr Scott voted against the motion.

P053/12/04 LICENCE RENEWAL - EXTRACTIVE INDUSTRY– LOT 422 KING ROAD, OLDBURY (P00659/01)		
Proponent:	Cook Industrial Minerals Pty Ltd	In Brief To consider the issue of an extractive industry licence in accordance with the Local Laws for Extractive Industries for sand at Lot 422 King Road, Oldbury for a one year period up 31 December 2005. It is recommended that the Extractive Industry Licence be granted with conditions.
Owner:	As Above	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	26 November 2004	
Previously	P054/12/03	
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:	Cook Industrial Minerals
Owner's Address:	21 Cutler Road, Jandakot 6164
Applicant:	As Above
Applicant's Address:	As Above
Date of Receipt:	12 November 2004
Advertised:	Not Applicable
Submissions:	Not Applicable
Lot Area:	20.5 hectares
L.A Zoning:	Rural
MRS Zoning:	Rural
Byford Structure Plan:	Not Applicable
Rural Strategy Policy Area:	Raw Materials Extraction
Rural Strategy Overlay:	Not Applicable
Municipal Inventory:	Not Applicable
Townscape/Heritage Precinct:	Not Applicable
Bush Forever:	Not Applicable
Date of Inspection:	27 October 2004

Background

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

A copy of the conditions placed on the Extractive Industries Licence is with the attachments marked P053.1/12/04.

Sustainability Statement

Effect on Environment: The area to be extracted has generally been cleared of vegetation.

Resource Implications: The proposal will extract a large volume of sand 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 operation of machinery.

Use of Local, renewable or recycled Resources: The proposal will extract locally available materials within the Shire, which will then mostly be exported from the Shire.

Economic Viability: The extraction of sand has the potential to significantly alter the existing landscape, reduce the visual amenity of the area and reduce biodiversity on the subject land, which cannot be priced as a monetary value.

Economic Benefits: The operation has the potential to create employment for residents in the Shire.

Social – Quality of Life: It is considered that the proposal will not impact on the quality of life for the community.

Social and Environmental Responsibility: The application for an extractive industry licence renewal under normal circumstances is not referred to surrounding landowners for comment.

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

Statutory Environment: Local Government Act 1995.
Extractive Industries Local Law
Town Planning and Development Act.

Extracts from the Extractive Industries Local Law is 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-*

refuse the application; or

approve the application on such terms and conditions, if any, as it sees fit.

The applicant has submitted an application for an extractive industry licence renewal for the subject land.

Policy Implications:

Not applicable.

Financial Implications:

Extractive Industry Licence annual fee has been paid.

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.

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.

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

Strategies:

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

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:

Not applicable.

Comment:

A site visit was undertaken on 27 October 2004, revealing a number of outstanding conditions that have not yet been complied with in accordance with the licence issued on 2 January 2004.

Current Outstanding Licence Conditions

The licence conditions were required to be satisfied at various dates over the last 12 months, during the term of the current licence which was issued in January 2004.

Condition 1 – Revegetation Works for 2004

This condition is partially compliant. Some infill planting has taken place during the last 12 months, but further work is required. The Environmental Officer states:

“The area “D” marked on the excavation plan in the 2003 annual report does not appear to have been revegetated and needs to be revegetated next autumn in accordance with the rehabilitation plan.

The vegetated buffer on the western side of the development is progressing but requires continued effort and infill planting. A section of the area “C” on the rehabilitation plan (wetland) was cleared some years ago and should be rehabilitated next autumn, with additional infill planting required in areas “F” and “G” on the rehabilitation plan.”

It is recommended that revegetation conditions remain on the new licence to refine the revegetation plan and to address areas of revegetation which have not yet been met.

Condition 6 – Submission of Annual Report

The annual report for 2004 was received by Council on 1 December 2004.

An annual report will need to be submitted by 15 November 2005 as part of the issue of the next licence.

Condition 8 – Rubble and Inert Material on Site

During the audit inspection the operator indicated that no additional material had been brought onto the site. However, a large pile was observed. The operator indicated that this cement material was from beneath where much of the old machinery is stored and will be crushed and sent off site.

It is recommended that this condition remain on the licence with the addition that any material as identified by Council is to be removed from the property.

Conclusion

There are two conditions on the current licence which have not yet been complied with. It is recommended that a licence be issued for a period of 12 months.

However, there are other activities occurring on site including machinery storage, rubble crushing and garnet washing that need to be checked for any planning approvals and compliance with associated conditions.

Voting Requirements: Normal

Cr Richards left the meeting at 9.17pm
Director Asset Services left the meeting at 9.18pm

P053/12/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price seconded Cr Star

- A. The extractive industry licence be issued for Sand extraction at Lot 422 King Road, Oldbury for a 12 month period expiring 31 December 2005 subject to the following conditions:**

PLANNING

- 1. The licensee is to submit an annual report to the Director Sustainable Development by 15 November 2005 (AD1).**

2. The licensee is to comply with all provisions of the Serpentine Jarrahdale Extractive Industry Local Law (AD3)

Dust

- 3. 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 site by using, where necessary, appropriate dust suppression techniques, including, but not limited to, water trucks, stabilisers, water sprays, sprinklers or canons (D3).**
- 4. The licensee shall ensure that all loads leaving the site of sand, minerals, soil, clay or other particulate material likely to blow around, are to be enclosed or completely covered by a secured impermeable tarpaulin to prevent dust nuisance (D4).**

Noise

- 5. The licensee shall take all measures necessary to ensure that noise from machinery and vehicles complies with the Environmental Protection (Noise) Regulations 1997 (N8).**

Water Quality

- 6. The licensee is to prevent the discharge of surface water from that portion of the site which is currently being used, and/or has been used in the past for extraction, mineral processing, stockpiling, haulage, storage of mining and other machinery, settlement and other ponds or any other activity that results in disturbance of the natural surface or vegetation of the site.**

Hazardous Chemicals

- 7. 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).**
- 8. The compounds described in condition 7 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).**
- 9. The licensee shall implement measures to minimise the risk of spills or leaks of chemicals including fuel, oil or other hydrocarbons and 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 any low permeability compounds (HC3).**

10. 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 prior written approval of the Director Sustainable Development (HC4).
11. 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 made available for immediate inspection by Serpentine Jarrahdale Shire representatives (HC5).
12. The proponent shall ensure that no chemicals or potential liquid contaminants are disposed of on-site (HC6).

Biodiversity Management

13. The licensee shall prepare by 1 April 2005 a revised Biodiversity and Landscape Management Plan for Director of Sustainable Development approval and thereafter implement the approved revised Biodiversity and Landscape Management Plan in its entirety (BM1).
14. Management of existing, plus revegetated areas of, banksia woodland, wetland and other bushland areas is to achieve:
 - a) a self sustaining dense cover of locally occurring native tree, shrub and groundcover plant species indicative of adjacent banksia woodland, adjacent wetlands and lowland vegetation at agreed reference sites;
 - b) the distribution of community types described in the approved Biodiversity and Landscape Management Plan;
 - c) a minimum survival of 500 local 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.
 - d) a plant diversity of at least 60% of the plant diversity at agreed natural community reference sites with a distribution of at least 5 native species per 100square metres.
 - e) a declared and environmental weed burden at levels not likely to threaten the native species (BM3).
15. Banksia woodland, wetland and lowland bushland areas are to be managed adaptively to approximate the community structures of agreed natural community reference sites until all areas within the extractive industry site are compliant with the completion criteria listed in condition 14 above.
16. Revegetation and maintenance of parkland cleared land is to achieve:
 - a) Stable soils resistant to wind erosion;
 - b) A 90% cover over pastured areas of deep rooted perennial pasture species that are not grass species considered to be environmental weeds such as veldt or love grasses;
 - c) Clumps of locally occurring trees and large shrubs (greater than 2 metres) indicative of local native lowland habitats at densities of no less than 100 stems per hectare;
 - d) A minimal and controlled weed burden of declared weeds;

In rehabilitated areas throughout the period of extractive industry activities on site and for a minimum of three years from commencement of any stage of rehabilitation.

17. The licensee shall control declared and environmental weeds throughout the site to the satisfaction of the Director Sustainable Development (BM5).
18. The licensee is to ensure that dieback hygiene measures are implemented including ensuring that no soil is on vehicles or footwear when entering areas of the site other than the sand pit area (BM6).
19. Where extractive industry activities, including stockpiling, screening, washing, loading or haulage operations occur within close proximity (30 metres) to remnant vegetation or revegetated areas the boundaries of the vegetation and revegetation areas are to be defined by fencing and brightly coloured tape or some other mechanism to the satisfaction of the Director Sustainable

- Development to prevent machinery encroaching and damage to the vegetation (BM9).**
20. **Remnant vegetation and revegetated areas, including clumps of trees and large shrubs within parkland cleared areas are to be fenced in a manner that allows native animal access but prevents domestic stock from entering and degrading these areas prior to stock being permitted onto the site (BM10).**
21. **Logs from on-site clearing are to be progressively used in rehabilitation and must not be burnt (BM12).**

Impact Management

22. **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).**
- B. **The applicant be advised that the other activities occurring on site namely machinery storage, rubble crushing and garnet washing will be checked for appropriate planning approvals and compliance with conditions.**

Advice Notes:

1. **In relation to condition 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:-**
 - i) **the implementation of management plans during the next 12 months;**
 - ii) **identify any proposed changes to approved management plans.**
2. **The licensee is encouraged to develop and implement an environmental management system using the conditions on this licence as targets. If the Director Sustainable Development approved such a document, the license conditions could be redrafted to remove individual conditions and instead refer to the approved EMS document.**
3. **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 site;**
 - e) **Illustrate and describe land contours at proposed stages of the development including current contours and those proposed at 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) Map the locations of, and identify both the types and magnitudes of weed infestations and describe weed management to be undertaken;
 - h) Locate on the map and describe all end point land uses and associated vegetation types for example banksia woodland, wetland vegetation, agricultural parkland cleared or industrial.
 - i) Describe the species, projected 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;
 - j) Describe the community structures, species compositions and diversities of naturally growing reference communities;
 - k) Include a commitment to auditable completion criteria for vegetation in the different habitat types (including weed burden and the placement of logs for habitat provision);
 - l) Illustrate and describe the drainage patterns and structures proposed on completion of industry activities;
 - m) Locate fire breaks on the map.
 - n) Provide estimated time frames for stages of proposed industry operations;
 - o) Include copies of any necessary State Government approvals for clearing.
4. In relation to condition 15, community structure refers to the heights, densities and growthforms of dominant taxa in accordance with level IV assessments using the National Vegetation System. Further advice in relation to vegetation structure can be provided by the Shire's Environmental Officer.
- CARRIED 7/2**

Cr Scott and Cr Kirkpatrick voted against this motion.

P054/12/04 EXTRACTIVE INDUSTRY LICENCE RENEWAL – PT LOTS 216, 295, 521, 523 & LOTS 7, 50 & 521 NETTLETON ROAD, BYFORD (P04655/04)		
Proponent:	Austral Bricks	In Brief To consider the issue of an extractive industry licence in accordance with the Local Laws for Extractive Industries for shale production for a period up to 31 December 2005. It is recommended that the extractive industry licence be granted.
Owner:	Austral Bricks	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	29 October 2004	
Previously	P089/06/04; P048/12/03	
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:	Locked Bag 100 Midland 6936
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:	39.68 ha.
L.A Zoning:	Special Use
MRS Zoning:	Urban deferred
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:	23 August 2004

Background

Council at its meeting held on 21 June 2004 resolved to grant an extractive industry licence for a period of six months ending 31 December 2004.

A copy of the conditions imposed on the extractive industry licence is with attachments marked P054.1/12/04.

Sustainability Statement

Effect on Environment: The area to be extracted has previously been cleared of any native vegetation. 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 Shire officers and if any complaints are received from the public.

Resource Implications and Use of Local, renewable or recycled Resources: The proposal will extract a large volume of shale over the life of the extractive industry.

Economic Viability: The extraction of shale has the potential to significantly alter the existing landscape, reduce the visual amenity of the property and reduce biodiversity on the subject land, which is not taken into account in the economic cost of the operation.

Economic Benefits: The operation provides employment opportunities for the community.

Social – Quality of Life and 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. The application for an extractive industry licence renewal is not referred to surrounding landowners for comment.

Statutory Environment: Local Government Act 1995.
Town Planning and Development Act 1928.
Extractive Industries – Local Law.

Extracts from the extractive industries local law is 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.

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 West Highway, Nettleton Road, Jarrahdale Road, Admiral Road, Kingsbury Drive and both the North-South and East-West Railway lines and natural water courses;
5. To provide developers and landowners with a statement describing the requirements for the subdivision and development within the Landscape Protection Area.

Financial Implications:

Extractive industry annual licence fee for 2005 has not yet been 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.

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.

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

Strategies:

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

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 inspection was undertaken on 23 August 2004, revealing a number of planning and environmental issues existing on-site. A letter was sent to the landowner on 12 October 2004 advising of the outstanding issues that were required to be addressed and setting deadlines for the completion of these matters.

Current Outstanding Licence Conditions

Condition 9 – Discharge of Water

The Environmental Officer states:

Although it would be incorrect to indicate that the company is fully compliant with this condition, there is a significant improvement in relation to surface water management since the previous site audit twelve months ago. Since then, the company has restructured the main access track to divert the majority of surface water runoff away from the main discharge drain, into a large settlement dam in the middle of the main mine pit. It had been raining heavily previously to and during the site visit, and these new diversions were working well. In addition, the company has undertaken the following works to address water quality :

- *repaired bunds to prevent water draining to the Bush Forever site along the western boundary;*
- *Further excavated the main settlement pond in the main mine pit;*
- *Constructed a series of small rock dams along the main discharge drain to Cardup Brook;*
- *Constructed a settlement dam in the north west corner of the mine site;*
- *Altered the drainage to divert most surface water in the north eastern portion of the mine towards the main settlement pond in the main mine pit;*
- *Further excavated the existing settlement pond in the north eastern corner of the mine site.*

Two areas of untreated surface water discharge were observed:

- *A new track which runs down from the main access track to the main discharge drain to Cardup Brook had eroded and was contributing sediment to the drain. Adjacent to this*

site, water was observed cascading over the edge of an embankment directly into the drain. The company representatives indicated that the track was to be closed again.

- *Water was still running directly from the main access track into the main discharge drain to Cardup Brook beneath the recent works to divert the majority of water to the central mine settlement pond. This runoff carried significant amounts of sediment to a point where the drain banks were stepped. As the water traveled first to one small terrace and then to a second small terrace sediment was being deposited and although this was smothering the vegetation, it was removing substantial amounts of sediment from the water. A discussion was held on site regarding the potential to formalize an increase the effectiveness of this filter. This needs to be discussed with company representatives during the next few months.*

It is recommended that this condition remain on the licence to ensure that water discharged from the site is adequately treated to the satisfaction of the Shire.

Condition 11 – Concentration of Discharge Water

The Environmental Officer states:

A discussion was held regarding the appropriateness of this condition in relation to land use practices on agricultural land. However it was agreed that this condition was a standard condition and applied even if neighbours were not managing their land appropriately.

A discussion was held about appropriate locations for taking water samples. The company has been taking samples in Cardup Brook down stream of the drain which discharges from the mine site and some of these readings have been as high as 400milligrams per litre of total suspended solids. Although the site boundaries apparently need to be surveyed to verify their locations, Cardup Brook is most likely outside the licenced premise. The Shire Officer therefore took water samples at three locations which appeared to be just outside, or close to the boundary of the licenced premise:

1. *In the main discharge drain to Cardup Brook (fast flowing);*
2. *In the overflow from the new settlement pond in the north west corner of the mine site (low volumes of water and slow flow rates);*
3. *In the overflow from the extended settlement pond in the north eastern corner (a trickle from the outflow pipe).*

The samples all looked muddy and obviously contained high levels of suspended solids. Results were as follows for total suspended solids:

Site number	Total suspended solids
1	130 milligrams per litre
2	190 milligrams per litre
3	110 milligrams per litre

However, this was just after a heavy rain event.

Readings of hydrocarbon concentrations were not analysed. However, the company will be encouraged to undertake regular sampling and testing following the issuance of the next license.

Subsequent correspondence with the Department of Environment has indicated that the required levels of total suspended solids and hydrocarbons on this licence condition may need to be reviewed. However, they have been unable to provide a full analysis of appropriate concentrations prior to the drafting of this item. Until this advice is provided, it is recommended that new licence conditions are based on the ANZCC guidelines which require no more than a 10% deterioration in water quality.

Condition 19 – Storing of Explosives and Explosive Devices

The company does store explosives on site during the blasting season. Although the company has indicated that it is appropriately licensed and supervised by the Department of Industry and Resources, the Extractive Industry Local Law and the licence condition state that the company is required to seek permission from the Shire as well as the State Government department. The company was unaware of this and has given an undertaking that documentation will be forwarded to the Shire from now on.

This condition is to remain on the licence.

Condition 22 – Preparation and Submission of Technical Documents

This condition is partially compliant. The Shire received some correspondence dated 5th October 2004 that formed the company's response to this condition. However, it arrived late and the contents were considered to lack essential detail. Condition 22 required the preparation of seven documents. The response however, covered less than two pages of text plus a single diagram or plan. For example the response to the condition requirement to prepare a detailed and comprehensive annual report in respect to conditions attached to the licence is just 11 lines of text.

The requirement for comprehensive documentation remains and will need to be followed through as part of the next licence with additional information as to exactly what each document is to contain.

Conclusion

There are 4 conditions on the current Extractive Industry Licence which have not yet been complied with. These conditions need to remain on the next licence.

Since the company changed ownership, a concerted effort has been made to resolve the outstanding licence conditions over the last 6 months. It is considered likely that the Shire will be able to achieve full compliance of this company by the end of the next 12 month licence.

It is therefore recommended that a licence be issued for a period of 12 months.

Voting Requirements: Normal

Officer Recommended Resolution:

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 Shale extraction at Pt Lots 216, 295, 521, 523 and Lots 7, 50 and 521 Nettleton Road, Byford over the area outlined on the plan at *Attachment P054.2/12/04* for a 12 month period expiring 31 December 2005 subject to the following conditions:

PLANNING

1. No works including any haulage roads are to be exposed to the view from the South Western Highway and the Swan Coastal Plain.
2. Provide the Shire of Serpentine-Jarrahdale with at least 10 days advance noticed in writing of the intention to cart shale from the land.
3. Cause signs to be erected on the haulage road warning "Caution – Trucks using Road" during times of cartage, at least at the beginning and end of the haulage route to the South Western Highway, and at all intersections.
4. The licensee is to submit an annual report to the Director Sustainable Development by November 15th 2005 (AD1).

5. The licensee is to comply with all provisions of the Serpentine Jarrahdale Extractive Industry Local Law (AD3).

Dust

6. The licensee shall prepare by 1 April 2005 a revised Dust Management Plan for Director of Sustainable Development approval and thereafter implement the approved revised Dust Management Plan in its entirety (D1).
7. 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 site by using appropriate dust suppression techniques, including, but not limited to, water trucks, stabilisers, water sprays, sprinklers or canons (D3).
8. The licensee shall ensure that all loads entering or leaving the site of shale, sand, soil, clay or other particulate material likely to blow around, are to be enclosed or completely covered by a secured impermeable tarpaulin to prevent dust nuisance (D4).
9. The Licensee shall ensure that Kiln Road between South Western Highway and the entrance to the site is sealed and maintained to prevent dust emissions (D5).

Noise

10. The licensee shall prepare by 1 April 2005 a revised Noise Management Plan for Director of Sustainable Development approval and thereafter implement the approved revised Noise Management Plan in its entirety (N1).
11. Blasting is to take place only between the hours of 7am and 6pm (N3).
12. The licensee must notify the Director of Sustainable Development via facsimile 24 hours prior to each blasting being carried out on the site (N4).
13. 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).
14. 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).
15. 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 exceed 10 millimetres per second peak particle velocity;The licensee shall notify the Director of Sustainable Development by fax within 24 hours and provide a written report within seven days with evidence to satisfy the Director of Sustainable Development that measures have been taken to prevent a recurrence (N7).
16. The licensee shall take all measures to ensure that noise from machinery and vehicles complies with the Environmental Protection (Noise) Regulations 1997 (N8).

Water Quality

17. The licensee shall prepare by 1 April 2005 a revised Water Management Plan for Director of Sustainable Development approval and thereafter implement the approved revised Water Management Plan in its entirety (WQ1).
18. The licensee shall ensure that any discharge of water from the licenced site including runoff from unsealed access tracks and roadways and any other unvegetated areas, other than directly to sewer or septic systems, shall be via treatment in silt traps, detention ponds, settling ponds or other effective mechanism to remove suspended materials (WQ4).
19. All water treatment traps, bunds, sumps, detention and settling ponds are to be regularly maintained to minimize the discharge to the environment of total suspended dissolved solids and total suspended solids and to prevent siltation of surface streams (WQ5).
20. The licensee shall ensure that the Water Quality in Cardup Brook directly downstream of any point where water directly or indirectly discharges into Cardup Brook, is within 10 per cent variation of the Water Quality immediately upstream of any such discharge point (WQ7).
21. Water samples are to be taken in accordance with the approved Water Management Plan at a minimum frequency of four times a year with at least two of those readings being taken within two hours after separate significant (25mm) rainfall events and are to be analysed for total suspended solids and for hydrocarbon concentrations at an accredited laboratory (WQ8).
22. On receipt of water sample data which is non compliant with the target levels set out in conditions 20 and/or 21, the licensee shall:-
 - a) ensure that an immediate inspection of, and obvious repairs to, all the drainage and treatment systems on the premises is undertaken, shall
 - b) notify the Director of Sustainable Development by fax within 24 hours and provide a written report within five working days with evidence to
 - c) satisfy the Director of Sustainable Development that measures have been taken to prevent a recurrence (WQ9).
23. The licensee is to ensure that there are no interruptions or obstructions to the flow of Cardup Brook as a result of extractive industry site works, infrastructure, stockpiles, operations or site rehabilitation (WQ10).

Hazardous Chemicals

24. 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 site 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).
25. The compounds described in condition 25 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 metres 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).

26. The licensee shall implement measures to minimise the risk of spills or leaks of chemicals including fuel, oil or other hydrocarbons and 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 compoundsn (HC3).
27. 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 written approval of the Director Sustainable Development (HC4).
28. 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).
29. The proponent shall ensure that no chemicals or potential liquid contaminants are disposed of on-site (HC6).
30. Mining and other industrial equipment is not to be stored on site unless it is required within the period of this licence for approved operations within the licence area, or unless the licensee has written approval from the Director Sustainable Development.

Biodiversity Management

31. The licensee shall prepare by 1 April 2005 a revised Biodiversity and Landscape Management Plan for Director of Sustainable Development approval and thereafter implement the approved revised Biodiversity and Landscape Management Plan in its entirety (BM1).
32. Revegetation and maintenance of native forest and other bushland areas is to achieve:
 - a) a self sustaining cover of locally occurring native tree, shrub and groundcover plant species indicative of adjacent undisturbed natural community reference sites;
 - b) 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) distributions of at least 5 locally native species per 100 square metres and a plant diversity of 60% of the plant diversity at agreed natural community reference sites;
 - d) through adaptive management, community structures that approximate the community structures of agreed natural community reference sites;
 - e) a weed burden at levels not likely to threaten the native species;
33. Revegetation and maintenance of parkland cleared land is to achieve:
 - a) Stable soils resistant to wind erosion;
 - b) A 90% pasture cover of deep rooted perennial pasture species that are not grass species considered to be environmental weeds such as veldt and love grasses;
 - c) Clumps of trees and large shrubs(greater than 2 metres) indicative of local native habitats at densities of no less than 100 stems per hectare;
 - d) A minimal and controlled weed burden of declared weeds (BM3).
34. Revegetation of aquatic habitats is to be with locally occurring native sedges and rushes which are to be planted at a minimum density of six stems per square meter (BM4).
35. The licensee shall control declared weeds throughout the site to the satisfaction of the Director Sustainable Development (BM5).
36. The licensee is to ensure that all machinery and personel implement dieback hygiene measures including ensuring that no soil is on vehicles or footwear when entering areas within the Bush Forever site, or areas from which water drains directly into the Bush Forever site.

37. No remnant vegetation is to be disturbed or cleared unless in accordance with the approved Biodiversity and Landscape Management Plan and unless the necessary clearing permits have been acquired from the Department of Environment (BM6).
38. Where extractive industry activities including stockpiling and haulage, are occurring within close proximity (30 metres) to remnant vegetation or rehabilitated areas and there is any risk of damage from these structures or activities, the licensee shall utilize post and wire fencing flagged with brightly coloured survey tape or flags or some other means approved in writing by the Director Sustainable Development, to prevent encroachment by machinery (BM10).
39. Logs from on-site clearing are to be progressively used in rehabilitation to provide habitat and must not be burnt (BM12).
40. The construction and repair of any fences and firebreaks on the eastern side of the Bush Forever site are to be undertaken without disturbing the vegetation. The existing tracks provide adequate firebreaks and any substantial fencing in the vicinity of this boundary are to be located within already cleared areas at the top of the slope, to the east of the existing vegetation.

Impact Management

41. 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).
42. Outside lighting is to be kept to a safe minimum and should be angled to minimise light impacts on neighbouring properties (IMP2).

Advice Notes:

1. In relation to condition 4, 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 12 months
 - e) identify any proposed changes to approved management plans
2. In relation to condition 5, the licensee is encouraged to develop and implement an environmental management system using the conditions on this licence as targets. If the Director Sustainable Development approved such a document, the licensee conditions could be redrafted to remove individual conditions and instead refer to the approved EMS document.
3. In relation to condition 6, 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.
4. In relation to condition 10, the Noise Management Plan is to consist of text and diagrams and include:
 - a) An acoustic consultants report that identifies:
 - b) All potential sources of noise;
 - c) Shows noise contours;

- d) Details proposed noise management measures for each source which may include monitoring, buffers and vegetation or other screening;
 - e) Details of complaints management that identifies:
 - f) Potential sources of complaints including local residences;
 - g) Procedures to both document and address complaints with complainants and regulatory authorities.
5. The written report in relation to condition 15, is to detail the times, dates, non compliant blast parameters, the relevant Environmental Protection (Noise) Regulations 1997 and other prescribed limits in condition 13, why the non compliant levels were recorded and how the licensee has adjusted operations to ensure that it does not occur again.
6. In relation to condition 17, the Water Management Plan is to include text and diagrams that detail-
- 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 both their abilities to retain water on site during storm events and their abilities to remove suspended material prior to discharge;
 - d) The designs and locations of other pollution control infrastructure including traps, filters and bunds to meet water quality conditions;
 - e) Proposed management of existing natural water courses;
 - f) 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 of Sustainable Development if required.
7. In relation to condition 20, for the purpose of condition WQ6, “Water Quality” refers to the concentrations of total suspended solids, hydrocarbons, nutrients and heavy metals
8. In relation to condition 22, the written report in relation to condition 22 is to detail the times, dates and locations of water samples, rainfall within the previous 24 hours 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. In relation to condition 31, 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) Map the locations of, and identify both the types and magnitudes of weed infestations and describe weed management to be undertaken;
- i) Locate on the map and describe all end point land uses and associated vegetation types for example local bushland, agricultural parkland cleared, aquatic and riparian, industrial.
- j) 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;
- k) Describe the community structures, species compositions and diversities of naturally growing reference communities;
- l) Include a commitment to auditable completion criteria for vegetation in the different habitat types (including weed burden);
- m) Illustrate and describe the drainage patterns and structures proposed at each stage and on completion of industry activities;
- n) Locate fire breaks on the map.
- o) Provide estimated time frames for stages of proposed industry operations;
- p) Include copies of any necessary State Government approvals for clearing.

P054/12/04 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Price 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 Shale extraction at Pt Lots 216, 295, 521, 523 and Lots 7, 50 and 521 Nettleton Road, Byford over the area outlined on the plan at *Attachment P054.2/12/04* for a 12 month period expiring 31 December 2005 subject to the following conditions:

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- 4. The licensee is to submit an annual report to the Director Sustainable Development by November 15th 2005 (AD1).
- 5. The licensee is to comply with all provisions of the Serpentine Jarrahdale Extractive Industry Local Law (AD3).

Dust

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- 7. 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 site by using appropriate dust suppression techniques, including, but not limited to, water trucks, stabilisers, water sprays, sprinklers or canons (D3).
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 - 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).
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- soil or water resources in a logbook to be kept on-site and available for immediate inspection by the Shire of Serpentine Jarrahdale (HC5).
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 - c) distributions of at least 5 locally native species per 100 square metres and a plant diversity of 60% of the plant diversity at agreed natural community reference sites;
 - d) through adaptive management, community structures that approximate the community structures of agreed natural community reference sites;
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34. Revegetation of aquatic habitats is to be with locally occurring native sedges and rushes which are to be planted at a minimum density of six stems per square meter (BM4).
35. The licensee shall control declared weeds throughout the site to the satisfaction of the Director Sustainable Development (BM5).
36. The licensee is to ensure that all machinery and personel implement dieback hygiene measures including ensuring that no soil is on vehicles or footwear when entering areas within the Bush Forever site, or areas from which water drains directly into the Bush Forever site.
37. No remnant vegetation is to be disturbed or cleared unless in accordance with the approved Biodiversity and Landscape Management Plan and unless the necessary clearing permits have been acquired from the Department of Environment (BM6).
38. Where extractive industry activities including stockpiling and haulage, are occurring within close proximity (30 metres) to remnant vegetation or rehabilitated areas and there is any risk of damage from these structures or activities, the licensee shall utilize post and wire fencing flagged with brightly coloured survey tape or flags or some other means approved in writing by the

- Director Sustainable Development, to prevent encroachment by machinery (BM10).**
39. Logs from on-site clearing are to be progressively used in rehabilitation to provide habitat and must not be burnt (BM12).
40. The construction and repair of any fences and firebreaks on the eastern side of the Bush Forever site are to be undertaken without disturbing the vegetation. The existing tracks provide adequate firebreaks and any substantial fencing in the vicinity of this boundary are to be located within already cleared areas at the top of the slope, to the east of the existing vegetation.

Impact Management

41. 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).
42. Outside lighting is to be kept to a safe minimum and should be angled to minimise light impacts on neighbouring properties (IMP2).

Advice Notes:

1. In relation to condition 4, 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 12 months
 - e) identify any proposed changes to approved management plans
2. In relation to condition 5, the licensee is encouraged to develop and implement an environmental management system using the conditions on this licence as targets. If the Director Sustainable Development approved such a document, the licensee conditions could be redrafted to remove individual conditions and instead refer to the approved EMS document.
3. In relation to condition 6, 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.
4. In relation to condition 10, the Noise Management Plan is to consist of text and diagrams and include:
- a) An acoustic consultants report that identifies:
 - b) All potential sources of noise;
 - c) Shows noise contours;
 - d) Details proposed noise management measures for each source which may include monitoring, buffers and vegetation or other screening;
 - e) Details of complaints management that identifies:
 - f) Potential sources of complaints including local residences;

- E04/7144

- i) **Locate on the map and describe all end point land uses and associated vegetation types for example local bushland, agricultural parkland cleared, aquatic and riparian, industrial.**
- j) **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;**
- k) **Describe the community structures, species compositions and diversities of naturally growing reference communities;**
- l) **Include a commitment to auditable completion criteria for vegetation in the different habitat types (including weed burden);**
- m) **Illustrate and describe the drainage patterns and structures proposed at each stage and on completion of industry activities;**
- n) **Locate fire breaks on the map.**
- o) **Provide estimated time frames for stages of proposed industry operations;**
- p) **Include copies of any necessary State Government approvals for clearing.**

CARRIED 9/0

Committee Note: The Officer Recommended Resolution was changed by adding advice note 4 h) to ensure that procedures are in place to notify nearby noise sensitive premises 24 hours in advance of intended blasting.

P057/12/04 CONSIDERATION OF SCHEME AMENDMENT NO. 108 FOR FINAL ADOPTION - REZONING OF PART LOT 2 KARGOTICH ROAD AND LOTS 6 AND 9 SCOTT ROAD, MUNDIJONG FROM 'RURAL' TO 'FARMLET' (P01502/01)		
Proponent:	Gray & Lewis	In Brief Following completion of public advertising, Scheme Amendment No. 108 is presented to Council for consideration of final adoption. It is recommended that Council not proceed with final adoption of the amendment for the reasons contained in this report
Owner:	Mundijong Nominees Pty Ltd C Atwell TS & L Davis	
Officer:	Andrew Trosic - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	24 November 2004	
Previously	P168/10/02	
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:	Request received on 10 November 1999
	Scheme Amendment initiated on 28 October 2002
Advertised:	Yes
Submissions:	6
Lot Area:	Pt Lot 2 - 151.2935ha
	Lot 6 - 4.0004ha
	Lot 9 - 4.0005ha
L.A Zoning:	Rural
MRS Zoning:	Rural
Byford Structure Plan:	N/A

Rural Strategy Policy Area:	Farmlet
Rural Strategy Overlay:	Future Structure Planning/Investigation Area
Municipal Inventory:	NA
Townscape/Heritage Precinct:	NA
Bush Forever:	NA
Date of Inspection:	NA

Background

Amendment No. 108 (“the amendment”) to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 (“the Scheme”) was initiated by Council at the Ordinary Council meeting held on 28 October 2002.

It proposes to rezone Pt Lot 2 Kargotich Road, and Lots 6 and 9 Scott Road, Mundijong from ‘Rural’ to ‘Farmlet’, providing for subdivision in accordance with the appurtenant draft Subdivision Guide Plan (“SGP”). The SGP indicates the creation of 33 new ‘Farmlet’ zoned lots, of minimum lot size 4ha and average lot size 4.6ha. Existing Lots 6 and 9 Scott Road, while included in the amendment for rezoning, will not be altered in either size or shape as part of the proposal. The SGP also identifies details relating to groundwater levels, building envelopes, drainage and nutrient management, revegetation, fire requirements, emergency access, multiple use corridors and future connections to adjoining land identified for potential ‘Farmlet’ development.

In accordance with Council’s resolution, the amendment was referred to the Environmental Protection Authority (“EPA”) as required by Section 7A1 of the *Town Planning and Development Act 1928*. While indicating that the amendment would not be subject to formal environmental assessment, the EPA raised the following issues of concern:

1. The majority of the subject land (80-90 per cent) is mapped as multiple use wetland and as such has a high groundwater table and is subject to seasonal inundation;
2. The subject land is located within the Peel-Harvey Coastal Plain Catchment Area and hence drainage management and nutrient export are significant issues that require careful consideration;
3. Specific details will be required regarding the nutrient stripping capacity of proposed drainage swales and detention basins to ensure that water quality objectives can be met;
4. There will be the need for a comprehensive Nutrient and Drainage Management Plan as part of the proposal, and this may require changes to the SGP in terms of numbers of lots and lot sizes;
5. The high groundwater table of the subject land is likely to have significant implications for future road and dwelling construction, as well as future use of the proposed lots. Accordingly, it is recommended that requirements be imposed regarding:
 - further groundwater investigations to determine the Average Annual Maximum Groundwater Level (“AAMGL”) across the subject land; and
 - only clean, uncontaminated fill being used to achieve separation from the AAMGL for future use/development on the subject land.

Following receipt of the EPA’s advice, the amendment proceeded to advertising and referral for a period of 42 days, resulting in six submissions being received. Of specific note were the submissions received from the Department of Environment (“DoE”), Department of Health (“DoH”), Water Corporation and an adjoining landowner which supported the concerns raised by the EPA.

While the Shire’s Rural Strategy identifies the subject land within the Farmlet Policy Area, it also shows it being subject to future structure planning and investigation (through rezoning) to ensure the most appropriate form of subdivision and development occurs. This is a common requirement for the Farmlet Policy Area under the Rural Strategy, and supports why a wide range of lot sizes (from 4ha up to 40ha) is stipulated. This wide range of lot sizes

together with the stated objectives of the Rural Strategy both advocate that 'Farmlet' zoned subdivision and development must be responsive to any land constraints present, with environmental management as an important priority. Where land constraints are present and have the direct potential to affect future use/development of lots in accordance with the objectives and expectations held for the 'Farmlet' zone, then careful consideration must be given at the rezoning stage.

It is considered that Scheme Amendment No. 108 and the appurtenant SGP represent an inappropriate level of subdivision and consequential development for the subject land. While rezoning to 'Farmlet' is generally comprehended through the Rural Strategy, it is considered that the current form of subdivision depicted by the SGP would create lots unable to be developed due to regular inundation caused by the high groundwater table across the subject land.

As noted, approximately 80-90 per cent of the subject land is identified as multiple use wetland and has a groundwater table within 0.5m or less of the surface, and this is a constraint which has not been adequately addressed as part of the amendment documentation. The creation of lots without the capacity for development in accordance with the objectives and expectations held for the 'Farmlet' zone is not recommended for reasons of proper and orderly planning. While some form of subdivision and development is possible on the subject land, the current amendment and SGP are not considered to adequately address the constraints present and ways in which environmental management can be undertaken to ensure that lots created will actually be able to be used in accordance with the 'Farmlet' zone provisions.

On this basis it is recommended that Council not proceed with the amendment for the reasons contained in this report.

A copy of the amendment area and draft Subdivision Guide Plan is with the attachments marked P057.1/12/04.

Sustainability Statement

Effect on Environment: The amendment and appurtenant SGP are considered to have an adverse affect on the environment, through proposing a form of subdivision and development which does not take adequate account of the environmental constraints inherent to the subject land. As mentioned, approximately 80-90 per cent of the subject land is identified as multiple use wetland and has a groundwater table within 0.5m or less of the surface. This is a significant constraint which has not been adequately addressed through an appropriate subdivision design or environmental management measures which could be effectively implemented prior to subdivision. In terms of the environment, it is likely that significant effects would be experienced with regard to:

- a) the degradation of already limited remnant vegetation across the subject land;
- b) the inability for the majority of proposed lots to effectively accommodate on site effluent disposal systems due to inadequate separation above the AAMGL;
- c) the inability for environmental management measures to be implemented to control and reduce the high groundwater table across the subject land;
- d) the impacts on nutrient management and water quality objectives for the area, particularly given the uses expected to be permitted within the 'Farmlet' zone (i.e. small scale keeping and rearing of stock, agricultural pursuits);
- e) the impacts on localised drainage flows, given the need for subdivisional works and most lots to import fill so as to achieve adequate separation above the AAMGL;
- f) the general inability for nutrient stripping capabilities to be incorporated into the drainage network and detention basins due to the high groundwater table.

While some form of subdivision and development is possible on the subject land, the current amendment and SGP are not considered to adequately address the constraints present and ways in which environmental management can be undertaken to ensure the lots created will

actually be able to be used in accordance with the 'Farmlet' zone provisions. The current amendment and SGP are therefore considered to be unsustainable from an environmental point of view.

Resource Implications: The subject land is not serviced by either reticulated water or sewer, therefore requiring adequate on site provision and management of these services. With specific regard to effluent disposal, it is expected that the majority of proposed lots as depicted on the SGP would have issues in maintaining adequate separation above the AAMGL for effluent disposal. While filling would most likely alleviate these issues (as discussed by the DoH), that is an undesirable approach given the degree to which filling would be required and that issues of groundwater separation would still exist over the balance of the area. This would significantly restrict the ability for such lots to undertake use and development in accordance with the 'Farmlet' zone provisions and expectations of the Scheme.

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

Economic Viability: The amendment and SGP are not considered to be economically viable in a way that incorporates external costs. This is particularly measured in relation to impacts on the environment, biodiversity, nutrient levels and the groundwater resource, as well as impacts on the localised drainage network resulting from pressure for importing large amounts of fill onto the subsequent lots created. It is also expected that the majority of proposed lots would not be able to be developed in accordance with the objectives and expectations held for the 'Farmlet' zone. This would cause a disjointed planning relationship between what uses the Scheme provides for in the 'Farmlet' zone (i.e. rural uses) to what uses could actually be physically accommodated on the subject lots.

Economic Benefits: While economic benefits would result from additional lots and hence additional development within the Shire, it is felt that these benefits would be limited due to the inability for such lots to be fully utilised for 'Farmlet' development. Considering the shared objectives of the Scheme and Rural Strategy for the 'Farmlet' zone, it is felt that the subsequent lots created would have limited abilities for accommodating small scale rural uses as they are intended for. While a rezoning proposal could be entertained which firstly focussed on significant environmental management so as to demonstrate the limitation of land constraints, this has not been suitably addressed as part of the current amendment. It is also felt that the number of proposed lots is excessive to the degree that significant change to the amendment and SGP would be required.

Social – Quality of Life: The proposed rezoning and subdivision of the subject land is not considered to provide for the full range of land uses and development expected within the 'Farmlet' zone, and hence is not considered to provide for the most optimal quality of life. If the current proposal was supported, it is likely that the future use and development of the lots created would be severely restricted. This is not considered to represent proper and orderly planning, and would generate pressure for inappropriate forms of development to be permitted adding to further degradation of the subject land.

Social and Environmental Responsibility: In terms of the Shire's social and environmental responsibility, it is recommended that the amendment and appurtenant SGP not be proceeded with. While a rezoning proposal could be entertained which firstly focussed on significant environmental management so as to demonstrate the limitation of land constraints, this has not been suitably addressed as part of the current amendment.

Social Diversity: Not applicable

Statutory Environment:

Town Planning and Development Act 1928
Town Planning Regulations 1967
Town Planning Scheme No. 2
Rural Strategy

Policy/Work Procedure

Implications:

LPP4 – Revegetation
LPP6 – Water Sensitive Design
LPP9 – Multiple Use Trails Within the Shire

Financial Implications:

Nil

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:

5. Value and enhance the heritage character, arts and culture of the Shire.

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.

Community Consultation:

The proposed amendment was advertised for public comment for a period of 42 days in accordance with the requirements of the *Town Planning Regulations 1967*. The advertising period ran from 21 February to 10 April 2003 and six submissions were received during this time. Five of these were from government referral authorities while one was from a nearby landowner.

The submissions are detailed and addressed in the Schedule of Submissions provided with the attachments marked P057.2/12/04.

Note that the EPA's referral response is also included in the schedule, as it provides pertinent advice regarding the rezoning proposal.

Comment:

The issues raised through public and referral authority submissions support the concerns held regarding identified land constraints. Particularly, the submissions are considered to support the planning assessment that if the amendment were proceeded with in its current form, the result would be the creation of 'Farmlet' lots unable to be used for their ultimate zoned purpose. This assessment is reached with regard to the following key attributes:

- a) The majority of the subject land (80-90 per cent) is mapped as multiple use wetland, and as such experiences significant inundation. Details shown on the SGP indicate that the majority of the site has a groundwater level less than 0.5m below the surface, with this at surface level in many instances (at least half the site). While technical information accompanying the amendment states that the mapped groundwater levels are those 'highest' predicted for the area, there is no technical information which supports this claim or the likely occurrence of such 'highest' levels. Given therefore that the EPA and DoE both identify water inundation as a relevant

constraint for the area, it is likely that the land would be subject to inundation for an extended period during an average rainfall year.

- b) In terms of ultimate use and development, the high groundwater level across the subject land makes accommodating typical 'Farmlet' zone uses difficult. Both the Scheme and Rural Strategy advocate the 'Farmlet' zone as being intended for appropriately scaled rural uses, however on land which is regularly inundated or only slightly above the groundwater table, abilities for such rural uses are limited. This point is recognised through the Rural Strategy, which although showing the subject land within the Farmlet Policy Area, also shows it being subject to future structure planning and investigation. This structure planning and investigation is intended to be undertaken at the time of rezoning, and is focussed on significant environmental management measures being incorporated to address and effectively limit land constraints. Such is also dependent on an appropriate subdivision design being proposed which takes account of noted environmental constraints. It is considered that the current amendment and SGP do not provide this recognition of environmental constraints, and therefore are not considered appropriate for support.
- c) With regard to the specific objectives for the 'Farmlet' zone, the current amendment and SGP are not considered to fulfil such and hence are not considered suitable for support. While the land itself has an appropriate site context nearby the Mundijong urban centre (as per objective F2), the remaining objectives in relation to land use viability and environmental management are not considered to be met. Objectives F1, F3 and F5 are particularly pertinent, and state:

"To provide for Farmlet development which meets the following objectives:

F1 To provide opportunities for:

- small scale keeping and rearing of stock;*
- small scale commercial and alternative agricultural pursuits;*
- a 'productive rural-living' lifestyle in close proximity to urban areas;*
- small scale, home based light industry;*
- rural retreats;*

where land is no longer viable for broad-scale agricultural production, or is in proximity to village centres and unsuitable for residential development density, or where environmental management is a priority.

F3 To provide opportunities for development that maintain the productive capacity of land.

F5 To provide for the enhancement of landscape and natural values, and to establish managed areas within developments which may perform such roles as:

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

These objectives provide for the creation of 'Farmlet' living areas where an appropriate form of land use viability can be offered, so as to encourage appropriately scaled rural uses to take place. Given the subject land's noted constraints regarding groundwater levels, drainage issues and the inability for maintaining nutrient export levels, the current amendment and SGP are not considered appropriate.

The above reasons stem back to the planning argument that rezoning should not be entertained where the likely result is not optimal on planning grounds. While from an economic viewpoint there may be a justifiable need for a higher number of lots to offset servicing costs associated with 'Farmlet' development, in the case of the current amendment the constraints of the subject land are likely to result in the vast majority of lots being unable

to be used for actual 'Farmlet' development. This is not considered to reflect the intent of either the Scheme or Rural Strategy with regard to the 'Farmlet' zone, as both advocate such being intended for appropriately scaled rural uses. Planning assessment concludes that if the proposed lots are created, then subsequent development applications for rural uses would not be able to be supported due to groundwater separation issues and specific drainage constraints. This disjointed relationship between zoning and allowable land use is not recommended for reasons of proper and orderly planning.

Succinctly, Scheme Amendment No. 108 and the associated SGP are not supported on the basis that land constraints have not been adequately addressed as required by the Shire's Rural Strategy and Scheme. Furthermore, as per the requirements of Statement of Planning Policy No. 2.1 (*The Peel-Harvey Coastal Plain Catchment*) ("SPP No. 2.1"), it is not considered that the amendment has taken proper account for the net effect of rezoning on the nutrient load discharge from the catchment area into the Peel-Harvey Estuarine System. This is with particular regard to the following objectives of SPP No. 2.1:

- "i. ensuring that proposed changes to land zonings take account of land capability/suitability criteria;*
- ii. land used (or proposed to be used) for intensive agriculture which is likely to drain towards the Peel-Harvey Estuarine System being managed to reduce or eliminate nutrient export from the land;*
- iii. the retention and rehabilitation of existing remnant vegetation;*
- iv. a catchment target of 50 per cent of land area being established to deep rooted perennial plants;*
- v. remnant vegetation being retained along water courses, and margins being replanted to higher water-using vegetation, to maintain the stability of banks and exert some control on sediment and nutrient movement;*
- vi. subdivision making provision for a drainage system which maximises the consumption and retention of drainage on site."*

These objectives are not considered to be met as part of the amendment.

In summary, it is recommended that the amendment not be proceeded with by Council, for the reasons of inconsistencies with the Rural Strategy and Scheme relating to the intent of the 'Farmlet' zone, and non-compliance with the stated objectives of SPP No. 2.1 for the Peel-Harvey Coastal Plain Catchment Area.

Officer Recommended Resolution:

- A. Council not proceed with Amendment No. 108 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 for the purpose of rezoning Pt Lot 2 Kargotich Road and Lots 6 and 9 Scott Road, Mundijong from 'Rural' to 'Farmlet' for the following reasons:
 - 1. The majority of the subject land (80-90 per cent) is mapped as multiple use wetland, and as such experiences significant inundation. Details shown on the draft Subdivision Guide Plan specifically indicate that the majority of the site has a groundwater level less than 0.5m below the surface, with this at surface level in many instances. While technical information accompanying the amendment states that the mapped groundwater levels are those 'highest' predicted for the area, there is no technical information which supports this claim or the likely occurrence of such 'highest' levels. Given therefore that the Environmental Protection Authority and Department of Environment both identify water inundation as a relevant constraint for the area, it is likely that the land would be subject to inundation for an extended period during an average rainfall year. For this reason the proposed rezoning and related form of proposed subdivision are not considered appropriate for the subject land, through not adequately addressing the groundwater constraint identified.

2. In terms of ultimate use and development, the high groundwater level across the subject land makes accommodating typical 'Farmlet' zone uses difficult. Both the Shire's Scheme and Rural Strategy advocate the 'Farmlet' zone as being intended for appropriately scaled rural uses, however on land which is regularly inundated or only slightly above the groundwater table, abilities for such rural uses are limited. This point is recognised through the Rural Strategy, which although showing the subject land within the Farmlet Policy Area, also shows it being subject to future structure planning and investigation. This structure planning and investigation is intended to be undertaken at the time of rezoning, and is focussed on significant environmental management measures being incorporated to address and effectively limit land constraints. Such is also dependent on an appropriate subdivision design being proposed which takes account of noted environmental constraints. It is considered that Amendment No. 108 and the associated draft Subdivision Guide Plan do not provide this recognition of environmental constraints, and therefore are not considered appropriate for support.
3. With regard to the specific objectives for the 'Farmlet' zone in the Rural Strategy, Amendment No. 108 and the associated draft Subdivision Guide Plan are not considered to fulfil such and hence are not considered suitable for support. While the land itself has an appropriate site context nearby the Mundijong urban centre (as per objective F2), the remaining objectives in relation to land use viability and environmental repair are not considered to be met. Objectives F1, F3 and F5 are particularly pertinent, and state:
"To provide for Farmlet development which meets the following objectives:
F1 To provide opportunities for:
 - *small scale keeping and rearing of stock;*
 - *small scale commercial and alternative agricultural pursuits;*
 - *a 'productive rural-living' lifestyle in close proximity to urban areas;*
 - *small scale, home based light industry;*
 - *rural retreats;**where land is no longer viable for broad-scale agricultural production, or is in proximity to village centres and unsuitable for residential development density, or where environmental repair is a priority.*
F3 To provide opportunities for development that maintain the productive capacity of land.
F5 To provide for the enhancement of landscape and natural values, and to establish managed areas within developments which may perform such roles as:
 - *buffer between rural and urban areas;*
 - *nutrient removal from urban runoff;*
 - *vegetation establishment and management;*
 - *wetland protection and management;*
 - *integrating vegetation networks (i.e. fauna movement corridors);*
 - *reduction of surface stormwater flows from urban areas."*These objectives provide for the creation of 'Farmlet' living areas where an appropriate form of land use viability can be offered, so as to encourage appropriately scaled rural uses to take place. Given the subject lands noted constraints regarding groundwater levels, drainage issues and the inability for maintaining nutrient export levels, the draft amendment is not considered appropriate.
4. While from an economic viewpoint there may be a justifiable need for a higher number of lots to offset servicing costs associated with 'Farmlet' development, in the case of the draft amendment the constraints of the subject land are likely to result in the vast majority of lots proposed being unable to be used for actual 'Farmlet' development. This is not considered to reflect the intent of either the Scheme or Rural Strategy with regard to the

'Farmlet' zone, as both advocate such being intended for appropriately scaled rural uses. Planning assessment concludes that if the proposed lots are created, then subsequent development applications for rural uses would not be able to be supported due to groundwater separation issues and specific drainage constraints. This disjointed relationship between zoning and allowable land use is not recommended for reasons of proper and orderly planning.

5. The draft amendment is not considered to reflect the requirements of Statement of Planning Policy No. 2.1 (*The Peel-Harvey Coastal Plain Catchment*) with regard to nutrient load discharge from the catchment area into the Peel-Harvey Estuarine System. This is with particular regard to the following objectives of the policy:

- i) *ensuring that proposed changes to land zonings take account of land capability/suitability criteria;*
- ii) *land used (or proposed to be used) for intensive agriculture which is likely to drain towards the Peel-Harvey Estuarine System being managed to reduce or eliminate nutrient export from the land;*
- iii) *the retention and rehabilitation of existing remnant vegetation"*
- iv) *A catchment target of 50 per cent of land area being established to deep rooted perennial plants;*
- v) *remnant vegetation being retained along water courses, and margins being replanted to higher water-using vegetation, to maintain the stability of banks and exert some control on sediment and nutrient movement;*
- vi) *subdivision making provision for a drainage system which maximises the consumption and retention of drainage on site."*

The draft amendment is not considered appropriate on this basis.

- B. In accordance with the requirements of the *Town Planning Regulations 1967* [regulations 17(2) and 18(1)], Council forward the above reasons to not proceed with Amendment No. 108 to the WA Planning Commission, together with the amendment documentation and schedule of submissions made in respect of the amendment.

P057/12/04 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Price seconded Cr Hoyer

Council defer Amendment No. 108 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 for the purpose of rezoning Pt Lot 2 Kargotich Road and Lots 6 and 9 Scott Road, Mundijong from 'Rural' to 'Farmlet' and represent the matter to Council in March 2005.

CARRIED 9/0

Committee Note: The Officer Recommended Resolution was changed at the request of the applicant to enable further negotiations with respect to outstanding matters to be resolved.

COUNCIL DECISION

Moved Cr Star seconded Cr Hoyer that the meeting be closed to members of the public at this point to allow Council to discuss agenda item B08/12/04 because the matter is of a confidential nature.

CARRIED 9/0

Members of the gallery left the meeting at 9.21 pm.

Cr Richards returned to the meeting at 9.22pm

Director Asset Services returned to the meeting at 9.22pm

B08/12/04 CONFIDENTIAL ITEM NOTICE OF REQUIRED ALTERATION FOR GAMES ROOM: LOT 8 (#66) NETTLETON ROAD, BYFORD (P04835)		
Proponent:	Principal Building Surveyor	In Brief Council is requested to consider the issue of a Notice of Required Alteration in accordance with Section 401 of the Local Government (Miscellaneous Provisions) Act 1960 requiring the raising of ceiling height in a games room addition in accordance with the condition of building licence. It is recommended that a Notice of Required Alteration be served on the current owners of the land.
Owner:	GJ Wyee	
Officer:	Wayne Chant – Principal Building Surveyor	
Signatures Author:		
Senior Officer:		
Date of Report	29.11.04	
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	Council	

Voting Requirements: Normal

Committee/Officer Recommended Resolution:

Moved Cr Murphy (proforma) seconded Cr Hoyer (proforma)

Council serves a Notice of Required Alteration in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1960, Section 401(1), on the present owners of #66 (Lot 8) Nettleton Road, Byford requiring them to raise the ceiling height within the attached games room addition to 2 400mm in accordance with the condition of building licence 1730.

LOST 0/10

Alternative Officer Resolution (tabled at the meeting)

Moved Cr Richards seconded Cr Star (proforma)

Council resolves to:

- a) Note that the games room addition at #66 (Lot 8) Nettleton Road, Byford has a ceiling height of 2230mm, which is less than the minimum ceiling height for habitable rooms of 2400mm;and
- b) Refrain from serving a Notice of Required Alteration requiring the ceiling height be raised to 2400mm in accordance with the condition of building licence 1730 and building regulations, for a period of 60 days, to provide the parties involved in this dispute to reach resolution and lodge an application for a building licence to raise the ceiling height; and

- c) At the completion of the 60 day period, if no building licence application has been lodged, the Principal Building Surveyor serve a Notice of Required Alteration on the current owners of No 66 (Lot 8) Nettleton Road Byford requiring the ceiling height to be brought into compliance with the 2400mm minimum height for habitable rooms.

LOST 1/9

During debate Cr Hoyer foreshadowed that he would move a motion deferring any service of notice of required alterations on the owners of the property if the motion under debate was defeated.

FORESHADOWED MOTION

Moved Cr Hoyer seconded Kirkpatrick

1. That the subject to the findings, determinations and conclusions of the possible legal proceedings, relating to Lot 8 Nettleton Road (described as Cockburn Sound Location 498 being Lot 8 on Diagram 52344 Certificate 1469 Folio 213) Council defer any service of notice of required alteration on the owners of the stated property.
2. Should the findings of related legal proceedings find in favour of the evidence provided by the owners of the stated property, then Council serves a Notice of Required Alteration in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1960, Section 401(1) requiring compliance with the conditions of building licence 1730.

LOST 4/6

During debate Cr Murphy foreshadowed that he would move a motion deferring the determination of section 401 notice to the January 2005 Sustainable Development Committee meeting subject to the Acting Chief Executive Officer seeking legal advice.

B08/12/04 COUNCIL DECISION/FORESHADOWED MOTION

Moved Cr Murphy seconded Cr Needham

That the determination of a section 401 notice on Lot 8 (No 66) Nettleton Road Byford be deferred to January Sustainable Development Committee meeting subject to the Acting Chief Executive Officer seeking legal advice on the notice being successfully appealed to the State Appeals Tribunal.

CARRIED 8/2

Council Note: the Committee/Officer Recommended Resolution was changed by deferring the determination of section 401 notice to the January 2005 Sustainable Development Committee meeting subject to the Acting Chief Executive Officer seeking legal advice.

Cr Richards left the meeting at 10.04pm.

Members of the gallery returned to the meeting at 10.04pm.

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

9. CHIEF EXECUTIVE OFFICER'S REPORT

SM023/12/04 INFORMATION REPORT		
Proponent	Chief Executive Officer	In Brief Information Report.
Officer	G Dougall – Acting Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	14 th December, 2004	
Previously		
Disclosure of Interest		
Delegation	Council	

SM023.1/12/04 COMMON SEAL REGISTER REPORT – NOVEMBER 2004 (A1128)

The Common Seal Register Report for the month of November 2004 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the attachments marked “SM023.1/12/04”. (E02/5614)

SM023.2/12/04 ECONOMIC & TOURISM DEVELOPMENT OFFICER REPORT TO 8th DECEMBER 2004 (A0436-05)

The Economic & Tourism Development Officer report of priorities to 8th December, 2004 is with the attachments marked “SM023.2/12/04” (E04/6759)

SM023.3/12/04 PEEL DEVELOPMENT COMMISSION – STATEMENT OF CORPORATE INTENT 2004-2007 (A0109-02)

In the attachments marked “SM023.3/12/04” (IN04/11548) is a letter from the Peel Development Commission regarding their process of reviewing their Statement of Corporate Intent and inviting comment on this process.

Due to the short response time, this information was distributed to Councillors via facsimile requesting that comments be sent directly to the Peel Development Commission by 3 December, 2004.

SM023.4/12/04 2004 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT – NOVEMBER, 2004 – REPORT BY COUNCIL REPRESENTATIVE CR THOMAS HOYER (A0435)

In the attachments marked “SM023.4/12/04” (E04/6272) is the 2004 National General Assembly of Local Government report by Cr Thomas Hoyer as per Council Policy CSP25 Council Training, Development And Conference Attendance Policy.

SM023.5/12/04 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION PEEL ZONE MEETING – NOVEMBER, 2004 (A1164)

The Minutes of the 69th meeting of the WALGA Peel Zone meeting held on 25th November, 2004 are in the attachment marked “SM023.5.1/12/04” (E04/6282) together with a record of discussions held following that meeting to consider the regional

election strategies for the approaching state government election at attachment “SM023.5.2/12/04” (E04/6283).

SM023.6/12/04 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION -
STATE COUNCIL MINUTES – 1 DECEMBER, 2004 AND CHIEF
EXECUTIVE OFFICER’S REPORT (A1164)

A summary of the WALGA State Council Minutes of the meeting held on 1 December, 2004 together with the Chief Executive Officer’s Report to State Council are in the attachments marked “SM023.6.1/12/04 and SM023.6.2/12/04”(IN04/12316)

SM023.7/12/04 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION –
SOUTH EAST METROPOLITAN ZONE MINUTES – NOVEMBER
2004 (A1164)

The Minutes of the WALGA South East Metro Zone Meeting held on 24th November, 2004 are in the attachments marked “SM023.7/12/04” (IN04/12015)

SM023/12/04 COUNCIL DECISION/Officer Recommended Resolution

**Moved Cr Wigg seconded Cr Simpson
The Information Report to 14th December 2004 is received.
CARRIED 9/0**

Cr Richards returned to the meeting at 10.06

10. URGENT BUSINESS:

COUNCIL DECISION

Moved Cr Star seconded Cr Wigg

That Cr Simpson's request for leave of absence for three (3) consecutive ordinary council meetings be dealt with as an item of new business of an urgent nature.

CARRIED 10/0

SM024/12/04 CR SIMPSON – LEAVE OF ABSENCE (A0024)		
Proponent:	Cr AJ Simpson	In Brief Cr Simpson seeks leave of absence for the period January to March 2005 (inclusive)
Owner:	Cr AJ Simpson	
Officer:		
Signatures Author:		
Senior Officer:		
Date of Report	20 th December, 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 Star seconded Cr Scott

Council accepts Cr Simpson's request for leave of absence for three (3) consecutive ordinary council meetings effective from January 2005.

CARRIED 10/0

11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

12. CLOSURE:

There being no further business the meeting closed at 10.08pm.

I certify that these minutes were confirmed at the
ordinary council meeting held on 24th January, 2005

.....
Presiding Member

.....
Date

13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

C054/12/04 COUNCIL FUNDING OF FUTURE COMMUNITY NEEDS (A0119/04)		
Proponent:	Acting Chief Executive Officer	In Brief To recommend consideration of development of future fund to assist in the provision of future needs in the review of the Forward Financial Plan 2005-2015.
Officer:	G.R. Dougall – Acting Chief Executive Officer	
Signatures Author:		
Senior Officer:		
Date of Report	October – 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 1995	
Delegation	Committee in accordance with resolution SM054/05/03	

C054/12/04 COMMITTEE DECISION/Officer Recommended Resolution:

- a) The provision for a Community Facilities Fund be explored within the Forward Financial Plan 2005-2015 review.
 - b) A workshop of the issues be considered at the January 2005 Council forum.
- CARRIED 5/0**

C058/12/04 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent:	Director Corporate Services	In Brief To confirm the creditor payments made during November 2004
Owner:	N/A	
Officer:	S. O'Meagher – Finance Officer	
Signatures Author:		
Senior Officer:		
Date of Report	30/11/2004	
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	

C058/12/04 COMMITTEE DECISION/Officer Recommended Resolution:

Council notes the payments authorised under delegated authority and detailed in the list of invoices for the month of November, 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

C059/12/04 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 30 November 2004
Owner:	Not Applicable	
Officer:	Lauren Whitsed – Customer Support Officer	
Signatures Author:		
Senior Officer:		
Date of Report	29/11/04	
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	

C059/12/04 COMMITTEE DECISION/Officer Recommended Resolution:

**Council receive and note the report on Debtors accounts with a balance in excess of \$1,000 outstanding for 90 days or greater as at 30 November 2004.
CARRIED 5/0**

C060/12/04 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the sundry debtor balances as at 30 November 2004
Owner:	Not Applicable	
Officer:	Lauren Whitsed – Customer Support Officer	
Signatures Author:		
Senior Officer:		
Date of Report	29/11/04	
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	

C060/12/04 COMMITTEE DECISION/Officer Recommended Resolution:

**Council receive and note the report on Sundry Debtor Outstanding Accounts as at 30 November 2004.
CARRIED 5/0**

C061/12/04 RATE DEBTORS REPORT (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the rates report as at 30 November 2004
Owner:	Not Applicable	
Officer:	V Tapp – Finance Officer - Rates	
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	

C061/12/04 COMMITTEE DECISION/Officer Recommended Resolution:

Council receive and note the report the Rate Debtors accounts as at 30 November 2004.
CARRIED 5/0

C062/12/04 INFORMATION REPORT		
Proponent:	Director Corporate Services	In Brief To receive the information report to 1 December 2004
Owner:	Not Applicable	
Officer:	Various	
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	

C062/12/04 COMMITTEE DECISION/Officer Recommended Resolution:

The information report to 30 November 2004 be received.
CARRIED 5/0

B09/12/04 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	03.12.04	
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	

B09/12/04 COMMITTEE DECISION/Officer Recommended Resolution

**That Council accepts the November 2004 Information Report.
CARRIED 5/0**

H07/12/04 INFORMATION REPORT		
Proponent:	N/A	In Brief Information report
Owner:	N/A	
Officer:	Tony Turner - Principal Environmental Health Officer	
Signatures Author:		
Senior Officer:		
Date of Report	3.12.04	
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	

H07/12/04 COMMITTEE DECISION/Officer Recommended Resolution

**That Council accepts the information report for November 2004.
CARRIED 5/0**

P048/12/04 PROPOSED SECOND DWELLING - LOT 1980 (NO. 515) NETTLETON ROAD, BYFORD (P05602/02)		
Proponent:	S McBride & C John	In Brief Application for a second dwelling and conversion of existing dwelling to Ancillary Accommodation and the lounge and dining room additions to existing dwelling and construction of additional outbuilding. It is recommended that the application be approved.
Owner:	As above	
Officer:	Meredith Kenny - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	29 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	

P048/12/04 COMMITTEE DECISION/Officer Recommended Resolution:

Council approves the application for the construction of a new dwelling, change of use of the existing dwelling to “Ancillary Accommodation – Rural Workers’ Dwelling”, additions to the existing dwelling and construction of a storage shed with attached carport on Lot 1980 (no. 515) Nettleton Road, Byford subject to the following conditions:

1. The existing dwelling the subject of this approval shall be used for the purpose of Ancillary Accommodation (Rural Workers’ Dwelling) and may only be occupied by a person or persons who are engaged in an occupation associated with the agriculture enterprise carried out on the subject property.
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 existing 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. That the shed be used only for the storage of agricultural equipment, materials or products used or grown on land, or the garaging and maintenance of motor vehicles used in conjunction with the use of the land and shall not be used for human habitation.
5. Prior to the issue of a Building Licence the proponent submitting revised plans showing relocation of the new dwelling to the approximate proposed location of the new shed with a minimum setback to the rear boundary of 20 metres and the new shed to be relocated elsewhere on the lot to the satisfaction of the Manager Planning and Regulatory Services.
6. The provision of power to the new dwelling and shed shall be via extension of the existing electricity supply to the lot (ie a new line in from the street is not permitted).
7. Vehicle access to the new dwelling and new shed shall be via extension of the existing vehicle accessway on the lot. A separate crossover and driveway is not permitted for the new structures.

8. 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.
9. 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 Fire and Emergency Services Officer, to allow free and easy movement of fire tenders in times of emergency.
10. A fuel free zone is required to 15 metres around all proposed buildings. 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 Council's 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. Where the 30m cannot be achieved due to the location of the property boundaries, a low fuel zone must be provided to the property boundary.
11. A minimum 90 000 litre rain water tank or alternative potable water supply for domestic and fire fighting purposes is to be provided to the satisfaction of the Council and approved by an Environmental Health Officer prior to occupation of the dwelling.
12. To enable standardisation of fire brigade access to the water supply, each private domestic vessel (water tank) shall be fitted with a 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 a storz coupling and maintained in a correct operating condition and adequately sign posted at all times at the property owner's expense. The sizes of the couplings required shall be to the satisfaction of the Shire.
13. All water pipes shall be installed at least 30cm below ground level to withstand the effects of bush fires.
14. The specific approval of Council's Health Service is required for effluent disposal for the new dwelling prior to the occupation of the dwelling.
15. The new dwelling, shed and additions to the existing dwelling are 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.
16. 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.
17. No direct discharge of stormwater into watercourses or drainage lines.
18. All stormwater runoff from roofs and hardstand areas to be disposed of on-site.
19. All existing trees on the site shall be retained, except for the maintenance of the fuel free zone required under this approval or firebreaks required under the Shire's local laws and shall be protected from damage prior to and during construction.
20. A building licence is required to be obtained prior to the commencement of any development (including earthworks).

CARRIED 5/0

P050/12/04 LICENCE RENEWAL - EXTRACTIVE INDUSTRY - LOT 1304 COYLE ROAD, OLDBURY (P03215/01)		
Proponent:	NLG Sand Supplies	In Brief To consider the issue of an extractive industry licence in accordance with the Local Laws for Extractive Industries for sand extraction at Lot 1304 Coyle Road, Oldbury for the period up to 31 December 2005. It is recommended that the extractive industry licence be granted.
Owner:	Vincent Nominees Pty Ltd	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	1 December 2004	
Previously	P051/12/03	
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	Committee in accordance with resolution SM046/05/04	

P050/12/04 COMMITTEE DECISION/Officer Recommended Resolution:

The extractive industry licence be issued for sand extraction at Lot 1304 Coyle Road, Oldbury for a one year period expiring 31 December 2005 subject to the following conditions:

PLANNING

1. The licensee is to submit an annual report to the Director Sustainable Development by 15 November 2005 (AD1).
2. The licensee is to comply with all provisions of the Serpentine Jarrahdale Extractive Industry Local Law.

ENVIRONMENT

Dust

3. The licensee shall prevent the generation of visible particulates (including dust) from roads, access ways, trafficked areas, stockpiles, cleared areas and machinery from crossing the boundary of the premises (D3).
4. The licensee shall ensure that all loads leaving the premises of shale, sand, soil, clay or other particulate material likely to blow around, are to be enclosed or completely covered by a secured impermeable tarpaulin to prevent dust nuisance (D4).
5. The licensee shall at its expense, clean and remove any materials spilt or spread near the Coyle Road entry/exit point by vehicles associated with this extractive industry, to the specification and satisfaction of the Director Sustainable Development.
6. The licensee shall ensure that no more than one hectare of land that could cause dust under dry and windy conditions is exposed at any time.

Noise

7. The licensee shall take all measures to ensure that noise from machinery and vehicles complies with the Environmental Protection (Noise) Regulations 1997.

Water Quality

8. All storm water is to be retained on site at all times.

Hazardous Chemicals

9. The licensee shall not store environmentally hazardous chemicals, including, but not limited to, fuel, oil or other hydrocarbons on the site without written permission from, and unless in accordance with any conditions specified by, the Director of Sustainable Development (HC1).
10. The licensee shall implement measures to minimise the risk of spills or leaks of chemicals including fuel, oil or other hydrocarbons and shall immediately remove and dispose of any liquid resulting from any spills or leaks of chemicals including fuel, oil or other hydrocarbons (HC3).
11. 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 made available for immediate inspection by the Shire of Serpentine Jarrahdale staff on request and to be brought on-site during site audits (HC5).
12. The proponent shall ensure that no chemicals or potential liquid contaminants are disposed of on-site (HC6).
13. Mining and other industrial equipment is not to be stored on site unless it is required within the period of this licence for approved operations on Lot 1304 Coyle Road.

Biodiversity Management

14. The Quarry Rehabilitation and Decommissioning Plan Lot 1304, Coyle Road, Oldbury dated 17th December 2003 and approved by the Director of Sustainable Development is to be implemented in its entirety (BM2).
15. Revegetation and maintenance of bushland and buffer vegetation is to achieve:
 - a) a self sustaining cover of locally occurring native tree, shrub and groundcover plant species indicative of adjacent banksia woodland on the batters and around the periphery of the west, north and north west of the site;
 - b) a self sustaining cover of locally occurring native tree, shrub and groundcover plant species indicative of lowland vegetation in the lowland area (used to be conservation category wetland) in the south east of the site;
 - c) a minimum plant density of 1 native plant per square metre;
 - d) a minimum species richness of 5 native species per 100 square metres;
 - e) a weed burden at levels not likely to threaten the native species;throughout the period of extractive industry activities on site and for a minimum of three years from commencement of any stage of rehabilitation (BM3).
16. Revegetation and maintenance of parkland cleared land is to achieve:
 - a) stable soils resistant to wind erosion;
 - b) a 90% cover over pastured areas of deep rooted perennial pasture species other than grass species considered to be environmental weeds such as veldt and love grasses;
 - c) clumps of trees and large shrubs (greater than 2 metres) indicative of local native lowland habitats at densities of no less than 100 stems per hectare;
 - d) a minimal and controlled weed burden of declared weedsthroughout the period of extractive industry activities on site and for a minimum of three years from commencement of any stage of rehabilitation.
17. The following vegetated buffers as specified on the Staging and Coyle Road Buffer Plan dated 16 July 2003:
 - a) a minimum of 20 metres along the western boundary
 - b) between 25 metres and 60 metres along the northern boundary
 - c) between 60 metres and 110 metres along the eastern boundary
 - d) are to be marked with brightly coloured tape on star pickets and must remain undisturbed other than for the management of biodiversity

values and for the maintenance of firebreaks which should be 4.2 metres wide within the northern and eastern buffers, and 6 metres wide within the western buffer.

18. The licensee shall manage the site to prevent the spread of weeds and dieback into the on-site remnant and rehabilitated vegetation, and the Banksia Road Nature Reserve.
19. Logs from on site clearing are to be progressively used in rehabilitation and must not be burnt.
20. Where extractive industry activities, including stockpiling and haulage, are occurring within close proximity (30 metres) to the vegetated buffers detailed in the Staging and Coyle Road Buffer Plan dated 16th July 2003 or rehabilitated areas, the licensee shall utilize post and wire fencing flagged with brightly coloured survey tape or flags, to prevent encroachment by machinery (BM8).
21. No development shall occur within stage 4 until an Extraction and Rehabilitation Plan is prepared to the satisfaction of the Director Sustainable Development. This plan is to form an additional section to the Quarry Rehabilitation and Decommissioning Plan and is to be prepared as part of the appropriate Application for and Extractive Industry Licence, and comprehensively detail the management of works and land within 100 metres of the Coyle Road, road reserve.
22. The licensee is to ensure that all machinery and personnel implement dieback hygiene measures including ensuring that no soil is on vehicles or footwear when entering areas of the site other than the sand pit area.
23. The licensee shall ensure that no vegetation is disturbed and stockpiled materials do not encroach into the Banksia Road Nature Reserve.

Impact Management

24. The Licensee 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).

Advice Notes:

1. In relation to condition 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. In relation to condition 2, the licensee is encouraged to develop and implement an environmental management system using the conditions on this licence as targets. If the Director Sustainable Development approved such a document, the licensee conditions could be redrafted to remove individual conditions and instead refer to the approved EMS document.
3. In relation to condition 21, the stage 4 Extraction and Rehabilitation Plan should include details of management measures proposed to minimise the risk of spreading dieback and weeds, causing dust and detracting from the visual amenity of the area. It should also include proposed landscaping and revegetation details.

CARRIED 5/0

P051/12/04 LICENCE RENEWAL - EXTRACTIVE INDUSTRY - LOT 202 SOUTH WESTERN HIGHWAY, WHITBY (P05992/03)		
Proponent:	Hanson Construction Materials Pty Ltd	In Brief To consider the issue of an extractive industry licence in accordance with the Local Laws for Extractive Industries for hard rock and clay at Lot 202 South Western Highway, Byford for a one year period up 31 December 2005. It is recommended that the Extractive Industry Licence be granted.
Owner:	As Above	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	1 December 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	

P051/12/04 COMMITTEE DECISION/Officer Recommended Resolution:

The extractive industry licence be issued for hard rock and clay extraction at Lot 202 South Western Highway, Whitby for a 12 month period expiring 31 December 2005 subject to the following conditions:

PLANNING

1. The licensee is to submit an annual report to the Director Sustainable Development by 15 November 2005 (AD1).
2. The licensee is to comply with all provisions of the Serpentine Jarrahdale Extractive Industry Local Law (AD3).

ENVIRONMENT

Dust

3. The licensee shall prepare by 1 April 2005 a revised Dust Management Plan for Director of Sustainable Development approval and thereafter implement the approved revised Dust Management Plan in its entirety (D1).
4. 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 (D3).
5. The licensee shall ensure that all loads leaving the premises of shale, sand, soil, clay or other particulate material likely to blow around, are to be enclosed or completely covered by a secured impermeable tarpaulin or are treated in an alternative effective manner to suppress dust and prevent dust nuisance to the satisfaction of the Director Sustainable Development (D4).
6. The Licensee shall ensure that the main access road from South Western Highway to Lot 11 South Western Highway is sealed and maintained to prevent dust emissions (D5).

Noise

7. The licensee shall prepare by April 1st 2005 a revised Noise Management Plan for Director of Sustainable Development approval and thereafter implement the approved revised Noise Management Plan in its entirety (N1).

8. **Blasting is to take place only between the hours of 7am and 6pm other than with the written approval of the Director Sustainable Development (N3).**
9. **The licensee must notify the Director of Sustainable Development via facsimile 24 hours prior to each blasting being carried out on the site (N4).**
10. **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).**
11. **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).**
12. **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 that exceed 10 millimetres per second peak particle velocity;**
 - d) **the licensee shall notify the Director of Sustainable Development by fax within 24 hours and provide a written report within seven days with evidence to satisfy the Director of Sustainable Development that measures have been taken to prevent a recurrence (N7).**

Water Quality

13. **The licensee shall prepare by 1 April 2005 a revised Water Management Plan for Director of Sustainable Development approval and thereafter implement the approved revised Water Management Plan in its entirety (WQ1).**
14. **The licensee shall ensure that any discharge of water from Lot 202 South Western Highway including runoff from unsealed access tracks and roadways and any other unvegetated areas, other than directly to sewer or septic systems, shall be via treatment in silt traps, detention ponds, settling ponds or other effective mechanism to remove suspended materials (WQ4).**
15. **All water treatment traps, bunds, sumps, detention and settling ponds are to be regularly maintained to minimize the discharge to the environment of total suspended dissolved solids and total suspended solids and to prevent siltation of surface streams (WQ5).**
16. **The quality of water leaving the site as measured at the underground drainage pipe outfall on the adjoining property immediately to the north is to be within 10 percent of the quality of water at a location prior to entering that portion of the site which has been disturbed by roads, diversion drains, pipes, artificial ponds or any other development that has disturbed the natural vegetation, surface soils and/or drainage (WQ7).**
17. **Water samples are to be taken in accordance with the approved Water Management Plan at a minimum frequency of six times a year with at least two of those readings being taken within two hours after separate significant (25mm) rainfall events and are to be analysed for total suspended solids and for hydrocarbon concentrations at an accredited laboratory (WQ8).**

18. On receipt of water sample data which is non compliant with the target levels set out in conditions 15 and/or 16, the licensee shall ensure that an immediate inspection of, and obvious repairs to, all the drainage and treatment systems on the premises is undertaken, shall notify the Director of Sustainable Development by fax within 24 hours and provide a written report within five working days with evidence to satisfy the Director of Sustainable Development that measures have been taken to prevent a recurrence (WQ9).

Hazardous Chemicals

19. 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).
20. The compounds described in condition 19 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).
21. The licensee shall implement measures to minimise the risk of spills or leaks of chemicals including fuel, oil or other hydrocarbons and 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).
22. 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 (HC4).
23. 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 Shire of Serpentine Jarrahdale representatives (HC5).
24. The proponent shall ensure that no chemicals or potential liquid contaminants are disposed of on-site (HC6).
25. Mining and other industrial equipment is not to be stored on site unless it is required within the period of this licence for approved operations on Lot 202 South Western Highway, or the licensee has the written approval of the Director of Sustainable Development and complies with any conditions set out in such an approval (HC7).

Biodiversity Management

26. The licensee shall prepare by April 1st 2005 a revised Biodiversity and Landscape Management Plan for Director of Sustainable Development approval and thereafter implement the approved revised Biodiversity and Landscape Management Plan in its entirety (BM1).

- 27. Revegetation and maintenance of native forest and other bushland areas is to achieve:**
- a) a self sustaining cover of locally occurring native tree, shrub and groundcover plant species indicative of adjacent undisturbed natural community reference sites;
 - b) 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) distributions of at least 5 locally native species per 100 square metres and a plant diversity of 60% of the plant diversity at agreed natural community reference sites;
 - d) through adaptive management, community structures that approximate the community structures of agreed natural community reference sites;
 - e) a weed burden at levels not likely to threaten the native species;
- 28. Revegetation and maintenance of parkland cleared land is to achieve:**
- a) Stable soils resistant to wind erosion;
 - b) A 90% pasture cover of deep rooted perennial pasture species that are not grass species considered to be environmental weeds such as veldt and love grasses;
 - c) Clumps of trees and large shrubs(greater than 2 metres) indicative of local native habitats at densities of no less than 100 stems per hectare;
 - d) A minimal and controlled weed burden of declared weeds (BM3).
- 29. Revegetation of aquatic habitats is to be with locally occurring native sedges and rushes which are to be planted at a minimum density of 6 stems per square meter (BM4).**
- 30. The licensee shall control declared and environmental weeds throughout the site to the satisfaction of the Director Sustainable Development (BM5).**
- 31. The licensee is to ensure that all machinery and personnel implement dieback hygiene measures including ensuring that no soil is on vehicles or footwear when entering areas of the site that contain remnant vegetation (BM6).**
- 32. The following buffers are to be maintained and marked with posts and brightly coloured tape or other suitable means to the satisfaction of the Director Sustainable Development:**
- a) A minimum of 50 metres between quarrying activities and built development, other than the construction and rehabilitation of bunds, along both the western and southern lot boundaries.
 - b) A minimum of 20 metres between lot boundaries and the construction of bunds for visual screening (BM7).
- 33. Where extractive industry activities including stockpiling and haulage, are occurring within close proximity (30 metres) to vegetated buffers or rehabilitated areas and there is any risk of damage by quarrying activities, the licensee shall utilize post and wire fencing flagged with brightly coloured survey tape or flags, to prevent encroachment by machinery (BM10).**
- 34. The adjoining State Forest shall not be used for access purposes and no overburden shall be placed within the State Forest.**
- 35. Logs from on-site clearing are to be progressively used in rehabilitation to provide habitat and must not be burnt (BM12).**
- 36. The licensee is to maintain existing tracks within the site and install gates designed for fire access to the satisfaction of the Director Sustainable Development.**

Impact Management

- 37. 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).**
- 38. Outside lighting is to be kept to a safe minimum and should be angled to minimise light impacts on neighbouring properties (IMP2).**

Advice Notes:

- 1. In relation to condition 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. In relation to condition 2, the licensee is encouraged to develop and implement an environmental management system (EMS) using the conditions on this licence as targets. If such an EMS document were to include all necessary components and be of an adequate standard, the Director Sustainable Development will assess the document with a view to removing many, and redrafting all licence conditions to instead refer to the approved EMS document.**
- 3. 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.
- 4. 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.**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.
- 5. The written report in relation to condition 12 is to detail the times, dates, non compliant blast parameters, the relevant Environmental Protection (Noise) Regulations 1997 and other prescribed limits in condition 10, why the non compliant levels were recorded and how the licensee has adjusted operations to ensure that it does not occur again.**
- 6. The Water Management Plan is to include text and diagrams that detail:**
 - 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 both their abilities to retain water on site during storm events and their abilities to remove suspended material prior to discharge;
 - d) The designs and locations of other pollution control infrastructure including traps, filters and bunds to meet water quality conditions;
 - e) Proposed management of existing natural water courses;
 - f) Where water is discharged from the premise as surface and/or ground water, 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 of Sustainable Development if required.
7. For the purpose of condition 16, “Quality” refers to the concentrations of total suspended solids, hydrocarbons, nutrients and heavy metals
 8. The written report in relation to condition 18 is to detail the times, dates and locations of water samples, rainfall within the previous 24 hours 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) Map the locations of, and identify both the types and magnitudes of weed infestations and describe weed management to be undertaken;
 - i) Locate on the map and describe all end point land uses and associated vegetation types for example local bushland, agricultural parkland cleared, visual screening, aquatic and riparian or industrial.
 - j) 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;
 - k) Describe the community structures, species compositions and diversities of naturally growing reference communities;
 - l) Include a commitment to auditable completion criteria for vegetation in the different habitat types (including weed burden);
 - m) Illustrate and describe the drainage patterns and structures proposed on completion of industry activities;
 - n) Describe how the visual amenity of the area and views from the coastal plain will be protected;
 - 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.
 10. In relation to condition 36, the Community Emergency Services Manager can provide additional advice in relation to the maintenance of existing tracks as fire breaks and the design and locations of required fire access gates.
- CARRIED 5/0**

P056/12/04 STAGE 3 OF SERPENTINE DOWNS ESTATE SUBDIVISION - PT LOTS 6 AND 305 HARDEY ROAD, SERPENTINE (S124281)		
Proponent:	Cardno BSD	In Brief Application for Stage 3 of Serpentine Downs estate subdivision – 43 lots of between 4000 to 4500 square metres in area. Applicant requests the Council's support for the subdivision application lodged with the WA Planning Commission in the absence of the Minister for Planning and Infrastructure's decision not to support the rezoning of the land to Rural Living A with a minimum lot size of 4000 square metres. The Minister's decision was based on advice from Minister for the Environment that rezoning of land within the proposed Karnup Dandalup Underground Water Pollution Control Area should not be supported if it will result in lots less than 1 hectare in area. It is recommended that the proposed subdivision be supported by the Council as it is consistent with the objectives of the Rural Strategy policy area over this land and Amendment No. 107 that was supported by the Shire and the WA Planning Commission.
Owner:	Megavade Pty Ltd	
Officer:	Meredith Kenny - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	6 December 2004	
Previously	P016/07/02	
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	

P056/12/04 COMMITTEE DECISION/Officer Recommended Resolution:

With regard to the application to subdivide Pt Lot 6 and Lot 305 Hardey Road Serpentine (WAPC Ref 124281), Council advise the Western Australian Planning Commission as follows:

- A. Approval of the above subdivision is supported by the Shire of Serpentine-Jarrahdale as the land is contained within the Rural Living A policy area of the Shire's adopted Local Rural Strategy and the proposed subdivision is consistent with both that document and the endorsed Subdivision Guide Plan for Amendment No. 107 which was granted final approval by the Shire of Serpentine-Jarrahdale.
- B. In this instance landuse and zoning proposals contained within an endorsed Local Rural Strategy referring to lot size, take precedence over those set out in the document tables for subdivisions contained in the Water and River Commission's Water Quality Protection Note – Land Use compatibility in Public Drinking Water Source Areas as the Karnup-Dandalup Public Drinking Water Source Protection Area has not yet been proclaimed.
- C. The Shire requests that the following conditions be placed on the subdivision:
 1. Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional

- road(s) being constructed and drained at the subdivider's cost. As an alternative, the Western Australian Planning Commission is prepared to accept the subdivider paying to the Local Authority the cost of such works as estimated by the Local Authority subject to the Local Authority giving assurance to the Commission that the works will be completed within a reasonable period of time acceptable to the Commission.
2. Street corners within the subdivision being truncated to the standard truncation of 8.5 metres.
 3. The cul-de-sac heads being designed to the specifications and satisfaction of the Local Authority.
 4. The balance of the public open space designated on the endorsed Subdivision Guide Plan for the Serpentine Downs Estate being shown on the Diagram or Plan of Survey for Stage 3 as such, to the satisfaction of the Shire, and vested in the Crown under section 20A of the Town Planning and Development Act (as amended), such land to be ceded free of cost and without payment of compensation by the Crown prior to the issue of Certificates of Titles for the new lots.
 5. The land being filled and/or drained at the subdivider's cost to the specifications and satisfaction of the Local Authority, and any easements and/or reserves necessary for the implementation thereof, being provided free of cost.
 6. All existing buildings and effluent disposal systems, having the necessary clearances from the new boundaries as required by the relevant legislation.
 7. Measures being taken to the satisfaction of the Local Authority to ensure identification and protection of any vegetation on the site worthy of retention prior to the commencement of site works.
 8. Uniform Fencing being provided along the boundaries of all of the proposed lots abutting public open space constructed to the specifications and satisfaction of the Local Authority.
 9. The subdivider shall prepare a Revegetation Plan to the satisfaction of the Local Authority prior to the commencement of on-ground works. The plan must include the planting of local native trees and shrubs of species and at a density and location to be determined by the Local Authority in accordance with the Shire of Serpentine-Jarrahdale Planning Guidelines for Nutrient Management and which may include planting of lots, public reserves and road reserves within or adjacent to the subdivision. Revegetation shall be completed by the subdivider to the satisfaction of the Shire and this must occur prior to the clearance of titles.
 10. Building envelopes and effluent disposal areas for each lot to be identified by survey to the satisfaction of the local authority. Positioning of such envelopes shall ensure the retention of existing vegetation in accordance with the approved revegetation plan.
 11. Minimum pad heights for dwellings and effluent disposal systems to achieve adequate clearance from groundwater and winter water table shall be nominated by the developer for each lot to the satisfaction of the local authority and a notification being placed on the tiles by the subdivider and at the subdividers cost to advise prospective purchasers of these requirements.
 12. Submission of 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 Fire Board of WA.
 13. The subdivider making arrangements satisfactory to the Western Australian Planning Commission to ensure that prospective purchasers of the lots created will be advised of those provisions of the Local

- Government's Town Planning Scheme, which relates to the land use and management of the land.**
- 14. Preparation of a restrictive covenant at the cost of the subdivider to restrict land uses in this subdivision in accordance with the provisions in Amendment 68 to the satisfaction of the Shire. Rural Use / Intensive Agriculture and Stables will not be permitted.**
- CARRIED 5/0**

P058/12/04 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 December 2004	
Previously		
Disclosure of Interest		
Delegation	Committee – in accordance with resolution SM046/05/04	

P058/12/04 COMMITTEE DECISION/Officer Recommended Resolution

The Information Report to 3 December 2004 be received.
CARRIED 5/0

Committee Note: A correction was made to P058.2/12/04 for subdivision 126710 - Lot 42 Blair Road, Oakford. The delegated authority determination had been for refusal rather than approval.