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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 23rd JULY, 2007. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.01PM 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
AW Wigg
K Murphy
JC Star
JA Scott
MJ Geurds
M Harris
WJ Kirkpatrick

OFFICERS: Ms J Abbiss Chief Executive Officer
Mr B Gleeson Executive Manager Planning & Regulatory Services
Ms S van Aswegen Executive Manager Strategic Community Planning
Mrs S Langmair Minute Secretary

APOLOGIES: Cr EE Brown Leave of Absence
Mr D Long Director Corporate Services

GALLERY: 11

2. PUBLIC QUESTION TIME:

2.1 Response To Previous Public Questions Taken On Notice

Ordinary Council Meeting 25th June, 2007:

Mr Salmeri

Q Wrote a letter on 6th June and hand delivered on 7th June regarding proposed broiler farm at 701 Henderson Road and hasn't received a response. He wanted to know why and would like to know about the progress of this proposed broiler farm.

A A letter was written to Mr Salmeri apologising for not providing a response. Mr Salmeri was also advised that the planning application for Lot 701 Henderson Road has not yet been considered by Council. A decision on the application will be made in the next few months. Mr Salmeri will be notified in writing of when this matter will be presented to the Council.

Public Question Time commenced at 7.01pm.

John Mitchell, 510 Henderson Road, Serpentine

Q Where do we stand with the poultry farms at Lot 701 and Lot 368 Henderson Road, with regard to the new Proten chook farm proposal? The residents of the area want to be sure everything is done to facilitate it going to the right block.

A The Executive Manager Planning and Regulatory Services (EMPRS) advised that Lot 368 Henderson Road has current planning approval. Lot 701 Henderson Road is a new proposal and has been with Council for a number of months. There are some issues in relation to the site eg the gas pipeline runs through the site. Council has

asked the applicant to address these issues. Council will not be progressing with this application until these issues have been resolved.

Q Who owns Lot 368 Henderson Road – are the Broads the owners?

A The EMPRS advised he was unsure of any change in ownership. The Presiding Member advised that there were rumours are that Proten have purchased the Lot 368.

Q Wants to be certain that everything that can be done to facilitate them locating to Lot 701, will be done?

A The Presiding Member gave those assurances.

Q Would like to open discussions again on the Poultry Policy Overlay Area.

A The Presiding Member advised that we would hope to do that in our next round of meetings.

Mr Salmeri – Hopelands Road

Q There is a lot of confusion over the proposed poultry farms at Lot 701 and Lot 368 Henderson Road and he has put in a submission. He has since received a letter from Proten advising they have bought Lot 368. They have advised that they won't be putting a broiler farm on Lot 368 if they can put it on Lot 701. He advised that he wants the broiler farm to go to Lot 701.

Ross Montgomery, representing Mr Iannello re SD008/07/07.

Q In response to receiving a copy of the Committee minutes late last week, there are a number of items that were freshly raised. These issues were not raised in discussions at Concept Forum. Would it be possible to discuss and resolve these matters prior to Council making a decision this evening or be resolved with technical officers later?

A The EMPRS advised that Council received an email from the applicant regarding road conditions, fire access, strata lot and fire break related issues earlier today. The officers have not been able to address these questions. The EMPRS recommended that this item either go to the Committee meeting next month or be addressed through the meeting this evening.

Mr Montgomery advised it would be in his client's interest to resolve as many issues prior to a decision being made.

The Presiding member asked if they would prefer that this item be dealt with tonight?

Mr Montgomery said he would prefer that it be dealt with tonight.

Public Question Time concluded at 7.12pm.

3. PUBLIC STATEMENT TIME:

Public Statement Time commenced at 7.12pm.

Tom Hoyer, Nettleton Road, Karrakup

Last week I presented a petition with 300 signatures and surveys to the Corporate Governance Committee. Last week I talked about the methodology and approach and that this was an entirely positive experience and a timely opportunity for Council to consider. If I had spent more time I would have got twice the number, I would have got 1000. There is a desire for Council to address the further urgencies that are present and that Council is not dealing with them. The final suggestion is one of frustration and anger and then an even more harmful proposition of indifference which is harmful to democracy. Wants to open Council up to the excitement of democracy and the opportunity for change, there is no other opportunity to excite participation and verify what Council believe is true and correct against what voters believe at the ballot box. Some will say it costs too much, is it the will of the electorate? These are all spurious, there is no validity, some may have substance but are of no impact. Serpentine Jarrahdale is in a state of change imposed by the State, this is an opportunity, it is positive, it is not negative and I commend the change to you.

Craig Hanrahan, Proprietor of Jarrahdale Earthmoving

Referred to a letter sent to the Councillors this morning. If there were any doubts about what was contained in his letter he was more than happy to give documents that verify the points and he invited Councillors to have a look at his business.

The EMPRS left the meeting at 7.18pm and returned at 7.20pm.

Public Statement Time concluded at 7.20pm.

4. PETITIONS & DEPUTATIONS:

Petitions and Deputations commenced at 7.20pm

Cr Murphy as Chairperson of the Corporate Governance & Asset Management Committee presented a petition from Thomas HJ Hoyer, which was received at the Corporate Governance & Asset Management Committee Meeting held on 17th July, 2007, to the Shire President requesting the method of voting of the Shire President be changed.

COUNCIL DECISION

Moved Cr Murphy seconded Cr Price

That the Petition be accepted and referred to the Corporate Governance & Asset Management Committee for consideration and report.

CARRIED 9/0

Petitions and Deputations concluded at 7.22pm.

5. PRESIDENT'S REPORT:

A letter has been received from The Hon Jim Lloyd, Federal Minister for Local Government congratulating the Shire for winning a Category Award, under 15,000 ratepayers, in the Youth Engagement Category of the 2007 National Awards for Local Government for their entry "SJ YAC – *More than a Social Club*". As this entry is a Category Winner it will now proceed to the national judging phase to be held on 27-28th August in Canberra. The Shire President passed on congratulations on behalf of Council to the SJ YAC and Robyn Brown.

Cr Wigg requested that formal congratulations be extended to the SJ YAC on behalf of Council.

A letter of congratulations has been received from the Western Australian Local Government Association for completing Milestone 1 and Milestone 2 of the Local Biodiversity Planning process. A formal presentation will be made to the Shire at the WALGA Convention 2007 on 4th August, 2007.

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Cr Wigg declared a financial interest in item SD007/07/07 PROPOSED SUBDIVISION – LOT 80 YANGEDI ROAD, KEYSBROOK as he is the owner of the property and advised that he will leave the meeting when this item is discussed.

Cr Kirkpatrick declared a proximity interest in item SD008/07/07 REQUEST TO INITIATE REZONING OF LOT 199 JARRAHDAL ROAD, JARRAHDAL FROM "RURAL" AND "WATER CATCHMENTS" TO "SPECIAL USE" as he is the neighbour of 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 – 25th June, 2007

COUNCIL DECISION

**Moved Cr Price seconded Cr Wigg
That the minutes of the Ordinary Council Meeting held on 25th June, 2007 be confirmed.
CARRIED 9/0**

7.2 Special Council Meeting – 9th July, 2007

COUNCIL DECISION

**Moved Cr Scott seconded Cr Price
That the minutes of the Special Council Meeting held on 9th July, 2007 be confirmed.
CARRIED 9/0**

REPORTS OF COMMITTEES:

SD003/07/07 DEDICATION OF PHYSICAL ALIGNMENT OF FIRNS ROAD AND CLOSURE OF UNMADE PORTION OF FIRNS ROAD RESERVE (R0069)		
Proponent:	Department for Planning and Infrastructure and Department of Environment and Conservation	In Brief Council to resolve to request the Minister for Lands to dedicate the physical alignment of Firns Road and close that portion of the road reserve that is unmade. The closed portion of Firns Road is to be amalgamated into Karnet Nature Reserve.
Owner:	Crown	
Officer:	Meredith Kenny - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	2 July 2007	
Previously	SD115/06/07, SD053/11/06, CGAM095/02/06	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.	
Delegation	Council	

Background

Subdivision of Lot 481

A subdivision application for Lot 481 Kingsbury Drive was referred to Council for comment in 2005. The subdivision involves the creation of two lots of approximately 40 hectares each. Council advised the Western Australia Planning Commission (WAPC) that approval of the subdivision application was supported subject to conditions. One of the recommended conditions required the new lots having frontage to a constructed subdivisional road.

The WAPC has deferred determination of the subdivision application until secure gazetted and constructed road access is available to Lot 481. The land surrounding the property comprises Crown land vested in the Department of Environment and Conservation (DEC) for the purposes of conservation of flora and fauna and two other freehold lots.

A gazetted, but unconstructed, road reserve connects Kingsbury Drive to the south east corner of Lot 481. However, this unconstructed road reserve (Karnet Road) dissects Lot 1438 Kingsbury Drive which is the site for the new Meditation Centre being developed by Bodhinyana Buddhist Monastery. This road reserve is not physically suitable for construction due to the steep terrain, dense forest growth, a resource enhanced wetland (Karnet Creek) that needs to be crossed and the potential environmental damage any construction activities may cause.

Historically, vehicle access to Lot 481 has always been via an undedicated track that runs from Firns Road to the north east corner of Lot 481.

A copy of the aerial view of the access track, Firns Road and Lot 481 is with attachments marked SD003.1/07/07 & SD003.2/07/07.

Dedication of Firns Road

In December 2006, Council resolved to request the Minister for Lands to dedicate the track from Firns Road to the north-east corner of Lot 481 (***refer attachment marked SD003.3/07/07***). Separately, the Council resolved to request the Minister for Lands to close

the unconstructed road reserve (Karnet Road) that runs through Lot 1438 (off Kingsbury Drive) to enable the monastery to proceed with their development.

When the owners of Lot 481 first commenced negotiations with the DEC to excise a portion of the Karnet Nature Reserve to create the new road reserve to Lot 481, DEC wrote to Council and advised that this would necessitate the correction of the Firms Road reservation to follow the physical alignment of Firms Road. DEC advised that the Council would be responsible for all costs associated with the modification of the Firms Road reservation as the Council is responsible for the maintenance and management of local roads. Accordingly, an item relating to these road matters was considered by the Council in February 2006 and the following motion was carried:

“CGAM095/02/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price seconded Cr Richards

1. *Council advise the developer that it is their responsibility to arrange the survey, and dedication of the road reserve alignment for access to Lot 481 as depicted on the map and marked CGAM095/02/06 dated 15/02/06, which will need the final proposed alignment to be submitted to Council for public advertising and approval.*
2. *Council engage appropriately qualified licensed surveyors to undertake a survey of the proposed new alignment for Firms Road reserve, as depicted on the map and marked CGAM095/02/06 dated 15/02/06, and declare the costs authorised expenditure.*
3. *Council undertake the requisite statutory public consultation period for the proposed new road reserve alignments for Firms Road and public access to Lot 481, and for the closure of the existing unmade Firms road reserve for Firms Road.*

CARRIED 9/0 ABSOLUTE MAJORITY”

The Conservation Commission approved the excision of the portion of Karnet Nature Reserve required to create the new gazetted road from Firms Road to Lot 481 on 24 April 2006.

Survey of Road Reserve

The owners of Lot 481 duly arranged for a survey and environmental assessment of the proposed new road. Shire Officers obtained quotes from four land surveyors for the survey work relating to Firms Road. The quotes ranged from \$3 300 to \$15 000. However, no further progress was made with regard to parts 2 and 3 of this motion – a surveyor was not engaged and the required public consultation was not carried out.

Following receipt of the survey drawings and environmental assessment for the new road from the owners of Lot 481, Council resolved on 18 December 2006 to request the Minister for Lands to dedicate this new road. The Department for Planning and Infrastructure has now written to the Council advising that they cannot approve the dedication of the new road until Council has resolved to modify the Firms Road reserve to follow the physical alignment of Firms Road. This is required so that the new road connects to a gazetted road.

Accordingly, a recommendation is now put to the Council to enable the completion of this matter as soon as possible. It should be noted that the owners of Lot 481 have still not received a decision with regard to their subdivision application from the WAPC, due to the non-completion of this matter and are consequently suffering financial hardship due to the two separate parties who jointly purchased the land being unable to develop their halves of the lot.

Sustainability Statement

Effect on Environment: The physical alignment of Firms Road will not have to be widened or upgraded as a result of the proposed action. Therefore, there will not be any clearing associated with the modification of the Firms Road reserve.

Economic Viability: The secure access of persons to their property is a basic entitlement. The path chosen provides minimal disturbance in comparison to other road options (ie the construction of Karnet Road through Lot 1438).

Social – Quality of Life: This proposal will provide secure access to the residents of Lot 481 and enable them to obtain subdivision approval and progress their approved developments.

Social and Environmental Responsibility: This proposal has balanced social and environmental factors to enable a suitable outcome.

Statutory Environment: Land Administration Act 1997
Local Government Act 1995

Policy/Work Procedure Implications: Nil

Financial Implications: The survey costs for the realignment of Firms Road reserve and advertising costs associated with the closure of a portion of Firms Road will be the responsibility of Council.

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.

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

Strategies:

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

2. Environment

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

Strategies:

3. Encourage protection and rehabilitation of natural resources.

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.

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:

Under the Land Administration Act 1997 community consultation is required prior to the Council resolving to close the existing unmade gazetted road reserve for Firms Road. Community consultation is not required for the dedication of the physical alignment of Firms Road.

Comment:

It is appropriate to rationalise the Firms Road reserve through the nature reserve by closing the section of the road reserve that does not follow the existing constructed alignment and surveying the existing constructed alignment of Firms Road and making an application to have it gazetted as the dedicated road reserve.

Voting Requirements:

ABSOLUTE MAJORITY

SD003/07/07 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Star seconded Cr Price
That Council:**

1. Requests the Minister for Lands to dedicate the portion of the physical alignment of Firms Road that is not currently reserved, for the purpose of a public road.
2. Indemnifies the Minister for Lands against any claim for compensation (not being a claim for compensation in respect of land referred to in subsection (6) of Section 56 of the Land Administration Act 1997 in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request to dedicate the new road between Firms Road and Lot 481.
3. Advises the Minister for Lands that the land the subject of this request has been used as a public road without impediment for more than ten years.
4. Advises its insurers accordingly.
5. Advises the Minister for Lands that Council is currently undertaking the statutory advertising in relation to the proposed closure of the unconstructed portion of Firms Road in accordance with the requirements of Section 58 of the Land Administration Act 1997. Subject to no valid impediments to the closure being discovered as a result of the public consultation process, Council intends to make a resolution in the future to request the Minister for Lands close that portion of Firms Road.

CARRIED 9/0 ABSOLUTE MAJORITY

SD004/07/07 PROPOSED VETERINARY ESTABLISHMENT – LOT 6 (2715) SOUTH WESTERN HIGHWAY, SERPENTINE (P02782/01)		
Proponent:	J & B Deetman	In Brief Application for Veterinary Establishment to be operated from the property. It is recommended that the application be approved subject to conditions.
Owner:	As above	
Officer:	Meredith Kenny - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	2 July 2007	
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	

Date of Receipt: 30 May 2007
 Advertised: Yes
 Submissions: Nil
 Lot Area: 52 hectares
 L.A Zoning: Rural
 MRS Zoning: Rural
 Municipal Inventory: No
 Townscape/Heritage Precinct: Not applicable
 Bush Forever: No

Background

The subject site contains an old cottage, a single storey dwelling, extensive stables and other horse management facilities and multiple outbuildings. The property has previously been used as a horse stud and a spring water bottling plant also operated from the site for over ten years.

An application has been submitted for the conversion of the existing old cottage for use as a Veterinary Establishment. The owners intend to demolish this dwelling and build a new dwelling on the same site. The owners will live in this dwelling during the time the old main dwelling is being demolished and the new main dwelling constructed (approximately 12 months). Once the new main dwelling is completed, the Veterinary Clinic is to be moved to the new dwelling permanently.

An aerial photograph, site and floor plans are with the attachments marked SD004.1/07/07, SD004.2/07/07 and SD004.3/07/07.

The Veterinary Establishment will provide equine, domestic and small farm animal services. The service will be open to the public Monday-Friday 10am-5pm and Saturday 9am-12noon. An after hours emergency service will be available at any hour.

In addition to the vet, the number of staff working at any one time will be 1 part-time person. This will increase to 2 part-time or 1 full time staff member as the business grows.

Domestic animals attending the facility will be treated in the clinic. The clinic will comprise reception/office space, consultation room, treatment/x-ray room, surgical theatre, pharmacy/laboratory room, kennel accommodation for small animals requiring overnight treatment/recovery and staff facilities (toilet, kitchen, bathroom). Equine and other farm animals will be treated in an existing outbuilding and yards located next to the stables. This

outbuilding is a purpose built equine veterinary facility the previous owners built for their own use. The building contains a large work area/theatre area, an x-ray facility for large animals and a mare/foal crush and has some small confinement yards attached.

The owners of the property have run a Veterinary Service from a property in Baldivis for the last 13 years. This existing business is to be relocated to Lot 6 South Western Highway, Serpentine. The owners also purchased the existing equine breeding and agistment business that operated from Lot 6 and intend to continue to run this business.

Sustainability Statement

Effect on Environment: Clearing of existing vegetation is not required to facilitate the new business. Two thirds of the lot is parkland cleared and contains the existing buildings and fenced paddocks. The eastern end of the lot contains remnant native vegetation.

The veterinary clinic will have the appearance of a residence so will not detract from the rural character of the area. The colours of the walls and roof of the temporary and permanent clinic buildings are earthy and bushland colours in keeping with the character of the area and the objectives of the Landscape Protection Policy.

Resource Implications: The proposed business will not entail above average use of resources such as water or power. The provision of an additional veterinary facility in the area will provide locally available services of a nature and type that are in demand by Shire residents given the high level of equine and other animal ownership in this Shire. This will reduce the need for residents to travel outside the Shire to obtain such services thereby, potentially reducing the length of vehicle trips to obtain these services.

Use of Local, renewable or recycled Resources: The conversion of the existing old cottage for use as a temporary veterinary clinic represents recycling of an existing building.

Economic Benefits: The business will provide for a small number of additional jobs within the Shire. Another economic benefit for the community is that the addition of a second veterinary service in Serpentine.

Social – Quality of Life and Social Diversity: The establishment of the veterinary clinic on the property on which the proprietors live can have benefits for their quality of life as they will not have to commute to work.

Social Diversity: No social groups will be disadvantaged by this proposal. Disabled access and parking should be provided to the veterinary clinic.

Statutory Environment: Town Planning Scheme No. 2
Health Local Laws

Policy/Work Procedure Implications: Local Planning Policy LPP8 Landscape Protection Policy

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

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

1. People and Community

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

Strategies:

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

3. 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.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

The Shire did not receive any submissions from adjacent landowners on this proposal.

Referrals to Government Authorities

The application was referred to Mains Roads Western Australia (MRWA) for comment as all development (except Single Houses) abutting roads in the control of MRWA (ie South Western Highway) must be referred to that authority for comment prior to the application being determined by the Council. MRWA provided the following comment:

“The proposed development is acceptable to Main Roads subject to the following conditions being imposed:

1. *No earthworks shall encroach onto the South Western Highway reserve.*
2. *No stormwater drainage shall be discharged onto the South Western Highway reserve.*
3. *No vehicle access shall be permitted onto the South Western Highway reserve. Vehicular access shall be off the adjoining road reserve.*
4. *The applicant shall make good any damage to the existing verge vegetation within the South Western Highway reservation.*
5. *Redundant driveways shall be removed and the verge and its vegetation made good at the applicant's cost.*

Advice to Applicant

1. *The project for the upgrading/widening of South Western Highway is not in Main Roads' current 4 year forward estimated construction program and all projects not listed are considered long term. Please be aware that timing information is subject to change and that Main Roads assumes no liability whatsoever for the information provided.*
2. *Traffic noise may be a problem for the owners adjacent to the Highway and consideration should be given to some form of noise attenuation ie sound barriers or house design amenities such as double glazing etc.*

If Council disagrees with or resolves not to include as part of its conditional approval, any of the above conditions or advice to applicant please inform Main Roads.

The above conditions and advice notes are included in the Officer's Recommendation below.

Comment:

Landuse

Town Planning Scheme No. 2 (TPS 2) classifies a Veterinary Establishment as an AA (discretionary) use in the Rural zone. Under TPS 2 a Veterinary Establishment is defined as follows:

Veterinary Establishment - means land and buildings used for, or in connection with, the treatment of sick animals and includes the accommodation of sick animals.

Parking

Under TPS 2 a minimum of six parking spaces are required per practitioner for a Veterinary Establishment. At least one of these spaces should be required to be set aside for Disabled Permit Parking.

Signs

The applicant advises that they only intend to erect a single sign at the entrance to the site (ie affixed to the boundary fence). This sign is proposed to be 1 metre wide by 600 millimetres high. The proposed sign fits the definition of a Ground Based Sign contained in Local Planning Policy LPP 5 Control of Advertisements. The applicant may also apply to the Shire for a directional sign to be installed at the turn-off to the clinic.

Conclusion

The Council has discretion under TPS 2 to approve a Veterinary Establishment in the Rural zone. None of the adjacent property owners objected to the proposal, which indicates acceptance of the land use in this location. The building to be used as the permanent Veterinary Establishment is of a nature, scale and appearance that is appropriate to the rural character of the area and the objectives of the Landscape Protection Policy Area. The proposed land use is one that is in demand in a rural locality such as Serpentine.

It is recommended that the application be approved subject to conditions.

Voting Requirements: Simple Majority

SD004/07/07 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price seconded Cr Harris

A. The application for approval to commence development of a Veterinary Establishment on Lot 6 (2715) South Western Highway, Serpentine is approved subject to the following conditions:

- 1. This approval covers the temporary use of the existing cottage and the future use of the new adjacent dwelling as a Veterinary Establishment as identified on the plans forming part of this approval.**
- 2. A building licence is to be obtained prior to the commencement of any structural alterations to the existing cottage or any associated earthworks.**
- 3. The operation of the Veterinary Establishment (open to public) is limited to Monday to Friday 10am-5pm and Saturday 9am-12noon except for emergencies unless otherwise approved in writing by the Shire.**
- 4. A minimum of six parking spaces are to be provided for the exclusive use of the Veterinary Establishment including 1 Disabled Parking Space.**
- 5. Parking Area to be sealed with compacted limestone, gravel or other similar or superior material and maintained in good order thereafter to the satisfaction of the Shire.**
- 6. All driveway surfaces are to be constructed of a suitable material such as paving, road base, or coarse gravel to limit the generation of dust and sediments entering nearby creeks and drainage lines.**

7. No vehicle access shall be permitted onto the South Western Highway reserve. Vehicular access to Lot 6 shall be off the secondary road reserve abutting the northern boundary of Lot 6 only.
8. Where required, redundant driveways onto South Western Highway shall be removed and the verge and its vegetation made good at the applicant's cost.
9. Disabled access is to be provided to the Veterinary Establishment in accordance with the requirements of Australian Standard AS1928.
10. Advertising signage on Lot 6 South Western Highway, Serpentine shall comply with the following requirements:
 - a) have a maximum vertical dimension of 1.2m and a maximum area of 1.5m²;
 - b) advertise only products or services available from the lot;
 - c) be limited to a maximum of one sign per street frontage on any one lot;
 - d) be contained wholly within the boundaries of the lot. Signs may be affixed to the boundary fencing but may not protrude into or be placed on the road verge abutting the lot; and
 - e) no portion of the sign can be higher than 1.2 metres above natural ground level.
11. No direct discharge of stormwater into watercourses or drainage lines. All stormwater runoff from roofs and hardstand areas to be disposed of on site.
12. Native vegetation is not permitted to be removed from the site or adjacent verge unless the prior written approval of the Shire is obtained. Existing vegetation and re-vegetation works are to be protected from damage by stock.
13. Stocking rates on Lot 6 are not to exceed the guidelines set by the Department of Agriculture.
14. Only materials and colours identified in the schedule attached to and forming part of this approval, are to be used in the external upgrade of the cottage to be used as a Veterinary Establishment unless the prior written approval of the Shire is obtained.
15. No earthworks shall encroach onto the South Western Highway reserve.
16. This is a Planning Approval only and does not obviate the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the Council.
17. Classification Certificate being obtained prior to occupancy requiring an on-site practical completion inspection and clearance of all outstanding conditions to the satisfaction of the Shire.
18. The Cottage shall not be occupied for residential purposes upon completion of the new residential dwelling.

Advice Notes:

1. Use of the Veterinary Establishment or any part of the lot for the purpose of boarding Kennels or a Cattery (with the exception of animal patients undergoing treatment by the Veterinary Establishment) would require separate application to and approval by the Council. Both Planning Approval and a Kennels/Cattery Licence is required in these instances.
2. The western boundary of Lot 6 is affected by the reservation for the future widening of South Western Highway. Main Roads Western Australia advise that the project for the upgrading/widening of South Western Highway is not in Main Roads' current four year forward estimated construction program and all projects not listed are considered long term. Please be aware that timing information is subject to change and that Main Roads assumes no liability whatsoever for the information provided.

3. All enquiries related to conditions 7, 8 and 17 shall be directed to:
Traffic Services Manager South
Main Roads WA
Waterloo Crescent
EAST PERTH WA 6004
Tel: 9323 4676
Fax: 9323 4174
4. Main Roads Western Australia advise that traffic noise may be a problem for the owners adjacent to the Highway and consideration should be given to some form of noise attenuation ie sound barriers or house design amenities such as double glazing etc.
5. The Shire can advise on energy efficient opportunities that can benefit your operations.
6. Approval does not obviate compliance with any other appropriate legislation in particular, the Environmental Protection (Noise) Regulations 1997.
7. The Shire has a Local Business Directory on the Shire website (www.sjshire.wa.gov.au) which can be used by anyone who runs a business locally. All you need to do is register your details online at no charge and you will be issued a password. You are then able to update your own details as the need arises.
8. Directional signage can be provided at the turnoff to the premises from South Western Highway by the Shire through application to the Shire's Asset Services. A cost is payable for this service.

- B. Main Roads Western Australia be advised of Council's decision.
- C. Planning Officers to investigate the naming of the road reserve adjoining this property.

CARRIED 9/0

Committee Note: The Officer Recommended Resolution was amended by adding Part C relating to Officers investigating the naming of the road reserve adjoining this property. The Presiding Officer advised that this was a minor amendment and did not alter the intent of the Officer Recommended Resolution.

SD006/07/07 RETROSPECTIVE APPLICATION FOR PLANNING APPROVAL FOR EARTHMOVING DEPOT – LOT 10 KINGSBURY DRIVE, JARRAHDAL (P03586/03)		
Proponent:	Craig Hanrahan	In Brief The applicant seeks retrospective planning approval for an Earthmoving Depot on the subject property. It is recommended that the application be refused.
Owner:	As Above	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	4 July 2007	
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	

Date of Receipt: 15 August 2006
 Advertised: Yes
 Submissions: Yes
 Lot Area: 8.095 ha
 L.A Zoning: Rural
 MRS Zoning: Rural
 Byford Structure Plan: NA
 Rural Strategy Policy Area: Agricultural Protection
 Rural Strategy Overlay: NA
 Municipal Inventory: NA
 Townscape/Heritage Precinct: NA
 Bush Forever: NA
 Date of Inspection: December 2005 (as part of a compliance inspection)

Background

On 30 November 2005, a letter was received from an adjoining landowner expressing concern at the activities operating from Lot 10 Kingsbury Drive. Concerns raised include the parking of trucks, tractors and earth moving equipment on the land. The land currently contains a single dwelling and a shed that was approved in 2005.

The property has been subject to a number of site inspections by Council staff in respect to complaints from the adjoining neighbour. Site inspections in 2005 revealed excavation of material at the rear of the property, storage of excavation equipment and trucks and storage of an unapproved transportable building. Although, site visits were undertaken at the property, no formal written warnings were sent to the landowner at that time. Legal action against the landowner has not yet commenced in respect to any of the unauthorised land use activities on the property.

A recent complaint has been received regarding the storage of refrigerated containers on the property. The property was inspected by Council officers on 11 July 2007. The landowner was present at the inspection of the property. A number of unauthorised land use activities and construction works were identified. These are summarised below:

Commercial vehicles

- One Excavator
- One 140g Grader
- One Prime mover and low loader

- One D6 Bulldozer (in shed)

Sheds

- One smaller general purpose shed under construction, no approval issued.
- One sea container in use for on site equipment storage.

Other issues

- There were no refrigeration containers found to be stored on site
- Motorcycle jump facility as reported is established at the rear of the land.

A copy of the site plan is with attachments marked SD006.1/07/07.

Sustainability Statement

Effect on Environment: There is the potential for localised soil and groundwater contamination through oil spills, therefore vehicles would need to be parked on an appropriate surface (ie hardstand or limestone base). There is also the potential for noise and odour emissions affecting neighbours, which has been demonstrated to occur in the past on this land.

Resource Implications: The proposal may play a small role in minimising resource use, compared to the traditional approach of the equipment being stored at an industrial site as the operator would not have to drive to another site to pick up the vehicles.

Use of Local, renewable or recycled Resources: If the vehicles are parked on the property then there is the potential for fuel, oils etc. to be obtained locally (within the Shire). If the vehicles were garaged at an industrial area elsewhere in the Metropolitan area then it is less likely that local businesses would benefit.

Economic Viability & Benefits: There is limited economic benefit to the local community in the possibility of the truck fuelling up in the local area or being repaired by a local mechanic. The proponent will receive an economic benefit through reduced travel time to work (ie the extra time that it would take to drive to a depot to collect the vehicles). Additionally, not having to store the truck off-site would reduce the applicant's costs.

Social – Quality of Life: The proposal has the potential to impact on surrounding properties by way of noise and dust.

Statutory Environment: Town Planning Scheme No.2 (TPS No.2)
Rural Strategy 1994

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

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

Strategic Implications: This proposal relates to the following Key Sustainability Result Areas:-
2. Environment
Objective 1: Protect and repair natural resources and processes throughout the Shire
Strategies:
1. Increase awareness of the value of environmental requirements towards sustainability.

3. Encourage protection and rehabilitation of natural resources.

6. Value, protect and develop biodiversity.

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

Strategies:

1. Implement known best practice sustainable natural resource management.

3. Economic

Objective 1: A vibrant local community

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

Proposal

The applicant applied to Council for retrospective planning approval for a Home Business – Commercial Vehicle Parking. As will be discussed later in this report, the proposed use is not classified as Commercial Vehicle Parking but is deemed to be a Use Not Listed (Earthmoving Depot). The vehicles involved in the operation as stated by the applicant include a mini excavator, bob cat, truck and triaxle trailer and a 20 tonne dozer or 320L excavator. Since the application was lodged, the applicant has advised that they would only keep one commercial vehicle on site and therefore requested that the application be treated as Commercial Vehicle parking. The applicant was requested via a facsimile dated 27 March 2007 to confirm the type of equipment kept on site and to provide photographs of all the vehicles and relevant details (height, length, width, weight etc). Further, details of the trucking routes used by these vehicles and the number of vehicle movements per day on and off the property was also requested. No further information has been received from the applicant.

Due to the history of non-compliance on the property and the lack of information provided by the applicant to support their proposal, the application is to be treated in its current form, as an Earthmoving Depot.

Community Consultation:

The application was referred to an adjoining landowner for comment. A letter of objection was received and is summarised below:

Submission

- *The current and past actions on site by the applicant have illustrated a total disregard for the amenity of the area.*
- *Given the outstanding matters in relation to the activities on the property, it comes as a shock that the Shire is considering this application and seeking input from nearby residents.*
- *Council is well aware of the extent of current and past activities that have been undertaken without prior approval and these activities far exceed what is being applied for. In fact, if these activities were consistent with what has been stated in the application I would have little objection to the proposal being approved.*
- *We are not considering the establishment of a small business as suggested in the application.*

- *Trucks carrying heavy earthmoving equipment come and go to the property at all hours seven days a week. Light commercial vehicles (2-3 tonne trucks) are the bulk of 80 to 100+ high speed movements that take place daily along the battleaxe entry to the property (this is not an exaggeration).*
- *The equipment on the property is typically of the heavy to very heavy classification with heavy low loader floats, a heavy scraper, D9L dozer, D6 dozer, very large caterpillar grader and semi trailer all present on site.*
- *The workshop on site is being used as a heavy maintenance facility that would far exceed the throughput of many similar businesses located in heavy industrial developments.*
- *Further to the noise, dust and other environmental issues created by the operation, soil borne bacteria could also be imported on the equipment and affect our orchard and the adjoining state forest or properties.*
- *I express my strongest objection to any approval being granted for this application and firmly believe that any approval granted will be flouted by the applicant in the extreme.*

Officer Comment

The above submission raises a number of valid points that need to be taken into consideration with this application.

Referral to Government Agencies

The application was referred to the Department of Environment and Conservation for comment as the site abuts State Forest No. 22. A letter of no objection was received.

Comment:

Statutory Context

The subject property is zoned 'Rural' under Council's scheme and identified as 'Agricultural Protection' under the Rural Strategy. The scheme states that the purpose and intent of the Rural zone is to allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme area.

Use Not Listed

The application does not fit within the definition of 'Home Business' as applied for by the applicant. Further, although the application does involve the parking of more than one commercial vehicle on the property, it does not fit the definition of 'Transport Depot' within the Scheme. A 'Transport Depot' is partly defined as:

Transport Depot - means land or buildings designed or used for one or more of the following purposes:

- a) The parking or garaging of more than one commercial vehicle used or intended for use for the carriage of goods (including livestock) or persons.*

As the vehicles that are currently being parked on the property are not being used for the carriage of goods and persons, but rather are used to undertake earthworks, the application is treated as a use not listed. In regards to uses not listed, the TPS No.2 contains the following provision:

3.2 ZONING TABLE

- 3.2.5** *If the use of land for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:*

- a) *determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted; or*
- b) *determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 6.3 in considering an application for planning consent.*

The purpose of the Rural zone as stated under clause 5.10.1 of the scheme is to “allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area”. It is considered that the proposal is not consistent with the objectives of the Rural zone and therefore should be refused.

Unauthorised Development

As approval has not been granted previously for the various unauthorised uses on the land, the carrying out of an unauthorised development constitutes an offence under the Scheme as per clause 8.3 of the Shire’s Town Planning Scheme No. 2 below:

8.3 OFFENCES

8.3.1 *A person shall not erect, alter or add to or commence to erect, alter or add to a building or use or change the use of any land, building or part of a building for any purpose:*

- (a) otherwise than in accordance with the provisions of the Scheme;*
- (b) unless all consents required by the Scheme have been granted and issued;*
- (c) unless all conditions imposed upon the grant and issue of any consent required by the Scheme have been and continue to be complied with; and*
- (d) unless all standards laid down and all requirements prescribed by the Scheme or determined by the Council pursuant to the Scheme with respect to that building or that use of that land or building or that part have been and continue to be complied with.*

8.3.2 *A person who fails to comply with any of the provisions of the Scheme is guilty of an offence and without prejudice to any other remedy given herein is liable to the penalties prescribed by the Act.*

In accordance with TPS No.2, planning approval is required for all commercial development within the Shire, including Earthmoving Depots. The landowner did not obtain the prior planning consent of the Council and therefore has committed an offence as per provision 8.3 of TPS No.2. Although the applicant has not previously obtained the planning consent from Council, the scheme does contain a provision for people to make retrospective applications for planning consent.

Retrospective Application

In considering whether to grant retrospective planning consent the town planning scheme contains the following provision:

6.8 UNAUTHORISED EXISTING DEVELOPMENT

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

Of particular importance in this provision is the wording “...providing the development conforms to the provisions of the Scheme”. It is considered that the proposed development is not compatible within the Rural zone and would be more appropriate within an Industrial area. The current activities on the land impacts on surrounding properties and the nature of the equipment being stored forms the basis for the officer recommendation to refuse the application.

Conclusion

The existing unauthorised Earthmoving Depot which currently operates from Lot 10 Kingsbury Drive is not considered to be a use that is compatible within the Rural zone. Given the type of equipment that is kept on the property, a use such as this would be more suited to an industrial area. As defined under the scheme, the purpose and intent of the rural zone is to “allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area”. The existing unauthorised use does not fit within this definition.

The subject property has been subject to a number of site inspections by Council officers over the past couple of years. The site inspections have revealed that many commercial vehicles and various pieces of equipment are being kept on site, above and beyond those detailed by the applicant.

It is therefore recommended that the retrospective application for an Earthmoving Depot be refused.

Voting Requirements: Simple Majority

SD006/07/07 Committee/Officer Recommended Resolution:

- A. Council determines that an Earthmoving Depot is a use not listed in the Zoning Table of Town Planning Scheme No. 2.
- B. Council in accordance with Clause 3.2.5 of Town Planning Scheme No. 2 determines that the use of an Earthmoving Depot is not consistent with the objectives and purposes of the Rural zone.
- C. The application for retrospective planning approval for an Earthmoving Depot at Lot 10 Kingsbury Drive, Jarrahdale be refused for the following reasons:
 1. The proposal does not comply with Council's intention for the Rural zone. Clause 5.10.1 of Council's Town Planning Scheme states:

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

It is considered that the scale and nature of the proposed development does not fit with the intention of the Rural zone and will negatively impact on the amenity of the locality and surrounding residents.
 2. The proposal is considered detrimental to the amenity of the occupiers of adjacent properties, by reason of visual amenity impacts, noise, odours, operating hours and nuisance arising from the use of the earth moving vehicles.
 3. The applicant has provided insufficient information with respect to the types of vehicles kept on site, vehicle movements and traffic routes.
- D. The landowner be required to remove all unauthorised structures, sea containers and commercial vehicles from the property within 14 days of written notification by the Shire.
- E. If the landowner does not comply with the requirements of D above, in the opinion of the Executive Manager Planning and Regulatory Services, legal action be

commenced against the landowner of Lot 10 Kingsbury Drive, Jarrahdale for a breach of the provisions of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 relating to the unauthorised Earthmoving Depot and unauthorised buildings/development on the property.

SD006/07/07 COUNCIL DECISION

Moved Cr Murphy seconded Cr Wigg

That this item be deferred to the August 2007 Sustainable Development Committee meeting due to the latest information received from the proponent and for further investigation and consideration.

CARRIED 7/2

Council Note: This item was deferred to the August 2007 Sustainable Development Committee meeting as the proponent had lodged some further information relating to the item and Council wanted further time to consider this information.

Cr Wigg declared a financial interest in item SD007/07/07 PROPOSED SUBDIVISION – LOT 80 YANGEDI ROAD, KEYSBROOK as he is the owner of the property and left the meeting at 7.47pm.

SD007/07/07 PROPOSED SUBDIVISION – LOT 80 YANGEDI ROAD, KEYSBROOK (S134967)		
Proponent:	Roberts Day	In Brief Application for subdivision of Lot 80 into six lots with a minimum lot size of 40 hectares. It is recommended that the Western Australian Planning Commission be advised that Council supports approval of the subdivision subject to conditions.
Owner:	A W Wigg	
Officer:	Meredith Kenny - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	10 July 2007	
Previously	Not applicable	
Disclosure of Interest	The landowner is an Elected Member.	
Delegation	Council	

Date of Receipt:	31 May 2007
Advertised:	NA
Submissions:	NA
Lot Area:	269 hectares
L.A Zoning:	Rural & Special Control Area – Poultry Farms
MRS Zoning:	Rural
Byford Structure Plan:	NA
Rural Strategy Policy Area:	Rural
Rural Strategy Overlay:	NA
Municipal Inventory:	NA
Townscape/Heritage Precinct:	NA
Bush Forever:	Yes – on part of the lot

Background:

The Western Australian Planning Commission (WAPC) has requested the Shire provide comment and recommendation regarding a subdivision application submitted for Lot 80 Yangedi Road, Keysbrook. The application seeks to subdivide Lot 80 into six lots with a minimum lot size of 40 hectares.

As the land owner is an Elected Member of Council it is considered to be appropriate that the proposal be referred to the Council for consideration. This aims to ensure that Council maintains a very high standard of probity for elected members, so that no actual or perceived conflicts of interest can arise from private activities of a commercial or financial nature.

A copy of the proposed subdivision plan and an aerial photograph is with attachments marked SD007.1/07/07 & SD007.2/07/07.

Sustainability Statement:

Effect on Environment: The subdivision design submitted shows that minimal clearing of existing native vegetation would be required in order to facilitate the subdivision. Revegetation of degraded areas could be required as a condition of subdivision in accordance with the recommendation contained in the Shire's Rural Strategy Review 2002.

The subdivision provides an opportunity to require the rehabilitation of the existing Bush Forever, wetland and remnant vegetation areas on the lot and the creation of conservation covenants to preserve these areas.

A comprehensive drainage management strategy and restrictions on stocking and land uses can be imposed as a result of the subdivision with the benefit of a reduction in the discharge of nutrients into the ground.

It is recommended that the new subdivision road be realigned in order to intersect with Yangedi Road at right angles and to provide a greater separation between the road and the wetland to reduce the risk of polluted stormwater runoff infiltrating the wetland.

A copy of the subdivision plan showing the recommended realignment of the new subdivision road is with the attachments marked SD007.3/07/07.

Resource Implications: It is considered that subdivision of the lots will not reduce the potential for agricultural use except on those new lots containing significant remnant vegetation where clearing restrictions would now apply.

Economic Viability: The new lots will have a minimum lot size of 40 hectares. Under the Shire's Rural Strategy, the Council has deemed this to be an adequate size to maintain agricultural viability.

Economic Benefits: There are no economic benefits for the Shire associated with the subdivision application.

Social – Quality of Life: This proposal may enhance the quality of life of the local and adjacent communities through the rehabilitation and preservation of natural resources and the reduction of nutrients leaching into the Peel-Harvey catchment.

Social Diversity: This proposal will not disadvantage any group within the Shire.

Statutory Environment:

Planning and Development Act 2005
Shire of Serpentine-Jarrahdale Town Planning Scheme
No. 2

Policy/Work Procedure

Implications:

Shire of Serpentine Jarrahdale Rural Strategy
Statement of Planning Policy No. 2.1 (*Peel-Harvey Catchment*) – Western Australian Planning Commission
Statement of Planning Policy No. 2.5 (*Agriculture and Rural Land Use Planning*) – Western Australian Planning Commission
Development Control Policy 3.4 Rural Subdivision – Western Australian Planning Commission

Financial Implications:

There are no financial implications to Council related to this application.

Strategic Implications:

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

1. People and Community

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

Strategies:

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

2. Environment

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

Strategies:

3. Encourage protection and rehabilitation of natural resources.
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.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Not required.

Comment:

Town Planning Scheme No. 2 (TPS 2)

Clause 5.10.1 of TPS 2 sets out the intent and purpose of the Rural zone as follows:

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

TPS 2 does not contain any provisions that specifically relate to the subdivision of land within this zone.

Lot 80 is also within that part of the Scheme area designated as Special Control Area – Poultry Farms. In this area Poultry Farms are a “P” (permitted) land use. Accordingly, one

or more of the new lots could possibly be developed for this purpose or a number of other land uses that are permitted or discretionary in the Rural zone.

Rural Strategy

Under the Shire's Rural Strategy a minimum lot size of 40 hectares is recommended for new subdivisions. The Strategy states that proposals will be assessed on a case by case basis and the minimum lot size is not a right or entitlement. Forty hectares is considered under the Rural Strategy to be a size which would support the carrying out of a viable commercial rural land use.

The property is also within the Environmental Repair Policy Overlay (ERPO) under the 1994 Rural Strategy. The aim of this overlay was to encourage the rehabilitation of degraded farm land through allowing subdivision as an incentive. However, under the 2002 review of the Rural Strategy a recommendation was adopted that the ERPO be suspended indefinitely because difficulties arose due to the extent of land degradation in the Shire.

It was additionally recommended that an alternative would be to include provisions in the new town planning scheme requiring all use, development and rezoning applications in the Rural or Agricultural Protection Policy Areas to be subject to the preparation and implementation of a Use and Development Management Plan incorporating, where required, environmental repair or enhancement measures. The new town planning scheme has not been commenced to date. The current scheme does not contain any provisions relating to the subdivision of land within the Rural zone. However, conditions included in the Officer's Recommendation below address the requirement for an Environmental Management Plan, preservation of existing vegetation, revegetation of degraded areas including the wetland, weed management and land use controls such as building and stock exclusion zones.

Statement of Planning Policy No. 2.1 Peel-Harvey Catchment (SPP 2.1)

The subject land is within the Peel-Harvey Coastal Plain Catchment. Therefore, the proposed subdivision needs to be considered against the objectives and relevant provisions of SPP 2.1. The objectives of SPP 2.1 are:

1. To improve the social, economic, ecological, aesthetic and recreational potential of the Peel-Harvey Coastal Plain Catchment.
2. To ensure that changes to land use within the Catchment to the Peel-Harvey Estuarine system are controlled so as to avoid and minimise environmental damage.
3. To balance environmental protection with the economic viability of the primary sector.
4. To increase high water-using vegetation cover within the Peel-Harvey Coastal Plain Catchment.
5. To reflect the environmental objectives in the Draft Environmental Protection Policy (Peel-Harvey Estuarine System) 1992.
6. To prevent land uses likely to result in excessive nutrient export into the drainage system.

SPP 2.1 states that subdivision proposals shall make provision for a drainage system, which maximises the consumption and retention of drainage on site. The use of biological wetland filters or other means of drainage water retention or treatment approved by the EPA, are required to be incorporated into the drainage design possibly by amendment of the soils in drainage basins or by the provision of wetland filters with nutrient retentive soil amendments in accordance with drainage management. Conservation reserves (ie such as the existing wetland on Lot 80) are not considered appropriate biological wetland filters. SPP 2.1 recommends that special constraints be applied to development near conservation reserves to protect and preserve them.

Conditions addressing the above requirements of SPP 2.1 have been included in the Officer's recommendation.

Statement of Planning Policy No. 2.5 Agriculture and Rural Land Use Planning (SPP 2.5)

SPP 2.5 was adopted to establish a framework which sets out State and local government responsibilities for ensuring orderly and proper planning and development of rural land. The Commission uses SPP2.1 and their Development Control Policy No. DC 3.4 Subdivision of Rural Land (2001) as the basis for determining applications for the subdivision of rural land.

Under the policy the subject land falls within the category of “General Agriculture” in that the land has not been identified as Priority Agricultural land of high capability (ie the land is not reflected in the Shires’ Rural Strategy as being within the Agricultural Protection Policy Area). With regard to “General Agricultural” land SPP 2.5 deals mostly with land use issues rather than subdivision issues and does not contain any specific provisions relating to subdivision of such land except to say that if subdivision into lots smaller than 40 hectares is proposed then the land should be rezoned to either Rural Smallholdings (Farmlot) or Rural-Residential (Rural Living A and B under TPS 2).

WAPC’s Development Control Policy DC 3.4 Rural Subdivision

Policy DC 3.4 provides the framework for the subdivision of rural land to achieve the key objectives of SPP2.5. In particular, to protect agricultural land resources wherever possible by:

- (a) discouraging land uses unrelated to agriculture from locating on agricultural land; and
- (b) minimising the ad hoc fragmentation of rural land.

Under the policy there is a general presumption against subdivision of rural land unless it is specifically provided for in a Town Planning Scheme, an endorsed Local Planning Strategy or an endorsed Local Rural Strategy. The Shire’s Rural Strategy allows for subdivision of land within the Rural Policy Area to a minimum lot size of 40 hectares. Accordingly, the subject application can be considered by the Council.

Conclusion

The proposed subdivision is consistent with the Shire’s Rural Strategy and the WAPC’s policies relating to rural subdivision and land within the Peel-Harvey Coastal Plain Catchment. It is recommended that the Council advise the WAPC that approval of the subdivision is supported subject to a range of conditions being imposed.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

Council advises the WA Planning Commission that it supports approval of the subdivision of Lot 80 Yangedi Road, Keysbrook subject to the following conditions being imposed:-

ROAD CONSTRUCTION

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, to the satisfaction of the Western Australian Planning Commission.
2. Satisfactory arrangements being made with the Local Government for the construction and drainage/upgrading of Yangedi Road along the full frontage of the property to the satisfaction of the Western Australian Planning Commission.
3. The intersection depicted on the subdivision plan being designed, drained and constructed to the satisfaction of the Western Australian Planning Commission. The intersection is required to be aligned at right angles to Yangedi Road.

4. Cul-de-sac head treatment to be designed, drained and constructed to the satisfaction of the Western Australian Planning Commission.
5. Street corners within the subdivision being truncated to the standard truncation of 8.5 metres to the satisfaction of the Western Australian Planning Commission.
6. Street lighting being provided at the intersection of Yangedi Road and the new subdivision road to the satisfaction of the Western Australian Planning Commission.
7. The subdivider is to comply with the requirements of the Shire of Serpentine Jarrahdale Engineering Standards for Subdivisional Development subject to any modifications required as a consequence of any conditions of this approval to the satisfaction of the local authority.

DRAINAGE

8. The land being filled and/or drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission and any easements and/or reserves necessary for the implementation thereof, being provided free of cost.
9. All stormwater from the development is to be conveyed to and contained within a stormwater detention basin or contained in a drainage reserve. All connected swales or piped drainage where not contained in a road reserve is to be included in an easement. All drainage swales are to be landscaped to the satisfaction of Council.

DUST MANAGEMENT

10. The emission of airborne dust and sand drift must not cause nuisance to neighbours during subdivision works. Prior to commencement of any site works, a Dust Management Plan, in accordance with the Local Government Guidelines for the preparation of Dust Management Plans, is to be submitted by the subdivider to the Local Government for approval.

ACID SULPHATE SOILS

11. Prior to commencement of any site works:
 - a) A site assessment shall be undertaken to determine whether acid sulfate soils are present on the land and, if present, their extent and severity.
 - b) If the site is found to contain acid sulfate soils, an Acid Sulfate Soil Management Plan shall be submitted and approved; and
 - c) All site works shall be carried out in accordance with the provisions of the approved Management Plan to the satisfaction of the Western Australian Planning Commission.

FIRE & EMERGENCY MANAGEMENT

12. The subdivider entering into a deed of easement with the Local Government at the subdivider's cost, for the provision of strategic or alternative fire breaks, whereby allowing the Local Government access to and the carrying out of maintenance within the strategic or alternative fire break to the satisfaction of the Western Australian Planning Commission.
13. Water tank site(s) or alternative water supply for fire fighting purposes, as shown on the plan of subdivision are to be transferred in fee simple to the Local Government.
14. A notification being placed on the title of all new lots advising of the Bush Fire Management Plan.
15. The subdivider preparing a Bush Fire Management Plan in accordance with the specification of Fire and Emergency Services Authority and the Local Government for the ongoing protection of the subdivision to the satisfaction of the Western Australian Planning Commission.
16. The final boundaries of the new lots are to be determined by survey in order to provide the least disturbance of existing vegetation and wetlands.

MEMORIALS ON TITLE - HAZARDS

17. Notification in the form of a memorial to be placed on the Certificates of Title of all lots advising the existence of a hazard or other factor, in accordance with the Planning and Development Act 2005 and notice of this memorial to be included on the Diagram or Plan of Survey (Deposited Plan) to the satisfaction of the Western Australian Planning Commission and at the applicant's cost. This memorial to state as follows:

1. *Parts of this lot have been identified as having a high risk of Actual Acid Sulfate Soils at a depth of less than 3 metres below the existing ground level. There should be no soil disturbance in those areas of the lot identified as having a high risk of actual Acid Sulfate Soils. The remainder of the site has been identified as having a low to moderate risk of potential acid sulfate soils at a depth of greater than 3 metres. Soil testing should be carried out prior to any soil disturbance occurring. Refer to the Western Australian Planning Commission's Planning Bulletin No. 64 "Acid Sulfate Soils" (including figures) for further information on this issue and to identify the location of the high risk areas of the lot.*

Any development of the lot will require Planning Approval to be obtained from the Shire of Serpentine-Jarrahdale. All development applications for the lot will be referred to the Department of Environment and Conservation for assessment prior to determination of the application by the Shire of Serpentine-Jarrahdale.

2. *This land is within an area designated as Special Control Area – Poultry Farms under the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2. In this Special Control Area Poultry Farms are classified as a "P" (Permitted) use.*
3. *Serpentine Airfield is located to the north of this property. Residents may be affected by aircraft noise from small aircraft.*

18. Notification in the form of a memorial to be placed on the Certificate of Title on the lot in the north-east corner of the subdivision application plan advising the existence of a hazard or other factor, in accordance with section 12A of the Town Planning and Development Act 1928 and notice of this memorial to be included on the Diagram or Plan of Survey (Deposited Plan), to the satisfaction of the Western Australian Planning Commission and at the applicant's cost. This memorial to state as follows:

This lot abuts an abattoir and may be subject to noise, odour and dust associated with the operation of this use.

ENVIRONMENTAL MANAGEMENT

19. An environmental management plan being developed and implemented for the new lots to the satisfaction of the Council. This must include vegetation management: identification of areas of value, weed control and revegetation; fire management and strategies to manage other threatening processes identified in the planning process.
20. Building exclusion areas and stock exclusion areas being identified on each new lot covering those areas of each lot that contain significant vegetation and revegetation, are subject to inundation, are identified as at risk of acid sulphate soils or other constraints, including survey and pegged mark-out of the exclusion areas on-site and to ensure that prospective purchasers of the proposed lots are made aware of such.
21. No activities are to be undertaken that damage the bushland and wetland values within the Bush Forever site, the EPP lake or conservation category wetlands.
22. Vegetation within the Bush Forever boundary is to be rehabilitated to reinstate the locally native bushland.
23. Wetland areas are to be buffered with additional native vegetation where appropriate.
24. No indigenous vegetation or trees shall be destroyed or cleared except, but subject to the developer of the estate/landowner obtaining the prior consent in writing of the

- Council, where such vegetation is dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems, driveways and/or to accommodate the approved uses.
25. A deed and caveat being placed over areas of conservation value within the subdivision with respect to conditions 20-29 above.
 26. 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 relate to the use and management of the land.
 27. The preparation of a Wetland Management Plan by a suitably qualified consultant at the cost of the subdivider to the satisfaction of the Local Government undertaken prior to the commencement of any on-site works in order to protect the wetland(s) from pollution and to conserve the wetland(s) and its dependent fringing vegetation to the satisfaction of the Western Australian Planning Commission.

GENERAL

33. Technical drawings and detailed specifications of all proposed subdivisional landscaping and revegetation works being approved by the Local Government prior to the commencement of site works (including the clearing of vegetation). The applicant is advised to liaise with the Local Government regarding the required form of the constructional drawings.
34. Before any site works are commenced, the subdivider is to have provided the Local Government with information relating to existing contours and natural features and locations of existing vegetation and the extent of earthworks and final contours for the land to the satisfaction of the Western Australian Planning Commission.

The Shire also requests that the following Advice Notes be placed on the decision notice to be issued by the Commission:-

- A1. The subdivider must provide prospective purchasers with a copy of the document titled 'Bushfire Survival Manual'.
- A2. The Western Australian Planning Commission's approval to subdivision should not be construed as an approval to development on any of the lots proposed.
- A3. The applicant is advised to comply with the terms and conditions of the Shire of Serpentine-Jarrahdale's Town Planning Scheme No. 2 relating to the use and management of the land to the satisfaction of the Western Australian Planning Commission.
- A4. Site works causing noise or inconvenience to nearby residents are not to be carried out after 6pm or before 7am Monday to Saturday and not at all on Sunday or public holidays.

LOST 0/6

SD007/07/07 Committee Recommended Resolution:

Council defer item SD007/07/07 to the July Ordinary Council Meeting to enable the appropriate conditions relating to wetland restoration, appropriateness of street lighting and correction of numbering of conditions.

CARRIED 6/0

SD007/07/07 Supplementary Report

With regard to the Committee Recommended Resolution the following modifications have been made to the proposed subdivision conditions:

1. Condition 18 has been modified to specifically include restoration of Yangedi Swamp and any other wetlands on the property including the removal of existing drainage lines affecting these wetlands.

2. Amending Condition 24 to correct the condition numbers to read conditions 20-24.
3. Deletion of condition 6. relating to street lighting as this is not usually imposed on Rural subdivisions and street lighting may detract from the rural character of the area.
4. Renumbering of the conditions to take account of the deletion of condition 6. and to correct conditions previously incorrectly numbered.

SD007/07/07 COUNCIL DECISION/Revised Officer Recommended Resolution:

Moved Cr Price seconded Cr Star

Council advises the WA Planning Commission that it supports approval of the subdivision of Lot 80 Yangedi Road, Keysbrook subject to the following conditions being imposed:-

ROAD CONSTRUCTION

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, to the satisfaction of the Western Australian Planning Commission.
2. Satisfactory arrangements being made with the Local Government for the construction and drainage/upgrading of Yangedi Road along the full frontage of the property to the satisfaction of the Western Australian Planning Commission.
3. The intersection depicted on the subdivision plan being designed, drained and constructed to the satisfaction of the Western Australian Planning Commission. The intersection is required to be aligned at right angles to Yangedi Road.
4. Cul-de-sac head treatment to be designed, drained and constructed to the satisfaction of the Western Australian Planning Commission.
5. Street corners within the subdivision being truncated to the standard truncation of 8.5 metres to the satisfaction of the Western Australian Planning Commission.
6. The subdivider is to comply with the requirements of the Shire of Serpentine Jarrahdale Engineering Standards for Subdivisional Development subject to any modifications required as a consequence of any conditions of this approval to the satisfaction of the local authority.

DRAINAGE

7. The land being filled and/or drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission and any easements and/or reserves necessary for the implementation thereof, being provided free of cost.
8. All stormwater from the development is to be conveyed to and contained within a stormwater detention basin or contained in a drainage reserve. All connected swales or piped drainage where not contained in a road reserve is to be included in an easement. All drainage swales are to be landscaped to the satisfaction of Council.

DUST MANAGEMENT

9. The emission of airborne dust and sand drift must not cause nuisance to neighbours during subdivision works. Prior to commencement of any site works, a Dust Management Plan, in accordance with the Local Government Guidelines for the preparation of Dust Management Plans, is to be submitted by the subdivider to the Local Government for approval.

ACID SULPHATE SOILS

10. Prior to commencement of any site works:
 - a) A site assessment shall be undertaken to determine whether acid sulfate soils are present on the land and, if present, their extent and severity.
 - b) If the site is found to contain acid sulfate soils, an Acid Sulfate Soil Management Plan shall be submitted and approved; and
 - c) All site works shall be carried out in accordance with the provisions of the approved Management Plan to the satisfaction of the Western Australian Planning Commission.

FIRE & EMERGENCY MANAGEMENT

11. The subdivider entering into a deed of easement with the Local Government at the subdivider's cost, for the provision of strategic or alternative fire breaks, whereby allowing the Local Government access to and the carrying out of maintenance within the strategic or alternative fire break to the satisfaction of the Western Australian Planning Commission.
12. Water tank site(s) or alternative water supply for fire fighting purposes, as shown on the plan of subdivision are to be transferred in fee simple to the Local Government.
13. A notification being placed on the title of all new lots advising of the Bush Fire Management Plan.
14. The subdivider preparing a Bush Fire Management Plan in accordance with the specification of Fire and Emergency Services Authority and the Local Government for the ongoing protection of the subdivision to the satisfaction of the Western Australian Planning Commission.
15. The final boundaries of the new lots are to be determined by survey in order to provide the least disturbance of existing vegetation and wetlands. Realignment of the subdivision road to the south to avoid impact on significant remnant vegetation and areas of inundation identified on the plan of constraints.

MEMORIALS ON TITLE - HAZARDS

16. Notification in the form of a memorial to be placed on the Certificates of Title of all lots advising the existence of a hazard or other factor, in accordance with the Planning and Development Act 2005 and notice of this memorial to be included on the Diagram or Plan of Survey (Deposited Plan) to the satisfaction of the Western Australian Planning Commission and at the applicant's cost. This memorial to state as follows:

1. *Parts of this lot have been identified as having a high risk of Actual Acid Sulfate Soils at a depth of less than 3 metres below the existing ground level. There should be no soil disturbance in those areas of the lot identified as having a high risk of actual Acid Sulfate Soils. The remainder of the site has been identified as having a low to moderate risk of potential acid sulfate soils at a depth of greater than 3 metres. Soil testing should be carried out prior to any soil disturbance occurring. Refer to the Western Australian Planning Commission's Planning Bulletin No. 64 "Acid Sulfate Soils" (including figures) for further information on this issue and to identify the location of the high risk areas of the lot.*

Any development of the lot will require Planning Approval to be obtained from the Shire of Serpentine-Jarrahdale. All development applications for the lot will be referred to the Department of Environment and Conservation for assessment prior to determination of the application by the Shire of Serpentine-Jarrahdale.

2. ***This land is within an area designated as Special Control Area – Poultry Farms under the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2. In this Special Control Area Poultry Farms are classified as a “P” (Permitted) use.***
3. ***Serpentine Airfield is located to the north of this property. Residents may be affected by aircraft noise from small aircraft.***

17. Notification in the form of a memorial to be placed on the Certificate of Title on the lot in the north-east corner of the subdivision application plan advising the existence of a hazard or other factor, in accordance with section 12A of the Town Planning and Development Act 1928 and notice of this memorial to be included on the Diagram or Plan of Survey (Deposited Plan), to the satisfaction of the Western Australian Planning Commission and at the applicant's cost. This memorial to state as follows:

This lot abuts an abattoir and may be subject to noise, odour and dust associated with the operation of this use.

ENVIRONMENTAL MANAGEMENT

18. An environmental management plan being developed and implemented for the new lots to the satisfaction of the Council. This must include vegetation management: identification of areas of value, weed control and revegetation; fire management and strategies to manage other threatening processes identified in the planning process; and restoration of Yangedi Swamp and any other wetlands on the property including the removal of existing drainage lines affecting these wetlands.
19. Building exclusion areas and stock exclusion areas being identified on each new lot covering those areas of each lot that contain significant vegetation and revegetation, are subject to inundation, are identified as at risk of acid sulphate soils or other constraints, including survey and pegged mark-out of the exclusion areas on-site and to ensure that prospective purchasers of the proposed lots are made aware of such.
20. No activities are to be undertaken that damage the bushland and wetland values within the Bush Forever site, the EPP lake or conservation category wetlands.
21. Vegetation within the Bush Forever boundary is to be rehabilitated to reinstate the locally native bushland.
22. Wetland areas are to be buffered with additional native vegetation where appropriate.
23. No indigenous vegetation or trees shall be destroyed or cleared except, but subject to the developer of the estate/landowner obtaining the prior consent in writing of the Council, where such vegetation is dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems, driveways and/or to accommodate the approved uses.
24. A deed and caveat being placed over areas of conservation value within the subdivision with respect to conditions 20-24 above.
25. 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 relate to the use and management of the land.
26. The preparation of a Wetland Management Plan by a suitably qualified consultant at the cost of the subdivider to the satisfaction of the Local Government undertaken prior to the commencement of any on-site works in order to protect the wetland(s) from pollution and to conserve the wetland(s) and its dependent fringing vegetation to the satisfaction of the Western Australian Planning Commission.

GENERAL

27. **Technical drawings and detailed specifications of all proposed subdivisional landscaping and revegetation works being approved by the Local Government prior to the commencement of site works (including the clearing of vegetation). The applicant is advised to liaise with the Local Government regarding the required form of the constructional drawings.**
28. **Before any site works are commenced, the subdivider is to have provided the Local Government with information relating to existing contours and natural features and locations of existing vegetation and the extent of earthworks and final contours for the land to the satisfaction of the Western Australian Planning Commission.**

The Shire also requests that the following Advice Notes be placed on the decision notice to be issued by the Commission:-

- A1. **The subdivider must provide prospective purchasers with a copy of the document titled 'Bushfire Survival Manual'.**
- A2. **The Western Australian Planning Commission's approval to subdivision should not be construed as an approval to development on any of the lots proposed.**
- A3. **The applicant is advised to comply with the terms and conditions of the Shire of Serpentine-Jarrahdale's Town Planning Scheme No. 2 relating to the use and management of the land to the satisfaction of the Western Australian Planning Commission.**
- A4. **Site works causing noise or inconvenience to nearby residents are not to be carried out after 6pm or before 7am Monday to Saturday and not at all on Sunday or public holidays.**

CARRIED 8/0

Council Note: A minor amendment was made to the Officers Revised Recommendation in Part 15 by adding the words "Realignment of the subdivision road to the south to avoid impact on significant remnant vegetation and areas of inundation identified on the plan of constraints." as a point of clarification. This did not alter the intent of the recommendation.

Cr Wigg returned to the meeting at 7.49pm

Cr Kirkpatrick declared a proximity interest in item SD008/07/07 REQUEST TO INITIATE REZONING OF LOT 199 JARRAHDAL ROAD, JARRAHDAL FROM "RURAL" AND "WATER CATCHMENTS" TO "SPECIAL USE" as he is the neighbour of the applicant and he left the meeting at 7.49pm.

SD008/07/07 REQUEST TO INITIATE REZONING OF LOT 199 JARRAHDAL ROAD, JARRAHDAL FROM "RURAL" AND "WATER CATCHMENTS" TO "SPECIAL USE" (P00437/02)		
Proponent:	R Montgomery	In Brief Request to initiate an amendment to Town Planning Scheme No. 2 to rezone Lot 199 Jarrahdale Road, Jarrahdale from "Rural" and "Water Catchments" to "Special Use". A Master Plan submitted with the proposal details ten freehold title lots and ten strata titled lots plus common property. One of the freehold lots is identified as having a possible future tourism oriented use such as short-stay accommodation.
Owner:	R & L Iannello	
Officer:	Meredith Kenny - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	2 July 2007	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 1 February 2007 (revised plan)
 Advertised: Not required at this stage
 Submissions: N/A
 Lot Area: 7.205 ha
 L.A Zoning: Rural and Water Catchments
 MRS Zoning: Rural and Water Catchments
 Rural Strategy Policy Area: Conservation – Private Land
 Rural Strategy Overlay: N/A
 Municipal Inventory: N/A
 Townscape/Heritage Precinct: Townscape
 Bush Forever: No
 Date of Inspection: 14 March 2007

Background

Site Description

The subject site has frontage to Jarrahdale Road, Oak Way and Atkins Street and abuts the Serpentine National Park to the west. The site slopes down from Jarrahdale Road and is exposed to view from this road. The Gooralong Brook crosses a portion of the site and expands into a dammed lake in the lowest area of the site. The site is approximately 50% parkland cleared with the remainder containing dense areas of remnant native vegetation.

The site formed part of the original townsite development in Jarrahdale and once contained multiple timber workers cottages, a church, manse, garden centre and store. All of these buildings have since been removed from the site and the lot currently only contains an access track, picnic facilities and a bridge over the brook.

Background to Current Proposal

The landowner initially submitted a request in 2005 to rezone Lot 199 from 'Rural' to 'Special Residential' to allow subdivision of the subject land into 12 lots, ranging in area from 2 012m² to 4 123m². This proposal was not formally considered by the Council however, it was considered by Shire Officers that the proposal did not adequately take into account the

landscape characteristics of the site nor the visual prominence of the site at the entrance of the Jarrahdale townsite.

In April 2006 a workshop was held to enable the landowner, Councillors and Shire Officers to discuss the planning values and development aspirations for Lot 199 Jarrahdale Road, Jarrahdale.

Following this workshop the applicant engaged an environmental and landscape architecture consultant to prepare a design concept for the site. This concept was presented to the Concept Forum in July 2006. The proposal envisaged a change from an entirely freehold residential subdivision to a mixed-use precinct of residential freehold lots, a strata titled development site with nine strata lots and common property and a commercial tourism oriented development site for uses such as tea room, art gallery and short stay accommodation. The master plan submitted detail that the architectural style of development would be required to be a contemporary Australian vernacular that was sensitive to the character of Jarrahdale and the landscape features of the site. Minimal disturbance of the existing vegetation and the use of sustainable development principles such as grey water re-use and use of renewable energy sources are integral features of this development proposal.

The Master Plan presented to the July 2006 Concept Forum is with the attachment marked SD008.1/07/07.

Following the presentation of this proposal to Council's Concept Forum, the Shire wrote to the landowner inviting the submission of a revised rezoning request in line with the development design presented to Concept Forum. A formal request to initiate an amendment to Town Planning Scheme No. 2 to rezone the site from "Rural" to "Special Use" has now been submitted to Council.

The rezoning report submitted by the applicant is with the attachments marked SD008.2/07/07.

Sustainability Statement

Effect on Environment: The proposed rezoning will enable an innovative and appropriate development of this site to meet high standards of water, energy, architecture and land management criteria. This proposal will enhance the entry to the Jarrahdale town site with a tourism facility providing employment and generating income for the town.

Biodiversity:

- managed access to sensitive landscape areas
- site disturbance - pole construction encouraged to minimise impact of cut and fill
- creating a resident and aware community to oversee the protection of habitat areas
- provide a walking trail linking the Serpentine National Park to the Jarrahdale Heritage Park
- use of building envelopes to protect remnant vegetation from clearing.

Energy Use/Greenhouse Gas Emissions:

- minimise car/transport use for internal access and to the Jarrahdale town
- implement and support renewable energy technologies
- encourage and provide opportunity for energy efficiency

Water Quality: stormwater management, waterways management

- water management in construction
- water treatment, recovery and re-use on site
- water sensitive urban design in stormwater management
- minimise use of fertilisers and other contaminants
- maximum infiltration of water on site

Air Quality:

- It is recommended that the use of wood burning heaters be prohibited due to the potential for air pollution. Instead clean burning fuel heaters should be encouraged such as natural gas

Heritage and Culture:

- Architecture to reflect interpretation of heritage themes and history of the site
- Commercial tourist development to interpret and relate history for visitors and residents

Additional provisions are required to be included in the scheme amendment text with regard to:

- Preservation/protection of existing vegetation
- Requirements to be addressed at subdivision stage such as fire management plan, drainage and nutrient management, environmental management plan, soil, water and dust management during construction.

Resource Implications:

- Proposal will use low energy materials and simple methods of construction including pre-fabrication, thermal-mass rammed earth walls and water collection and storage for re-use.
- Energy will be supplemented by renewable energy from local sources such as PV Cells. Buildings will be designed to reduce energy losses and consumption through solar orientation, thermal mass and cross-ventilation design.
- Precinct Design Code (PDC) will control development to meet high environmental and aesthetic standards.
- Wastewater will be recovered and treated for non-potable re-use on site.
- Proposal seeks to encourage passive solar design to reduce the need for combustion heating.

Use of Local, renewable or recycled Resources:

- Where practicable local materials and services will be used to implement the development concept. Regional sourcing will supplement this aspect.
- The project through the PDC will encourage the use of renewable materials, the recovery of resources, reduction of waste and recycling of materials where practicable.

Economic Viability:

- The proposal will include a strata-titling system of land tenure for some of the dwellings and this will seek to distribute costs and responsibilities for utilities within the project.
- External costs are intended to be minimised compared to special residential development in a more traditional style.

Economic Benefits:

- Employment creation, tourism generation, and local recreational opportunities and a style of living otherwise not available in Jarrahdale.

Social – Quality of Life

- The rezoning will enable the development of a community for people who wish to enjoy living in a rural community, yet with efforts to be self-sufficient and more sustainable in terms of water, energy and funding.
- Development will seek to provide local employment and leisure opportunities.
- Roads and associated infrastructure will reflect a standard appropriate to Jarrahdale and its emerging tourism character.

Social and Environmental Responsibility: The proposal seeks to create the space in Jarrahdale for a neighbourhood of eco-aware residents to raise their families. Common

areas and the commercial tourism facility will create an interface between new and existing Jarrahdale residents.

Social Diversity: The proposal will establish a variety of housing styles and sizes to suit a range of households.

Statutory Environment: Planning and Development Act 2005
Town Planning Regulations 1967
Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 (TPS 2)
Shire of Serpentine Jarrahdale Rural Strategy

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

Financial Implications: Eventual costs to the Shire to maintain new areas within the subdivision (e.g. roads, drainage, public open space 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:

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:

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.

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:

3. Encourage protection and rehabilitation of natural resources.
4. Reduce water consumption.
5. Reduce green house gas emissions.
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.
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:

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:

Community consultation and referral of the proposal to Government agencies will be required if the proposed scheme amendment is initiated.

Comment:

Water Catchment Reservation

The site carries a Water Catchments reservation under the Metropolitan Region Scheme (MRS). However, the proclaimed water catchment area was amended by the Department of Environment and Conservation in 2005, with Lot 199 and most of the Jarrahdale townsite are no longer included in the proclaimed area. An amendment to the MRS to modify the Water Catchments reservation in accordance with the new proclaimed area has been commenced by the Western Australian Planning Commission (WAPC). This amendment has not received final approval or been gazetted to date. Accordingly, it is possible that the Minister for Planning and Infrastructure may delay granting final approval to the proposed town planning scheme amendment for Lot 199 until after the MRS amendment has been completed.

Under the provisions of the Planning and Development Act, removal of the Water Catchment reservation from the MRS will result in an automatic amendment of the Town Planning Scheme to remove the reservation.

Clause 25 of the Metropolitan Region Scheme Text states as follows:

25. *Subject to section 7 of the Town Planning Act, when making or amending a Town Planning Scheme in accordance with section 35 of the Scheme Act, a local authority shall have regard to the primary use for which the land to which the Town Planning Scheme relates is zoned under the Scheme as indicated by the descriptive title in column two of table two of the Scheme, but nothing in the Scheme prevents a local authority from making proper provision for that land or portion to be otherwise used or zoned for some other use and, when required by the Minister so to do, the local authority shall make such provision.*

The primary use for which the Lot 199 is zoned under the MRS is Rural. However, the MRS does not contain a description for "Rural". Accordingly, reference must be made to the Shire's Rural Strategy to determine the appropriate use. A large proportion of the Shire is zoned "Rural" under the MRS. Under the Shire's TPS 2 the land zoned Rural under the MRS has a variety of zonings, including Rural, Rural Living, Special Rural and Special Use. Not all of these zones allow for rural production. Some like Rural Living and Special Rural aim to provide people with the opportunity to live in an area with a rural character. Some allow limited rural uses such as keeping of horses but do not allow commercial rural

businesses. In the case of the Special Use zones land has been set aside for a specific purpose or business such as extractive industries, timber mills and landfill.

The Shire's Rural Strategy places Lot 199 within "Conservation – Private Land" policy area. The proposed zoning of "Special Use – Jarrahdale Eco-Living Precinct" aims to protect the landscape and ecological values of the site whilst providing for a rural-residential lifestyle. Therefore, it is considered that the proposed zoning is consistent with the designation of the land under the Rural Strategy and the Rural zoning under the MRS.

Rural Strategy

The Shire's Rural Strategy identifies the subject land within the Conservation - Private Land Policy Area. This encourages providing an innovative approach to land management, geared specifically at the maintenance of conservation values. Whilst the Shire or other government bodies do not intend such land for acquisition it is intended for management to protect conservation values in perpetuity.

The Shire's Rural Strategy provides a number of objectives for the Conservation - Private Land Policy Area. Those relevant to the proposal at hand are listed as follows:

- C2 To direct all development away from [Conservation - Private Land] sites and to prohibit change of land use, except where it is clearly demonstrated that development is not in conflict with the objectives of protecting and managing conservation values present;*
- C3 To ensure that, where permitted, development or material changes in land use do not in any way adversely impact on the conservation values present or the integrity of the site, and that management to protect and enhance conservation values is put in place (including buffer zones around conservation sites);*
- C4 To develop management plans, with long-term guidelines for the management of these sites, to be implemented through co-operative approaches with landowners or as a consequence of development;*
- C5 To provide real incentives, where possible, for private landowners to pursue conservation management of land, through Council's direct jurisdiction and through representation to State Government, its department and authorities;*
- C10 To employ setbacks, buffer zones, and require conservation management practices and other measures where necessary and possibly through the statutory planning system to a satisfactory standard of protection relative to the significance of conservation values present.*

The Rural Strategy's position with regard to these is that rezoning and/or development can only be entertained where clearly supportive of the conservation values inherent to a site.

Special Use zones

The purpose and intent of the Special Use Zone is:

5.11 SPECIAL USE ZONE

5.11.1 *The purpose and intent of the Special Use Zone is to permit the use of land for any specific use not considered appropriate or desirable in any other zone and being a use which Council considers may satisfy a specific need in the locality where the use is proposed.*

5.11.2 *A description of the land together with the special use to be permitted and any special provisions relating to the land are set out in Appendix 2 and the development and use of the land shall be in accordance with the provisions set out against the description of the land in Appendix 2.*

Lot 199 is designated Conservation – Private Land under the Shire's Rural Strategy. There is no zone, other than a Special Use zone, that would adequately address the "innovative approach to land management, geared specifically at the maintenance of conservation values" required for land designated Conservation Private Land.

Subdivision Control Unit Comments

Environmental Health

The Shire's Health section is supportive of waste water reuse for developments. All wastewater will need to be disposed of on the property from which it originates and sufficient clear space to dispose of additional water (particularly during winter) will need to be allocated for each property.

The proponent will need to ensure that the systems proposed have approval for use in Western Australia from the Department of Health and meet all relevant setback distances to sensitive environments as recommended by the Department of Environment and Conservation.

With regard to the proposed "Schedule" for the Scheme Amendment the following comments are provided:

Section 4.3 The management plan referred to may require more frequent monitoring than "annual and biennial" particularly if this is to include a waste water treatment system. Perhaps this can be more performance and outcomes based, rather than stipulating timeframes.

Section 4.4 Waste Water Treatment areas are likely to require restricted areas by visitors and owners of the property. This has not been acknowledged in the information provided and may involve fencing/barriers/signage.

Section 5.0 What is defined as "Community based administration of infrastructure"? Are they referring to the owners of the system or the users of the facility? Perhaps it can be defined in the text?

Section 5.4 With reference to monitoring and reporting responsibility, this should not be a Shire responsibility and reference to this should be removed. The Shire will conduct audits as with other waste water treatment systems, but the responsibility of any monitoring and reporting lies with the owner of the system.

Fire & Emergency Services

The preparation of a Fire Management Plan will be required as a condition of rezoning of this land and later as a condition of subdivision. A strategic firebreak network is to be identified on the Master Plan.

Engineering

- 1. Waste water treatment needs to be looked at. Location and contours could be a challenge.*
- 2. Require drainage details.*
- 3. Paths being provided on site and adjoining roads, Jarrahdale Road and Oak Way.*
- 4. No direct connection to Jarrahdale Road by Strata residents. Emergency access only.*
- 5. Road intersection with Oak Way to have calming device, as well as Oak Way and Atkins Road (splitter island).*
- 6. Cul de sac bowl for strata lot access road end suitable for rubbish truck access.*
- 7. Road width and standard parking required, especially on strata title access.*
- 8. Access for garbage service.*
- 9. Easements to control water runoff from lots 3,4,5,6. Easement from Atkins Road to new road along south- north boundary Lot 7 for drainage. Drainage of strata access.*
- 10. Control runoff from unconstructed road on western boundary.*

11. *Drainage retention basin for road drainage.*

The above requirements will be addressed as conditions of subdivision and development.

Environment

The following modifications are required to be made to the scheme amendment provisions:

- 1. Only boundary abutting National Park, street frontages and northern boundary of Lot 199 may be fenced. Internal lot boundaries are only to be delineated with rock cairns or bollards to minimise clearing and allow free passage of wildlife.*
- 2. Keeping of cats and dogs to be confined to secured areas within building envelopes.*

The proponent was previously asked to make these modifications to the Scheme Amendment text and the modified documentation submitted reflects this.

Proposed Scheme Amendment Text

The Scheme Amendment text proposed by the applicant is with the attachments marked SD008.3/07/07 & SD008.3a/07/07.

Workshop

At the workshop constraints and opportunities for Lot 199 were identified and participants nominated those considered of most importance as set out below:

Constraints

Processes – Council and WAPC

Conservation restraints

Visual Impact – site is visually prominent from Jarrahdale Road

Landform – site is extremely steep in parts and low lying adjacent to brook

Cost of development

Opportunities

Land use: Range of land use opportunities eg cottages, employment, tourism, motel, casino, artist village, shops, residential, business use.

Long term residential

Style of Development: Heritage – theme development built form – eg pioneer
Landmark site – timber cottages

Zoning: Rezoning

Land Tenure: Cluster houses
Strata Title

Site Characteristics: Vegetation – Landscape beauty/uniqueness

Proposed Master Plan and Scheme Amendment

The original master plan submitted identifies a range of development opportunities including a strata titled development with cluster houses and a significant proportion of land being set aside as common property, a mixed use site for tourism and business oriented uses consistent with the range identified by the Workshop participants as being extremely important and a number of single occupancy bush retreat style lots.

Provisions to be inserted in the Scheme Text to control development on Lot 199, address the importance of the site as a landmark entrance to the town. They also protect existing native vegetation and ensure the form and design of buildings within the development is within the context, character and heritage of the Jarrahdale townsite. Some additional provisions are

recommended and some modification to the Master Plan to better achieve these desired outcomes. These include:

1. Relocation of the strata titled dwellings to existing cleared areas subject to issues such as drainage, waste water disposal, protection of and separation from the brook being achieved.
2. The brook and associated foreshore being given up as public open space and the public open space required to be given up as a result of the single occupancy lot subdivision being included in this area.
3. Tracks/paths being provided that link the development, the foreshore and adjoining development (such as the Heritage Park) to the State Forest. These would also serve as corridors for the travel of wildlife.
4. Effluent disposal systems being located within the building envelopes for the single occupancy lots.
5. Land uses being specified for each type of development.

The assessment of the Master Plan and scheme amendment text of the identified that the following modifications needed to be made prior to the amendment being presented to Council for initiation:

Master Plan

1. The plan being drawn to scale
2. Size and dimensions of building envelopes to be specified on the plan
3. Setbacks of building envelopes to boundaries to be specified
4. Lot sizes to be specified for all lots
5. Values to be added to contours
6. Public Open Space to comprise whole of lot below 215m AHD contour line
7. Common property to be identified
8. Frontage to a constructed road to be provided for all lots at a minimum width of 4 metres to allow for vehicle access
9. Maximum 350m² building envelopes for strata lots
10. Provide public access way connection between POS and National Park
11. Effluent disposal systems for single occupancy lots to be within building envelopes
12. New road to be relocated generally as shown on attached plan
13. Size of mixed use lot to be increased
14. Effluent disposal system for strata lots to be located within common property associated with those lots
15. Clarity of plan to be improved
16. Legend to be added to plan

Additional information required prior to presentation of the proposal to the Council:

1. Flood modelling to identify that all proposed buildings are outside flood area for brook.

Scheme Amendment Text, Report and Map

1. Amend existing and proposed zoning maps to show existing MRS Water Catchments reservation.
2. Modify amendment report to address correct zoning under TPS and MRS of "Rural" and "Water Catchments" reservation.
3. Appendix 2 insertion to be in format contained in Shire's Town Planning Scheme.
4. The scheme amendment text being modified to incorporate wording and changes suggested by staff.

Revised Master Plan & Provisions

A copy of the amended Master Plan (dated 12 June 2007, drawing reference E1.05 0611) is with the attachments marked SD008.4/07/07.

The applicant has since submitted amended documentation that addresses the above matters.

Following a review of the latest plan, further modifications are recommended for the Master Plan as follows:

1. Deletion of strata lot 1 in the west end of the lot so that the existing remnant vegetation can be retained in this location.
2. Strata lot accessway to be modified to incorporate a cul-de-sac head. A portion of the fire accessway on the northern side of strata lots 3, 4 and 5 is to be deleted. Separate fire/emergency accessway to run between strata lots 5 and 6, across the brook and out to Jarrahdale Road. This fire/emergency accessway to comprise a bridge crossing at the brook marked as such on the master plan and gated to prevent ad hoc usage. Strata plan and strata laws to restrict the use of this accessway accordingly.
3. Provision being made on the common property lot for a bin collection area directly adjacent to the cul-de-sac head of the new public road so that rubbish trucks do not have to enter strata development to collect bins. Strata laws to stipulate that this bin collection area only to be used for bins on rubbish collection days. Cul de sac head to have adequate turning circle to allow waste truck to turn around.
4. Building envelopes to be deleted from the freehold lots and Building Exclusion zones incorporated on the plan of subdivision as shown at attachment SD008.5/07/07.
5. Firebreak along western and northern boundary of Lot 199 to be a strategic firebreak with a minimum width of 4 metres. The northern firebreak is to link up with the main access track. Strategic fire breaks to be reserved as such and not included within the boundaries of any new lot.

The modifications listed above are detailed on a marked up copy of the subdivision plan with the attachments marked SD008.5/07/07.

Conclusion

The proposed development is considered to be a significant improvement on the design of earlier proposals and has the potential to create a landmark development at the entrance to Jarrahdale townsite and set a high standard of ecological sustainability that should provide a precedent for future developments in Jarrahdale and elsewhere in the Shire.

Voting Requirements: Simple Majority

SD008/07/07 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Star seconded Cr Murphy

A. The proponent submitting a modified Master Plan and Report addressing the following matters:

1. Deletion of strata lot 1 in the west end of the lot so that the existing remnant vegetation can be retained in this location.
2. Strata lot accessway to be modified to incorporate a cul-de-sac head. A portion of the fire accessway on the northern side of strata lots 3, 4 and 5 is to be deleted. Separate fire/emergency accessway to run between strata lots 5 and 6, across the brook and out to Jarrahdale Road. This fire/emergency accessway to comprise a bridge crossing at the brook marked as such on the master plan and gated to prevent ad hoc usage. Strata plan and strata laws to restrict the use of this accessway accordingly.
3. Provision being made on the common property lot for a bin collection area directly adjacent to the cul-de-sac head of the new public road so that rubbish trucks do not have to enter strata development to collect

- bins. Strata laws to stipulate that this bin collection area only to be used for bins on rubbish collection days. Cul-de-sac head to have adequate turning circle to allow waste truck to turn around.
- 4. Building envelopes to be deleted from the freehold lots and Building Exclusion zones incorporated on the plan of subdivision as shown at attachment SD008.5/07/07.
- 5. Firebreak along western and northern boundary of Lot 199 to be a strategic firebreak with a minimum width of 4 metres. The northern firebreak is to link up with the main access track. Strategic fire breaks to be reserved as such and not included within the boundaries of any new lot.

B. Subject to A above, Council in pursuance of Section 75 of the Planning and Development Act 2005, amends the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 by:

- 1. Rezoning Lot 199 Jarrahdale Road, Jarrahdale from "Rural" and "Water Catchments" to "Special Use".
- 2. Amending the scheme maps accordingly.
- 3. Modifying Appendix 2 Special Use Zones by inserting the following in the table:

Description of Land	Permitted Uses
<p>9. Jarrahdale Eco-living Precinct - Lot 199 Jarrahdale Road, Jarrahdale and any lots created by the subsequent subdivision of Lot 199.</p>	<p>The following development controls apply to all use and development within the Jarrahdale Eco-Living Precinct:</p> <p>1.0 Subdivision</p> <p>1.1 Subdivision and Development shall be in accordance with the Master Plan for Lot 199 as endorsed by the Council.</p> <p>1.2 The subdivider shall prepare and have approved by Council a Drainage Management Plan prior to the lodgement of any subdivision application to address erosion, nutrient and drainage issues during and post construction.</p> <p>1.3 The subdivider shall prepare to the satisfaction of Council and thereafter implement a Fire Management Plan that identifies and implements the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire requirements that may be deemed necessary to the specification and satisfaction of the local authority. The proponent is required to undertake a structural assessment of the bridge structure at the brook to confirm its suitability for use by fire vehicles. The bridge structure may require upgrading to the satisfaction of the Shire.</p> <p style="text-align: center;">The Fire Management Plan is to be approved prior to lodgement of any subdivision application.</p> <p>1.4 Notwithstanding the obligations of the subdivider under clause 5.12.9(e) of the Scheme, the subdivider shall drain the land and provide drainage detention areas in accordance with the Drainage Management Plan approved by Council. Those easements and reserves required by Council or the Water Corporation shall be provided to the Council or Water Corporation at the time of subdivision to provide for ongoing</p>

Description of Land	Permitted Uses
	<p data-bbox="710 212 1348 246">maintenance of the drainage system components.</p> <p data-bbox="614 257 1420 347">1.5 Any Detention/Nutrient Stripping Basin shall be located at least 30 metres from any natural watercourse.</p> <p data-bbox="614 358 1420 425">1.6 The subdivider providing a reticulated water supply to all lots to the satisfaction of the Water Corporation.</p> <p data-bbox="614 436 1420 750">1.7 The subdivider shall prepare to the satisfaction of Council and thereafter implement an Environmental Management Plan. The Environmental Management Plan is to be approved by Council prior to lodgement of any application for subdivision. This plan must include foreshore management, vegetation management, identification of areas of value, weed control and revegetation, fire management and strategies to manage other threatening processes identified in the planning process.</p> <p data-bbox="614 761 1420 884">1.8 Weed control and revegetation works shall be undertaken by the subdivider in accordance with the approved Environmental Management Plan prior to obtaining any subdivision clearance.</p> <p data-bbox="614 896 1420 996">1.9 The subdivider preparing a deed and caveat to be placed over all lots requiring owners to comply with the Environmental Management Plan.</p> <p data-bbox="614 1008 1420 1164">1.10 All building within the strata lots shall be contained within the building envelopes identified on the Master Plan and clearing shall be limited to the footprint of the buildings or other structure, 3 metres around each building or other structure and vehicle accessways.</p> <p data-bbox="614 1176 1420 1422">1.11 All buildings, structures, vehicle accessways and effluent disposal systems on the Green Title lots shall be located a minimum of 3 metres from any Building Exclusion zone identified on the Master Plan. Clearing of vegetation within the Building Exclusion zones on the Green Title lots is not permitted except where that vegetation is deemed to be dead, diseased or dangerous by the Council.</p> <p data-bbox="614 1433 1420 1534">1.12 The developer shall ensure that any offer and acceptance form for the sale of any land in the subdivision shall include the following:</p> <p data-bbox="710 1545 1420 1646">Special conditions apply to the building of houses and other buildings on the land. This includes but are not limited to the following:</p> <ul style="list-style-type: none"> <li data-bbox="710 1657 1420 1713">i) Building Exclusion zones and building envelopes; <li data-bbox="710 1713 1420 1747">ii) Vegetation preservation provisions; <li data-bbox="710 1747 1420 1803">iii) prohibition of stock including horses and, control of domestic animals; <li data-bbox="710 1803 1420 1870">iv) restrictions on the level of cut and fill for construction; <li data-bbox="710 1870 1420 1960">v) building design performance standards including: solar design, fire sensitive design and use of natural external colour tones; <li data-bbox="710 1960 1420 1993">vi) fire management requirements; <li data-bbox="710 1993 1420 2049">vii) drainage and nutrient management standards; and <li data-bbox="710 2049 1420 2083">viii) environmental management requirements.

Description of Land	Permitted Uses
	<p>2.0 Buildings</p> <p>2.1 The subdivider shall prepare a Precinct Design Code (PDC) for the development to the satisfaction of the Shire prior to any application for subdivision being lodged.</p> <p>2.2 Dwellings and other buildings within this zone shall be constructed to accord with the adopted architectural design theme for the site as outlined in the PDC. Design, materials of finish and power and water systems shall achieve identified outcomes for energy conservation, water conservation and re-use and to harmonise with each other and the landscape of the site and setting.</p> <p>2.3 Outbuildings – A maximum of one outbuilding per lot is permitted. All outbuildings shall be constructed of materials to meet the PDC and designed to meet other design requirements for the zone. Location of outbuildings shall not impact upon remnant vegetation on the site.</p> <p>2.4 Rainwater tanks, air conditioning units and other bulky external elements are to be designed to be integral to buildings and/or located to minimise visual impact and to accord with the associated building.</p> <p>2.5 Colours and materials of all buildings shall be consistent with the PDC and enforced by a design covenant agreed by the developer and the Shire.</p> <p>2.6 No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste water treatment system as approved by the Department of Health and with the base of the system or the modified irrigation area being the required distance above the highest known water table.</p> <p>2.8 All new buildings and structures to be constructed in accordance with the “extreme” rating requirements as specified in AS 3959-1999 “Construction of Buildings in Bushfire-Prone Areas”.</p> <p>2.9 Planning consent is required for the construction of any dwelling, outbuilding, cut and fill and driveway prior to the commencement of such work and will include a plan to the satisfaction of Council which shall show site contours, existing trees and stands of vegetation and a water quality management plan. Such consent will only be granted where Council is satisfied that such construction accords with the landscape and conservation objectives of the locality and achieves erosion control, low visual impact, passive solar design, minimal cut and fill and bushfire protection.</p> <p>3.0 Roads and Driveways</p> <p>3.1 Public roads and road reserves shall be developed to the requirements of the Shire such that the width, design and implementation achieves objectives of safety of access, durability of finish and water sensitive design.</p> <p>3.2 Private roadways and accessways shall be constructed by the developer to the standards</p>

Description of Land	Permitted Uses
	<p>prescribed by the Shire such that the width, design and implementation achieves objectives of safety access, durability of finish and water sensitive design. These accessways shall be maintained by landowners within the Strata Company or similar owner administrative entity subject to strata body corporate laws and procedures.</p> <p>3.3 Roads adjacent to Lot 199 shall be upgraded to the satisfaction of the Shire.</p> <p>3.4 Lighting to public roads shall conform to current best-practice in terms of energy consumption, light spill and be designed to complement the overall design code for the precinct.</p> <p>4.0 Cluster – Strata Lots</p> <p>4.1 All lots/ownerships within the precinct shall be created to meet the terms of the Strata Titles Act with respect to identification of private and common property, ownership and common rights and responsibilities.</p> <p>4.2 A Strata Management Plan consistent with the Environmental Management Plan shall be prepared by the Body Corporate on behalf of all owners to identify necessary land management activities such as erosion control, weed control, fire and risk management, fencing, power and water systems monitoring, maintenance and repair. This plan shall be approved by the Shire. This Plan will nominate an annual and biennial cycle of works and ongoing contracts to be administered by the Body Corporate on behalf of all owners and residents.</p> <p>4.3 Accessways, footpaths, open space and other common-infrastructure shall be constructed and maintained by the landowners to Shire specifications as guided by the PDC and Australian Standards.</p> <p>5.0 Water Collection, Treatment and Re-Use</p> <p>5.1 Upon the commencement of development in the Precinct, the monitoring and reporting responsibility of wastewater collection, treatment and re-use will be assumed by the Body Corporate on behalf of all landowners.</p> <p>6.0 Vegetation - General</p> <p>6.1 Planting of non indigenous vegetation species is not permitted unless in accordance with an approved landscape plan for the Jarrahdale Heritage Park area.</p> <p>6.2 No indigenous vegetation or trees shall be destroyed or damaged or cleared, unless the clearing is authorised by a clearing permit obtained from the Department of Environment, or is of a kind that is exempt in accordance with Schedule 6 or Regulation 5 (Clearing of Native Vegetation Regulations) of the Environmental Protection Act 1986. Planning approval may also be required to be obtained from the Council for the removal of any trees in accordance with the Provisions of Clause 7.13 of the Scheme.</p>

Description of Land	Permitted Uses
	<p>7.0 Animals</p> <p>7.1 Keeping of cats shall be prohibited unless they are kept at all times within the confines of a dwelling or a fully enclosed cat run which has been approved by the Shire.</p> <p>7.2 Keeping of dogs shall be prohibited except where the building envelope or building exclusion zone is appropriately fenced to contain the dog(s).</p> <p>7.3 The keeping of horses, sheep, goats or other grazing animals is not permitted.</p> <p>8.0 Fencing</p> <p>8.1 The subdivider shall provide post and wire strand fencing on the western boundary of Lot 199 abutting the Serpentine National Park and on the northern boundary of Lot 199.</p> <p>8.2 Fencing of boundaries between lots is not permitted and these boundaries shall be marked by cairns or bollards or similar only.</p> <p>8.3 Fencing around building envelopes or building exclusion zones for the containment of dogs shall be open wire mesh or other visually permeable fencing material that is non-combustible to the satisfaction of the Shire and shall have a maximum height of 1.5 metres.</p> <p>8.4 Solid fencing materials are prohibited.</p> <p>9.0 Land Uses</p> <p>9.1 Green Title Single Occupancy Lots</p> <ul style="list-style-type: none"> - Single House P - Ancillary Accommodation P - Home Office P - Home Occupation AA - Home Business AA - Cottage Industry AA <p>Strata Lots</p> <ul style="list-style-type: none"> - Single House P - Home Office P <p>Single Houses on Strata lots may be used as short-stay holiday accommodation let out on a commercial basis if this is accommodated within the Body Corporate bylaws for these lots.</p> <p>Tourism/Commercial Lot</p> <ul style="list-style-type: none"> - Holiday Accommodation AA - Art Gallery AA - Restaurant AA - Cottage Industry AA - Interpretive/Tourist Centre AA - Craft workshop AA - Caretakers Dwelling IP <p>All other land uses are prohibited.</p>

C. Payment of the rezoning administration fee of \$4 000 to the Shire.

- D. Subject to C above, a copy of the amendment documentation be forwarded to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act 2005.**
- E. Subject to the advice of the Environmental Protection Authority under Section 48A of the Environmental Protection Act that the amendment not be assessed, advertise the amendment in accordance with the requirements of Section 84 of the Planning and Development Act 2005.**

CARRIED 8/0

Council Note: The words “unless in accordance with an approved landscape plan for the Jarrahdale Heritage Park area” were added to 6.1 as a point of clarification. This did not alter the intent of the Committee/Officers Recommended Resolution.

Cr Kirkpatrick returned to the meeting at 8.02pm.

Cr Star congratulated staff on the work that had been done on this item.

SD009/07/07 INITIATION OF SCHEME AMENDMENT – LOT 1000 (264) GOSSAGE ROAD, OLDBURY (P00452)		
Proponent:	Serpentine Jarrahdale Shire	In Brief To initiate a scheme amendment to rezone the subject lot from ‘Rural’ to ‘Special Use’ zone under the provisions of Town Planning Scheme No. 2. Rezoning is required to reflect the intended use of the land. It is recommended that the rezoning be initiated.
Owner:	A Gosatti	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	20 June 2007	
Previously	SD122/06/07	
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:	NA
Advertised:	NA
Submissions:	NA
Lot Area:	21.09ha
L.A Zoning:	Rural
MRS Zoning:	Rural
Byford Structure Plan:	NA
Rural Strategy Policy Area:	Rural
Rural Strategy Overlay:	NA
Municipal Inventory:	NA
Townscape/Heritage Precinct:	NA
Bush Forever:	NA
Date of Inspection:	May 2007 (as part of timber workshop application)

Background

At the Sustainable Development Committee meeting of 19 June 2007, a Rural Industry (Specialist Timber Workshop) was granted planning approval on Lot 1000 Gossage Road, Oldbury. The subject property is owned and occupied by Inglewood Products Group (IPG), a specialist timber products manufacturer which has its main workshops in Malaga and currently operates a Timber Mill from Lot 1000 Gossage Road. The approval enables the existing timber manufacturing operations to be moved from the current Malaga site to the

property on Gossage Road. Both uses were considered to fall under the definition of 'Rural Industry' under Council's Town Planning Scheme No.2 which is a discretionary use within the 'Rural' zone.

It is considered that the current zoning of the site no longer reflects the use of the land and therefore a change of zoning is required. It is proposed that the subject property be rezoned from 'Rural' to 'Special Use'.

Sustainability Statement

Effect on Environment: The proposal is not considered to impact on the environment. The subject property currently contains the existing saw mill and thus most of the land has previously been cleared of native vegetation. Any further expansion will require planning approval from Council and impacts on existing vegetation, together with the possibilities for revegetation on the property, can be assessed at this stage.

Use of Local, renewable or recycled Resources: The proposal will ensure that the subject land can be used for purposes consistent with the proposed 'Special Use' zoning of the scheme.

Economic Viability & Benefits: This development will result in significant economic benefits for the community through the possible employment opportunities for existing and future residents of the Shire.

Social – Quality of Life: The proposed rezoning is unlikely to impact on surrounding residents as the timber mill has already been operating from the property since 1997. Impacts on surrounding properties and the amenity of the area will be taken into consideration through the planning application process if any further expansion to the operation is proposed.

Statutory Environment: Planning and Development Act 2005
Town Planning Regulations
Town Planning Scheme No.2 (TPS2)

The procedural requirements for initiating Scheme Amendments are provided within the Planning and Development Act 2005. At this stage of the amendment it is the provisions relating to referral to the Environmental Protection Authority (EPA) for assessment and advertising of the Scheme Amendment that must be adhered to, as stipulated under sections 81 and 83 of the Act.

“81. Referral of scheme or Amendment to EPA

When a local government resolves to prepare or adopt a local planning scheme, or an amendment to a local planning scheme, the local government is to forthwith refer the proposed local planning scheme or amendment to the EPA by giving to the EPA –

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

83. Consultation of persons likely to be affected.

A local government, before submitting a local planning scheme or amendment to the Minister under section 87, is to make reasonable endeavours to consult in respect of the local planning scheme or amendment such public authorities and persons as appear to the local government to be likely to be affected by the local planning scheme or amendment.”

**Policy/Work Procedure
Implications:**

PS05A – Assessment of Proposed Town Planning Scheme Amendments

Financial Implications:

There are no financial implications to Council related to this application.

Strategic Implications:

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

1. People and Community

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

Strategies:

2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.
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.
2. Identify value-adding opportunities for primary production.

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

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Community consultation was carried out during the assessment of the recently approved development application for the timber workshop. The scheme amendment will require advertising for a period of not less than 42 days.

Comment:

It is proposed to amend the Scheme by rezoning Lot 1000 Gossage Road, Oldbury from 'Rural' to 'Special Use'. In regards to the Special Use zone, clause 5.11.1 of Council's Town Planning Scheme No.2 states:

"5.11.1 The purpose and intent of the Special Use Zone is to permit the use of land for any specific use not considered appropriate or desirable in any other zone and being a use which Council considers may satisfy a specific need in the locality where the use is proposed."

The proposal satisfies the above clause as the manufacturing, production and distribution of timber and related products are considered to be specific to this site only as a result of the existing mill being in operation since 1997. There is a possibility that IPG may further expand in the future and as such, a rezoning of the property to 'Special Use' is recommended to ensure that any further development is bound by the requirements of the scheme and can be accommodated on site.

Each 'Special Use' area within TPS2 contains Special Provisions that relate to a specific site or lot within the Shire. With respect to Lot 1000 Gossage Road, the only Special Provisions that are recommended relate to the single discretionary use that can be undertaken from the property, this being the manufacture, production and distribution of timber and related products and compliance with the Environmental Protection Authority's guidance on separation distances. This provision is recommended as the separation distance between any future proposals on site and surrounding residential development is likely to be one of the main issues that will need to be addressed and satisfied. It is considered that all other requirements that are normally imposed on development, including revegetation, stormwater disposal and the preparation of various management plans, will be incorporated as conditions resulting from the assessment of any future development applications. All development within the Special Use zone requires planning approval from Council.

It is requested that Council support the request for the initiation of a scheme amendment to rezone Lot 1000 Gossage Road from 'Rural' to 'Special Use'.

Voting Requirements: Simple Majority

SD009/07/07 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price seconded Cr Star

A. Council pursuant to Section 75 of the Planning and Development Act 2005, amends the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 by:

- i) Rezoning Lot 1000 Gossage Road, Oldbury from "Rural" to "Special Use";**
- ii) Amending the scheme maps accordingly; and**
- iii) Modifying Appendix 2 Special Use Zones by inserting the following in the table:**

10.	Lot 1000 Gossage Road, Oldbury	1. Discretionary Uses (AA)
		a) Manufacture, production and distribution of timber and related products.

		<p>b) Office – only if incidental to the above predominant use.</p> <p>All other uses are prohibited.</p> <p>2. All development on site shall comply with the Environmental Protection Authority’s <i>Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses</i> document and any additional advice as provided by the Environmental Protection Authority.</p>
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- B. The Executive Manager Planning and Regulatory Services enter into negotiations with the owner of Lot 1000 Gossage Road, Oldbury to:**
- i) prepare the amendment documentation in accordance with the standard format prescribed by the *Town Planning Regulations 1967* and include the textual provisions within the scheme amendment documents as adopted by Council; and
 - ii) pay the planning fee of \$2 000 (the amount estimated by the Local Government (Fees) Regulations as the cost of Council dealing with the scheme amendment).
- C. The Amendment is, in the opinion of the Council, consistent with Regulation 25(2) of the *Town Planning Regulations 1967* and upon receipt of the necessary amendment documentation, the Amendment be referred to the Environmental Protection Authority as required by Section 81 of the Act.**
- D. Subject to the advice of the Environmental Protection Authority under Section 48A of the Environmental Protection Act, that the amendment not be assessed and the amendment be advertised in accordance with the requirements of Section 84 of the Planning and Development Act.**

CARRIED 9/0

SD010/07/07 PLANNING INFORMATION REPORT		
Proponent	Executive Manager Planning & Regulatory Services	In Brief Information Report.
Officer	Lisa Fletcher - Support Officer Planning & Regulatory Services	
Signatures – Author:		
Senior Officer:		
Date of Report	1 July 2007	
Previously		
Disclosure of Interest		
Delegation	Council	

SD010.1/07/07 PLANNING SCHEME AMENDMENTS

A copy of the Scheme Amendment Table is with the attachments marked SD010.1/07/07.

SD010.2/07/07 DELEGATED AUTHORITY DETERMINATIONS

Date Issued	Property & Development	Decision
14/06/07	Lot 260 Selkirk Road, Serpentine – Rural Workers Dwelling	Approved
18/06/07	Lot 7 Tonkin Street, Mundijong - Patio	Approved
19/06/07	Lot 505 Butcher Road, Mundijong - Garage	Approved
22/06/07	Lot 551 Bruns Drive, Darling Downs – Shed (outside building envelope)	Approved
22/06/07	Lot 605 (42A) Holmes Road, Oakford – Water Tank outside building envelope	Approved
22/06/07	Lot 192 Walters Road, Byford – Oversize Garage	Approved
	Lot 60 Knoop Drive, Byford – Single Dwelling	Approved
22/06/07	Lot 372 George Street, Byford – Patio (with setback variation)	Approved
25/06/07	Lot 16 Tiara Court, Darling Downs – Garage (Overheight & Oversize)	Approved
25/06/07	Lot 502 Eleventh Road, Darling Downs – Shed	Approved
25/06/07	Lot 6 South Western Highway, Serpentine – Horse Shelters	Approved
26/06/07	Lot 89 Knoop Drive, Byford – Single Dwelling	Approved
27/06/07	Lot 94 Chestnut Road, Jarrahdale – Shed, Patio & Verandah	Approved
28/06/07	Lot 188 Limpet Way, Byford – Single Dwelling	Approved
28/06/07	Lot 1 Randell Road, Mardella – Relocation of Building Envelope	Approved
02/07/07	Lot 72 Anstey Street, Mundijong – Oversize Shed / Storeroom	Approved
02/07/07	Lot 822 Bournbrook Avenue, Cardup - Oversize Shed (outside building envelope & with setback variation)	Approved
03/07/07	Lot 3 South Western Highway, Whitby – Concrete Batching Plant	Refused
05/07/07	Lot 603 Bruns Drive, Darling Downs – Garage & Lean To (outside building envelope)	Approved
10/07/07	Lot 15 Malarkey Road, Byford – Stables	Approved
10/07/07	Lot 30 Paterson Street, Mundijong – Shed	Approved
11/07/07	Lot 15 Gobby Road, Keysbrook – Variation to Condition of Planning Approval – Public Amusement Event (Myaravale Music Festival)	Approved
12/07/07	Lot 543 Quinine Crescent, Byford – Single Dwelling	Approved
12/07/07	Lot 16 Coulterhand Circle, Byford - Patio	Approved
12/07/07	Lot 79 Knoop Drive, Byford – Patio	Approved
12/07/07	Lot 59 Gadd Avenue, Byford – Shed	Approved

SD010.3/07/07 CONCEPT FORUM – JULY AGENDA ITEMS

Planning & Regulatory Services Report Discussion

ITEMS FOR PRELIMINARY DISCUSSION	
1	Eric Senior Pavillion – use of camping facilities
2	Proposed Concrete Batching Plant - Lot 3 South Western Highway, Whitby (P03935/05)
3	Proposed Variation to Condition of Planning Approval for Proposed Public Amusement (Music Festival) – Lot 15 Gobby Road, Keysbrook (P02346/01)
4	May Compliance Matters Report
5	Development Control Unit and Subdivision Control Unit meetings held on 21 June 2007

Strategic Community Planning Report Discussion

ITEM FOR PRELIMINARY DISCUSSION	
1	Community Facilities and Services Plan to 2020 – Monthly Update

General Business

1. Proposed rezoning – Lot 199 Jarrahdale Road, Jarrahdale
2. Southern Source Integration Asset Pipeline Corridor – Presentation by Water Corporation
3. Presentations of Conferences attended by Dave Gossage and Councillors Brown, Harris and Star

SD010.4/07/07 SUBDIVISION DETERMINATION – WA PLANNING COMMISSION

LOT 19 MASTERS ROAD, DARLING DOWNS (S134145)

Owner: R & L Bauskis & F Sweetman
Proposal: Two Rural zoned lots – 2.02ha each
L.A.Decn: Refused
WAPCDecn: Approved

LOT 22 COLLEGE COURT, SERPENTINE (S130913)

Owner: S Price
Proposal: Two Special Rural zoned lots – 2ha & 2.4811ha
L.A.Decn: Refused
WAPCDecn: Approved

LOT 217 AQUANITA RISE & LOT 218 BUTCHER ROAD, DARLING DOWNS (S134627)

Owner: G, K & K Amey
Proposal: Two Rural Living A zoned lots – 4 536m² & 5 366m²
L.A.Decn: Approved
WAPCDecn: Approved

SD010/07/07 COUNCIL DECISION/Committee/Officer Recommended Resolution

Moved Cr Wigg seconded Cr Star

1. **The Planning Information Report to 11 July 2007 be received**
2. **The report relating to the public amusement event at Lot 15 Gobby Road, Keysbrook be put to the August Sustainable Development Committee Meeting for the purpose of clarifying the approval of the public amusement event.**

CARRIED 9/0

CGAM001/07/07 FULL MEMBERSHIP TO THE SOUTH EAST METROPOLITAN REGIONAL COUNCIL (A0664-02)		
Proponent:	Engineering Services	In Brief: Council is requested to consider an invitation by the South East Metropolitan Regional Council for the Shire of Serpentine Jarrahdale to become full members of the Regional Council.
Officer:	Stephen Bell Director Engineering	
Signatures Author:		
Senior Officer:		
Date of Report	11 June 2007	
Previously	CGAM081/02/07	
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 South East Metropolitan Regional Council (SEMRC) was established in 2001 by the Cities of Armadale, Gosnells and South Perth to develop and implement strategic regional approaches to waste management. Notably, the SEMRC has achieved substantial savings for the member Councils through a joint tendering process for the collection and processing of recyclables and has had a regional waste education program running for approximately two (2) years. The waste education program has focused on schools and community based education, and works closely with the SEMRC Community Reference Group.

The SEMRC recognised the need for the development of a long term plan for resource recovery and waste minimisation. It is in the context of recognising the need to develop a plan which meets the community's needs and is capable of being realised that the SEMRC decided to undertake a study into the possibilities for resource recovery.

The SEMRC recognised that at current levels of waste disposal, there is probably insufficient quantity of material to enable a Resource Recovery Facility to be economically viable without the inclusion of commercial waste and waste from other local governments. The resource recovery feasibility study, of which the Shire of Serpentine Jarrahdale is a full partner, is now coming to its completion, with a recommendation expected by December 2007. The City of Mandurah and Shire of Murray are also full partners to the resource recovery feasibility study.

The SEMRC is advised on technical matters associated with waste management by the Technical Advisory Committee (TAC) comprising the relevant Director and Manager of Waste Services (or Engineering) from each Member Council. This committee has been heavily involved in providing feedback to the SEMRC, Consultants engaged by SEMRC to undertake the study, and to review study reports.

The SEMRC appointed a Feasibility Study Technical Officers Advisory Committee, which meets monthly and reports direct to the SEMRC. This Committee comprises the SEMRC CEO, officers from Local Governments, and Consultants.

The SEMRC also established the Resource Recovery Feasibility Study Committee. This Committee comprises three (3) elected members from the SEMRC, and one (1) elected member from each of the additional full fee paying partners. The Committee meets every two (2) months and provides reports direct to the SEMRC.

Recently, the SEMRC has undertaken a series of future planning exercises with its elected members and officers. These have considered the role of the regional council and its future

directions. After much consideration, the SEMRC has resolved that the time is now right for the SEMRC to expand its business and to appoint a full-time Chief Executive Officer (CEO) with a permanent office within the region. It is expected that an appointment will be made commencing July 2007.

It is the view of the SEMRC that a full-time administration will be able to more readily achieve the desired objectives of:

- Providing leadership in waste management for member Councils and the community;
- Developing a strategic approach and influence policy development;
- Facilitating communication and creating a collective focus;
- Meeting legislative requirements;
- Collation and analysis of data to inform future planning;
- Regional lobbying;
- Community education;
- Community consultation; and
- Considering other activities where the market purchasing power is beneficial (broader regional activities) e.g. infrastructure services, economic, regional development.

The SEMRC has also resolved to invite the City of Mandurah and the Shire of Murray to become full members of the SEMRC. With a growing thrust towards supporting and encouraging regionalisation from the State Government, particularly in the area of waste management, together with the past 12 months of working with these local governments on the Resource Recovery Study, the SEMRC sees substantial benefit to the Shire's of Serpentine Jarrahdale and Murray and City of Mandurah and the existing regional council membership.

As the SEMRC currently has little in the way of assets and infrastructure which would require a buy-in, it was deemed timely to invite additional partners to join the SEMRC prior to the development of such infrastructure, including intellectual property and capital equipment.

Council is requested to consider the invitation to become a full member of the SEMRC with the aim of providing for the future long term waste management of our Shire.

Statutory Environment: Section 3.65 of the *Local Government Act 1995* to allow additional local governments to be a member of a regional council.

Landfill is a scarce resource and one that needs to be managed carefully. Secondary waste processing is one mechanism that will assist in prolonging the life of existing regional landfills whilst simultaneously embracing government policy.

Policy Implications: Whilst not driven by Council policy, it is clearly a strategic planning outcome which has indirect policy implications.

The State Government has a "Towards Zero Waste" policy which is a key driver for local government and the waste industry in general.

Financial Implications: The Shire has budgeted provision for funding in the 2007/2008 budget and these are identified as follows:

Amount (\$)	Description
\$30,755	Contribution costs for full membership to the SEMRC and support the fulltime employment of a CEO.
\$25,025	Allocation towards the continuance of the Regional Resource Recovery feasibility study.

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.

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 2: Strive for sustainable use and management of natural resources

Strategies:

2. Respond to Greenhouse and Climate change.
3. Reduce waste and improve recycling processes

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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

Strategies:

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

Objective 3: Effective management of Shire growth

Strategies:

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.
2. Promote best practice through demonstration and innovation.

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

Strategies

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

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:

Discussions have been held at Officer level between the local governments of Mandurah, Murray and Serpentine Jarrahdale. The consensus was that there were strategic benefits to be gained by joining the SEMRC.

Comment:

The SEMRC Resource Recovery Feasibility (RRF) Study commenced in July 2005, with the appointment of the Clifton Coney Group (CCG), in partnership with ATA Environmental and Parsons Brinkerhoff (Consulting Engineers).

The study has the following objectives:

- a) Identification of available land within the region and outside of the region which could be used for a RRF;
- b) Identification of technologies which may be suitable for each viable land option;
- c) Identification of the costs associated with each viable land and technology option;
- d) Identification of any viable options outside the region, including partnerships with other stakeholders to provide a regional resource recovery facility and the associated cost of those options;
- e) Identification of:
 - social;
 - public health; and
 - environmental;issues associated with each option. This will include consultation with a Community Reference Group (CRG) established by the SEMRC;
- f) An economic analysis of all of the viable options and ranking of those options based on net present value and internal rate of return. This analysis would include all costs for the Regional Council and the three (3) participating councils, required to provide an “apples with apples” comparison and ensure a fully informed economic evaluation;
- g) Development of a decision (price sensitivity) model in consultation with the Regional Council that provides a weighted evaluation matrix to include:
 - Economic analysis
 - Environmental issues
 - Social issues
- h) Identification of contractual arrangement options for the provision of the RRF including:
 - The range of viable options
 - Advantages and disadvantages
 - Successful examples in Australia of applicable options;
- i) Calling of tenders for the building of the RRF and delivering a Facility acceptable to all stakeholders.

The SEMRC established a CRG with representation from the three (3) Cities involved. This has been extended to include the additional two (2) local governments involved as full partners – Mandurah and Murray and Shire of Serpentine Jarrahdale as an observer. While the SEMRC is the decision-making body it recognised the importance of involving the community and listening to community concerns relevant to this proposal.

As a consequence, the CRG was closely involved in the development of the draft Selection Criteria over a period of more than twelve (12) months. The SEMRC provided an undertaking to the participants in the community engagement process and the CRG members that it will respond to recommendations made by the CRG and provide a written

response to those suggestions and recommendations. In developing the draft site and technology selection criteria, the SEMRC made four key decisions:

1. Incineration technology would not be considered as the primary means of waste treatment. This decision was made as it was considered that the community would not accept incineration technology at this time;
2. Landfill of any description would not be considered as the primary means of waste treatment as it was not considered to be the best use for the resources contained within our household waste;
3. The CRG would be closely involved in the development of draft site and technology selection criteria; and
4. The site selection criteria process used by the State Government's Core Consultative Committee (3C) would be used as the starting point for the development of site selection criteria, with appropriate variations given that the material is primarily household domestic waste and not hazardous waste.

Reaching the point of identifying appropriate sites for a resource recovery facility is a key milestone. From a strategic perspective, this means that a decision needs to be made in the very near future as to the Shire's commitment to be a participant in such a venture.

Four (4) other regional councils have been formed in the Metropolitan area principally for the purpose of waste management. These are:

- Eastern Metropolitan Regional Council
- Mandarie Regional Council
- South West Metropolitan Regional Council
- Western Metropolitan Regional Council.

The SEMRC has been formed for the same purpose and offers the Shire the opportunity to be a part of the group in its formative years. To join later, particularly if a resource recovery facility is constructed, would require a significant financial cost to buy into the project.

To have a viable resource recovery facility necessitates a minimum waste generation of 100,000 tonnes per annum. This can be achieved with the proposed membership structure of the SEMRC. The ultimate waste generation from the proposed SEMRC group is estimated to be 260,000 tonnes per annum.

The future direction for waste management is to treat waste and provide as minimal residue as possible to be disposed of as landfill. The Shire will not have the volume of waste nor the financial capacity to construct such a facility in its locality. Economies of scale and a shared responsibility for waste management is best management practice and should be supported by the elected members of Council.

Discussions have been held at officer level with the City of Mandurah, Shire of Murray and Shire of Serpentine Jarrahdale in regard to joining the SEMRC and all of the Officers are of the opinion that this strategic direction should be supported.

Joining the SEMRC at this time does not bind the Shire to a future facility however it does provide an opportunity to be a part of the decision making process. This is particularly important in the early stages of the proposed development.

Voting Requirements:

ABSOLUTE MAJORITY

CGAM001/07/07 Officer Recommended Resolution:

That Council:

- (1) Accepts the invitation from the South East Metropolitan Regional Council for the Shire of Serpentine Jarrahdale to become a full member to the Regional Council commencing 1 July 2007,
- (2) Appoints Councillor and Councilloras Council delegates to the South East Metropolitan Regional Council.
- (3) Notes that a revised Establishment Agreement will be prepared for the endorsement and signing by Council.

CGAM001/07/07 Committee Recommended Resolution

Moved Cr Price seconded Cr Wigg

That Council

- (1) **Accepts the invitation from the South East Metropolitan Regional Council for the Shire of Serpentine Jarrahdale to become a full member to the Regional Council commencing 1 July 2007;**
- (2) **Defer the appointment of the two Councillor delegates to the July Ordinary Council Meeting; and**
- (3) **Notes that a revised Establishment Agreement will be prepared for the endorsement and signing by Council.**

LOST 0/9

FORESHADOWED MOTION

During debate Cr Price foreshadowed that he would move the Officers Recommended Resolution and nominates two Councillors if the motion under debate was lost.

CGAM001/07/07 COUNCIL DECISION

Moved Cr Price seconded Cr Kirkpatrick

That Council:

- (1) **Accepts the invitation from the South East Metropolitan Regional Council for the Shire of Serpentine Jarrahdale to become a full member to the Regional Council commencing 1 July 2007,**
- (2) **Appoints Councillor Kirkpatrick and Councillor Murphy as Council delegates to the South East Metropolitan Regional Council.**
- (3) **Notes that a revised Establishment Agreement will be prepared for the endorsement and signing by Council.**

CARRIED 9/0 ABSOLUTE MAJORITY

Committee Note – The Officer recommendation was changed by the Committee as it felt that all Councillors should be given the opportunity to nominate to become Council delegates to the South East Metropolitan Regional Council.

Council Note: The Council Decision included Cr Kirkpatrick and Cr Murphy as delegates to the South East Metropolitan Regional Council.

CGAM002/07/07		REQUEST FOR TENDER 010/2007-08: SUPPLY OF PROFESSIONAL ENGINEERING SERVICES (A1438/01)
Proponent:		In Brief: Council is requested to consider Request for Tender 010/2007-08 for the Supply of Professional Engineering Services for a period of one (1) year with a one (1) year option which is subject to satisfactory performance. Acceptance of the Tender will allow a preferred panel of Consultants to be formed from which design, subdivisional work, and project management services in 2007/2008 can be outsourced.
Officer:	Stephen Bell Director Engineering	
Signatures Author:		
Senior Officer:	Stephen Bell – Director Engineering	
Date of Report	11 July 2007	
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 Engineering Services division is finding it extremely difficult to recruit highly skilled and experienced professionals and technical officers due to a skills shortage and volatile labour market in Western Australia. This combined with an ever increasing investigation and design program, capital works program and unprecedented growth in the development and building sectors is placing a huge strain on the ability of the Engineering Services division to provide quality, timely and cost effective services to its customers.

As a consequence of not having a full compliment of staff and skill set to deliver a vast range of engineering services, a tender was recently called to engage Consultants to form a panel for the express purpose of providing professional engineering services to Council for a period of one (1) year with a one (1) year option, subject to satisfactory performance in the first year. The tender however does not provide exclusivity for any one Consultant or for the Panel appointed, and the Shire of Serpentine Jarrahdale (hereinafter referred to as the Shire) reserves the right to appoint other Consultants to undertake specific works when deemed necessary.

The current procurement process followed by the Shire is to obtain three (3) quotations or call for tenders where fees are likely to exceed \$100,000 for each project where external Consultants are to be engaged. This process involves large administration, time and tender cost components in implementing a project.

The efficiency of the current procurement process can be significantly improved by establishing a Panel of Consultants through a competitive tender process. With the Panel Contract established, when external consultancy services are required, the Shire can engage any Consultant from the panel to carry out the required services at the pre-agreed percentage fees established through the competitive tender process.

The purpose of the Tender is to:

- 1) Assist the in-house design and assets team to achieve Council's goal to complete designs up to 12 months or more ahead of the planned construction date;
- 2) Assist the in-house design and assets team to undertake the engineering approvals, review of subdivision drawings and associated documentation and provide on-site superintendence of subdivisional activities,

- 3) Provide an ability to respond to short term demands and thereby provide a high level of quality customer service;
- 4) Provide expertise in areas where the in-house design team may have a knowledge gap or skill set shortfall;
- 5) Build a relationship over time where the Consultant will understand the business of local government and thereby provide a better level of service;
- 6) Provide an opportunity to benchmark against the private sector.

The professional services to be provided by the successful Consultant include, but are not limited to:

- 1) Urban and rural road design and drafting
- 2) Design and drafting of traffic management facilities, including parking facilities
- 3) Stormwater drainage design and drafting, including the design of major culverts and detention basins
- 4) Geotechnical investigations and road pavement design
- 5) Design of erosion and sedimentation control measures
- 6) Structural design and drafting
- 7) Mechanical design and drafting
- 8) Negotiations with public utility authorities, including the design and drafting of plant alterations as required
- 9) Project cost estimating from both first principles and unit rates
- 10) Preparation of specifications and contract documentation
- 11) Supervision of contract or day labour works and activities undertaken by the development industry
- 12) Checking of Engineering Design proposals for subdivisions and developments undertaken by third parties.

In addition to the above, at times when a Consultant is required to work from the Shire Offices, the tasks that may need to be undertaken include:

- Undertake Research and Report preparation on a variety of Local Government and Civil Engineering subjects.
- Directly manage the construction of pre-designed civil engineering projects.
- Undertake engineering policy development work as related to Local Government legislation and guidelines.
- Develop Procedures for administrative and operational activities within the Department.
- Review existing practices related to construction and maintenance within road and natural reserves and make recommendations for improvement.
- Directly supervise the Shire's construction and maintenance workforce as required to meet the budgeted engineering works programme.

- Relieve the Department's management staff during leave periods.
- Undertake a subdivisional development assessment role, including the checking of plans submitted by the development industry and site inspection.
- Provide completed Project Management service for small to medium size engineering projects.

No minimum amount of work is specified in the Contract.

Tender number RFT 010/2007-08 "Supply of Professional Engineering Services" was advertised in the West Australian with a closing date of 15 May 2007. Tenders were received from the following three (3) Consulting firms (in no apparent order):

Company Name	Address of Consultant	Price (Ex GST)
Connell Wagner	Level 1 256 Adelaide Terrace Perth WA 6000	Various % fees – conforming Tender
Cardno BSD Pty Ltd	2 Bagot Road Subiaco WA 6008	Various % fees – conforming Tender
ARUP Pty Ltd	11 Harvest Terrace West Perth WA 6005	Various % fees – non-conforming Tender

The Tender submitted by ARUP Pty Ltd was handed delivered to the tender box ten minutes after the close of Tenders. As the Tender was received late, the Tender is therefore deemed to be non-conforming.

Statutory Environment:

Part 4 of the Local Government (Functions and General) Amendment Regulations 2007 requires that Tenders be publicly invited for the supply of goods and services if the consideration under the Contract is, or is expected to be, more than \$100,000.

The Tendering process for goods and services must be in accordance with Sections 11, 18, and 19 of the Local Government (Functions and General) Regulations 1996 and Local Government (Functions and General) Amendment Regulations 2007.

In particular, Regulation 18 outlines a number of requirements relating to the choice of Tender. Council is to decide which of the Tenders is most advantageous and may decline to accept any or all of the Tenders received.

Regulation 19 requires Council to advise each Tenderer in writing of the results of the Council's decision.

Policy Implications:

Serpentine Jarrahdale Shire Purchasing Policy "Procurement of Goods and Services through Direct Purchasing and Public Tendering" as adopted by Council at its 27 May 2007 OCM (CGAM 120/05/07)

Financial Implications:

The Consultants fees for each project will be incorporated within the project capital works budget for the relevant financial year. The fee for each project will be agreed on percentage fee tendered for the particular project category and value in the tender schedules.

Competitive pricing was obtained through the tender process that will be available for the 2007/2008 financial year and subject to satisfactory performance by the Consultant, during the 2008/2009 financial year.

By having a Panel Contract there is significant savings in terms of staff time, resources and operating costs, as the Panel Consultant is required to prepare the design brief as part of the process and there is no advertising costs and greatly reduced administrative processes. WALGA estimates that costs associated with a tender process are in the vicinity of \$5,000 with the costs associated with the quotation process up to \$2,000.

Funding from the Consultancy fees for projects will either be direct from the project funds allocated in the capital works budget or the Forward Planning and design allocation MOR902.

Strategic Implications:

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

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

No consultation has been undertaken for this report.

Comment:

As stated in the background to this report, Tender number RFT 010/2007-08 "Supply of Professional Engineering Services" was advertised in the West Australian with a closing date of 15 May 2007.

The following Evaluation Matrix was specified in the tender document for the express purpose of assessing proposals from Consultants:

No.	Detail	Weighting
1.	Relevant experience	40%
2.	Sills and experience of key personnel	40%
3.	Tenderers resources	10%
4.	Demonstrated understanding	10%
TOTAL		100%

Tenderers were required to submit a lump sum percentage fee price for each of the works specified in the tender schedule. Due to the 'commercial in confidence' nature of this tender, the lump sum schedule of fees and schedule of hourly rates submitted by each Consultant has been forwarded to Councillors under separate confidential cover.

The evaluation panel consisting of the Director Engineering and Design Team Leader reviewed each of the tender proposals, including the tender from ARUP which was received after the closing of the tender box. Following review of the tender proposals, the following rankings were derived:

Company Name	Address of Consultant	Weighted Score	Ranking
Connell Wagner	Level 1 256 Adelaide Terrace Perth WA 6000	800	1
Cardno BSD Pty Ltd	2 Bagot Road Subiaco WA 6008	710	2
ARUP Pty Ltd	11 Harvest Terrace West Perth WA 6005	660	3

The evaluation panel recommends that the tender from ARUP Pty Ltd be accepted and that the ranking of Consultants be endorsed for the purposes of forming a Panel of Consultants.

Voting Requirements: Simple Majority

CGAM002/07/07 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price seconded Cr Scott

That:

- (1) Council accepts the late tender submitted by ARUP Pty Ltd.**
- (2) Council award Tender 010/2007-08 for the Supply of Professional Engineering Services for a period of one year to 30 June 2008, with a further option to extend the Contract by one year to 30 June 2009 subject to satisfactory performance to:**

Company Name	Address of Consultant
Connell Wagner	Level 1 256 Adelaide Terrace Perth WA 6000
Cardno BSD Pty Ltd	2 Bagot Road Subiaco WA 6008
ARUP Pty Ltd	11 Harvest Terrace West Perth WA 6005

in accordance with the Lump Sum Schedule of Fees and Schedule of Hourly Rates as submitted by each Tenderer.

CARRIED 9/0

CGAM003/07/07 PROPOSED SALE OF LOTS 11 AND 208, RESERVE 3863 PATERSON STREET, MUNDIJONG (R0143)		
Proponent:	Department for Planning and Infrastructure	In Brief That Council rescinds resolution CRC108 of 11 March 2002. That Council objects to the sale of Lots 11 and 208 (Reserve 3863) to the Uniting Church on the basis that the site contains an important historic building (established circa 1905) and forms part of a heritage building precinct in Mundijong.
Owner:	Department for Planning and Infrastructure with management order in favour of Uniting Church	
Officer:	Darren Long – Director Corporate Services	
Signatures Author:		
Senior Officer:		
Date of Report	5 July 2007	
Previously	C108/03/02 – 11 March 2002, C045/11/04 – 22 November 2004	
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

On 5 February 2002, the Department of Land Administration (DOLA) wrote to Council seeking their comments on the proposed sale of Lots 11 and 208 Paterson Street, Mundijong to the Uniting Church of Australia (Synod of Western Australia).

At a Corporate Services Committee meeting on 11 March 2002, the Committee, under delegated authority resolved as follows:

*Moved Cr Needham Seconded Cr Kirkpatrick:
The Department of Land Administration be advised that Council has no objection to Reserve 3863 (lots 11 and 208 Paterson Street, Mundijong) being disposed of in freehold title to the Uniting Church in Australia (Synod of Western Australia).
CARRIED 5/0*

A letter confirming the above decision was sent to DOLA on 27 March 2002.

On 24 September 2004, the WA Synod of the Uniting Church of Australia wrote to Council advising that they had no further use for the property (Reserve 3863) and was considering surrendering it to the Crown. The Church enquired whether the Council would be interested in having the property vested in the Shire, on the basis that some payment is made for the building and that Council covers any costs required by DOLA.

At the Ordinary Council Meeting of 22 November 2004, Council considered this matter as well as the Cardup Christian Community Church site and resolved as follows:

Moved Cr Price Seconded Cr Star

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

2. *Seek Council's interest in supporting a submission in the WA Planning Commission to see if approval could be granted for splitting a section off the 2ha block to accommodate the Church site.*
3. *Council continue to offer a financial incentive as per Council's previous Resolution C036/10/04 to assist the Cardup Christian Community Church relocate subject to the conditions of part 1 and 5 of this decision.*
4. *Undertake a full inspection of the Mundijong Uniting Church to identify the maintenance requirements, subject to the approval of the Uniting Church.*
5. *Advise the Uniting Church that Council or another community group would be willing to take on the vesting of the Mundijong site. However, stating that Council would not be willing to pay for the site.*

CARRIED 8/0

A letter confirming the above was sent to the Uniting Church on 30 November 2004.

The Uniting Church wrote to Council on 11 March 2005 advising that the Uniting Church Presbytery of Peel was undertaking a further review of the property as it related to the future of the church in the area and wanted no further action taken in relation to the surrender of the Crown lease and Reserve. In this letter the Church further advised that the review should be completed by April 2005, at which time they would inform Council of the outcome.

The Department of Planning and Infrastructure (DPI) wrote to Council on 1 November 2005, seeking Council's comments on a proposal to cancel Reserve 3863 and sell the land to the Uniting Church, based on a recent request made by the Uniting Church of Australia to acquire the freehold interest in the land.

Council Officers wrote to DPI and requested they provide additional information in relation to the proposal, specifically relating to consultation with the Heritage Council and potentially the requirement for a conservation plan given the sites listing in Council's Municipal Inventory.

The Department of Planning and Infrastructure (DPI) has written to Council on 18 June 2007 seeking Council's comments on the proposed cancellation of the Reserve and sale to the Uniting Church of Australia by 1 August 2007.

A copy of the Letter from DPI is with attachments marked CGAM003/07/07 (IN07/7826)

Sustainability Statement

Heritage and Culture: The Shire's Municipal Inventory classifies the church within Management Category 2 – Conservation Highly Recommended and contains the following statement of significance with regard to the building:

“Significant in its association with the development of the town after the railway line came through in the late 1890's, and the presence of Methodist/Uniting community. Important as a group of buildings along Paterson Street and the only church in Mundijong townsite”.

The Municipal Inventory defines “Management Category 2 – Conservation Highly Recommended” as follows:

- of very considerable value to the Municipality
- high level of protection appropriate

- provide maximum encouragement to the owner/s under the Town Planning Scheme to conserve the significance of the place
- encourage owners to reinstate and/or retain original fabric/features of the place
- all development applications (including demolition) should be considered by Council
- photographically record the place prior to any major development or demolition.

Should Council support the proposed sale, it is recommended that the DPI be requested to require a conservation plan to be prepared for the site prior to the disposal of the land, given the above classification of the property under Councils' Municipal Inventory.

Social Diversity:

The disposal of Lots 11 and 208 in freehold title to the Uniting Church may see the land utilized for purposes other than the current use. Under the Management Order and Crown lease the use is 'Church Site – Methodist'. The potential population growth of the Mundijong/Whitby area in the next 10 years may see the demand for a church facility rise. Given the zoning of the land, (commercial), the Uniting Church may decide to maximize the market value of the land and sell it, which would result in the loss of the land and possibly the building that represents the heritage fabric of the area and no church facility for the future community.

Statutory Environment:

Land Administration Act 1997

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:

4. Respect diversity within the community.
5. Value and enhance the heritage character, arts and culture of the Shire.

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

Strategies:

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

Community Consultation:

Community consultation is not required in relation to this matter.

Comment:

Reserve 3863 has been set aside for the purpose of "Church Site Methodist" since 1897 and is the subject of a 999 year lease to the Uniting Church. This is classified as a Crown Lease.

The subject site contains a church building constructed in 1905. The building is weatherboard and corrugated iron constructed in the building style known as “Carpenter Gothic”.

DPI advises that the property cannot be offered for sale to anyone other than the Uniting Church as they are the current leaseholders and because of the nature of the lease.

It is recommended that, given the historic importance of the building and that it forms part of the heritage precinct of the area, Council object to the sale of Lots 11 and 208 Paterson Street, Mundijong in freehold title to the Uniting Church of Australia.

In supporting the above course of action, Council will be required to rescind/revoke resolution CRC108 of 11 March 2002 by Absolute Majority.
Cr Geurds left at 2.04 pm

Voting Requirements: ABSOLUTE MAJORITY

CGAM003/07/07 Officer Recommended Resolution:

That:

1. Council rescind resolution CRC108 of 11 March 2002.
2. Council advise the Department of Planning and Infrastructure that it objects to the proposed cancellation of Reserve 3863 and subsequent sale of Lots 11 and 208 to the Uniting Church of Australia given the building is of historic importance and forms part of the heritage precinct of the area.

Committee Recommended Resolution:

That Council rescind resolution CRC108 of 11 March 2002.
CARRIED 7/0

CGAM003a/07/07 COUNCIL DECISION

Moved Cr Price seconded Crs Kirkpatrick, Harris , Wigg
That under Section 5.25(e) of the Local Government Act, Administration Regulation 10, Council seeks to rescind motion CRC108/03/02.
CARRIED 9/0 ABSOLUTE MAJORITY

CGAM003b/02/07 COUNCIL DECISION

Moved Cr Price seconded Crs Kirkpatrick, Scott ,Harris
Council rescinds motion CRC108/03/02.
CARRIED 9/0 ABSOLUTE MAJORITY

CGAM003/07/07 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Price seconded Cr Star

That Council advises the Department of Planning and Infrastructure that:

- (1) It objects to the proposed cancellation of Reserve 3863 and subsequent sale of Lots 11 and 208 to the Uniting Church of Australia given the building is of historic importance and forms part of the heritage precinct of the area.
- (2) The sale of the reserve to the Uniting Church opens the way for the future sale of the church building and reserve to the detriment of the heritage precinct of which the reserves are a part; and
- (3) It seeks the vesting of Reserve 3863 on the basis that the reserve is no longer being used for religious purposes, so that the reserves can be used in a variety

**of ways to the benefit of the local community and that the church building can be retained in its present position.
CARRIED 9/0 ABSOLUTE MAJORITY**

CGAM005/07/07		CONDUCT OF POSTAL ELECTION – OCTOBER 2007 (A0047-02)
Proponent:	Shire of Serpentine Jarrahdale	In Brief To appoint the WA Electoral Commissioner to conduct the October 2007 Elections and it be conducted as a postal election.
Owner:	Shire of Serpentine Jarrahdale	
Officer:	Darren Long – Director Corporate Services	
Signatures Author:		
Senior Officer:		
Date of Report	9 July 2007	
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

Recent amendments to the Local Government Act 1995 and associated Regulations resulted in local government elections being held in October 2007 and biennial from then on. Section 4.20 (4) of the Local Government Act 1995, requires Council to declare who will be responsible for the conduct of an election, with the nomination made at least 80 days before election day.

Local governments, under Section 4.61 (2), may choose to conduct the election as a postal election. The last three elections for the Shire have been conducted as postal voting elections and have been conducted by the WA Electoral Commission.

Statutory Environment:

Section 4.20(4) – A local government may, having first obtained the written agreement of the electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.

Section 4.61(2) The Local Government may decide* to conduct the election as a postal election.

* *Absolute majority decision required.*

Policy/Work Procedure Implications:

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

Financial Implications:

An allocation has been made in the draft 2007/2008 budget for election expenses, based on a price estimate provided by the WA Electoral Commission to conduct a postal election for the Shire. The draft budget estimate is \$30,000.

Strategic Implications:

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

1. People and Community

Objective 3: High level of social commitment

Strategies:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

No community consultation is required for this issue.

Comment:

The Council is required to declare that the WA Electoral Commissioner be responsible for the election before 1 August 2007.

The Council must also decide that the election will be a postal election before 1 August 2007.

Voting Requirements:

ABSOLUTE MAJORITY

CGAM005/07/07 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Murphy seconded Cr Price

That Council:

1. In accordance with section 4.20(4) of the Local Government Act 1995 appoint the Western Australian Electoral Commissioner to be responsible for the conduct of the October 2007 local government elections for the Shire of Serpentine Jarrahdale; and
2. In accordance with section 4.61(2) of the Local Government Act 1995 conduct the October 2007 local government election by postal vote.

CARRIED 9/0 ABSOLUTE MAJORITY

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

OCM001/07/07		WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION 2006 ANNUAL GENERAL MEETING (A1164)	
Proponent:	Western Australian Local Government Association	In Brief Council delegates voting requirements for the 2007 Annual General Meeting of WALGA	
Owner:	As above		
Officer:	Joanne Abbiss - Chief Executive Officer		
Signatures Author:			
Senior Officer:			
Date of Report	17 th July, 2007		
Previously	CGAM003/07/06, OCM01/07/05; SM002/07/04; SM001/07/03 (A0163-06)		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Council		

Background

Agendas for the Western Australian Local Government Association (WALGA) Annual General Meeting to be held on 5th August, 2007 have been distributed.

A copy of the WALGA Agenda is included with the attachments and marked OCM001/07/07 (IN07/8404)

Sustainability Statement

Not Applicable

Statutory Environment:

Individual Association constitutions

Policy/Work Procedure Implications:

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

Financial Implications:

There will be a cost associated with Councillors attending the local government week conference. Council has provided in the 2006-2007 draft budget funds to enable interested Councillors to attend the 2006 Local Government Week.

Strategic Implications:

There are no strategic implications

Community Consultation:

Required: No

Comment:

The Serpentine Jarrahdale Shire under the single association structure has voting rights as a member of the South East Metropolitan Zone, Council's voting delegates (Councillors Star and Needham) will attend the 2007 Annual General Meeting on Sunday 5th August, 2007 at 1.00pm.

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

- 2.1 Industry Benchmarking
- 2.2 Frequency of Land Valuations by the Valuer Generals Office
- 2.3 Pre-Selling Vacant Land
- 2.4 Funding – Volunteer St John's Ambulance Services
- 2.5 State Water Reform Agenda – Concerns for Local Government
- 2.6 Raising and Collection of the Domestic Refuse Rate
- 2.7 Terms of Office for Zone Office Bearers
- 2.8 Proposed Amendments to the Constitution of the Western Australian Local Government Association

Voting Requirements: Simple

OCM001/07/07 Officer Recommended Resolution:

Council delegates are to vote the following way on items on the 2007 Local Government Association Annual General Meeting Agenda:

- A.
 - 2.1 Industry Benchmarking – Support or Not Support
 - 2.2 Frequency of Land Valuations by the Valuer Generals Office – Support or Not Support
 - 2.3 Pre-Selling Vacant Land – Support or Not Support
 - 2.4 Funding – Volunteer St John's Ambulance Services – Support or Not Support
 - 2.5 State Water Reform Agenda – Concerns for Local Government – Support or Not Support
 - 2.6 Raising and Collection of the Domestic Refuse Rate – Support or Not Support
 - 2.7 Terms of Office for Zone Office Bearers – Support or Not Support
 - 2.8 Proposed Amendments to the Constitution of the Western Australian Local Government Association – Support or Not Support
- B. Items that haven't been given an indication of voting direction are to be left to the discretion of the delegates.

OCM001/07/07 COUNCIL DECISION

Moved Cr Price seconded Cr Harris

Council delegates are to vote the following way on items on the 2007 Local Government Association Annual General Meeting Agenda:

- A.
 - 2.1 Industry Benchmarking – Support/Not Support
 - 2.2 Frequency of Land Valuations by the Valuer Generals Office – Support

2.3 Pre-Selling Vacant Land – Support

2.4 Funding – Volunteer St John’s Ambulance Services – Not Support

2.5 State Water Reform Agenda – Concerns for Local Government – Support /not Support

2.6 Raising and Collection of the Domestic Refuse Rate – Support

2.7 Terms of Office for Zone Office Bearers – Support/Not Support

2.8 Proposed Amendments to the Constitution of the Western Australian Local Government Association – Support

B. Items that haven’t been given an indication of voting direction are to be left to the discretion of the delegates.

CARRIED 9/0

OCM002/07/07		PROPOSED EXPANSION OF EXISTING LANDFILL (SOUTH CARDUP LANDFILL) - LOT 10 & PART LOT 11 SHALE ROAD, CARDUP (P06020/09)
Proponent:	Western Australian Landfill Services	In Brief
Owners:	Pioneer Australia Waste Management Pty Ltd, SITA-BFI Waste Services Pty Ltd, Pioneer Construction Materials Pty Ltd	Western Australian Landfill Services (WALS) are seeking a modification to the previously approved footprint of the South Cardup Landfill Facility. The modified footprint will result in the active life of the landfill being extended by seven years or until 2015.
Officer:	Brad Gleeson - Executive Manager Planning & Regulatory Services & Tony Turner - Principal Environmental Health Officer	
Signatures Author:		However the Shire is required to defend an appeal by WALS to the State Administrative Tribunal (SAT) for a deemed refusal as the application has not been considered by Council within the timeframe specified in the Shire’s Town Planning Scheme No. 2.
Senior Officer:		
Date of Report	19 July 2007	It is recommended that Council endorse the position put forward before the Tribunal on behalf of the Shire.
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	

Date of Receipt: 21 November 2006
 Advertised: 11 January to 9 February 2007
 Submissions: 49 submissions received
 Lot Area: Lot 10: 17.921ha; Part Lot 11: 170.95ha
 L.A Zoning: Special Use – Landfill
 MRS Zoning: Rural
 Byford Structure Plan: N/A
 Rural Strategy Policy Area: Raw Materials Extraction
 Municipal Inventory: N/A
 Townscape/Heritage Precinct: N/A

Bush Forever: Bush Forever Site 354 within 500m buffer area to the west
Date of Inspection: Numerous inspections undertaken

Background

Site history

BFI and Pioneer Waste Management Pty Ltd obtained approval from the Shire in October 1994 to establish a landfill on the subject land. The original 'footprint' of the landfill correlated to existing depressions in the landscape:

- Stage 1: valley depression
- Stage 2: old shale pit
- Landfill operations commenced on the site in 1999 with Stage 1 completed in January 2005. Initial capping of the landfill occurred in May 2005

Previous planning approvals

Various aspects of the initial application and discussions with the then applicant, BFI, occurred in 1994. The discussion culminated in the matter being considered at a Special Council Meeting held on 23 September 1994. There were five distinct resolutions made at the meeting relating to the approval of the facility. These are summarised as follows:

- Rescinding previous resolutions to rezone various locations to *Special Use – Landfill/Waste Disposal/Quarry* and secondly to rescind a motion adopted at a meeting of 22 June 1994 indicating that Council will not condone the use of a valley for landfill and will not rezone or permit this development.
- A resolution to adopt eight conditions negotiated with the consultants for the applicant.
- Issuing a Form 2 Approval for Stages 1 and 2 subject to the conditions listed in the Minister for the Environment's PER decision, Council departments' specifications and the eight conditions adopted in the previous resolution.
- That Pt Lot 3 and Pt Lot 6 be rezoned to *Special Use – Valley Landfill and Waste Disposal/Quarry* respectively.
- That the applicants be advised that this will be the only valley landfill that this Council will approve in the Shire.

A complete copy of the minutes of the meeting is with the attachments marked OCM002.1/07/07.

Current application

The application was originally received in 2003 and an updated application was received in November 2006. Since 2003, the application was subject to environmental assessment and then appeals under the *Environmental Protection Act 1986*. The Shire could not take any steps to approve the application until those processes and appeals had been dealt with.

The applicant is now seeking to construct a modified footprint that incorporates the base of stage's one and two to form a single landfill formation.

The modification to the footprint proposed in the current application will result in:

- The previously approved Stage 2 landfill area being reduced in size by 1.2ha
- An area of about 4ha between the previously approved Stage 1 and Stage 2 areas being land filled.

The description of the proposed footprint modification is best described by the applicant as follows:

WALS propose to modify the footprint of the existing South Cardup Landfill by reducing the size of the Stage 2 landfill area by 1.2ha and including an area of approximately 4ha between the perimeters of the footprints of the approved Stage 1 and Stage 2 areas. The net increase in footprint area is 2.8ha.

The proposed footprint modification will result in a net increase in the landfill footprint of 2.8ha (19%) and an increase in the net airspace capacity of approximately 2.2million m³. The modification is estimated to add seven years to the life of the site with a projected closure date of 2015.

A site plan showing the Stage 1 and 2 areas as approved under the previous application and the modified footprint proposed under the current application is with the attachments marked OCM002.2a/07/07 and OCM002.2b/07/07.

Environmental Approvals

The Environmental Protection Authority formally assessed the application and a Draft Ministerial Statement was prepared by the Minister for the Environment. The final statement was issued in February 2007. The Shire appealed the Ministerial Statement and submitted a list of issues and contentions for consideration by the Ministerial Committee. The hearing was held on 16 July 2007 and the Committee will provide a written report of deliberations in early August 2007.

Sustainability Statement

Effect on Environment:

Biodiversity:

- The majority of the site has been cleared of remnant vegetation, however the modified footprint will result in the clearing of some remaining remnant vegetation, some of which has been classified by the applicant as being in 'good' condition.
- Bush Forever site 354 is within the 500m buffer surrounding the landfill.

Energy Use/Greenhouse Gas Emissions:

- The landfill will produce methane gas. The applicant is currently harvesting the gas and using it for power generation. There will be some greenhouse gas emission implications with this process.

Water Quality: stormwater management, waterways management:

- Elevated levels of some chemicals such as arsenic, BTEX, dissolved methane and ammonia-nitrogen have been detected in recent surface and groundwater monitoring reports.
- Recent contentions as to the methodology applied to sampling and monitoring have been issues contested at the Ministerial Committee meeting and will be contested at the SAT Hearing.

Air Quality:

- A Health Impact Statement prepared for the Shire in relation to this project indicates that the primary exposure pathway of concern for landfills was through inhalation of volatile organic compounds associated with landfill gas up to 3 kilometres from the landfill site.
- WALS Landfill Gas Management Strategy South Cardup Landfill report dated June 2000 states in part 1 Overview that "if landfill gas is poorly managed, it can result in the migration of pollutants to the environment"
- An existing recreational activity (motocross) is located adjacent to the site within the landfill buffer area.
- The future development of urban land in Whitby will locate 8 000 to 10 000 people between 500 metres and 1-2 kilometres of the landfill and leachate ponds

Resource Implications: Energy Use: The landfill will produce methane gas that will be harnessed to run gas electric turbines which will put power back into the grid.

Waste: Land filling is not a sustainable practice. Reliance on landfills has to be significantly reduced, with this disposal option being used as a last resort after all opportunities for recycling and waste reduction have been exhausted. The Minister for the Environment has established a Waste Management Board which will advise on the best means of significantly reducing reliance on landfill in Western Australia.

Use of Local, renewable or recycled Resources: The landfill is classified as a regional facility and receives 20% of the metropolitan areas' waste. It will also provide landfill capacity for the Shire as well as the broader region.

Economic Viability: The landfill will provide a local area for the disposal of waste generated within the Shire.

Economic Benefits: The landfill site involves some employment opportunities for local residents.

Social – Quality of Life: Future development in the Mundijong-Whitby District Structure Plan indicates a population increase of up to 30 000 people. The location of the landfill adjacent to this population has the potential to affect their quality of life.

Social and Environmental Responsibility: Social and environmental responsibility to future communities will form the basis of Council's submission to SAT given the proposal to expand the life of a landfill within 500 metres to 2 kilometres of an urban population.

Statutory Environment:

Metropolitan Region Scheme (MRS)
Planning and Development Act
Environmental Protection Act
Rural Strategy
Town Planning Scheme No. 2
Landscape Protection Policy Area
EPA Separation Distances between Industrial and Sensitive Land Uses

Policy/Work Procedure Implications:

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

Financial Implications:

The applicant has also indicated that they will maintain the existing arrangement with the Shire in relation to provision of waste disposal services at a saving of some \$100 000 to \$120 000 per year. EPA Bulletin 1218 (p18) refers to the support of the provision of financial assurance being given to the Shire to cover emergency contingencies and long-term wishes for the project.

The Shire's submission to the Ministerial Committee was that the EPA should have responsibility for determining, holding and administering the bond.

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:

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.
5. Reduce green house gas emissions.
6. Value, protect and develop biodiversity.

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

Strategy:

3. Reduce waste and improve recycling processes

3. Economic

Objective 1: A vibrant local community

Strategy:

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

4. Governance

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

Strategy

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.
2. Develop a risk management plan.
3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

Community Consultation:

The application was advertised from 11 January to 9 February 2007. Forty nine submissions were received, the majority of which opposed the application. Comments were also received from Main Roads WA and the EPA.

Comment:

Environmental considerations

The application has been assessed by the EPA and approved by the Minister for the Environment.

A number of environmental issues considered in the previous Ministerial Statement have been deferred to the Part V licensing and pollution prevention provisions of the *Environmental Protection Act 1986*. It should be noted that many of these issues are not addressed in the current licence for the site.

Given the high level of community interest in the operation of the project the Shire should also be involved in ensuring the site environment is managed appropriately, should it be approved. The following issues therefore need to be addressed.

- Types of waste to be accepted at the landfill
- Landscaping and visual buffers
- Site security and access arrangements
- Odour control
- Litter management
- Noise management

- Hours of operation
- Dust control
- Pest management
- Preparation of a methane gas management plan
- Fire management
- Ongoing water sampling – on and off-site
- Complaints register
- Annual compliance reporting to Shire
- Contingency planning – during operations (as opposed to post-closure plan)
- Air quality assessment and monitoring
- Community consultation, including a review of the community consultative committee
- Formally recognise responsibilities under the Contaminated Sites Act 2003.

Some concerns have been raised previously regarding the integrity of the landfill liners and the underdrainage system.

Following heavy rains in 2000, a liner ‘pop out’ occurred raising concerns of leachate contamination of groundwater after 2 million litres of stormwater, landfill waste and leachate was lost into a major nearby watercourse.

Elevated levels of arsenic have been recorded in one groundwater monitoring bore that is down-gradient of the site. The level of arsenic recorded in this bore is greater than that recorded in the underdrainage, leading the EPA to believe that local conditions near the bore may be contributing to higher recorded levels. Not enough data has been collected to date to provide a definitive trend of arsenic concentrations in this bore.

A geotechnical report provided with the application indicates that the site is mainly located on soils of low-permeability. Stage 1 is located on a fault line, however this has not been active for thousands of years. Nevertheless, there is still potential for some contaminated groundwater to migrate off-site through the fault and fractures that occur under the site.

It should be noted that the then Department of Environment commissioned an independent investigation into the hydrogeological reports prepared for the site. The EPA (Bulletin 1218) has reported that the consultants used to undertake the independent assessment concluded that the landfill is not impacting the off-site environment.

Planning considerations

The subject land is zoned Special Use – Landfill in the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2. The permitted uses listed in Appendix 2 of the scheme include waste disposal, composting and associated landfill activities. The proposal therefore reflects the zoning of the land.

The subject land is zoned Rural under the MRS. The approval of the Western Australian Planning Commission is not required as the zoning under the local planning scheme reflects the proposed use of the site.

The proposal abuts a gazetted main road. Main Roads WA has indicated that they have no objection to the continuation of the project subject to there being no increase in vehicular traffic as a result of the proposal.

The Mundijong-Whitby District urban cell is located to the west of the subject land. This area is to be urbanised over the coming years. Urban Pacific Limited (UPL) has indicated in a submission to the Shire on this proposal that urban development on UPL land is likely to commence prior to the end of 2008 or into 2009 and the development will abut the 500 metre buffer area.

The EPA stipulates that a 500 metre buffer is required between a putrescible landfill site and sensitive uses (subdivision). The 500 metre buffer will extend to within the proposed Mundijong-Whitby District urban cell.

Health considerations

A Health Impact Assessment Statement has been prepared for the Cardup Landfill site on behalf of the Shire. The report undertook a literary review of possible health impacts from landfill operations interstate and internationally and found that off site impacts from gaseous emissions, risks from fire and explosion were likely and assessed population health risks and probability of occurrence.

A number of documents conferred with WALs landfill gas management report and found that if landfill gas was poorly managed it can result in significant risk to public health and safety. Therefore, one of the Shire's major contentions in the Tribunal will be the absence of any gas and odour modelling and monitoring to determine off site emissions and possible health implications for future populations.

Community considerations

Submissions received on this application, along with other community input at various meetings indicates that the local community is strongly opposed to the operation of the landfill. Many concerns have been raised in the community over the operation of the landfill to date and a local ratepayers meeting was held to consider this current application to expand the facility. A total of 71 appeals were raised against the EPA report, including the level of assessment.

The initial approval was granted in 1994 and the life of the project in its current form will cease in 2008. A seven year expansion of landfilling at the site, followed by many further years of methane collection will significantly expand the operation at the site. This conflicts significantly with the Council and community expectation of the life of the facility when the operation was first considered in 1993.

The site will be considered 'contaminated' for up to 20 years or longer following the completion of landfill activities.

Financial assurances

The proponent's commitments made in the original PER are to be superseded by the new revised Ministerial Statement to be prepared by the Minister's Environmental Committee by early August 2007. The Ministers committee has indicated this will be the responsibility of the EPA but this decision is subject to an interim report by the EPA.

SAT Matter DR 89 of 2007

The Council has filed a statement of Issues, Facts and Contentions in the SAT and the position that is proposed to be presented in relation to those issues is detailed in the ***attached Respondents/Shire's Statement of Issues, Facts and Contentions marked OCM002.3/07/07.***

The applicant has filed a response to the Shire's Statement of Issues, Facts and Contentions presenting counter arguments which contest key issues presented by the Shire. Expert witnesses will be called by each party and then will be required to give impartial evidence of their true professional opinions in the hearing to be held between 30 July and 1 August 2007.

The issues which have been raised by the Shire to date fall into two broad categories of planning issues and a lack of sufficient assurance in several environmental aspects.

1. The planning issue – should the footprint modification be approved having regard to the urban expansion of the Mundijong Whitby locality.

Planning issues are relevant in that the proposal to rezone the UPL land was done so subject to a specific stipulation to be included in Appendix 15 of Town Planning Scheme No. 2 as follows:

“No subdivision or development of incompatible land use will be supported within the separation distances associated with:

- *South Cardup Landfill on Lots 200 and 201 Shale Road;*

until these uses cease or the separation distances are scientifically determined and approved by Council and the Department of Environment and Conservation. Separation distance requirements are to be determined in consultation with the Council and the Department of Environment and Conservation and are to be shown on the Structure Plan.”

This provides the basis for WALs to argue that the landfill site is a constraint to UPL's residential development rather than the other way around. Council's counter argument is that the landfill is only a constraint to residential expansion where the landfill already has existing approvals. However, it must be noted that this point is clearly in dispute and it will be for the SAT to resolve.

Further to this, there is reference in a 1996 Minister for Planning's South East Corridor Structure Plan to a landfill site at or near South Cardup and the structure plan refers to a 30 to 40 year operational life span.

WALS will submit that the reference must be to its site and therefore there is a basis in the structure planning for a long term facility at that location, however Council will contest that the reference is inconclusive and that the site may not have had final approval in the 1996 draft.

WALS will also argue that there will be a 500 metre separation distance between the closest residential lots within the UPL development and that that complies with the EPA generic buffer distances. Furthermore, WALs will contest that UPL is likely to commence its development from the western side of the landholding and therefore by the time lots are developed on the eastern side active landfilling will be completed.

The Shire will be contesting that the development front will commence at the eastern side based on information from UPL and that even though active landfilling will cease in 2015 off site impacts from gas emissions from the capped landfill, gas burning facility and leachate ponds will still cause off site impacts.

2. The Shire and the Tribunal lacks sufficient assurance in several respects that the proposal is environmentally acceptable or adequately ensures the public health of the community.

The Shire will be contesting that a number of the management plans are predominantly generic and lack site specific detail. Fire, risk management, contingency planning and post closure management plans are some of the matters that will be contested. However, these issues will be strongly contested by WALs during the hearing and it will be for the SAT to decide.

Conclusion

Throughout the process of approving and operating the current landfill it has been demonstrated that there is a need to develop legal and administrative rules and management procedures to maintain environmental and public health impacts on the landfill site. Current community response to the application has been strongly against the proposed

expansion. It is therefore reason to assume that future or imminent populations of up to 30 000 people will have the same environmental and public health concerns over the next 5 to 25 years.

Therefore the Shire must be able to demonstrate that the application was assessed with the best quantitative and qualitative evidence available.

The Shire will contest at the SAT that the application should not be approved based on planning issues and the lack of sufficient assurance particularly in respect to environmental and public health issues.

Voting Requirements: Simple Majority

OCM002/07/07 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Star seconded Cr Price

1. Council endorses the response to the WA Landfill Services appeal to the State Administrative Tribunal matter DR 89 of 2007 as set out in the Shire's Statement of Issues, Facts and Contentions *attached at OCM002.3/07/07.*
2. The Executive Manager Planning and Regulatory Services be granted delegated authority to instruct Council's solicitors to vary particular details of Council's position where such variation is required as a result of proceedings at the State Administrative Tribunal hearing from 30 July to 1 August 2007.

CARRIED 8/1

9. CHIEF EXECUTIVE OFFICER'S REPORT

OCM003/07/07 INFORMATION REPORT		In Brief Information Report for the month of July, 2007.
Proponent	Chief Executive Officer	
Officer	S Langmair – PA to the Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	19 th July, 2007	
Previously		
Disclosure of Interest		
Delegation	Council	

OCM003.1/07/07 COMMON SEAL REGISTER REPORT –JUNE, 2007(A1128)

The Common Seal Register Report for the month of June, 2007 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the attachments marked OCM003.1/07/07 (E02/5614).

OCM003.2/07/07 POLICY FORUM – JULY, 2007 (A0429/05)

The following items were discussed at the July, 2007 Policy Forum:

ITEMS FOR PRELIMINARY DISCUSSION	
1.	Draft Management Plans for Natural Areas and Public Open Space Policy
2.	Local Structure Plan – Byford Town Centre
3.	Local Planning Strategy Methodology
4.	Amarillo

ITEMS FOR PRELIMINARY DISCUSSION

5.	Jarrahdale Heritage Society request for the Jarrahdale Masonic Lodge Building to be relocated to the Jarrahdale Heritage Park
6.	Mundijong Saleyards – Ross Waddell, Review of Rental Commitments
7.	Drive Safe Australia – Reserve 23328. Confirmation of number of trees to be planted
8.	Uniting Church Site in Mundijong and its proposed sale from the Crown to the Uniting Church

OCM003.3/07/07 **WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION
STATE COUNCIL AGENDA - JUNE, 2007 (A1164)**

In the electronic attachments marked OCM003.3a/07/07 (IN07/8957) is the Agenda for the WALGA State Council Meeting to be held on 6th August, 2007 together with the agenda attachments marked OCM003.3b/07/07 (IN07/8957).

OCM003.4/07/07 **NATURAL RESOURCE MANAGEMENT COUNCIL – LOCAL
GOVERNMENT REPRESENTATIVE (A0163-06)**

The Minister for Agriculture and Food has approved Cr Jan Star as the Western Australian Local Government representative on the Natural Resource Management Council.

OCM003/07/07 COUNCIL DECISION/Officers Recommended Resolution

Moved Cr Price seconded Cr Scott
The Information Report to 19th July, 2007 is received.
CARRIED 9/0

10. URGENT BUSINESS:

Cr Jan Star requested the Presiding Member consider an item of urgent business that relates to the Western Australian Local Government State Council meeting agenda to be held 6th August, 2007.

The Presiding Member accepted this matter as an item of urgent business.

OCM004/07/07		WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – STATE COUNCIL AGENDA ITEM 5.3 - COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE INQUIRY INTO FIRE AND EMERGENCY SERVICES LEGISLATION (A1164)
Proponent:	Western Australian Local Government Association	In Brief Advice and an alternate motion to be provided to the Council delegates on WALGA South East Metropolitan Zone in relation to Item 5.3 on the WALGA State Council agenda relating to Fire and Emergency Services Legislation.
Owners:		
Officer:		
Signatures Author:		
Senior Officer:		
Date of Report	23 July 2007	
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	

OCM004/07/07 COUNCIL DECISION

Moved Cr Jan Star seconded Cr Harris

Council's delegates to the Western Australian Local Government Association South East Metropolitan Zone be given delegation to respond with an alternate motion to item 5.3 Community Development and Justice Standing Committee Inquiry into Fire and Emergency Services Legislation on the State Council Agenda on advice from the Chief Executive Officer.

CARRIED 9/0

11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

Cr Kevin Murphy

Q. Has there been any result from the negotiations with Mr Gunnink regarding his fences and entry statement on the road reserve etc on the north side of Thomas Road?

A There has been no result at this stage from the negotiations.

Q. If there is no substantial progress, can the Director issue the appropriate notice to the land owner to remove the fences and entry statement forthwith and allow him the minimum reasonable time to do that. Upon failure of the owner to act, can the arrangements be made for the Shire to carry out the work and charge the land owner for the costs thereof?

A Service of notice is likely to significantly impact on the success of the negotiations. Negotiations cannot be completed until the budget is adopted.

Q. Can the Director Corporate Services say that, to conform to the requirements of the Local Government Act, what is the length of time required to institute a change in the method of election of a Shire President and is there sufficient time between now and the next election for that to occur.

A A memo answering this question has been provided to all Councillors.

12. CLOSURE:

There being no further business, the Presiding Member closed the meeting at 8.45pm.

I certify that these minutes were confirmed at the
ordinary council meeting held on 27th August, 2007

.....
Presiding Member

.....
Date

13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

SD001/07/07 BUILDING INFORMATION REPORT		
Proponent:	N/A	In Brief Information report
Owner:	N/A	
Officer:	Jason Robertson – Manager Building Services	
Signatures Author:		
Senior Officer:		
Date of Report	4 July 2007	
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 SM051/06/04	

SD001/07/07 COMMITTEE DECISION/Officer Recommended Resolution

Council accepts the June 2007 Building Information Report including the following amendments:

1. Correction to report for April 2007: Number of applications received in April 2005/2006 should have read 86.
2. Correction to report for May 2007: Value of permits issued for May 2006/2007 should read \$9,955,253. Cumulative total for period 2006/2007 should read \$96,182,668.

CARRIED 7/0

SD002/07/07 HEALTH 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	4 July 2007	
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 SM051/06/04	

SD002/07/07 COMMITTEE DECISION/Officer Recommended Resolution

Council accepts the June 2007 Health Information Report.

CARRIED 7/0

SD005/07/07 PROPOSED RURAL WORKERS DWELLING – LOT 2 (193) RANDELL ROAD, MARDELLA (P03480/02)		
Proponent:	Plunkett Homes	In Brief The applicant seeks approval to construct a Rural Workers Dwelling on Lot 2 Randell Road, Mardella. It is recommended that the application be refused.
Owner:	Mr & Mrs Evers	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	5 July 2007	
Previously	Not applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

SD005/07/07 COMMITTEE DECISION/Officer Recommended Resolution:

A. The proposed Rural Workers Dwelling on Lot 2 (193) Randell Road, Mardella be refused for the following reasons:

1. The proposed location and use of the dwelling does not comply with clause 5.10.3 (a)(iii) and (iv) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 as the dwelling does not satisfy the requirements for a Rural Worker's Dwelling and is not located within close proximity of the existing dwelling on site.
2. The applicant has not provided adequate justification with respect to the purpose of the proposed Rural Worker's Dwelling in terms of the type of work that the Rural Worker would be undertaking on site.
3. The application submitted indicates an intention to subdivide the land in the future and the significant distance between the existing and proposed dwellings may provide an impetus for this to occur in contravention of the minimum lot size of 40 hectares permitted in the Rural Zone.

Advice Note:

1. The applicant be advised that an application for Ancillary Accommodation can be considered subject to compliance with Council's requirements for Ancillary Accommodation.

CARRIED 7/0

CGAM004/07/07 PROPOSED USE OF RESERVE 23328, LOTS 66 AND 1446 KEYSBROOK FOR DRIVE SAFE WA TRAINING COURSES (RS0111/01)		
Proponent:	Drive Safe Australia (WA)	In Brief That Council 1. In accordance with Section 3.58 of the Local Government Act 1995, advertise its intent to dispose of Reserve 23328 by way of lease to Drive Safe Australia (WA); and 2. Authorise the CEO to obtain a market valuation on the annual rental for leasing of Reserve 23328 and declare the costs authorised expenditure
Owner:	Shire of Serpentine Jarrahdale	
Officer:	Darren Long – Director Corporate Services	
Signatures Author:		
Senior Officer:	Darren Long – Director Corporate Services	
Date of Report	3 July 2007	
Previously	AS066/05/03	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

CGAM004/07/07 COMMITTEE DECISION/Officer Recommended Resolution:

That Council:

1. In accordance with Section 3.58 of the Local Government Act 1995, advertise its intent to dispose of a portion of Reserve 23328 by way of lease to Drive Safe Australia (WA); and
2. Authorise the CEO to obtain a market valuation on the annual rental for the leasing of a portion of Reserve 23328 and declare the costs authorised expenditure.

CARRIED 7/0

CGAM006/07/07 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent:	Director Corporate Services	In Brief To confirm the creditor payments made during June 2007
Owner:	N/A	
Officer:	Tracy Mladenovic – Assistant Accountant	
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 SM051/06/04	

CGAM006/07/07 COMMITTEE DECISION/Officer Recommended Resolution:

That Council notes the payments authorised under delegated authority and detailed in the list of invoices for the month of June 2007, presented to the Corporate Governance & Asset 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 7/0

CGAM007/07/07		SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)
Proponent:	Director Corporate Services	In Brief To receive the sundry debtor balances as at 30 June 2007
Owner:	Not Applicable	
Officer:	Melissa Armitage – Finance Officer - Debtors	
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 SM051/06/04	

CGAM007/07/07 COMMITTEE DECISION/Officer Recommended Resolution:

That Council receive and note the report on Sundry Debtor Outstanding Accounts as at 30 June 2007.

CARRIED 7/0

CGAM008/07/07		RATE DEBTORS REPORT (A0917)
Proponent:	Director Corporate Services	In Brief To receive the rates report as at 30 June 2007.
Owner:	Not Applicable	
Officer:	T Mladenovic – Assistant Accountant – Finance Services	
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 SM051/06/04	

CGAM008/07/07 COMMITTEE DECISION/Officer Recommended Resolution:

That Council receive and note the report on the Rate Debtors accounts as at 30 June 2007.

CARRIED 7/0

CGAM009/07/07		INFORMATION REPORT
Proponent:	Director Corporate Services	In Brief To receive the information report to
Owner:	Not Applicable	
Officer:	Various	
Signatures Author:		
Senior Officer:		
Date of Report	11 July 2007	
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 SM051/06/04	

CGAM009/07/07 COMMITTEE DECISION/Officer Recommended Resolution:

That:

- 1. The information report to be received; and**
- 2. Cr Brown be granted leave of absence from the July Ordinary Council Meeting.**

CARRIED 7/0