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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.**

LEGEND: Committee Reports (eg item number):

C = Corporate Services
AS = Asset Services
CRD = Community & Recreation Development
SM = Strategic Management
B = Building
H = Health
E = Environment
P = Planning Development & Environment

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET MUNDIJONG ON MONDAY 22ND MARCH, 2004. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.0 0PM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

1. ATTENDANCES & APOLOGIES

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

APOLOGIES:

IN ATTENDANCE: Mr D Price Chief Executive Officer
Mr G Dougall Director Corporate Services
Ms J Abbiss Director Sustainable Development
Mr M Beaverstock Director Asset Services
Mrs S Langmair Minute Secretary

GALLERY: 5

2. PUBLIC QUESTION TIME:

2.1 Response To Previous Public Questions Taken On Notice

2.2 Public Question Time:

Public question time commenced at 7.00pm

Steve Allarding representing Austral Bricks

Q a) Is the Council aware that the proposed Cohunu Wildlife Park is located in very close proximity to the Cardup Shale Pit site operated by Austral Bricks and employing over 71 employees which is contained within a key extraction area as identified by the State Government's Gasic Raw Materials Policy?

b) Is the Council aware that 1) whilst our client Austral Bricks has no fundamental objection to the proposed use, we have received no assurances, as requested, that the proposed use will not have an impact on the future capacity to extract what is identified as a resource of state significance 2) that current extraction is approximately 500 metres away from Cohunu boundary, however the edge of future extraction will be less than 200 metres away.

A The Director Sustainable Development advised that a) yes Council is aware of proximity of the wildlife park to the shale pit and b) any future capacity to extract from the site is subject to an annual licence for extraction that is subject to the operator complying with licence conditions and there is no guarantee that a licence will always be issued. However, it is not anticipated that there will be a conflict between the two land uses. An environmental review for a large subdivision to the west of the quarry site had recommended a 200 metre buffer to residences which is considered to be a more sensitive land use than the Cohunu proposal.

Q In relation to that question would Council be prepared to defer consideration of this matter pending a co-operative resolution of this matter between Austral Bricks, the proponents of Cohunu Wildlife Park and shire staff?

A The Director Sustainable Development advised that it would not be her recommendation to Council that they should defer the item.

Q Is the Council aware that the environmental assessment referred to by the Director Sustainable Development, refers only to the matter of blasting. There are a range of issues that need to be considered including noise, dust, traffic etc.

A The Director Sustainable Development advised that the environmental review had been approved by the Department of Environment. The officer's comments in the submissions tabled consider the residential subdivision to be a more sensitive land use than the Cohunu proposal.

Q The Shire President asked when is the proposed extraction going to occur.

A This was unknown and depends upon demand but the site had an anticipated life of at least 20 years.

Question time concluded at 7.07pm

3. PUBLIC STATEMENT TIME:

Public statement time commenced at 7.07pm

Steven White, Byford

Deposition regarding Item P071/03/04 – Commercial Development – Pt Lot 3 South Western Highway, Byford

a) Parking – to assist with the goal of getting the parking layout correct Mr White is prepared to engage a third party engineer to work with the Shire engineers to conduct a full assessment of the whole of George Street and not just the section adjacent to the development.

b) Loading bay and rubbish removal – to assist with the goal regarding the look and feel of the project to ensure there were four fronts to the building and no back areas, permission has been sought to place the rubbish bins out for collection each week on a specially marked section within a parallel loading bay in George Street. Being in the street allows the rubbish truck to drive forward into the special loading bay, empty the bins and drive off, also in a forward direction reducing the risk to unseen pedestrians, especially small children. A caretaker would be responsible to placing the bins out 1 hour prior to rubbish collection and return them to the collection zone/storage area after they were emptied.

Mr White thanked the Council planning staff for the enormous effort they have put into ensuring this project turns out right, especially the Manager Planning & Regulatory Services who has worked very hard to make sure the timelines given to him were met.

Public statement time concluded at 7.10pm

4. PETITIONS & DEPUTATIONS:

5. PRESIDENT'S REPORT:

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

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 – 23rd February, 2004

COUNCIL DECISION

Moved Cr Wigg seconded Cr Simpson

That the minutes of the Ordinary Council Meeting held on 23rd February, 2004 be confirmed.

CARRIED 10/0

REPORTS OF COMMITTEES:

C060/03/04 LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN 2003 (A0087-03)	
Proponent:	Department of Local Government and Regional Development
Officer:	G.R. Dougall – Director Corporate Services
Signatures Author:	
Senior Officer:	
Date of Report	26/02/04
Previously	N/A
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995
Delegation	Council

In Brief
To adopt the information to be provided in the 2003 Annual Compliance return to be forwarded to the Department of Local Government and Regional Development.

Background

Each year the Department of Local Government and Regional Development forward a Return document outlining the issues they wish Council to review and return for their consideration. In the past Council officers and a consultant have undertaken the review, this year a consultant was appointed to assist in its completion ensuring an independent confirmation of the audit.

Sustainability Statement

Not applicable.

Statutory Environment:

In accordance with section 7.13 (i) of the Local Government Act 1995 and Regulations 13, 14 and 15 of the Local Government (Audit) Regulations 1996 a Local Government is to carry out a compliance audit for the period ended 1 January to 31 December in each year. After carrying out the compliance audit the Local Government is to prepare a compliance audit return in a form approved by the Minister.

A compliance return is to be;

1. Presented to the Council at a meeting of the Council,

2. Adopted by the Council, and
3. Recorded in the minutes of the meeting which it is adopted.

After the compliance return has been presented to Council it is to be submitted to the Executive Director of the Department of Local Government and Regional Development by 31 March next following the period to which the return relates.

Policy/Work Procedure Implications:

There are no work procedures/policy implications directly related to this application/issue, however the policies and procedures do assist in ensuring compliance with the requirements of the Act and Regulations.

Financial Implications:

A local government consultant was engaged to assist in the completion of the return for this year at a cost of \$2,000.

Strategic Implications:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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:

Community consultation not required.

Comment:

The Return this year focuses on;

- Tendering,
- Thoroughfares,
- Disclosure of interest,
- Elections,
- Meeting processes,
- Local Government Employees,
- Finance,
- Cemeteries, and
- Caravan Parks and camping grounds.

A copy of the Return provided by the Department with the response provided by officer's is included with the attachments and marked [C060.03.04.tif](#). The Chief Executive Officer and Shire President are required to sign off on this document being completed to the best of the Local Government's knowledge and that the Return was considered by Council prior to completion. In some areas more than one officer has been

deemed responsible and as a consequence multiple initials have been provided, generally the areas have been signed off by the consultant.

Research for the completion of this Return included reviewing the minutes of all Ordinary meetings for 2002, reviewing the tender register, reviewing the annual report and annual financial statements, reviewing the adoption of the annual budget and related correspondence, reviewing the disclosure of interest register, reviewing senior employee personal files, a review of the delegated authority register and a review of Council's general records.

The consultant has made the following comment with his notes;

“The compliance audit found that the Shire achieves a high standard of compliance and has developed and maintained effective systems and procedures, and this emphasis is ongoing. The examples of non-compliance noted were in the main relating to only partial compliance and isolated incidents generally arising from human error or omission.”

There were 7 areas of non compliance identified with the review. The first is in section A question 4. A note of non compliance has been made in relation to one tender for the sale of property where one part of the required information was omitted.

Section C question 1 notes three occasions where an interest was disclosed by a councillor but the nature of the interest was not recorded. Council has undertaken training in regard to meeting procedures over the past twelve months to improve this requirement.

Section E question 10 relates to the election of presiding members on Council committees. It was noted that the Chief Executive Officer did not preside over the Planning Committee during this process as required by Schedule 2.3 of the Act. Question 15 provides for minutes of meetings being signed off at the next meeting for confirmation. During the audit 2 instances were noted where this was not done, one of these instances appears to only be a clerical error where the minute refers to the meeting being held not the previous meeting date.

Section F question 5 relates to Council policy in regard to terminating employees. It has been identified that the policy may not fully comply with the requirements of the Act in that it may not satisfy the circumstances an manner of assessment of an additional amount paid to a terminating employee, if an additional amount is paid. Policy CSP11 will be reviewed to ensure that any deficiency is corrected.

Section G question 1 relates to the detail contained in the annual report. It has been identified that the performance requirements of the principal activities required to be included in the report may not satisfy the requirements of the Act. This information will be reviewed for the next annual report to ensure compliance. Question 36 identified that the advertisement for differential rates did not identify where the document detailing the objects and reasons for each differential rate could be inspected. This issue has been noted and will be corrected in future advertisements. Question 53 considers the financial audit contract. It was identified that the provision of additional services beyond the actual audit is not specific in relation to an hourly rate. The contract does require prior approval of a rate before commencement of additional work. The comment has been noted and will be reviewed prior to the next contract renewal.

Voting Requirements:

Normal

CRC060/03/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Kirkpatrick seconded Cr Murphy

Council:

- 1. Adopts the completed Local Government Compliance Audit Return for the period 1 January 2003 to 31 December 2003 as provided by the Department of Local Government and Regional Development and attached with this agenda and the President and Chief Executive Officer be authorised to sign the joint certification and return to the Director General as required; and**
- 2. Endorses the actions taken to rectify the listed non compliance issues.**

CARRIED 10/0

C061/03/04 MAY 2005 ORDINARY ELECTIONS (A0047-02)		
Proponent:	Local Government Act 1995 and WA Electoral Commissioner	In Brief To appoint the Western Australian Electoral Commissioner Responsible for the 2005 ordinary elections and conduct these elections by post.
Officer:	G.R. Dougall – Director Corporate Services	
Signatures Author:		
Senior Officer:		
Date of Report	26/02/04	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995	
Delegation	Council	

Background

The Commissioner of the Western Australian Electoral Commission has written to the Shire of Serpentine-Jarrahdale stating that she is prepared to conduct the May 2005 ordinary election on Council's behalf. The Commissioner has advised that due to the impending State general election either at the end of 2004 or early 2005 their planning would be assisted by local governments providing an early indication of their intentions for the 2005 local government elections.

Sustainability Statement

Social Diversity: Conducting these elections by post ensures the greatest possible community inclusion will occur in the election process.

Statutory Environment:

Section 4.20 of the Local Government Act 1995 makes provision for local governments to declare a person other than the Chief Executive Officer responsible for the conduct of a local government election. Prior to doing so, the local government must first obtain the approval of the Western Australian Electoral Commissioner under section 4.20 (2), absolute majority required and/or 4.20 (4), special majority required. In this instance the Commissioner has agreed to being responsible if Council resolves to undertake a postal election as it has in the past.

Section 4.61(2) of the Act requires local government to resolve by special majority if it wishes to conduct the election as a postal election.

Policy/Work Procedure Implications:

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

Financial Implications:

The last ordinary elections were undertaken by the Commission at a cost of \$14,000 for 1 election only in the North Ward. Whilst a majority of these costs would not be duplicated if there were more contested elections it is suggested a provision of \$18,000 be included in the 2004/2005 draft budget.

Strategic Implications:

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 1: An effective continuous improvement program

Strategies:

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

Community Consultation:

Consultation not required.

Comment:

Council has undertaken postal elections since 1999. The participation rate for the elections in this time have been between 31% and 46% improving from the previous figures below 20%. This has resulted in more of the residents having a say in their elected representative.

The councillors terms who expire in 2005 are Crs Simpson, Hoyer, Murphy, Price and Needham.

Voting Requirements:

SPECIAL MAJORITY (Special is 75% of entire Council).

CRC061/03/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Wigg seconded Cr Star

1. The Western Australian Electoral Commissioner be responsible for the conduct of the May 2005 ordinary elections for the Shire of Serpentine Jarrahdale in accordance with section 4.20(4) of the Local Government Act 1995, and
2. the method of conducting the election will be as a postal election in accordance with section 4.61(2) of the Local Government Act 1995.

CARRIED 10/0 SPECIAL MAJORITY

C062/03/04 BYFORD HALL ROOF REPLACEMENT (RS0021)		
Proponent:	Director Asset Services	<p>In Brief</p> <p>Deterioration of the Byford Hall roof has reached a point where replacement will be required in the near future.</p> <p>It is recommended that Council approve out of budget expenditure of \$42,000 for this work.</p>
Owner:	Shire of Serpentine Jarrahdale	
Officer:	Mick Beaverstock Director Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	27 February 2004	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

A report was presented to Council in February 2004 in which, primarily based on economic viability, it was recommended that the Byford Hall be demolished and the site be reserved for a future community facility. Due to the roofing material being asbestos cement, it was advised by officers that complete replacement of the roof was necessary.

At its meeting of 23 February 2004 it was resolved that Council investigate methods of treatment of the failing roof at Byford Hall to reduce the potential for contamination and report back to Council regarding options and costs.

Officers have investigated treatments available and the criteria used for the application of these treatments in order to repair the roof. In addition, contact has been made with the Department of Education & Training (WA), Worksafe (WA), Workcover Authority (NSW), and research has been undertaken into a review completed by the South Australian State Government on Asbestos Management Policies and Procedures in State Government Assets.

Encapsulation (deep sealing) of asbestos roofing is undertaken using products which effectively re-bind the surface of asbestos cement sheets. The majority of products available are designed for the external surface and are both weatherproof and effectively treat the growth of lichen on the sheeting which attacks the cement resulting in the exposure of asbestos fibres.

The Workcover Authority of NSW advises that encapsulation should only be undertaken if the material is in good condition and unlikely to be disturbed. This type of treatment has already been undertaken using paint directly applied to the roofing material, however the paint is now bubbling and peeling with the potential to expose fibres. It is unlikely that the application of additional encapsulation products will successfully address the problem.

Under the South Australian Occupational Health, Safety & Welfare Act 1986 the owner of a building which contains asbestos is required to ensure that any unstable material is removed as soon as is reasonably practicable. It is a general preference that this material type is removed rather than utilizing treatments such as encapsulation.

Worksafe WA advise that, while encapsulation is permitted, it is considered best practice to remove materials completely. This was recently demonstrated by the Department of Education & Training who expended in excess of \$20 million between 1997 and 2002 replacing asbestos cement roofs on school buildings. The Department point out that this

work was done based on being the most cost effective solution and not due to any health concerns.

With regard to the treatment options for Byford Hall, it should be appreciated that encapsulation is only a temporary solution. As noted above, the previous application of paint to the roof and deterioration of the surface would make it unlikely that encapsulation could be successfully implemented.

Due to the risks associated with working with asbestos materials there are very few contractors willing to undertake this specialist work. The contractor who provided the quotation for the replacement of the roof has advised that a quote for encapsulation could not be provided as, in his opinion, this treatment would not be effective. It is therefore recommended that the roof is replaced.

Sustainability Statement

Effect on Environment:

As the roofing material is asbestos cement, removal of the material will need to be undertaken by a specialist with it being disposed of in an approved manner.

Resource Implications:

Not applicable.

Use of Local, renewable or recycled Resources:

Not applicable.

Economic Viability:

Replacement of the roofing material is the most economically viable option for its treatment. Encapsulation is a temporary solution and, due to the roof being previously painted, it is not possible to accurately estimate how long the application of a new sealant would last.

Economic Benefits:

Not applicable.

Social – Quality of Life

Replacement of the roof will provide ongoing access to the Hall facility for residents.

Social and Environmental Responsibility:

Repairs to the building eliminates a potential health risk through further deterioration of the roof sheeting.

Social Diversity:

The repair of the Byford Hall will not disadvantage any social groups, however current users will not have access until works are completed. It is recommended that Mundijong Hall is offered as an alternative venue.

Statutory Environment:

5.56. of the Local Government Act requires the local government to prepare a forward financial plan which provides an estimation of income and expenditure of principal activities.

Policy/Work Procedure

Implications:

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

Financial Implications:

Replacement of the roof sheeting is estimated to cost \$42,000 which would be out of budget expenditure. This would be addressed at ¾ budget review in April 2004.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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

Strategies:

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

2. Environment

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

Strategies:

1. Implement known best practice sustainable natural resource management.
3. Reduce waste and improve recycling processes

3. Economic

Objective 3: Effective management of Shire growth

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

2. Promote best practice through demonstration and innovation.
4. Balance resource allocation to support sustainable outcomes.
5. Harness community resources to build social capital within the Shire.

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Required: No

Comment:

The inspection of the roof by the Asbestos Diseases Society recommends the roof is replaced. It should be noted however that this report does not state that the Hall is a hazard to users. While this does not imply an urgency, it is recommended that Council is proactive and, prohibits further public use of the Hall and undertakes this work as soon as is possible.

Voting Requirements: ABSOLUTE MAJORITY

Officer Recommended Resolution:

1. Council approves an out of budget expenditure of \$42,000 for the replacement of the Byford Hall roof which will be addressed at $\frac{3}{4}$ budget review.
2. Council prohibits further public use of the Byford Hall until roof replacement has been completed.

CRC062/03/04 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Simpson seconded Cr Hoyer

1. Council approves an out of budget expenditure of \$42,000 for the replacement of the Byford Hall roof which will be addressed at $\frac{3}{4}$ budget review.
2. Council prohibits further public use of the Byford Hall until roof replacement has been completed.
3. That acoustic improvements be investigated as part of the replacement of the ceiling in the Byford Hall.

CARRIED 10/0 ABSOLUTE MAJORITY

Committee Note: The Officer's Recommendation was changed to ensure that an acoustic ceiling is considered as part of these repairs.

AS056/03/04 KEYSBROOK WASTE TRANSFER STATION (RS0002)		
Proponent:	Director Asset Services	In Brief Council is requested to approve the removal of public access to the Keysbrook Waste Transfer Station and relocate the general waste bins to the reserve opposite the Keysbrook General Store.
Owner:	Not Applicable	
Officer:	Mick Beaverstock Director Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	23 February 2004	
Previously	AS010/08/03	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

At its meeting of 25 August 2003, Council considered a report which recommended that the Keysbrook Waste Transfer Station is closed and the general waste bins are relocated to the reserve opposite the General Store. Council resolved that the Transfer Station was to remain open and residents not currently on a kerbside pickup service were to be consulted regarding alternate means of refuse disposal.

The Shire President, Councillor Needham raised the issue of illegal dumping at the Transfer Station at Keysbrook Community Meetings and there was a general feeling of support for an alternate waste service solution. As officers are undertaking an assessment of how all

properties in the shire could be included in a compulsory service, to be presented to Council by June 2004, it was decided that no change would be made to the Keysbrook service until this assessment was complete.

The Director Asset Services advised the shire of Murray of the likelihood that the Keysbrook facility would be closed in the near future as residents of Yamba are currently provided with one bulk bin at the facility for their use and it was not the intention of Council to continue this service in an alternate location.

Closure of the Keysbrook facility has been raised primarily in response to ongoing illegal dumping of rubbish at the site which is both visually unattractive and expensive to clean up. On 3 February 2004 officers were contacted and advised that further dumping of rubbish has occurred. An inspection of the site was undertaken and clean up commenced. This latest incident cost Council approximately \$900 to complete.

A copy of photographs of the dumping are with attachments marked AS056/03/04.

Officers wrote to residents who currently utilize the Transfer Station as their means of waste disposal advising that they would recommend to Council that the Transfer Station is closed and two new bulk bins are relocated to the reserve opposite the General Store for the exclusive use of the effected residents. To achieve this the bins would be locked with keys issued to residents, and a spare key provided to the General Store. Access to the Transfer Station would be prevented through the installation of a locked gate at the current entry point.

Sustainability Statement

Effect on Environment:

The proposal aims to reduce the volume of waste illegally dumped and pollution of the environment from this waste.

Resource Implications:

The proposal will minimize the volume of waste being disposed of in an uncontrolled manner and, with general waste bins being located to recycling bins, may encourage residents to minimize the volume of general waste which ends up in landfill.

Use of Local, renewable or recycled Resources:

The proposal will encourage recycling of waste materials.

Economic Viability:

As an ongoing means of waste disposal, the proposal is cost neutral relative to the current contractual arrangements with the shires contractors apart from the cost of bin locks and keys which is negligible in comparison to the ongoing cleanup of illegally dumped waste. The proposal is viable from the viewpoint of reducing the amount of waste illegally dumped and associated cost to Council to clean up.

At this stage the costs to residents will remain unchanged but the implementation of a shire wide compulsory service will see an adjustment to waste fees and charges. No additional costs are borne by residents in transporting waste to the bins as the proposed location is close to the existing facility.

Economic Benefits:

The economic benefit created by this proposal will be a reduction in costs to the community of clean up of illegal dumping activities.

Social – Quality of Life:

An improvement in quality of life could be claimed as a reduction in pollution will result which currently impacts neighbouring residents directly.

Social and Environmental Responsibility:

The proposal is designed to be environmentally responsible and also assists in encouraging residents to reduce the volume of waste to landfill and recycle as an alternative.

Social Diversity:

The proposal does not disadvantage any social groups within the community.

Statutory Environment:

The Health Act allows Council to introduce a compulsory waste service if required.

Policy/Work Procedure Implications:

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

Financial Implications:

The cost of a gate to prevent public access to the Transfer Station site and locks & keys to the bins is expected to be in the vicinity of \$400. This cost will be absorbed into the Waste Services operating budget.

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.

2. Environment

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

Strategies:

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

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

Strategies:

3. Reduce waste and improve recycling processes

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

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

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:

24 residents, currently not included in the compulsory waste collection service and entitled to use the Keysbrook facility have been contacted personally and invited to comment on the proposal. No objections to the proposal were received. The Shire of Murray have been advised that the closure of the facility is being considered and it is understood that Yamba residents have been consulted as to alternatives.

In assessing options for provision of an alternative waste service in June 2004, the operators of the Keysbrook General Store were contacted regarding the possibility of relocating the bulk waste bins and had no objections.

Comment:

Due to the ongoing abuse of the facility the shire is left with little option but to prevent further public access. Relocation of the bins to opposite the General Store will ensure continuity of the service. It is likely that, due to the passive surveillance offered from the South Western Highway and General Store, illegal dumping will not occur at this site.

The Director Asset Services has discussed the Transfer Station closure with the Shire of Murray and it is understood that alternate solutions for Yamba residents are being considered. So as to not create a situation where Yamba residents are without a waste service, it is recommended that the Shire of Murray be advised that the general waste bin located at the Keysbrook facility can be relocated to opposite the General Store also. This would be subject to similar lock and key provisions and would only apply until 30 June 2004, after which an alternate site or waste service would need to be provided.

Voting Requirements: Normal

Officer Recommended Resolution:

1. Council approves the restriction of public access to the Keysbrook Waste Transfer Station and provides two new general waste bins on the reserve opposite the Keysbrook General Store.
2. Bins are to be locked with residents currently not provided with a kerbside rubbish collection being provided with a key to these bins.
3. The Shire of Murray is to be advised that public access to the Keysbrook Waste Transfer Station will no longer be permitted however a new general waste bin may be located on the reserve opposite the Keysbrook General Store.
4. Should the Shire of Murray elect to provide a general waste bin for Yamba residents, the bin is to be lockable with keys provided to Yamba residents and the bin is to be removed no later than 30 June 2004.

MOTION LOST 0/5

CRAS056/03/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Wigg seconded Cr Star
That this item be deferred until April Asset Services Committee meeting.
CARRIED 10/0**

Committee Note: The recommendation was changed to allow further negotiations with Shire of Murray in regard to ceasing the current service for Yamba residents, and that it be considered with the 100% coverage of shire waste services review being undertaken.

CRD20/03/04 COMMUNITY FUNDING PROGRAM (A1173-02)		
Proponent:	Council	In Brief Council is asked to nominate three Council representatives from separate wards to sit with the Community Development Officer on the 2004/05 Community Funding Program Working Group
Owner:	Not applicable	
Officer:	Carole McKee - Community Development Officer	
Signatures Author:		
Senior Officer:		
Date of Report	25.2.04	
Previously	CRD10/01/03, CRD43/03/02, CRD19/01/01, CRD17/06/00	
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

Policy CSP8 Financial Assistance – Requests includes the following for the selection of the members of the Shire’s Community Funding Program Working Group:

- 1(d) *That three Council representatives from separate wards be nominated each year to sit with the Community Development Officer on the Community Funding Program Working Group.*

Sustainability Statement

Economic Viability:

The program places high priority on projects that show potential to attract other funding and enable the groups to become more self sufficient.

Economic Benefits:

The program supports a variety of projects that bring economic benefit to the community through employment of local contractors, events that attract locals and tourists to business areas, and through the funding of small group projects that may not get funding elsewhere.

Social – Quality of Life

The program supports the local volunteers who run facilities and organise activities and projects which provide a rich quality of life in this area.

Social and Environmental Responsibility:

The program is designed to be socially and environmentally responsible through building up the community and enabling full participation in its implementation.

The program creates opportunities for the community to participate and foster partnerships.

Social Diversity:

The program does not disadvantage any social groups and provides for diversity in our community including youth, seniors, indigenous, ethnic minorities, disabled and families.

Statutory Environment:

The program is advertised in January each year with a closing date of March 31 as per Policy CSP8 Financial Assistance - Requests

Policy/Work Procedure Implications:

Policy CSP8 Financial Assistance – Requests includes the following for the selection of the members of the Shire’s Community Funding Program Working Group:
1(d) That three Council representatives from separate wards be nominated each year to sit with the Community Development Officer on the Community Funding Program Working Group.

Financial Implications:

Up to \$20,000 to be requested in each year’s budget as per Policy CSP8

Strategic Implications:

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

1 People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

Objective 3: High level of social commitment

Strategies:

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

4 Governance

Objective 1: An effective continuous improvement program

Strategy:

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

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

Strategy

- 3 Develop specific partnerships to effectively use and leverage additional resources

Community Consultation:

Required: No

Comment:

The Working Group will meet mid-April once the Community Development Officer has conducted the initial processing and evaluation of the applications submitted. The recommendations of the Working Group will be presented to the May 2004 Community & Recreation Development Committee Meeting.

Voting Requirements:

Normal

CRCRD20 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Star seconded Cr Hoyer

Council nominates Cr Wigg, Cr Murphy and Cr Scott as per Council Policy CSP8 to sit with the Community Development Officer on the 2004/05 Community Funding Program Working Group.

CARRIED 10/0

P068/03/04 KARNUP - DANDALUP UWPCA PRIORITY ZONING AREA (A0620-02)		
Proponent:	Department of Environment	<p>In Brief</p> <p>The Karnup – Dandalup area comprising the Karnup – Dandalup Underground Pollution Control Area and adjoining Karnup-Dandalup Water Reserve has been identified as a potential future groundwater source for Perth’s water supply to meet demand within the next 10-20 years.</p> <p>The Department of Environment have re-defined the boundaries of the proposed public drinking water source area and the priority classifications within this area.</p> <p>This report is to gain in principle support for the boundary and the classifications of the proposed public drinking water source area.</p>
Owner:	N/A	
Officer:	Carlie Eldridge Manager Sustainability Unit	
Signatures Author:		
Senior Officer:		
Date of Report:	1 March 2004	
Previously:	P124/08/02, P151/06/02, P118/03/02	
Disclosure of Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation:	Council	

Background

The Karnup – Dandalup area comprising the Karnup – Dandalup Underground Pollution Control Area (Karnup scheme) and adjoining Karnup-Dandalup Water Reserve (Dandalup scheme) has been identified as a potential future groundwater source for Perth’s public drinking water supply to meet demand within the next 10-20 years. This area was identified in the 1970’s and has subsequently been listed as a potential water source.

The Karnup Dandalup proposed public drinking water source area has been presented and discussed by council over the past few years. The history is below:

February 2002	Draft Statement of Planning Policy on Public Drinking Water received by council Redefinition of Karnup-Dandalup Priority Zoning received by council for comment	(P106.10/02/02)
March 2002	Report to council on the redefinition of Karnup-Dandalup UWPCA priority Zonings Area. WAPC Seeking approval in principle to include priority area water quality protection measures. Council resolved to work with the Waters and Rivers Commission (WRC) on addressing development compatibility issues within the proposed boundaries.	(P118/03/02)

	Council invited Waters and Rivers to discuss matter with council	
27 th March 2002	Letter sent to WRC outlining Councils resolutions and also included a map showing areas which council would want changed from P2 to P3 classification to allow for urban development.	
June 2002	Steve Chase, Tony Laws and Steve Watson from Waters and Rivers and Peter Coghlan from Water Corporation came and gave a presentation to committee. Key points included: Groundwater source will be needed by 2015 Scientific details of water quality and quantity will be confirmed with drilling	(P151/06/02)
August 2002	A working group was established which included the Shire of Murray representatives and Councillors were elected for the group	(P241/08/02)
24 December 2002	Letter received from WRC, which included maps showing the boundary proposed and also outlined the process.	
2003	Working Group Meetings held discussing current issues	

In 1997 a report, *Karnup Dandalup Source Investigation Plan*, was prepared for the Water Corporation looking at this area and the issues associated with implementing the proposal as a groundwater source area.

A copy of the executive summary of the Water Corporations Karnup – Dandalup Source Investigation Plan is with attachments marked P068.1/03/04.

The Karnup Dandalup area is being favoured due to its proximity to the trunk main from the North and South Dandalup Reservoirs. In the area there are four main aquifers, these are the superficial aquifer, Rockingham aquifer, Leederville aquifer and Yarragadee aquifer. The key details of each aquifer in relation to providing water supply in the Karnup Dandalup proposal are:

Superficial aquifer: This is part of the superficial formations which seasonally or permanently contains groundwater. Recharge to the aquifer is from rainfall across the whole area, local stream run off from the Darling Range and upward leakage from the underlying Leederville aquifer. The shallow depth of the water table limits groundwater storage and in 1997 when the study was undertaken the aquifer was virtually full and only a small amount of storage is available each year. Groundwater discharge takes place each year when the water table rises to the surface by sheet flow to rural drains and evaporation. The volume of water available for extraction depends on developing effective extraction techniques to lower the water table.

Rockingham aquifer: Groundwater recharge occurs continually but varies depending on water levels in the superficial aquifer and the Leederville aquifer. Groundwater is presumed to flow north to westwards and discharge off shore via the Superficial aquifer. The estimated available groundwater available (with limited testing and data) is 4.49GL/year.

Leederville aquifer: Groundwater extraction from this aquifer is available by lowering the surface level in the aquifer and hence causing a diversion of groundwater flow within the aquifer and induce increased leakage from the Superficial aquifer in recharge areas and

reduce discharge in discharge areas. This would result in capture of groundwater that would otherwise be lost to runoff and evapotranspiration.

Yarragadee aquifer: Similar to the Leederville aquifer considerably more groundwater than annual flow through could be obtained by significantly lowering the surface within the aquifer. The Yarragadee has shown long term declining trends in water levels of 3-6metres. The Water Corporation conceptual wellfields do not include this aquifer.

The estimated groundwater resources is estimated below:

AQUIFER	ESTIMATED FLOW THROUGH (GL/Year)	ESTIMATED FRESH MARGINAL GROUNDWATER IN STORAGE (GL)	ESTIMATED SUSTAINABLE YIELD (GL/yr)
Superficial aquifer	2.5	765	10.7**
Leederville aquifer	1.4	1585	1.0***
Yarragadee aquifer	2.2	2025	1.5
Total	18.9	4375	13.2

Note: The calculation was based on table 8 in Karnup Dandalup Source Investigation Plan 1997

** Sustainable yield for the superficial aquifer was estimated at 70% of the net rainfall recharge

*** Sustainable yield for the confined aquifer was estimated at 70% of throughflow

The *Karnup Dandalup Source Investigation Plan* notes that the volume of groundwater, which may be available, is much larger than indicated by the estimated groundwater resources (table above). If the water table could be lowered and storage increased in the superficial aquifer, a larger proportion of the 305GL of rain that would be otherwise lost to drainage and evapotranspiration could be utilised. Additional groundwater salvage could be achieved in the Leederville and Yarragadee as well.

The Water Corporation in their conceptual design are proposing two wellfields for which there are conceptual layouts of bores and test bores. A total of 93 bores, 38 in the Karnup wellfield and 55 in the Dandalup wellfield. Shallow bores 40 metres deep into the Superficial aquifer and Medium bores 100 metres deep into the Leederville aquifer are proposed. **(A copy of these maps is with the attachments marked P068.2/03/04).**

To achieve the Karnup Dandalup proposed Public Drinking Water Source Area (PDWSA) the State Government needs to proclaim the Karnup-Dandalup Underground Water Pollution Control Area (UWPCA) and the Karnup Dandalup Water Reserve. This is to ensure the groundwater quality in this area is protected .To achieve this the boundary for the PDWSA needs to be defined and the land within needs to be assigned a risk management based priority zoning (P1, P2 & P3). The zonings define the risk of pollution that state government are willing to allow on an area of land and the zonings control land use activities to achieve this.

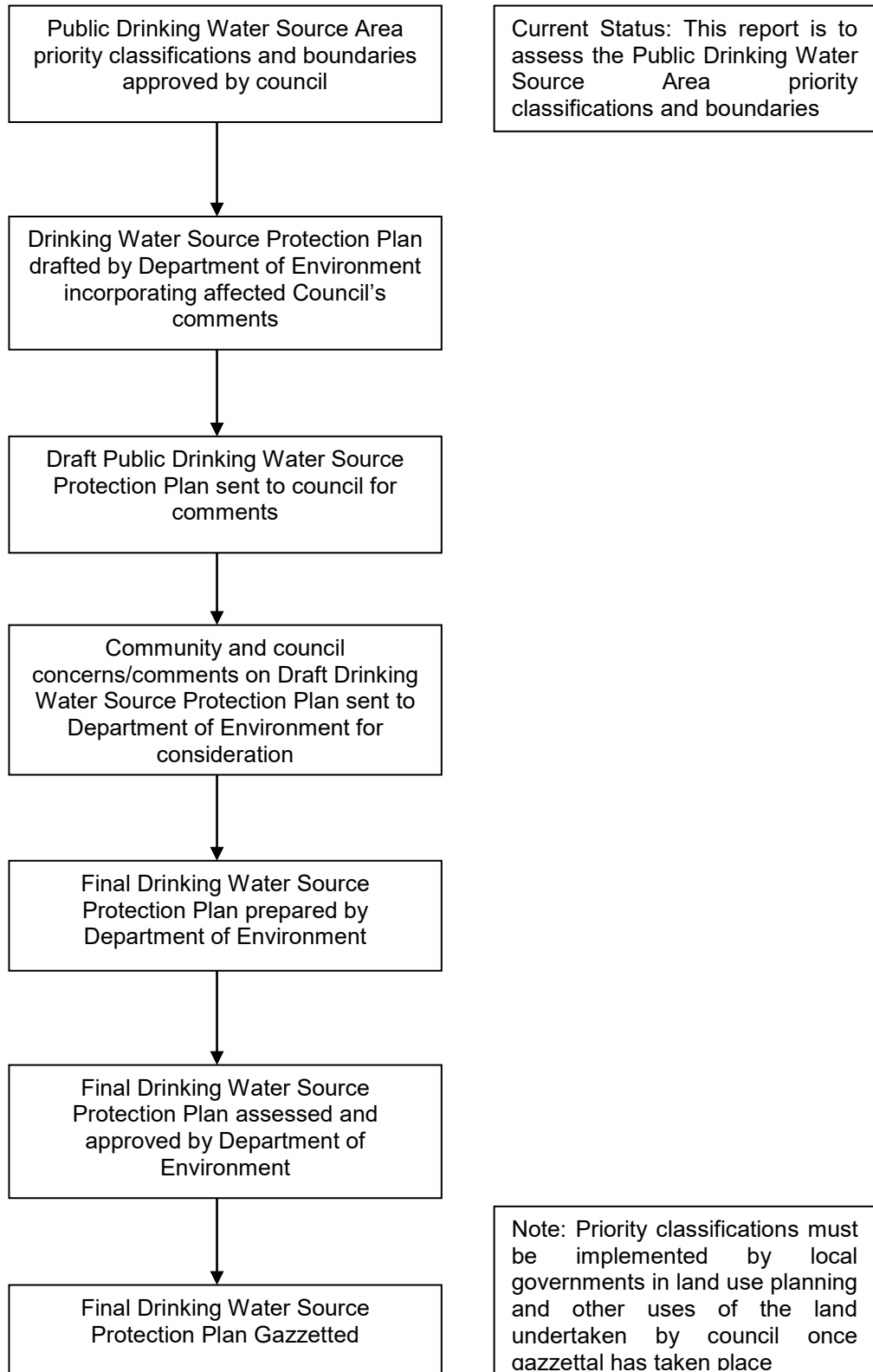
Process, Timeframe and Current Status: Currently a new draft plan showing the boundaries of the Drinking Water Source Area and priority classifications within that area have been prepared for consideration. The concerns raised by council about the boundary and the priority classifications have been incorporated into this draft plan. The change which has been undertaken by the Department of Environment is to change the proposed areas of the Serpentine Townsite and the proposed Hopelands townsite from a priority 2 classification which did not permit urban development to a priority 3 which does.

A copy of the map is with attachments marked P068.2/03/04. This map needs to be viewed at 100% to see the detail. This maps shows the currently proposed drinking source protection area, proposed test bore drill sites and priority classifications.

A copy of the drinking source information note is with attachments marked P068.3/03/04. This document explains which explains the priority classifications and what is allowable in each of these categories.

The process that is and will be undertaken to achieve the proclamation of the Karnup Dandalup (as defined in maps attached) area as a Public Drinking Water Source Area is:

PROCESS DIAGRAM:



The proposed timeframe for the implementation was proposed originally to be 2021 in the 1997 *Karnup-Dandalup Source Investigation Plan* completed for the Water Corporation. In

correspondence between the Water Corporation (Mr R Burton) and Department of Environment (Mr S Watson) in February 2003 the Water Corporation state:

“Timing of source development is unclear, particularly in view of recent dry years, but post 2021 is most likely. A staged approach would be taken with the northern Karnup component developed first. Should drought conditions persist in the medium to longer term, an earlier identified need could emerge around 2015. About 5 years prior to this would be needed to allow for orderly planning and development work.”

The planning and development work would include the test drilling and resolving any issues that arise from this including affecting individual landowners bores and potential environmental impacts.

Issues rose by the Working Group (Meeting 2003): A meeting was held to the working group on 5th September 2003 to discuss the issues of the proposal. The two major issues raised were timeframe and drawdown amounts.

Timeframe: The conflicting timeframes of 2015 and 2021 were raised and information provided was:

2021 original prediction and 2015 the recent prediction

5-7 years prior investigations required implying 2008 earliest commencement.

Drawdowns: amounts of drawdown and buffers to bores were discussed and clarified. The group raised the issue of lobbying the Water Corporation to ensure sustainable levels of water were drawn down from the aquifers.

Sustainability Statement:

Effect on Environment: In reviewing the proposal and the Water Corporations 1997 report a number of environmental issues/concerns were raised. These are lowering of water levels in the aquifer over the long term, the impact on wetlands and areas of environmental significance and vegetation in road reserves. These are addressed below:

Long term lowering of water levels: During the testing undertaken in 1984 using a test production bore in the Yarragadee aquifer located near Serpentine the pumping allegedly caused interference effects on private bores and was subsequently retested in 1987. Widespread lowering of water levels was demonstrated to occur in all the major aquifers in the area and as a result the bore was not commissioned. (1997 *Karnup-Dandalup Source Investigation Plan* completed for the Water Corporation).

Wetland's and areas of environmental significance: The proposed public drinking water source area contains a large number of wetlands. These wetlands have been classified as conservation, resource enhancement or multipleuse/sustainable in the Wetland Atlas and it is this document that the EPA and DoE use as a guide in assessing development on, near or affecting wetlands. The Water Corporation will be required to design and operate the proposed scheme in a way that limits hydrological changes to the wetlands identified as significant. Statutory protection is provided to some of the wetlands in this area. Under this protection they may not be filled, excavated, polluted or drained without express permission and a relevant licence. Drainage could include drawdown from bores. To achieve permission assessment is undertaken by the EPA. The Water Corporation Report (1997) notes that If the EPA determine that wetland function will be lost due to abstraction, the Water Corporation may be expected to purchase and hand over to a relevant government agency for management, equivalent areas of conservation value wetland as was done at Jandakot.

Vegetation in Road Reserves: All the test bores and a large percentage of the final bores shown in the conceptual design appear to be located within the road reserves. The shire road reserves in many areas contain vegetation of high conservation value especially in a

highly cleared rural area. They also provide biodiversity corridors that are vital to maintaining and enhancing the biodiversity network of the Shire. Final locations of the bores will be resolved during the planning stage five years before commencement of the project but the Shire will need to work closely to ensure high value vegetation is not affected or removed through bore locations.

The Water Corporation report states that by locating bores and pipes in the road reserves there should be little or no impact on remnant vegetation. As the shire has valuable biodiversity corridors in the road reserves this is not likely to be a true statement.

The proposed Underground Water Pollution Control Area will restrict potential groundwater polluting activities through P2 and P3 classifications to the southern area of the Shire. This will require best environmental management practices be incorporated into new land uses and existing owners that are polluting the groundwater may have to work with the Department of Environment and the Water Corporation to remove the water pollution risk.

Resource Implications: The creation of an Underground Water Pollution Control Area for the proposed Karnup Dandalup public drinking water source area will require best environmental management practices to be implemented especially for poultry and equine activities to ensure that the groundwater pollution risk is removed or significantly reduced. This is aligned with council's vision and strategic plan to implement best environmental management practices, to ensure our agricultural industry remains sustainable and that we establish a best practice equine industry in the Peel region.

The current proposal to locate bores in the road reserves will require investigation and environmental management and construction to ensure high value conservation vegetation is not removed. The road reserves provide significant biodiversity corridors within the shire.

The proposal of another water source for Perth should be coupled with a move towards reducing water consumption across the metropolitan area to sustainable levels. The state has developed and is implementing the State Water Strategy to achieve this and the Shire is part of the Peel Water Campaign working at a local and regional level.

Use of Local, renewable or recycled Resources: The proposal is to extract groundwater for the southern region of the shire to provide a public drinking water source for the growing Perth metropolitan population. The resource is locally available but will be used at a metropolitan scale. The proposal aims to capture water currently lost to evapotranspiration and to rural drains (and on to the ocean) which aims to use water resources more efficiently. The area of concern here is that the full extent of how the groundwater system works and affects our ecology has not yet been fully understood.

Details of the implementation of the project are not yet developed to allow discussion or assessment on the use of local or renewable resources in its implementation.

Economic Viability: As the project details have not been determined the economic and ongoing costs to the community and the shire cannot be determined. There will be costs associated with the effects of drawdown on existing dams and bores but it anticipated that this cost would be covered by the State government. There will be costs to land owners who develop or use their land in a way that could potentially pollute the groundwater. The costs associated would be with establishing and maintaining best environmental management practices. If these are implemented upfront they can be incorporated into feasibility studies and also should be minimised if part of an integrated management approach.

Economic Benefits: There is the opportunity for the proposal to provide economic benefits in the form of jobs during the construction of the bores and associated infrastructure but this would be part of the future planning.

Social – Quality of Life: The proposal if implemented will ensure the long-term supply of drinking water to the public. It will also ensure best environmental management for industry, agriculture and residential/rural subdivision will be implemented in regards to water quality and quantity.

Social and Environmental Responsibility: The current process adopted by the State Government hasn't allowed the community to be involved in the early development of the project. The community will be involved in the project details in the development of the implementation plan.

The proposal will allow the community that are landowners to become environmentally and socially responsible through having to manage their land using best practice. The state government will have the opportunity to work with landowners to educate them and work with them to ensure the groundwater quality is protected.

Social Diversity: The proposal doesn't disadvantage a social or cultural group within the area but could disadvantage some of the existing landowners that are not implementing best practice environmental land management at present and/or have existing dams and bores in proximity to a proposed bore. This is an issue the state government will have to work with landowners to resolve in achieving their objectives for the area. These issues relating to Affect of Public Drinking Water Source Area on existing landowners are discussed below:

Existing Bores and Dams: There are existing bores located within the proposed area. During the testing undertaken in 1984 using a test production bore in the Yarragadee aquifer located near Serpentine the pumping allegedly caused interference effects on private bores. If existing bores are located within the draw down area of a new production bore it is most likely to be affected.

“Where this has been an issue in the past in relation to other Water Corporation borefields the problem has been addressed by means such as:

Providing assistance to the bore owner to deepen or relocate the bore; or

Providing a replacement water supply from the scheme.”

(1997 Karnup-Dandalup Source Investigation Plan completed for the Water Corporation)

The 1997 Water Corporation Report notes that deep bores into the Yarragadee aquifer are not included in the conceptual wellfields despite large quantities of water having been obtained from the aquifer. This is due to adverse affects on some dams and bores in the superficial and Leederville aquifer. It also notes that the effects on water levels in the superficial and Leederville aquifers caused by abstraction are likely to be small and could be managed by negotiation with any affected landholders.

Incompatible existing uses: The Department of Environment (DoE) recognises that many activities will have been legally established prior to the gazettal of the Public Drinking Water Source Area. These activities will be allowed to continue at their present level operating lawfully. If the current activities are incompatible or conditional the Department where practicable may negotiate with operators to implement best environmental management practices which aim to minimise the risks to water sources.

Statutory Environment:

PDWSA's including UWPCA, water reserves and public water supply catchment areas are declared under the Metropolitan Water Supply, Sewerage and Drainage Act 1909 and Country Areas Water Supply Act 1947.

The shire must also comply with SPP27 for PDWSA and the TPS must be reviewed to ensure potentially polluting activities in new proposals are referred to the shire for approval.

Policy/Work Procedure

Implications:

The introduction of the Karnup Dandalup UWPCA will have impacts on the future development and subdivision of the southern region of the Shire requiring best practice environmental management and restricting some potentially polluting activities.

Financial Implications:

There are no direct financial implications to Council related to this application/issue. The amendment of the TPS to allow implementation of the Karnup Dandalup UWPCA will form part of the TPS review which is to be started in 2004.

There will be additional assessment required for applications that would have been previously not assessed or had simple assessments as the use was consistent with the land zoning will now require detailed assessment which could have resource implications.

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:

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.
2. Develop partnerships with community, academia and other management agencies to implement projects in line with Shire objectives.
3. Encourage protection and rehabilitation of natural resources.
4. Reduce water consumption.
6. Value, protect and develop biodiversity.

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

Strategies:

1. Implement known best practice sustainable natural resource management.
2. Respond to Greenhouse and Climate change.

3. Economic

Objective 1: A vibrant local community

Strategies:

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

Objective 3: Effective management of Shire growth

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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:

Community Consultation has not been undertaken so far. Once the two affected councils, Shire of Serpentine Jarrahdale and Shire of Murray have agreed to the Underground Water Pollution Control Area, its boundaries and priority classifications, the Department of Environment then prepare a draft Drinking Water Source Protection Plan. Community Consultation will be undertaken on the Drinking Water Source Protection Plan by council and the Department of Environment.

Comment:

Landuse and Strategic Planning Implications: A number of land use and strategic planning issues have been raised in reviewing the 1997 *Karnup-Dandalup Source Investigation Plan* and the *Drinking Source Information Note* and the current priority classifications allocated over the area. These issues are discussed below:

Animal Establishment - Equestrian Centres: Equestrian centres are incompatible in P2 areas and conditional in P3 areas. The only shire owned equestrian facility, Serpentine Sports Reserve, is located in P3 and therefore allowable with conditions. The Shire will have to negotiate the operational conditions with the Department of Environment. The further development of equestrian areas, defined as including land or buildings dominantly used for the showing, competition or training of horses and riding schools, would be restricted to the P3 areas which are the urban or special rural areas. Due to the vision of the shire and the Peel region to be an area of equestrian excellence this is not a workable restriction on activities. The Department of Environment have advised the shire in order to have equestrian areas conditional not incompatible we would have to nominate future equestrian areas at this stage and have them shown on the plan as P3. This is not a practical solution as they will be privately owned and operated facilities and this restricts future owners developing equestrian centres. The shire would be able to work within a conditional requirement on this land which would set a nutrient export target that land owners have to design their operations to meet using best practice land and environmental management. This would be in keeping with the Shire's vision of creating an equine industry of excellence.

Animal Establishment - Stables: Stables are conditional in P2 areas and compatible in P3 areas. The source area currently has a large number of stables and the Peel region is developing as an equine area. This classification will mean that there will be tight conditions on the equine activities in the area. Best practice horse management will have to be employed. The Department of Environment have indicated that the Horse Guidelines they have developed would be used to assess and determine the conditions for applications. The Environment Officer has been working with the Department on the Horse Guidelines as in their present state they are not able to be applied practically to the Shire.

The Department of Environment in reviewing the draft of this report stated that “The Environment Officer has been working with the Department on the application of the Horse Guidelines with the aim to provide suitable conditions of approval and a quick means of assessing suitable stocking rate for any property in SJ.”

Animal Husbandry, intensive - Poultry Farming: Housed Poultry farming is allowed in both the P2 and P3 classifications but is a conditional use. The Shire’s Poultry overlay areas are located within the Proposed Drinking Water Source Area in both the P2 and the P3 area. The details of the conditions that DoE are likely to place on these operations are not outlined in current documentation received. A draft code of practice for poultry has recently been released and the shire was involved in the preparation and review of this.

Industry - Food Processing, dairy product factories, breweries: These are incompatible in P2 areas and conditional in P3 areas. As most of these types if industry would be located in P2 areas this would restrict this type of economic development to a large portion of the southern part of the Shire. As the shire is promoting both agricultural development which would also encourage food processing and dairy product factories, we are also encouraging tourism and a microbrewery as a tourist attraction would not be able to develop under the proposed classification.

Recreation Private: This classification refers to establishments that are usually open to the public with an entry charge. These are incompatible in P2 and compatible in P3 areas. This would restrict the establishment of many tourist facilities to the P3 future urban or rural living areas.

Restaurants: These are incompatible in P2 areas and compatible in P3 areas. As this area of the shire is largely agricultural and is planned to stay rural, lifestyle restaurants may want to be established on rural properties as currently exist through the shire. We are encouraging tourism and economic development within the shire as well that is in keeping with our rural lifestyle vision.

Summary of changes to zoning restrictions/classifications

ZONING	CURRENT CLASSIFICATION (DoE)	PROPOSED CLASSIFICATION	SJ REQUESTED CLASSIFICATION
Animal Establishment – Equestrian Centres	INCOMPATIBLE		CONDITIONAL – WITH NUTRIENT EXPORT TARGETS
Industry – Food Processing, dairy product factories, breweries	INCOMPATIBLE		CONDITIONAL WITH NUTRIENT EXPORT TARGETS
Restaurants:	INCOMPATIBLE		CONDITIONAL – WITH NUTRIENT EXPORT TARGETS
Recreation Private:	INCOMPATIBLE		CONDITIONAL – WITH NUTRIENT EXPORT TARGETS

Subdivision - Special Rural: Special Rural is allowed in both the P2 and P3 classifications but is a conditional use. The lots must be 2 hectares or greater for P2 areas and greater than 1 hectare for P3 areas. The conditions will include meeting water quality objectives of source protection area, caveats on titles preventing further subdivision and conditions relating to the siting of wastewater disposal systems. At present areas within the Serpentine townsite P3 area have been zoned under the rural strategy to be smaller than 1 hectare with a minimum lot size of 4000 square metres. These lot sizes were approved by the WAPC and therefore need to override the restrictions set out at present to ensure all lot sizes already approved by the state government will be upheld for any future development.

Incompatible Uses: It is recognised by the DoE that there may be special circumstances where a use defined as incompatible with a priority classification should be considered for conditional approval. These would include for example government supported community needs or site specific circumstances and would be considered if an overriding community benefit was demonstrated by the proponent and there was no increase in the risk of contamination of the water resource.

Implications Of Drinking Source Area Being Proclaimed:

Planning approvals: A large proportion of the uses currently proposed or envisaged for the Public Drinking Water Source Area through the rural strategy and Town Planning Scheme would be conditional especially in the P2 areas. The major implications of this for the Shire are an increase in approval time and that no scientific assessment criteria has been provided to give certainty on how conditional uses will be assessed, other than they will be assessed against meeting the objectives of the priority zoning and the Public Drinking Water Source Area. Advice received from DoE is that the Department and SJ can work together to establish protocol whereby the shire uses DoE guidelines for most referrals, and if the proponent is proposing something beyond the guidelines the application is sent to DoE.

Each conditional use would have to be referred to the Department of Environment for assessment and approval. This would result in a time delay for applications being assessed as they are assessed on a case by case basis. There is scientific uncertainty as no exact acceptable limits are given in documentation received to date to allow council to assess applications. These need to be set and clear implementation guidelines need to be established to allow consistency and for the community and council to do future planning.

Uncertainty: The other implication of giving approval in principle for the classifications in the proposed public drinking water source area is that the details of the project including bore locations, drawdown amounts, wetlands and vegetation affected will be determined in the planning which will occur five years before commencement of the project. In this approach there is a risk to council that the level of environmental protection they would accept would not be met.

Implementation: Once the area has been gazetted the Shire is legally bound to implement the priority classifications (P2 & P3). To achieve this the Shire will have to amend the Town Planning Scheme to include controls to meet the compatible, conditional and incompatible uses. This can be undertaken as part of the scheme review for TPS 3 and will allow a thorough assessment of areas that will need to be amended to achieve the water quality outcomes required by the proclamation of the public drinking water source area.

Conclusion: The Department of Environment has been working with the Shire of Serpentine Jarrahdale and also the Shire of Murray for a number of years to resolve any issues on the proposed Underground Water Pollution Control Area, its boundaries and priority classifications. The Department have taken on board council's concerns and comments about the need to have the areas zoned for future urban or rural living to be reclassified to P3 areas instead of P2 and have amended their plans accordingly. This partnership approach is the key to achieving the best overall outcome that will provide a sustainable

water supply to Perth and ensure sustainable land use planning, agricultural and equine industries can be developed to meet the Shire's vision.

Voting Requirements: Normal

Officer Recommended Resolution:

1. Council accepts in principle the proposed draft boundaries for the purpose of community consultation of the Karnup Dandalup Public Drinking Water Source Area and the priority zones as shown on attached map marked P068.2/03/04 subject to the following conditions:

- (a) Community Consultation is undertaken by a relevant state agency and/or Water Corporation that ensures all the landowners potentially affected by the proclamation of the Karnup Dandalup Public Drinking Water Source Area and the priority zones are given adequate opportunity to view and provide input into the Drinking Water Source Protection Plan.
- (b) All wetlands, damplands and vegetated sections of Palusplain classified as conservation (in the Wetland Atlas, Hill et al, 1996) not be affected through the drawdown effects of the bores on existing groundwater levels.
- (c) If the EPA determine that existing wetland function will be lost due to abstraction for any wetland (other than conservation which cannot be affected, condition 2), the Water Corporation will be required to purchase and hand over to a relevant government agency for management, equivalent areas of conservation value wetland (currently not managed for conservation) located within the Shire of Serpentine Jarrahdale.
- (d) Final location of bores, including test bores, within road reserves and existing vegetation are signed off by the Shire of Serpentine Jarrahdale, where within their boundary, prior to design and construction.
- (e) Details on how conditions will be determined (what scientific methods) especially for equestrian activities and poultry farming be provided and agreed upon within the Drinking Water Source Protection Plan.
- (f) The following land use zonings as set out in the *Water Quality Protection Note – Land Use compatibility in Public Drinking Water Source Areas* model scheme text zoning tables be changed as tabled below:

ZONING	CURRENT CLASSIFICATION (DoE)	PROPOSED CLASSIFICATION	SJ REQUESTED CLASSIFICATION
Animal Establishment – Equestrian Centres	INCOMPATIBLE		CONDITIONAL – WITH NUTRIENT EXPORT TARGETS
Industry – Food Processing, dairy product factories, breweries	INCOMPATIBLE		CONDITIONAL WITH NUTRIENT EXPORT TARGETS
Restaurants:	INCOMPATIBLE		CONDITIONAL – WITH NUTRIENT EXPORT TARGETS
Recreation Private:	INCOMPATIBLE		CONDITIONAL – WITH NUTRIENT EXPORT TARGETS

- (g) That within the Water Quality Protection Note – Land Use compatibility in Public Drinking Water Source Areas it be stated that Town Planning scheme provisions for specific TPS zones and reserves and those contained within an endorsed Local rural strategy referring to lot size take precedence over those set out in the document tables for subdivisions.

2. Council will implement within their Town Planning Scheme and Rural Strategy the requirements of the Karnup Dandalup Public Drinking Water Source Area to ensure that water quality objectives are met.

LOST 0/5

Cr Richards left the meeting at 7.20pm and returned at 7.26pm

CRP068/03/04 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Price seconded Cr Star

1. Council receives the proposed draft boundaries for the purpose of community consultation of the Karnup Dandalup Public Drinking Water Source Area, with the exclusion of the Agricultural Protection Policy Areas, and the priority zones as shown on attached map marked P068.2/03/04 subject to the following conditions:

- (a) Community Consultation is undertaken by a relevant state agency and/or Water Corporation that ensures all the landowners potentially affected by the proclamation of the Karnup Dandalup Public Drinking Water Source Area and the priority zones are given adequate opportunity to view and provide input into the Drinking Water Source Protection Plan.
- (b) All wetlands, damplands and vegetated sections of Palusplain classified as conservation (in the Wetland Atlas, Hill et al, 1996) not be affected through the drawdown effects of the bores on existing groundwater levels.
- (c) If the EPA determine that existing wetland function will be lost due to abstraction for any wetland (other than conservation which cannot be affected, condition 2), the Water Corporation will be required to purchase and hand over to a relevant government agency for management, equivalent areas of conservation value wetland (currently not managed for conservation) located within the Shire of Serpentine Jarrahdale.
- (d) Final location of bores, including test bores, within road reserves and existing vegetation are signed off by the Shire of Serpentine Jarrahdale, where within their boundary, prior to design and construction.
- (e) Details on how conditions will be determined (what scientific methods) especially for equestrian activities and poultry farming be provided and agreed upon within the Drinking Water Source Protection Plan.
- (f) The following land use zonings as set out in the *Water Quality Protection Note – Land Use compatibility in Public Drinking Water Source Areas* model scheme text zoning tables be changed as tabled below:

ZONING	CURRENT CLASSIFICATION (DoE)	PROPOSED CLASSIFICATION	SJ REQUESTED CLASSIFICATION
Animal Establishment – Equestrian Centres	INCOMPATIBLE		CONDITIONAL – WITH NUTRIENT EXPORT TARGETS
Industry – Food Processing, dairy product factories, breweries	INCOMPATIBLE		CONDITIONAL WITH NUTRIENT EXPORT TARGETS
Restaurants:	INCOMPATIBLE		CONDITIONAL – WITH NUTRIENT EXPORT TARGETS
Recreation Private:	INCOMPATIBLE		CONDITIONAL – WITH NUTRIENT

		EXPORT TARGETS
(g)	That within the Water Quality Protection Note – Land Use compatibility in Public Drinking Water Source Areas it be stated that Town Planning scheme provisions for specific TPS zones and reserves and those contained within an endorsed Local rural strategy referring to lot size take precedence over those set out in the document tables for subdivisions.	
2.	In due course Council will implement within their Town Planning Scheme and Rural Strategy the requirements of the Karnup Dandalup Public Drinking Water Source Area to ensure that water quality objectives are met.	
CARRIED 10/0		

Committee Note: The Officer Recommended Resolution was altered to change Part 1 from “accepting” the proposed boundaries to “receiving” the proposed boundaries with the exclusion of the Agricultural Protection Policy Area. Part 2 was altered to add “in due course” as the area has yet to be gazetted and finalised.

Council Note: To advise the Shire of Murray of this Council Decision.

P074/03/04 PROPOSED STORAGE YARD FOR CONSTRUCTION PLANT AND EQUIPMENT ON LOT 14 TUART ROAD OAKFORD (P05410/01)		
Proponent:	K & E Adams	In Brief Recommittal of item regarding application for approval to use property as storage yard for construction plant and equipment. Refusal of the proposal is recommended. Further information included with regard to the provisions of Amendment 92 to town planning scheme No. 2 relating to development on land within the Jandakot Underground Water Pollution Control Area. Additionally, application has been modified by applicant to include a storage shed.
Owner:	As above	
Officer:	Meredith Kenny - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	3 March 2004	
Previously	P065/02/04 February 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

Site Description

The subject site is zoned Rural and is just over 4 ha in area. The land sits within the Jandakot Underground Water Protection Area. The site contains substantial remnant vegetation including banksia woodland and tuart trees.

History

Investigation of a complaint from an adjacent resident revealed that unauthorized clearing of approximately 3200 square metres of the site had taken place and the cleared area had been paved with limestone. A review of Shire records identified that approval had not been granted for the development that had been carried out. The landowners were contacted both in writing and by phone and advised to cease all works. The requirement for planning approval was explained to the landowners. Subsequently, the landowners submitted an

application to construct a limestone hardstand and to use the site as a storage depot for plant and equipment used in the construction of mining camps.

Proposal

The hardstand area will be used as storage for two six metre land sea containers, a prime mover, a five tonne flat deck truck, a 4WD, a Bedford Hiab, a forklift and four trailers. The sea containers will be used to store a variety of equipment and tools associated with setting up mining and construction camps (saws, trestles, axes, picks, concreting equipment and clothing). The vehicles are serviced, refueled and washed down offsite in Maddington and Kwinana.

Following consideration of the application at the February meeting of the Council, the applicants amended their application to include a 315m² storage shed (to be used for the storage of some of the vehicles, plant and equipment). The shed will be 6 metres high to the ridge of the roof. The walls and gutters will be constructed of Superdeck Colorbond in Rivergum colour. The roof will be Superdeck zincalume. Two rainwater tanks approximately 4.8 metres diameter each will also be constructed adjacent to the storage shed. The rainwater tanks will also be constructed in Rivergum colour.

Allerding Burgess planning consultants, on behalf of the applicants, have also submitted a letter requesting that some of the conditions recommended by the planning officer in the previous report to the Council be reconsidered. This matter is discussed in the comment section of the report.

Additionally, it is necessary to assess the application against the provisions of scheme amendment No. 92. Amendment 92, among other things, creates a new Rural Water Protection zone consistent with the Jandakot Underground Water Pollution Control Area (JUWPCA) and identifies the land uses that will be permitted in this zone. Amendment 92 has been finally adopted by the Council but has not yet been granted final approval by the Western Australian Planning Commission (WAPC) or the Minister for Planning and Infrastructure, nor has it been gazetted.

A copy of the revised site plan, floor plan and elevation drawings for the proposed storage shed are with attachments marked P074/03/04.

Previous Consideration Of The Application By The Council

The application was previously considered at the February 2004 Planning, Development and Environment Committee meeting. The following Officer Recommendation was presented to the Committee:

- “A. Council resolves that the storage of construction and mining plant, equipment and vehicles is consistent with the objectives and purpose of the rural zone.*
- B. The application for planning approval for storage of construction and mining plant, equipment and vehicles with the exception of the sea containers on Lot 14 Tuart Road, Oakford be approved subject to the following conditions:*
- 1. Only those vehicles, plant and equipment detailed in the application are permitted to be stored on the property.*
 - 2. Area of lot to be used for the approved purpose shall not exceed 3200 square metres in the location indicated on the approved plan.*
 - 3. Loading, unloading and arrival and departure of vehicles associated with the operation of the business to be restricted to the hours of 6.00am to 9.00pm weekdays and 7.00am to 7.00pm on Saturdays and Public Holidays.*
 - 4. Refuelling, servicing and wash down of vehicles, plant or equipment shall not be carried out on site.*
 - 5. Storage of petroleum products or chemicals in excess of 250 litres shall not be carried out on site.*

6. *The portion of the limestone driveway marked in red on the approved plan to be deleted.*
7. *No clearing of vegetation is permitted outside the hardstand yard, unless in accordance with the Bush Fires Act (as amended) or for the purpose of constructing an approved driveway, installing essential services, or removing dead or dangerous trees.*
8. *The developer shall prepare a vegetation management plan for the whole site to the satisfaction of the Director Sustainable Development. The vegetation management plan shall include the following:*
 - (i) *Weed management and rehabilitation;*
 - (ii) *The protection of existing mature trees and remnant vegetation; and*
 - (iii) *The planting of new locally native trees and shrubs between the hardstand area and the side boundaries of the lot and the portion of the limestone driveway marked red on the approved plan.*
9. *Revegetation/landscaping shall be implemented in accordance with Condition 8 by 30 September 2004 and thereafter maintained in accordance with the approved vegetation management plan.*
10. *The use/development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise.*
11. *The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Director Sustainable Development.*
12. *All stormwater is to be disposed of within the property. This shall be achieved by either soakwells or spoon drains and the grading of driveways and paved areas onto lawns or landscaped areas preventing direct disposal of stormwater onto the road or neighbouring properties.*
13. *No polluted water, including but not limited to waste waters or turbid stormwater arising from the development or use of this land, shall be discharged into the stormwater drainage system or any water course.*
14. *Crossovers to be constructed in accordance with Serpentine Jarrahdale standard specifications to the satisfaction of the Director Asset Services.*
15. *No sea containers shall be placed on the property.*
16. *The perimeter of the 3200 square metre area of the lot to be used for the approved purpose as indicated on the approved plan shall be fenced with post and wire fencing to the satisfaction of the Director Sustainable Development prior to commencement of the use.*
17. *This approval is specific to the applicant only and does not run with the land.*
18. *All materials and equipment associated with the approved use, including vehicles, are to be stored within an approved shed.*

Advice Notes:

- A1. *The Environmental Protection Act contains penalties where the noise limits prescribed by the Act are exceeded and it is suggested that you have due regard for this in the operation of your development.*
- A2. *The applicant is advised that approval from the Water and Rivers Commission is required prior to the establishment of any land use involving the storage or use of any chemicals, petroleum or other substances or any process capable of producing any waste or discharge.”*

The Committee referred the item to the Ordinary Meeting of the Council held on 22 March 2004, with the following recommendation:

1. *The application for planning approval for storage of construction and mining plant, equipment, vehicles and sea containers be refused for the following reasons:*
 - (i) *Impact on the amenity of the surrounding landowners;*

- (ii) *Probability of the mining equipment increasing;*
- (iii) *Objections from the neighbours;*
- (iv) *Located over the Water Mound – high probability of hydraulic and fuel leakages and potential for water pollution;*
- (v) *Disregard for the requirements of the Town Planning Scheme and for the advice given by Officers; and*
- (vi) *Against the intent of Council's amendment to the Town Planning Scheme for the Jandakot Water Mound.*

2. *Council seeks legal advice on prosecution.*

At the Ordinary Meeting of the Council held on 22 March 2004 the motion put by the Planning, Development and Environment Committee was lost 1 vote to 9 votes. The Council carried the following alternative motion with regard to the item:

CRP065 COUNCIL DECISION

Moved Cr Murphy seconded Cr Kirkpatrick

To defer this matter back to March 2004 Planning Development and Environment Committee meeting for further consideration.

CARRIED 9/1

Council Note: The Committee Recommended resolution was changed so that the application can be considered further by the Planning Development & Environment Committee on 15 March 2004.

Discussion at the Council meeting touched on the possible implications of proposed Amendment 92 to Town Planning Scheme No. 2 with regard to this application. Amendment 92 relates to properties within the proclaimed Jandakot Underground Water Pollution Control Area. Accordingly, this matter is addressed in this report.

Sustainability Statement

Effect on Environment: As the development was cleared prior to the application being submitted it is not known how many trees were removed. However, the site was previously uncleared and contains a significant amount of remnant vegetation. Advice from the complainant who first brought the matter to the attention of the Shire is that substantial banksia woodland was removed.

A combination vehicle accessway/firebreak has been constructed along the southern boundary of the property. Accordingly, all vehicle movements to and from the site and the equipment storage area will be highly visible from properties to the south of the subject lot. Revegetation of the property to enable adequate screening of the use from adjoining properties should be required as a condition if planning approval is granted.

The proposed use, unless managed properly, has the potential to adversely affect the visual amenity of the surrounding area and possible contamination of soil and groundwater through potential fuel or oil spillage. The applicants advise that refueling, servicing and washdown of the vehicles will occur offsite at appropriate facilities and conditions in this regard can also be placed on the use. However, long term, on-going monitoring of the development would be necessary to ensure continued compliance with these conditions.

Resource Implications: Provided the use is contained within the area currently proposed to be used (3200 square metres) the retention of existing vegetation on the lot will be able to be maximized. Conditions restricting the extent of the area permitted to be used for the storage yard and associated vehicle accessways will be required in order to achieve this. Future expansion of the use within the lot should be discouraged.

Additionally, with regard to resource preservation, the range of activities (ie storage only) should be strictly controlled so that activities that have the potential to pollute the underground drinking water source are prohibited (ie vehicle servicing and wash down).

The subject site is well located with regard to access to major transport routes (Thomas Road, Kwinana Freeway and Tonkin Highway).

There is unlikely to be any waste water generated by the use.

Use of local, renewable or recycled Resources: The proposal will use regionally available businesses for servicing, fuelling and wash down of vehicles.

The limestone used for the hardstand has been sourced from within the Peel region.

Economic Viability: The proposal will be economically viable in a way that incorporates its external costs if conditioned, managed and monitored to contain the storage yard within a prescribed area and restrict the type of activities allowed to occur within the yard.

Economic Benefits: The proposal is unlikely to have any economic benefits for the Shire.

Social – Quality of Life: There is the potential if the owners do not operate the premises in accordance with the suggested conditions and relevant legislation that the amenity of the area could be effected by noise and dust as well as visually.

Social and Environmental Responsibility: In order to prevent any adverse impacts on the environment or amenity of the area, the owners would need to demonstrate a continued commitment to a high level of social and environmental responsibility.

Social Diversity: Nil

Statutory Environment:

The proposed use “Industrial Storage Yard” does not fit with the definition of any use listed in the Zoning and Landuse Table contained within the Town Planning Scheme No.2. Accordingly, the use is deemed to be a “Use Not Listed” and is therefore subject to the provisions of Clause 3.2.5 of TPS 2 detailed below:

If the use of land for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be determined as falling with 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 therefore follow the advertising procedures of Clause 6.3 in considering an application for planning consent.*

In accordance with Clause 3.2.5 (b) of TPS 2 (above) the application was advertised to adjacent landowners for comment. The results of that advertising are detailed in the “Public Comment” section of this report. The consistency (or otherwise) of the use with the objectives and purpose of the rural zone are discussed in the “Comment” section of this report.

Policy/Work Procedure Implications:

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

Financial Implications:

The only financial implication to Council related to this application/issue will be ongoing monitoring of the

development by Ranger Services and Planning Services to ensure compliance with the conditions of approval.

Strategic Implications:

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

1. People and Community

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

Strategies:

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

2. Environment

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

Strategies:

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

3. Economic

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

Strategies:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Required: Yes

Support/Object: Objections – 3; Conditional Support – 1

Two of the objections were from residents in the Town of Kwinana whose properties abut the rear of the development site (properties on the western boundary side of Tuart Road are on the municipal boundary between the Shire of Serpentine-Jarrahdale and the Town of Kwinana).

Affected Property	Summary of Submission	Support/ Object	Officer's Comment	Action (Condition/ Support/ Dismiss)
142 Scovell Crescent Anketell abuts rear of subject lot.	Object to the proposal for the following reasons: <ul style="list-style-type: none"> - the zoning of the property does not allow for this type of storage facility. - the property is on top of the Jandakot Water Mound. - noise impact on their property as a result of loading and unloading of vehicles, use of cranes and forklift for loading/unloading. - it will be impossible for the	Object	Under TPS 2 the Council may consider a variety of landuses in the Rural zone including light industry which is similar to the proposed use. Conditions of planning approval could be imposed to control the extent and operation of the business to ensure existing amenity is retained for adjacent properties. There will be	Condition to address issues.

Affected Property	Summary of Submission	Support/ Object	Officer's Comment	Action (Condition/ Support/ Dismiss)
	Shire to police the issues that could arise if the development is approved.		approximately 180-190 metres between the hardstand area and the rear of the lot abutting the submitter's property. This area is currently densely treed banksia woodland and should provide an effective screen both visually and acoustically.	
148 Scovell Crescent Anketell (abuts rear of subject lot)	<p>Objects to the proposal. Industrial uses should be confined to industrial areas. Approval of this proposal will encourage/set a precedent for the approval of similar businesses in this area.</p> <p>These types of industrial yards always end up being an eyesore and a graveyard for redundant and broken down vehicles and machinery. It would be irresponsible to allow industrial activities in this area.</p>	Object	See above	Condition to address issues.
101 Tuart Road (abuts southern boundary of subject lot)	They are not at all happy about having an industrial storage yard next door. This type of use should only be allowed in an industrial area. This is only a B grade road and large earthmoving vehicles are not permitted. The applicant commenced the clearing and hardstand before obtaining approval.	Object	<p>See above.</p> <p>The equipment, machinery and vehicles to be stored on the property do not include earthmovers – only max. 5 tonne truck, truck trailers and forklift.</p>	Condition to address issues.
127 Tuart Road (abuts northern boundary of the lot)	The natural vegetation screening should be retained and be extended on the northern side of the property between the cleared limestone area and the firebreak boundary with Lot 15 Tuart Road. Do not object to the proposal as long as it does not exceed the extent (size and equipment types) detailed in the Shire's letter to them and subject to the business not being allowed to operate between 11pm and 6.00am.	Support	Appropriate conditions addressing the issues raised by the submitters can be imposed on the development.	Condition to address issues raised.

Comment from External Government Agencies:

As the site is within the Peel-Harvey Coastal Plain Catchment and a Priority 2 Public Drinking Water Source Area the proposal required referral to the Department of Environment

and the Water and Rivers Commission (DOE/WRC). The response received from the DOE/WRC is as follows:

“The subject land is within the Jandakot PDWSA, which has been declared for Priority 2 source protection. P2 source protection areas are defined to ensure that there is no increased risk of pollution to the water source. P2 areas are declared over land where low risk development (such as low-intensity rural activity) already exists.

The department supports approval of the use of the subject site for the storage of commercial vehicles and construction equipment on the subject land (as detailed in their application) subject to no re-fuelling, servicing or washdown of vehicles and equipment or storage of fuels or chemicals occurring on the subject land.

The applicant should refer to the Water Quality Protection Note on Land Use Compatibility in Public Drinking Water Source Area a list of compatible and conditional land uses in P2 area.”

Comment:

Consistency of the proposed landuse with the objectives and intent of the rural zone. Under TPS 2 the objectives and intent of the rural zone is as follows:

“... To allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area”.

A business which involves the storage of plant, equipment and vehicles associated with the mining and construction industries does not generally fit with the above objectives. However, the Zoning/Landuse table also contained in TPS 2 details a diverse range of uses which may be considered in the rural zone. Several of these uses are similar in nature to the proposed use and in many cases may have more impact on adjacent properties and/or the environment. Accordingly, it is considered that the proposed use is consistent with the intent of the rural zone and that, subject to appropriate conditions being imposed, approval could be granted for the use.

The proposal to place two sea containers in the property is not considered to be in keeping with the amenity of the rural zone.

Request for reconsideration of proposed conditions

Allerding Burgess planning consultants, on behalf of the applicants, have submitted a detailed request that conditions 1, 6, 7, 8, 15, 16, 18 of the Officer Recommendation contained in the report to the February Council meeting be reconsidered. Their grounds for this request for reconsideration are detailed below in italics with the officer's comment below in normal text:

Condition 1

Condition 1 reads: ‘Only those vehicles, plant and equipment detailed in the application are permitted to be stored on the property’.

We have no objection to this condition, however, the submissions table of the Agenda report (relating to Lot 101) does not refer to a prime mover, which remains part of the original application.

We seek assurance that Condition 1 includes provision for a prime mover to be stored on the property as per our application.

In their letter to the Environmental Protection Authority dated 29 December 2003, Allerding Burgess on behalf of the owners, advised that the development would comprise the storage of:

1. 1 x prime mover with flat bed trailer;
2. A 5 tonne truck;
3. A 4X4;
4. A Bedford Hiab
5. A forklift
6. Four trailers
7. Two sea containers; and
8. Equipment, tools and clothing associated with the nature of the business including saws, trestles, shovels, axes and concreting equipment.

This varies from the equipment stated in the application submitted to the council by the owners of the property, which stated that only the following items would be stored on the property:

1. 2 x 6metre sea containers
2. 1 x 5 tonne truck
3. 1 x tradesman trailer
4. 1 x box trailer
5. 1 x boat
6. 1 x 4WD
7. 1 x tilt tray
8. Formwork and timber

If the application is approved Condition 1 will be modified to specifically identify the vehicles, plant and equipment that may be stored on the property.

Condition 6

This condition requires a portion of the proposed driveway to be deleted (as per the plan attached to the Agenda) and replaced with bushland. We consider that there is no planning or environmental reason for this deletion.

The property remains well covered in bushland and the cleared portion is well below the 1 hectare of clearing permitted by the Agricultural Department without approval.

The proposed deletion may be intended to protect the amenity of the adjoining landowner to the south. However, inspection of Lot 14 reveals that the residence to the south is located some distance from the proposed hardstand area and is well screened.

At the same time, the access configuration shown on the current application plan allows access and egress to the storage yard to occur with vehicles moving in the same direction. This is not only critical to the efficient and convenient operation of the yard, avoiding the need for the vehicles to reverse is considered to be in the best interests of health and safety.

The condition was proposed to try to reduce the potential impact of the development to a minimum for adjacent properties and should be retained. There is adequate capacity within the 3200 square metre area proposed for the hardstand yard to provide turnaround space or reversing bays so that trucks do not have to reverse down the long driveway.

Condition 7

This condition prohibits any further clearing beyond the hardstand area except for fire/safety purposes. It should be noted that the area to be cleared is well below the maximum 1 hectare permitted by the Department of Agriculture.

Moreover, it has always been our client's intention to live and work on the property, and we are concerned that Condition 7 may remove the ability of our clients to build a house on the land (envelope shown on the application plan). A house is a Permitted use in the rural zone.

Condition 7. has been modified as detailed below to allow for clearing to be carried out for fire or utility purposes or for any use/development approved by the Council:

“No clearing of vegetation is permitted outside the hardstand yard, unless in accordance with the Bush Fires Act (as amended), for the purpose of constructing an approved driveway, installing essential services, removing dead or dangerous trees or, in accordance with any written approval obtained from the Shire for a rural use, domestic dwelling (and associated ancillary facilities)”.

The applicant is again reminded that irrespective of the Department of Agriculture’s notification procedures for clearing not commencing unless more than 1 hectare of land is involved, the Shire of Serpentine-Jarrahdale’s Town Planning Scheme No. 2 requires planning consent to be obtained prior to the removal of any tree over 4 metres in height or with a trunk circumference exceeding 150 millimetres measured at a height of 1.2 metres above the ground.

Condition 8

This condition requires our client to prepare a vegetation management strategy over the whole property, including the portion of hardstand to be deleted. As well as reinforcing our comments with respect to Condition 6, we question the need for this condition.

The Agenda report does not indicated why there is a need for the vegetation management plan. Certainly, the Environmental Protection Authority did not recommend such a plan as a condition and, we understand, that Council’s environmental consultant did not recommend the condition.

At the same time, it is noted that the subject land is not identified as a conservation block in Council’s Town Planning Scheme. Nor is the land identified as a Bush Forever Site. It is considered that the proposed use of the land as per our application would have a much lesser impact on vegetation than a rural use permitted under the Scheme, that would likely result in a greater level of clearing.

It is considered appropriate that a vegetation management strategy be required as the applicant has removed a considerable amount of vegetation (including several large tuart trees) and given the non-rural industrial nature of the proposal.

Condition 15

Condition 15 precludes any sea-containers from being located in the storage yard and is of particular concern for our client.

The nature of our client’s business is such that they must be able to transport the significant majority of equipment within the storage yard to construction/mining sites around the state. Sea-containers provide the perfect vehicle for this process as they are large enough to store our client’s equipment and are transportable. Fundamentally, a shed cannot be lifted onto a truck and transported elsewhere, and Condition 15 therefore runs against the intent of the application.

We understand that this condition may have been imposed as a means to limit the impact of the proposal on adjoining landowners. However, it should be noted that the proposed storage yard is very well screened from neighbouring properties by dense vegetation – the containers are unlikely to be visible from neighbouring lots.

We reiterate that due to the nature of the business, the sea containers will be located off-site for a significant portion of the time (some six months of the year). Therefore, it is considered that any visual impact associated with the use would be minimal and periodic at worst.

Furthermore, we consider that the sea containers would have much less impact than the sheds required by Condition 18. The sheds would be permanent fixtures and it is our understanding that outbuildings of 500m² are permissible on the land. By comparison, the cumulative area of the containers would be 36m² and are held off-site for significant periods of time.

We also note that there is a number of sea containers located on other properties in the area. In particular, we note that a sea container is currently located Lot 127 (abutting the northern boundary of Lot 14). Our client has no objection to the container being kept on that property.

We agree with the intent of minimizing the impact of any proposal upon neighbouring properties. However, we do not believe that Condition 15 effectively achieves this objective in addition to being to the obvious detriment of our client's business.

The storage of two sea containers on the property could be considered if the applicant can adequately demonstrate that they will be screened from view from the road and adjoining properties. It is recommended that if the development is approved then a condition requiring dense screening of the location for the storage of the sea containers should be included.

Lot 127 is within the Town of Kwinana and therefore not under the control of the Shire of Serpentine-Jarrahdale.

Condition 16

Condition 16 requires the construction of a fence around the storage yard. We consider this condition to be unnecessary given that the perimeter of Lot 14 is already fenced and locked. The existing fence is very secure and in good condition. We do not see any additional value in constructing a fenced area within an already fenced and secure lot.

It is not the concern of the Shire whether the site is secure. The fence around the hardstand area is required to assist in ensuring that the industrial development does not spill outside the boundaries of the hardstand area over time as has occurred with other similar developments throughout the Shire. This may reduce the amount of time and money the Shire will have to spend on compliance in the future and clearly identifies forever the extent of the area approved for this industrial use. This condition should be retained.

Condition 18

We reiterate our comments made in relation to Condition 15. Notwithstanding, it should be noted that a shed to house the prime mover would, necessarily, be very large. If the intent is to protect adjoining landowners from any negative visual impact then we believe that this condition is contrary to that objective. By contrast, we believe that the mature, dense bushland on the site provides adequate screening of the storage yard and its equipment, which (we reiterate) is stored off site for a significant portion of the year.

A neat colourbond shed in a colour appropriate to the landscape has less potential to affect the visual amenity of the area than several trucks and trailers. This condition should be retained. It should also be noted again that the applicants have now submitted a revised site plan, floor plans and elevation drawings for the construction of a shed in Colorbond Rivergum.

Amendment 92 to Town Planning Scheme No. 2

The main objectives of the Rural Groundwater Protection zone are to:

1. ensure that all changes to land uses within the zone are compatible with long-term protection and maintenance of groundwater for public supply and maintenance of associated ecosystems;

2. prevent land uses likely to result in contamination of groundwater through nutrient or contamination export;
3. balance environmental protection with the economic viability of the existing land uses;
4. maintain or increase natural vegetation cover; and
5. protect groundwater quality and quantity, in order to maintain the ecological integrity of important wetlands hydraulically connected to that groundwater, including wetlands outside the zone.

The insertion of a new clause in the scheme will require that the use and development of land within the Rural Groundwater Protection zone conforms to the requirements of the WAPC's Statement of Planning Policy No. 6 – Jandakot Groundwater Protection Policy.

An additional new clause to be inserted in the scheme by Amendment No. 92 states as follows with regard to the preservation of existing vegetation:

"5.19.3 Council shall not approve any use and development within the Rural Groundwater Protection zone unless it is satisfied that such use and development will not damage the existing indigenous vegetation or significantly alter the natural ground level or compromise the objectives for the compatible use and development over the Jandakot public groundwater supply mound as specified under Clause 5.19.1 above".

Amendment 92 also specified which specific landuses may be considered in the Rural Groundwater Protection zone and included provisions or amended existing provisions of the scheme such that no other use listed in the Zoning/Landuse Table and no un-listed uses were permitted in the Rural Groundwater Protection zone.

Amendment 92, having been finally adopted by the Council and given preliminary advice from the WAPC that only minor modifications would be required to the amendment prior to the WAPC granting final approval, therefore constitutes a "seriously entertained planning document". As such, the Council in determining this application should seriously take account of the effect of Amendment 92. In this regard it is emphasised that:

1. The proposed development does not meet the objectives for landuses within the proposed Rural Groundwater Protection zone;
2. The proposed use constitutes a "use not listed" and Amendment 92 will have the effect of preventing the Council from approving any "use not listed" in the proposed Rural Groundwater Protection zone;
3. The unauthorised development (clearing) carried out by the applicants has resulted in the loss of 3200 square metres of existing indigenous vegetation from the site. This is contrary to the provisions of proposed Clause 5.19.3; and
4. The use has some potential to cause contamination of groundwater through the storage of oils, fuels and vehicles.

Given the above points, it is therefore recommended that this application be refused and that consideration be given to instituting proceedings to prosecute the applicants for commencing the development and clearing significant vegetation without first obtaining approval from the Council.

Voting Requirements: Normal

Officer Recommended Resolution:

- A. Approval to commence development of the storage of construction and mining plant, equipment and vehicles on Lot 14 Tuart Road, Oakford is refused on the following grounds:
1. The use is a “use not listed” and Amendment 92 to Town Planning Scheme No. 2 (a seriously entertained planning document that has been finally adopted by the Council) will have the effect of prohibiting the Council from approving any “use not listed” within the proposed Rural Groundwater Protection zone.
 2. The use is not consistent with the objectives and intent of the proposed Rural Groundwater Protection zone in that the use has the potential to cause contamination of groundwater sources and requires the clearing of indigenous vegetation.
 3. The land is within the Jandakot Underground Water Pollution Control Area and the use is not consistent with the objectives of State Planning Policy 2.3 Jandakot Groundwater Protection Policy.
 4. Approval of the application would not be in the interests of orderly and proper planning and preservation of amenities of the surrounding area given the industrial nature of the development and the rural character of the surrounding area.
 5. The landowners commenced the development prior to obtaining approval to commence development from the Council.

LOST 1/4

Committee Recommended Resolution:

Moved Cr Richards seconded Cr Hoyer (proforma)

- A. Council resolves that the storage of construction plant, equipment and vehicles is consistent with the objectives and purpose of the rural zone.
- B. The application for planning approval for storage of construction plant, equipment, vehicles and sea containers and construction of a shed on Lot 14 Tuart Road, Oakford be approved subject to the following conditions:
1. Only the following vehicles, plant and equipment are permitted to be stored on the property:
 - a) 1 x Prime mover with flat bed trailer
 - b) 1 x 5 tonne trailer
 - c) 1 x 4WD car
 - d) 1 x Bedford Hiab
 - e) 1 x forklift
 - f) 4 x car trailers
 - g) 2 x sea containers
 2. Area of lot to be used for the approved purpose shall not exceed 3200 square metres in the location indicated on the approved plan.
 3. Loading, unloading and arrival and departure of vehicles associated with the operation of the business to be restricted to the hours of 6.00am to 9.00pm weekdays and 7.00am to 7.00pm on Saturdays, Sundays and Public Holidays.
 4. Refuelling, servicing and wash down of vehicles, plant or equipment shall not be carried out on site.
 5. Storage of petroleum products or chemicals in excess of 250 litres shall not be carried out on site.
 6. No clearing of vegetation is permitted outside the hardstand yard, unless in accordance with the Bush Fires Act (as amended), for the purpose of constructing an approved driveway, installing essential services, removing dead or dangerous trees or, in accordance with an approved rural use, domestic dwelling (and associated ancillary facilities).

7. The developer shall prepare a vegetation management plan for the whole site to the satisfaction of the Director Sustainable Development. The vegetation management plan shall include the following:
 - (i) Weed management and rehabilitation;
 - (ii) The protection of existing mature trees and remnant vegetation; and
 - (iii) The planting of new locally native trees and shrubs between the hardstand area and the side boundaries of the lot and the portion of the limestone driveway marked red on the approved plan.
8. Revegetation/landscaping shall be implemented in accordance with Condition 8 by 30 September 2004 and thereafter maintained in accordance with the approved vegetation management plan.
9. The use/development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise.
10. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Director Sustainable Development.
11. All stormwater is to be disposed of within the property. This shall be achieved by either soakwells or spoon drains and the grading of driveways and paved areas onto lawns or landscaped areas preventing direct disposal of stormwater onto the road or neighbouring properties.
12. No polluted water, including but not limited to waste waters or turbid stormwater arising from the development or use of this land, shall be discharged into the stormwater drainage system or any water course.
13. Crossovers to be constructed in accordance with Serpentine Jarrahdale standard specifications to the satisfaction of the Shire of Serpentine-Jarrahdale.
14. The sea containers shall be kept in a designated area within the hardstand and dense vegetation screening established to the satisfaction of the Shire.
15. The perimeter of the 3200 square metre area of the lot to be used for the approved purpose as indicated on the approved plan shall be fenced with post and wire fencing to the satisfaction of the Shire of Serpentine-Jarrahdale prior to commencement of the use.
16. This approval is specific to the applicant only and does not run with the land.
17. All materials and equipment associated with the approved use, including vehicles, are to be stored within the approved shed except during loading and unloading.

Advice Notes:

- A1. The Environmental Protection Act contains penalties where the noise limits prescribed by the Act are exceeded and it is suggested that you have due regard for this in the operation of your development.
- A2. The applicant is advised that approval from the Water and Rivers Commission is required prior to the establishment of any land use involving the storage or use of any chemicals, petroleum or other substances or any process capable of producing any waste or discharge.

LOST 0/10

Committee Note: The Officer's recommendation was altered to grant approval to the development as the Committee resolved that it was consistent with the objectives of the rural zone and should be approved subject to conditions.

During debate Cr Murphy foreshadowed that he would move an alternative motion to delete reference to a shed, change the reference to the Hiab truck, amend the reference to a condition number in condition 8 to read "in accordance with condition 7", remove section 17 and to specify a colour of the sea container in condition 14, if the motion under debate was defeated.

CRP074/03/04 COUNCIL DECISION/FORESHADOWED MOTION

Moved Cr Murphy seconded Cr Hoyer

- A. Council resolves that the storage of construction plant, equipment and vehicles is consistent with the objectives and purpose of the rural zone.
- B. The application for planning approval for storage of construction plant, equipment, vehicles and sea containers on Lot 14 Tuart Road, Oakford be approved subject to the following conditions:
1. Only the following vehicles, plant and equipment are permitted to be stored on the property:
 - a) 1 x Prime mover with flat bed trailer
 - b) 1 x 5 tonne trailer
 - c) 1 x 4WD car
 - d) 1 x 8 tonne Hiab truck
 - e) 1 x forklift
 - f) 4 x car trailers
 - g) 2 x sea containers
 2. Area of lot to be used for the approved purpose shall not exceed 3200 square metres in the location indicated on the approved plan.
 3. Loading, unloading and arrival and departure of vehicles associated with the operation of the business to be restricted to the hours of 6.00am to 9.00pm weekdays and 7.00am to 7.00pm on Saturdays, Sundays and Public Holidays.
 4. Refuelling, servicing and wash down of vehicles, plant or equipment shall not be carried out on site.
 5. Storage of petroleum products or chemicals in excess of 250 litres shall not be carried out on site.
 6. No clearing of vegetation is permitted outside the hardstand yard, unless in accordance with the Bush Fires Act (as amended), for the purpose of constructing an approved driveway, installing essential services, removing dead or dangerous trees or, in accordance with an approved rural use, domestic dwelling (and associated ancillary facilities).
 7. The developer shall prepare a vegetation management plan for the whole site to the satisfaction of the Director Sustainable Development. The vegetation management plan shall include the following:
 - (i) Weed management and rehabilitation;
 - (ii) The protection of existing mature trees and remnant vegetation; and
 - (iii) The planting of new locally native trees and shrubs between the hardstand area and the side boundaries of the lot.
 8. Revegetation/landscaping shall be implemented in accordance with Condition 7 by 30 September 2004 and thereafter maintained in accordance with the approved vegetation management plan.
 9. The use/development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise.
 10. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Director Sustainable Development.
 11. All stormwater is to be disposed of within the property. This shall be achieved by either soakwells or spoon drains and the grading of driveways and paved areas onto lawns or landscaped areas preventing direct disposal of stormwater onto the road or neighbouring properties.

- 12. No polluted water, including but not limited to waste waters or turbid stormwater arising from the development or use of this land, shall be discharged into the stormwater drainage system or any water course.**
- 13. Crossovers to be constructed in accordance with Serpentine Jarrahdale standard specifications to the satisfaction of the Shire of Serpentine-Jarrahdale.**
- 14. The sea containers shall be painted grey/green and kept in a designated area within the hardstand and dense vegetation screening established to the satisfaction of the Shire.**
- 15. The perimeter of the 3200 square metre area of the lot to be used for the approved purpose as indicated on the approved plan shall be fenced with post and wire fencing to the satisfaction of the Shire of Serpentine-Jarrahdale prior to commencement of the use.**
- 16. This approval is specific to the applicant only and does not run with the land.**

Advice Notes:

- A1. The Environmental Protection Act contains penalties where the noise limits prescribed by the Act are exceeded and it is suggested that you have due regard for this in the operation of your development.**
- A2. The applicant is advised that approval from the Water and Rivers Commission is required prior to the establishment of any land use involving the storage or use of any chemicals, petroleum or other substances or any process capable of producing any waste or discharge.**

CARRIED 9/1

Council Note: The Committee Recommended Resolution was amended to reflect the Council's opinion that the construction of a shed would be more intrusive on the environment than the proper storage of the individual equipment and the removal of a portion of the driveway shown red on the plan would not materially improve the environment as the present driveway is constructed on a firebreak. The removal of the driveway portion would unnecessarily reduce the efficiency of the operation.

Cr Simpson declared an interest in Item P071/03/04 as Chairman of the Byford Branch of the Bendigo Bank and left the meeting at 7.42pm

P071/03/04 COMMERCIAL DEVELOPMENT – PT LOT 3 SOUTH WESTERN HIGHWAY, BYFORD (P05176/01)		In Brief
Proponent:	Dykstra & Associates	<p>To construct a commercial building incorporating 12 tenancies.</p> <p>The proposal involves a relaxation of the scheme standards relating to the number of car parking bays, boundary setbacks, landscaping, plot ratio and site coverage.</p> <p>No car parking bays are provided on the property and are proposed to be constructed on the adjoining road reserves.</p> <p>It is recommended that the proposal be approved subject to conditions.</p>
Owner:	Universal Property Pty Ltd	
Officer:	Brad Gleeson – Manager Planning and Regulatory Services	
Signatures Author:		
Senior Officer:		
Date of Report	5 March 2004	
Previously	SM031/02/04	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Owner: Universal Properties Pty Ltd
 Owner's Address: 61 Briggs Road, Byford
 Applicant: Dykstra & Associates
 Applicant's Address: 6/2954 Albany Highway, Kelmscott
 Date of Receipt: 19 November 2003
 Advertised: Main Roads WA
 Submissions: Comments received
 Lot Area: 2004m²
 L.A Zoning: Urban Development
 MRS Zoning: Urban
 Byford Structure Plan: Town Centre
 Rural Strategy Policy Area: Not applicable
 Rural Strategy Overlay: Not applicable
 Municipal Inventory: Not applicable
 Townscape/Heritage Precinct: Not applicable
 Bush Forever: Not applicable
 Date of Inspection: 16 February 2004

Background

Council at its meeting held on 23 February 2004 considered this proposal and resolved:

“CRSM031 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Star seconded Cr Murphy

*That this item be deferred to February Planning Portfolio Group for consideration before being referred back to Council.
CARRIED 9/0”*

Staff have since held discussions with the landowner regarding the issues of concern raised by Councillors in relation to the proposed development. Following this meeting, the applicant has submitted modified site and elevation plans for the development. These matters are discussed later in this report.

Sustainability Statement

Effect on Environment: The proposal will incorporate best practice measures in relation to stormwater management. Stormwater will be retained on-site however overflow stormwater will be disposed of within the adjoining road reserve. The building has been designed to ensure it is in harmony and in keeping with the Byford townsite and adjoining commercial precinct. The design minimises the amount of cut and fill and avoids excessively high retaining walls.

Resource Implications: Stormwater will be managed onsite as part of the stormwater management plan for the subdivision. Parts of the building face north and will benefit from the northerly aspect during winter.

Use of Local, renewable or recycled Resources: This development will be constructed of new materials.

Economic Viability: This development is located within the Byford commercial precinct. The development will provide a boost to the local economy and provide employment opportunities. The development is within a walkable distance to existing commercial and community facilities in the Byford townsite.

Social – Quality of Life: The proposal had been designed to ensure that there is safe pedestrian access within the development and on the adjoining road reserves. Disabled parking bays are provided adjacent to the main entrance to the site.

The developer will be upgrading the roads adjoining the property and constructing new footpaths, landscaping and parking bays.

Statutory Environment:

Referral to Main Roads WA for comment is required as the development abuts the South Western Highway. Main Roads advise that the development is acceptable subject to a number of conditions, however part of the site is required for future road purposes. These matters are outlined in the report below.

Policy/Work Procedure Implications:

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

Financial Implications:

There are no financial implications to Council related to this application/issue. However, if cash in lieu for car parking is received as a condition of planning approval for this development, Council is required to manage and expend the funds received in accordance with the requirements of the Town Planning Scheme No. 2. These requirements are detailed further in this report

Strategic Implications:

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

1. People and Community

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

Strategies:

2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.
3. Design and develop clustered neighbourhoods in order to minimise car dependency.

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

2. Environment

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

Strategies:

1. Implement known best practice sustainable natural resource management.

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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

Strategies:

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

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Required: The plans have been referred to Main Roads WA for comment as the property abuts South Western Highway.

Comment:

Main Roads

Main Roads have noted that this property is subject to Council's George Street Access, townsite policy which was supported by Main Roads in July 1997. Main Road advise the proposed development is acceptable to Main Roads subject to a number of conditions.

However, Main Roads have advised that no development, other than landscaping or car parking shall be permitted on the land shown required for future road purposes. The plans show some land on the corner of South Western Highway and George Road, as being required for future road widening

At the time of writing this report, the exact requirements of Main Roads WA for the road widening (land area) on the corner of South Western Highway and George Road, is not known. A condition will be included in the approval (if granted) to ensure that the requirements of Main Roads WA for any road widening is included ie. require the building setbacks to be modified

Original proposal

It is proposed to construct a 1522 metre square commercial building incorporating twelve tenancies and a storage/ service area. The development includes the following:

- 5 shops, 6 offices and 1 showroom;
- No car parking being provided on-site;
- Parking bays for the development are provided on the adjoining road reserve.

A copy of the original site plan and elevations is with the attachments marked P071.1/03/04.

Modified proposal

Revised site plans and elevations have been submitted by the applicant. The applicant has submitted the following:

1. Elevations incorporate a gabled style façade and 2 metre wide verandah with posts encompassing the entire building.
2. An existing tree within the George Street road reserve is proposed to be removed to make way for the new car parking area. The tree has been photographed and assessed and is not a significant tree, nor is it a particularly healthy tree in terms of the direction of growth of some of the limbs. **Photography of this particular tree is with the attachments marked P071.2/03/04.**
3. With respect to car parking bays it is accepted as an alternative to the cash in lieu requirements of the Town Planning Scheme, supplementary car parking could potentially be provided by the developer on adjoining road or rail reserves, however this will require further investigation and negotiation once planning approval has been granted.
4. The bin area has been shown along George Street fronting the loading bay, and in this respect it is worth noting that each of the tenancies will have a wheelie bin as opposed to any larger bins which would not be suited in this form of town centre development.
5. The loading bay has been relocated to the eastern side of George Street immediately fronting the development, and is considered that a parallel loading bay is most practical in this form of streetscape. A loading bay of 7.5 m x 3.5 m has been provided in accordance with Scheme requirements, and this is seen as adequate given that the types of goods that will be offered within this town centre development will not require larger trucks than this.
6. No boundary fencing is envisaged within the development or on any of the boundaries to adjoining land so as to make the vision for a very permeable environment for pedestrians in particular.
7. In respect of power service, it must be noted that within the property all power connections will be made underground.

A copy of the modified site plan and elevations is with the attachments marked P071.2/03/04.

An assessment of the modified plans dated 26 February 2004, against the Town Planning Scheme is provided below:

Zoning and landuse

The site is zoned Urban Development in the Scheme.

“Clause 5.18.6.3 of the Scheme states that under a Structure Plan:

- (a) In the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those areas were zones under the Scheme having the same designation;*
- (b) The standards and requirements applicable to the zones and R Codings under the Scheme apply to the areas having corresponding designations under the Structure Plan.”*

The Structure Plan identifies a Town Centre designation for the existing commercial area. The Town Centre has been allocated up to 14,700 square metres of net leasable floor

space, providing a range of retail and employment opportunities. The Town Centre designation in the Structure Plan is most closely related to the Commercial zoning in the Scheme. The uses proposed for the development include a bank, a food premises as well as other shops, offices and a showroom. Shops and offices are a permitted use in the commercial zone and a showroom is a use that Council may at its discretion, permit in this zone. Given that Council has not amended its Scheme to provide for a Town Centre zone it is considered that the commercial zone is the most appropriate for comparison of permitted uses.

Setbacks and site coverage

The scheme requires the following site requirements in the commercial zone:

Minimum effective frontage

Required – 10 metres
Comment: Proposal complies.

Front setback

Required – 9 metres
Comment: The front setback of the verandah posts attached to the building along South Western Highway varies between 0 and 2 metres. The reduced front setback for this development is consistent with many other Town Centres where buildings often have a nil front setback.

Side setback

The Scheme states that where a lot has two street frontages, the Council may determine which street is the major frontage and the other frontage shall be as for a side setback for the development. In relation to this proposal, it is considered that major frontage for the development is the South Western Highway. The scheme allows a masonry wall to be constructed to the property boundary.

Comment: The northern side boundary has a 2 metre setback and the southern side boundary is setback 3 metres. The rear of the building (western side) onto George Street and is setback 4 metres. These setbacks comply with the Town Planning Scheme. The scheme allows a masonry wall to be constructed to the property boundary.

Plot ratio

Required - 0.5: 1 (maximum)
Comment: The development has a plot ratio of 0.72. This exceeds the scheme requirements by 0.22, however, the increased plot ratio for this development would not adversely impact on the amenity of the area.

Maximum site coverage

Required - 0.5
Comment: The development has site coverage of 0.75. This exceeds the scheme requirements by 50%, however, the increased site coverage for this development would not adversely impact on the amenity of the area.

Landscaping

Required - 10% of site.
Comment: No landscaping is provided on the site. An undeveloped portion of the land adjacent to the bin store and wash down area on the southern boundary will be paved.

In lieu of on-site landscaping, it is proposed to plant shade trees and gardens on the adjoining road reserves. A reduction in the amount of landscaping on-site below the 10% required in the Scheme is not expected to adversely impact on the amenity or streetscape of the Townsite.

Loading zone and refuse storage

A loading bay having a minimum dimension of 3.5 metres by 7 metres is required. One refuse storage area screened from view shall be provided.

Comment: A service/storage area has been incorporated into the building design and is located under the main roof of the building. The provision of a storage area as part of the building design introduces an innovative design solution by the applicant.

Vehicle access is not provided to the bin storage area on the property. A delivery/loading bay has been shown on the George Street road reserve adjacent to shop 12. Bins from the shop would be placed on the road verge on collection day. On recycling week this would mean a minimum 24 bins would be in the footpath until collected.

The owner has sought approval to place bins in the road reserve for the bin delivery truck to pick their bins up from the front of the property. Staff are concerned about the visual impact in the Byford town centre of placing a minimum of 12 bins on the verge (one week) and a minimum of 24 bins on the verge in alternative weeks when the recycling bins are collected.

Staff recommends that an accessway be provided to the side of the building (southern boundary) to allow a rubbish truck to collect bins from the bin storage area. In order to achieve this, a 4.5 metre wide accessway adjacent to the wall opening up to 5.2 metre wide adjacent to the doorway of the storage area, is required.

A redesign of the development is required to accommodate the accessway to the bin storage area. This will necessitate a redesign of the building and reduction in the size of shop number one and office number 12. The reduced floor area of the building (Shop 1/Office 12) would reduce the car parking requirements by one bay.

The scheme requires that all accessways shall be constructed so that all vehicles are able to enter and leave a lot in a forward gear. As the access road for the loading area is not linked through to the South Western Highway, service vehicles will be required to reverse out onto George Street. Asset Services advise that the reversing of trucks onto George Street from the loading area is acceptable and should not present a safety hazard.

It is recommended that the revised plan with a loading area and bin collection area on George Street not be supported.

Car parking

The Scheme requires that land and buildings shall not be used or developed:

- (a) *for any purpose mentioned in Table 5 (parking requirements) unless off street parking is provided in accordance with the requirements in that table;*
- (b) *for any purposed not mentioned in Table 5 unless off street parking as determined by Council is provided.*

Parking is required at a ratio of:

Office: 1 space per 40 square metre gross leasable area with a minimum of 2 spaces for each office unit.

Shop: 1 space per 15 square metres gross leasable area.

Showroom: 1 space per 60 square metres gross leasable area.

Two alfresco dining tables are proposed to be placed on the footpath adjacent to shop 7. The tables will be used by up to 8 people. It is not considered necessary to provide any additional car parking for these seats.

The car parking requirements for the applicant's revised plans are:

Total bays required (on-site)	63
Total bays provided (off-site)	46
Shortfall	17

The request to remove one small tree on the verge in the vicinity of bay number 2 is supported.

Relaxation of the parking standards

The applicant has submitted a request for Council to consider a relaxation of the car parking standards associated with development in the town centre precinct of the Byford Structure Plan area. The relaxation of the parking standards relates to a request for a 50% reduction in the amount of parking bays that are required for commercial development in the town centre.

A copy of the applicant's submission dated 25 September 2003 is with the attachments marked P071.3/03/04.

This request for a relaxation of the parking standards is addressed later in this report.

Parking off-site vs on-site

Car parking associated with this development is located off-site within the adjoining road reserves. One of the benefits of these arrangements is that a landowner can increase the size of the development to a greater area than would have otherwise been permitted under the provisions of the Town Planning Scheme. A larger development has the potential to create a landmark building for Byford. This would strengthen the focus of Byford as a place where people can work, shop and be provided with a wide range of goods and services.

The use of road reserves for car parking is a common occurrence in most town centres in the Perth metropolitan area. Examples of these arrangements include Victoria Park, Gosnells, Mt Lawley and Subiaco. However, many of these town centres also have a separate designated public car park in addition to on-street parking bays. A separate designated public car park exists in Byford on the railway reserve adjacent to Abernethy Road.

The developer will be responsible for the full cost of providing and constructing the road, car parking bays, footpaths, loading bay, street trees and drainage if this development is approved.

The provision of off-site car parking for this development is supported and is consistent with the concepts in the Byford Structure Plan, for this area to develop as a town centre.

Shortfall in car parking bays

The submitted design for the off-street car parking for this development has provided 46 bays and has a shortfall of 17 car parking bays. The carparking layout requires the removal of the following additional bays:

Protection of existing verge tree (bay 31)	1 bay
Bays removed to provide for shade trees (bays 36 & 41)	2 bays
Total bays to be removed	3 bays

The total number of parking bays provided off-site reduces from 46 bays to 43 bays. The shortfall in the number of parking bays is now 20 bays.

However, with a reduction in the floor area of the building to accommodate the accessway for the bin area, the total number of parking bays for the development reduces by one bay. Therefore the shortfall in the number of parking bays is now 19 bays.

A copy of the revised car parking plan showing the removal of these three bays is with the attachments marked P071.4/03/04.

There are four options that can be considered in relation to the shortfall in the number of car parking bays:

Provide additional parking bays off-site;
Provide parking bays on-site;
Cash in lieu payment; and
Relaxing the scheme requirements for the number of car parking bays.

Offsite parking

The opportunity exists to provide additional car parking off-site within the road reserve next to the Bowling Club land to the south of this site. However, these bays would not be located adjacent to the development and are unlikely to be used by staff and customers. Additional car parking bays can be provided on the railway reserve opposite the site. This will require the approval of the Public Transport Authority.

Onsite parking.

The shortfall in car parking could be met by providing some of the parking bays on the subject lot. Car parking bays could be provided on-site adjacent to the driveway for the loading area, however, this would necessitate a reduction in the size of the development.

Cash in lieu payment.

Clause 7.9 of the Scheme relates to a cash payment in lieu of providing a parking area. This clause states:

The Council may accept a cash payment in lieu of the provision of a parking area provided:

- a) *the cash payment is not less than the estimated cost of the owner of providing and constructing the parking area required by the Scheme plus the value, as estimated by the Council, of that area of his land which would have been occupied by the parking area;*
- b) *before the Council agrees to accept a cash payment, the Council must either have already provided a public car park nearby, or must have firm proposals for providing a public car park nearby within a period of not more than eighteen months from the date of agreeing to accept the cash payment; and*
- c) *any such payment shall be paid into a special fund to be used to provide public car parks and the Council may use this fund to provide public car parks anywhere in the district.*

There are no immediate plans for the construction of any new public car parks in Byford. A public car park exists on the railway reserve adjacent to Abernethy Road. The George Street road reserve behind the shopping centre is also informally used for parking. A cash in lieu payment for parking for this development could be used by Council to either upgrade existing car parking areas or construct a new car park in the Byford precinct or elsewhere in the district.

Relaxation of car parking standards

The Scheme provides Council with the discretion to modify development standards. Clause 5.2 of the Scheme states:

- 5.2.1 *If a development, other than a residential development, the subject of an application for planning consent, does not comply with a standard or requirement prescribed by the Scheme with respect to that development the Council, may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.*
- 5.2.2 *The power conferred by this Clause may only be exercised if the Council is satisfied that:*
- a) *approval of the development would be consistent with the orderly and proper planning of the locality and the preservation of the amenity of the locality;*
 - b) *the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or up on the likely future development of the locality; and*
 - c) *the spirit and purpose of the requirement or standard will not be unreasonably departed from thereby.*

A relaxation of the car parking standards for this type of commercial development as outlined in the applicant's submission, is not supported. If a relaxation of the car parking standards were approved, it would set a precedent for similar requests from other landowners of commercial zone land in Byford.

Recommended option

After considering each of the above options, it is recommended that the owner be required to provide the full number of car parking bays for the development as required by the Town Planning Scheme (62 bays – note this has been reduced by one bay to accommodate the bin accessway). The provision of off-site car parking for the development is supported for the following reasons:

- A larger commercial development can be built which will strengthen the Town Centre as a focal point for the community;
- Car parking bays, footpaths and townscape improvements such as underground power and street trees will be constructed and paid for by the developer;
- Parking bays within the road reserve will help create a low speed and pedestrian friendly environment for the Town Centre;
- A cash-in-lieu payment to Council for the shortfall in car parking bays can be used for car parking bays elsewhere in the district, for the overall benefit of the community.

The majority of bays will be constructed by the developer with a cash payment in lieu of the shortfall in parking bays (19 bays).

Elevations and visual amenity

The revised elevations for the building incorporate verandahs. It is considered that the development is in keeping with the existing low scale of development in the Byford townsite.

Further information is required to be submitted in relation to the elevations including a schedule of materials and colours for the walls, verandahs, fascias and details relating to signage panels.

Relaxation of the scheme standards

The development requires a relaxation of the scheme standards in relation to boundary setbacks, site coverage, plot ratio and site landscaping. It is considered that a relaxation of the scheme standards for this development is:

- (i) consistent with the orderly and proper planning of the locality and the preservation of the amenity of the locality;
- (ii) will not have an adverse effect upon the occupiers or users of the development or inhabitants of the locality or upon the likely future development of the locality; and
- (iii) the spirit and purpose of the requirement of standard is not unreasonably departed from.

A relaxation of the scheme standards for this development is supported.

Revised plans

A number of changes to the submitted plans will be necessary as outlined in this report. These changes are:

- A. Car Parking:
 - (i) removal of one car parking bay generally in the vicinity of bay numbers 31 to ensure protection of the existing mature verge trees;
 - (ii) removal of two car parking bays adjacent to bays numbered 36 and 41 to provide for the planting of shade trees in the car parking area;
 - (iii) the two disabled car parking bays being relocated to car parking bays numbered 11 and 12;
 - (iv) the loading bay being increased in length to accommodate the turning movement of trucks to the satisfaction of the Shire; and
 - (v) removal of the loading bay from the road reserve.
- B. Loading Area:
 - (i) an accessway being provided along the southern boundary of the lot to provide vehicle access to the bin store and wash down area;
 - (ii) the accessway shall be a minimum width of 4.5 metres and widened to a minimum of width of 5.2 metres adjacent to the storeroom, to allow for access by rubbish removal vehicles; and
 - (iii) the size of the building adjacent to Shop 1 and Office 12 being reduced to accommodate B(i)(ii) above.

Conclusion

The proposal will provide a significant boost to the development of the Byford and strengthen the town centre as a focal point for community. The development is recommended for approval, subject to standard conditions and special conditions addressing the issues raised above.

Voting Requirements: Normal

Officer Recommended Resolution:

That the application for development of a commercial building containing five shop tenancies, six office tenancies and one showroom tenancy on Lot 3 South Western Highway, Byford be approved subject to the following conditions:

1. Prior to the issue of a building licence a revised site plan shall be submitted addressing the requirements detailed below to the satisfaction of the Shire:
 - A. Car Parking:
 - (i) removal of one car parking bay generally in the vicinity of bay numbers 31 to ensure protection of the existing mature verge trees;
 - (ii) removal of two car parking bays adjacent to bays numbered 36 and 41 to provide for the planting of shade trees in the car parking area;
 - (iii) the two disabled car parking bays being relocated to car parking bays numbered 11 and 12;
 - (iv) the loading bay being increased in length to accommodate the turning movement of trucks to the satisfaction of the Shire; and
 - (v) removal of the loading bay from the road reserve.
 - B. Loading Area:
 - (i) an accessway being provided along the southern boundary of the lot to provide vehicle access to the bin store and wash down area;
 - (ii) the accessway shall be a minimum width of 4.5 metres and widened to a minimum of width of 5.2 metres adjacent to the storeroom, to allow for access by rubbish removal vehicles; and
 - (iii) the size of the building adjacent to Shop 1 and Office 12 being reduced to accommodate B(i)(ii) above.

GENERAL/STATUTORY

- 2 If the development, subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without further approval being sought and obtained from Council.
- 3 Development shall be in accordance with the modified site plan submitted pursuant to Condition 1 above, and generally in accordance with the plans dated 26 February 2004, subject to any modifications required as a consequence of any conditions of this approval or requirements received from Main Roads WA relating to the road widening, to the satisfaction of the Shire. Variations to the approved plans will require further planning approval to be obtained from the Council.
- 4 Any change of use of any tenancy from that indicated on the approved plan will require a separate application for a "Change of Use".

APPEARANCE/VISUAL AMENITY

- 5 Notwithstanding the detailed specifications required to be submitted for a building licence approval, a separate schedule of colour and texture of the building materials for the building shall be submitted and approved to the satisfaction of the Shire prior to the issue of a building licence and before the commencement of any work or use authorised by this approval.
- 6 The colour of the roof shall be consistent with the approved colour schedule for the building to the satisfaction of the Shire.
- 7 The location of external fans, air conditioners and the like shall be screened from public view and installed to prevent loss of amenity to the area by its appearance, noise, emission or otherwise.

BUILDING

- 8 Where fill adjoining a property boundary exceeds 300mm above the existing ground level, all retaining wall(s) shall be constructed to Council's specifications.

- 9 Construction of a fence along the southern boundary of Lot 3. The height, type of materials used and colours of the fence shall be approved by the Shire prior to the construction of the fence.

FILL AND DRAINAGE

- 10 All stormwater to be disposed of within the confinements of the property preventing direct disposal of stormwater onto neighbouring properties or offsite with a suitable connection to the Shire's stormwater drain to the satisfaction of the Shire. Details of the drainage plans and connection location shall be approved by the Shire. The property is located within the Byford Structure Plan area and is covered by the Byford Urban Stormwater Management Strategy. The water quality and quantity outcomes are contained within the strategy and are to be met to ensure water sensitive design principles are achieved.

- 11 Roof and Storm water shall be managed and disposed of in such manner as will not adversely affect any adjoining property, by the creation of an on-site retention system and an escape route for flood waters.

The water shall be directed from the detention system to Council's drainage system, via storm water pipe, at a discharge rate not exceeding the undeveloped discharge rate. A pressurised system shall be used if levels are inadequate for a gravity feed system. Ground infiltration water disposal methods such as soak wells are permitted, however, the rate of infiltration must be calculated and certified. An escape flood flow route shall be created to Council's drainage system. These works shall be to the satisfaction of the Shire.

- 12 The developer making a contribution to the Shire, prior to the issue of a building licence, for the contribution for stormwater detention for subcatchment 3F3 as defined in the Byford Urban Stormwater Management Strategy.
- 13 Pedestrian ramps shall be provided at all kerb crossings, contained within the development.
- 14 The provision of street furniture (fixed seating and bins) and a bicycle rack within the development or road reserve to the satisfaction of the Shire.
- 15 All earth works and or associated drainage shall be in accordance with plans and specifications submitted to and approved by the Shire.

PARKING & ACCESS

- 16 Provision of 43 off-site car parking bays for the development in accordance with the attached plan titled Revised Car Parking Plan dated 10 February 2004.
- 17 The developer to pay cash-in-lieu for the provision of car parking bays in accordance with the provisions of Town Planning Scheme No. 2 for 19 bays at the time of application for a building licence and before any work commences onsite. The amount of cash-in-lieu payable to be determined on the following basis:
- (a) a construction component cost being the cost of constructing, sealing, draining, kerbing, lighting and landscaping each bay; and
- (b) a land value component based on 21.25m² x land value per m² and number of parking bays required.

The per square metre value of land is to be determined from a valuation conducted by a sworn Valuer appointed by the Shire and costs incurred in obtaining the valuation will be borne by the developer.

- 18 George Street and George Road being fully constructed adjacent to Lot 3 at the full cost of the developer. The design and construction shall include upgrading the road, kerbs, drainage, parking bays, street lighting, street trees and footpaths to the

- satisfaction of the Shire. The car parking area to be constructed of pervious materials with a different colour to the road pavement.
- 19 The vehicle parking access(s), bays, accessway(s) and crossover(s) shall be designed, constructed, sealed, kerbed, drained, linemarked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Asset Services prior to the occupation of the development for the use hereby permitted.
- 20 A minimum of two disabled parking bay(s) to be provided and shall be located convenient to the building entrance, with a minimum width of 3.8 metres and marked and signed as such as per the specifications in Australian Standards AS2890.1, to the satisfaction of the Shire.

LANDSCAPING

- 21 A landscape plan must be submitted (in triplicate) to the Shire and approved, prior to the issue of a building licence. For the purpose of this condition a detailed landscape plan for Lot 3 and the adjoining road reserve shall be drawn to a scale of 1:100 and shall show the following:
- a) The location, name and mature heights of existing and proposed trees and shrubs;
 - b) Any lawns and paved areas to be established;
 - c) Any natural landscaped areas to be retained; and
 - d) Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles.
- 22 Landscaping and timed reticulation is to be established in accordance with the approved plans prior to occupation of the development and thereafter maintained to the satisfaction of the Shire.
- 23 Landscaping and tree planting to be undertaken and maintained for a minimum period of two years or two summers by the landowner to the satisfaction of the Shire in the road reserve adjacent to Lot 3 South Western Highway, Byford. Trees are to be a minimum of 200 litre pot size and locally indigenous tree species.
- 24 Existing vegetation marked in red on the approved plan on the site and the adjoining road reserve shall be protected prior to and during construction to the satisfaction of the Shire.

STORAGE

- 25 No goods or materials being stored either temporarily or permanently in the parking, driveway, landscape or public footpath areas.

UTILITY/SERVICES

- 26 Satisfactory arrangements are to be made with Western Power for the provision of underground electricity supply along the George Street road reserve adjacent to Lot 3.
- 27 Satisfactory arrangements are to be made with the Water Corporation for the provision of water and sewer services to the development.

OTHER

- 28 No clearing/pruning of roadside vegetation shall be undertaken without prior written approval of the Shire. Where a street tree requires pruning a separate application shall be made to the Shire.
- 29 The provision of a suitably screened bin storage area and refuse bins adequate to service the development shall be provided to the specification or requirements of the Shire prior to occupation of the development.
- 30 Display lighting, other than that required for reasonable security, shall not be used between the hours of 9.00pm and 6.00am on any day.

- 31 North, east and west facing windows will have eaves or shade structures (eg. awnings, pergolas, verandah roofs) that have a minimum overhang of 0.45 x height of the glazed area from the shade structure (awning, eaves) measured from the bottom of the glass to be shaded. Where the shade structures encroach over street boundaries they are to comply with Section 400 of the Local Government Act (Miscellaneous Provisions) Act 1960.
- 32 Use of bulk insulation and reflective insulation to ceilings and roofs is required to the satisfaction of the Shire and shall achieve a combined "R" value of R2.7 for ceilings and roofs.
- 33 All hot water heaters for the building must have a 3.5 star energy rating or above to the satisfaction of the Shire.

FOOTNOTES

- 1 In accordance with the provisions of clause 7.9 the Council has granted concession for the provision of 19 car parking bays subject to the payment of cash-in-lieu.
- 2 In accordance with the provisions of clause 5.2 the Council has exercised discretion to approval variations to the development requirements for commercial developments related to site coverage, plot ratio, setbacks and landscaping.

Health

- 3 The Health Act and Health (Food Hygiene) Regulations 1993 provide specific conditions relating to the handling and storage of food and operation of food premises in general. Council's Environmental Health Services should be consulted to determine any requirements relevant to this consent. In particular, you are required to obtain any necessary licences and complete an application form for Classification of Food Premises.
- 4 The applicant to make application to Council's Environmental Health Service for approval to undertake food preparation.
- 5 Plans showing the interior layout of the premises, location and method of installing all fittings, etc., wall, floor and ceiling finishes, equipment, lighting and ventilation details being submitted for approval by Council's Environmental Health Service prior to the occupation of any food premises.
- 6 A detailed plan of all food preparation, storage, dining area(s), and maximum seating capacity and refuse areas must be submitted with an application for approval to establish a food premises in conjunction with the building licence application. Plans are to be in accordance with the Health (Food Hygiene) Regulations, copies of which are available from Council's Environmental Health Services.
- 7 The development may be defined as a public building and shall comply with the provisions in the Health Act 1911 (as amended) relating to public buildings, the Public Building Regulations and Shire Guidelines for Establishment of Public Buildings. An application to construct, extend or alter a public building is to be submitted with the building licence application where necessary.
- 8 The development/use is to comply with the provisions of the Health (Food Hygiene) Regulations 1993 to the satisfaction of the Principal Environmental Health Officer.

Building Section

- 9 The applicant shall submit, at the time of application for a building licence, documentation in compliance with the Building Regulations 1989 and the Building Code of Australia, including in particular detailed plans and specifications for site works, including finished ground and floor levels, storm water and roof runoff disposal, existing easements, parking areas including pavement type, lighting, loading bays, and refuse bulk bin areas, if applicable, to the satisfaction of Council.
- 10 A geotechnical report for the lot being submitted by a professional engineer (structural) to the satisfaction of Council before the issue of a building licence, and

- before the commencement of carrying out of any work or use authorised by this approval.
- 11 The building is not to be occupied until Council has issued a Certificate of Classification. A person who uses or occupies, or permits the use or occupation, of a building without a Certificate of Classification in contravention of Building Regulation 20(4) or 22 is guilty of an offence.
- 12 External access to the building must be in accordance with Part D3 of the Building Code of Australia and Australian Standard 1428.1, and must be provided –
- From the allotment boundary at the main points of entry; and
 - From any accessible car parking space; and
 - Through the principal public entrance.
- 13 The building must be provided with a minimum of two disabled car parking spaces located as close as possible to the points of access.
- 14 The building itself must be provided with access and facilities suitable for the disabled in accordance with Part D3 of the Building Code of Australia and Australian Standard 1428.1. That is each shop/office must be provided with suitable access and sanitary facilities.
- 15 Please note that strict compliance with the BCA may not fully satisfy your obligations under the Disability Discrimination Act 1992.
- 16 Fire safety equipment is to be provided in accordance with Part E1 of the Building Code of Australia. This may include provision of fire hose reels and fire hydrants.

General Comments

- 17 All wastes being disposed of to the specifications or requirements of Council's Environmental Health Services and the Department of Health.
- 18 The development being designed and constructed to allow access and facilities for people with disabilities in accordance with the Building Code of Australia 1996 Part D3 and AS 1428.1.
- 19 Any more than 20 person seated in a food premise will require the provision of toilets for the public.
- 20 Council is committed to:
- a) reducing energy consumption in both corporate and community sectors. The incorporation of energy efficiency principles will help the overall consumption of energy per capita.
 - b) Reducing water consumption through water conservation practices integrated into all developments.

Main Roads comments

- 21 The applicant is reminded of the requirements to comply with the conditions granted by Main Roads WA in their letter dated 17 February 2004.
- LOST 1/4

Committee Recommended Resolution:

That the item be deferred to the March Ordinary Council Meeting so that Council can be provided with an evaluation of the implications of:

1. Angle parking
2. Access to private/commercial property for rubbish pickups

Committee Note: The Officer's recommendation was altered to defer the item to the March Ordinary Council Meeting to allow supplementary information to be provided regarding angle parking and access to the property for rubbish pickups.

P071/03/04 SUPPLEMENTARY REPORT - COMMERCIAL DEVELOPMENT – PT LOT 3 SOUTH WESTERN HIGHWAY, BYFORD (P05176/01)

At the Planning Development and Environment Meeting held on 15 March 2004, Council considered this proposal and resolved:

“CRP071/03/04 Committee Recommended Resolution:

Moved Cr Price, Seconded Needham that the item be deferred to the March Ordinary Council Meeting so that Council can be provided with an evaluation of the implications of:

1. *Angle parking*
 2. *Access to private/commercial property for rubbish pickups*
- CARRIED 5/0”*

Additional Information:

1. Car Parking

Staff have investigated the option of providing angled car parking bays along George Street as against 90 degree car parking bays. However, due to the limited information available to examine the wide range of parking options available and the need to carefully consider the possible designs for the whole George Street road reserve, staff cannot recommend a preferred option at this point in time.

Hence a cash in lieu payment will be required as a condition of approval. Council will be required to design and construct the car parking bays itself, if a separate agreement cannot be reached with the landowner to complete these works to the satisfaction of Council. If these works were undertaken by Council, they would have to be completed within a reasonably short period of time, once the building construction commences.

2. Loading bay and bin area

Report from Director Asset Services:

The proponent has requested officers give consideration to permitting the pick up of bins from the verge rather than directly from a compound within the property.

From an operational perspective the collection of the bins could be undertaken from the verge in a similar manner to a residential collection service with the refuse truck stopping adjacent to the kerb and loading bins with a side lifting arm. It would be necessary for bins to be located clear of footpaths or access ways so as to not pose a safety hazard to pedestrians.

Removal of waste from within the premises could be achieved through the provision of an access way along the southern side of the lot. Regardless of if bins are bulk bins, requiring a front lifting truck, or smaller bins utilising a side lifting arm, trucks would be required to drive in and reverse out.

Refuse trucks are typically single cab vehicles of lengths up to 12.5 metres. Consideration needs to be given to the fact that when reversing a vehicle of this size the driver will not have a clear view of the footpath or roadway until the majority of the vehicle is within the road reserve. While the vehicles are fitted with audible reversing warning devices, and cameras can be fitted, there exists a risk of conflict with pedestrians or vehicles through driver visibility restrictions.

In the original report to Committee it was stated that Asset Services advise that the reversing of trucks onto George Street from the loading area is acceptable and should not present a safety hazard. On reflection this statement is not entirely correct as it needs to be

acknowledged that a level of risk will exist, although minimised if the bins are collected early in the morning.

The cost of the collection of bins is minimised through the use of cabin controlled side lifting arms. If the driver is required to exit the cabin and manually move bins to the lifting arm, as would likely occur if collection directly from the compound was required, the waste service in this situation (pull-out) would cost \$6.25 per bin vs normal collection of \$1.21 per bin pick up.

As the kerbside collection is feasible from an operational perspective, and further minimises the risk of conflict between refuse trucks, pedestrians and vehicles, this option is recommended by the Director Asset Services.

In addition, the existing trees along the southern boundary of the lot are to be protected to the satisfaction of the Shire. Hence, previous condition 9 has been deleted.

It is recommended that the planning conditions be modified as follows:

Condition 1

Protection of all existing trees along the southern boundary of the lot. An access way shall be constructed between the bin store and the bin collection area on George Street to the satisfaction of the shire.

Condition 9 – Removed

Condition 15 (previous condition 16)

62 car parking bays shall be provided for the development in accordance with the requirements of Town Planning Scheme No. 2, to the satisfaction of the Shire. This shall include a minimum of two disabled parking bay(s) to be provided and shall be located convenient to the building entrance, with a minimum width of 3.8 metres and marked and signed as such as per the specifications in Australian Standards AS2890.1, to the satisfaction of the Shire.

Condition 16 (previous condition 17)

Cash-in-lieu shall be paid to the Shire in accordance with the provisions of Clause 7.9 of Town Planning Scheme No. 2 for the 62 car parking bays required by condition 15.

The amount of cash-in-lieu payable to be determined on the following basis:

- (a) a construction component cost being the cost of constructing, sealing, draining, kerbing, lighting and landscaping each bay; and
- (b) a land value component based on 21.25m² x land value per m² and number of parking bays required.

The per square metre value of land is to be determined from a valuation conducted by a sworn Valuer appointed by the Shire and costs incurred in obtaining the valuation will be borne by the developer.

Previous Conditions 18 and 19 – reworded to remove any reference to the construction of car parking bays.

Previous Condition 20 – removed and incorporated into condition 15.

P071/03/04 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Wigg seconded Cr Kirkpatrick

The application for development of a commercial building containing five shop tenancies, six office tenancies and one showroom tenancy on Lot 3 South Western Highway, Byford be approved subject to the following conditions:

- 1 Protection of all existing trees along the southern boundary. A pedestrian access way shall be constructed between the bin store and the bin collection area on George Street to the satisfaction of the shire.

GENERAL/STATUTORY

- 2 If the development, subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without further approval being sought and obtained from Council.
- 3 Development shall be in accordance with the modified site plan submitted pursuant to Condition 1 above, and generally in accordance with the plans dated 26 February 2004 (as attached), subject to any modifications required as a consequence of any conditions of this approval or requirements received from Main Roads WA relating to the road widening, to the satisfaction of the Shire. Variations to the approved plans will require further planning approval to be obtained from the Council.
- 4 Any change of use of any tenancy from that indicated on the approved plan will require a separate application for a “Change of Use”.

APPEARANCE/VISUAL AMENITY

- 5 Notwithstanding the detailed specifications required to be submitted for a building licence approval, a separate schedule of colour and texture of the building materials for the building shall be submitted and approved to the satisfaction of the Shire prior to the issue of a building licence and before the commencement of any work or use authorised by this approval.
- 6 The colour of the roof shall be consistent with the approved colour schedule for the building to the satisfaction of the Shire.
- 7 The location of external fans, air conditioners and the like shall be screened from public view and installed to prevent loss of amenity to the area by its appearance, noise, emission or otherwise.

BUILDING

- 8 Where fill adjoining a property boundary exceeds 300mm above the existing ground level, all retaining wall(s) shall be constructed to Council's specifications.

FILL AND DRAINAGE

- 9 All stormwater to be disposed of within the confinements of the property preventing direct disposal of stormwater onto neighbouring properties or offsite with a suitable connection to the Shire's stormwater drain to the satisfaction of the Shire. Details of the drainage plans and connection location shall be approved by the Shire.

The property is located within the Byford Structure Plan area and is covered by the Byford Urban Stormwater Management Strategy. The water quality and

quantity outcomes are contained within the strategy and are to be met to ensure water sensitive design principles are achieved.

- 10 Roof and Storm water shall be managed and disposed of in such manner as will not adversely affect any adjoining property, by the creation of an on-site retention system and an escape route for flood waters.

The water shall be directed from the detention system to Council's drainage system, via storm water pipe, at a discharge rate not exceeding the undeveloped discharge rate. A pressurised system shall be used if levels are inadequate for a gravity feed system. Ground infiltration water disposal methods such as soak wells are permitted, however, the rate of infiltration must be calculated and certified. An escape flood flow route shall be created to Council's drainage system. These works shall be to the satisfaction of the Shire.

- 11 The developer making a contribution to the Shire, prior to the issue of a building licence, for the contribution for stormwater detention for subcatchment 3F3 as defined in the Byford Urban Stormwater Management Strategy.
- 12 Pedestrian ramps shall be provided at all kerb crossings, contained within the development.
- 13 The provision of street furniture (fixed seating and bins) and a bicycle rack within the development or road reserve to the satisfaction of the Shire.
- 14 All earth works and or associated drainage shall be in accordance with plans and specifications submitted to and approved by the Shire.

PARKING & ACCESS

- 15 62 car parking bays shall be provided for the development in accordance with the requirements of Town Planning Scheme No. 2, to the satisfaction of the Shire. This shall include a minimum of two disabled parking bay(s) to be provided and shall be located convenient to the building entrance, with a minimum width of 3.8 metres and marked and signed as such as per the specifications in Australian Standards AS2890.1, to the satisfaction of the Shire.
- 16 Cash-in-lieu shall be paid to the Shire in accordance with the provisions of Clause 7.9 of Town Planning Scheme No. 2 for the 62 car parking bays required by condition 15.

The amount of cash-in-lieu payable to be determined on the following basis:

- (a) a construction component cost being the cost of constructing, sealing, draining, kerbing, lighting and landscaping each bay; and
- (b) a land value component based on 21.25m² x land value per m² and number of parking bays required.

The per square metre value of land is to be determined from a valuation conducted by a sworn Valuer appointed by the Shire and costs incurred in obtaining the valuation will be borne by the developer.

- 17 George Street and George Road being fully constructed adjacent to Lot 3 at the full cost of the developer. The design and construction shall include upgrading the road, kerbs, drainage, street lighting, street trees and footpaths to the satisfaction of the Shire.
- 18 The accessway(s) and crossover(s) shall be designed, constructed, sealed, kerbed, drained, linemarked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Asset

Services prior to the occupation of the development for the use hereby permitted.

LANDSCAPING

- 19 A landscape plan must be submitted (in triplicate) to the Shire and approved, prior to the issue of a building licence. For the purpose of this condition a detailed landscape plan for Lot 3 and the adjoining road reserve shall be drawn to a scale of 1:100 and shall show the following:
- a) The location, name and mature heights of existing and proposed trees and shrubs;
 - b) Any lawns and paved areas to be established;
 - c) Any natural landscaped areas to be retained; and
 - d) Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles.
- 20 Landscaping and timed reticulation is to be established in accordance with the approved plans prior to occupation of the development and thereafter maintained to the satisfaction of the Shire.
- 21 Landscaping and tree planting to be undertaken and maintained for a minimum period of two years or two summers by the landowner to the satisfaction of the Shire in the road reserve adjacent to Lot 3 South Western Highway, Byford. Trees are to be a minimum of 200 litre pot size and locally indigenous tree species.
- 22 Existing vegetation marked in red on the approved plan on the site and the adjoining road reserve shall be protected prior to and during construction to the satisfaction of the Shire.

STORAGE

- 23 No goods or materials being stored either temporarily or permanently in the parking, driveway, landscape or public footpath areas.

UTILITY/SERVICES

- 24 Satisfactory arrangements are to be made with Western Power for the provision of underground electricity supply along the George Street road reserve adjacent to Lot 3.
- 25 Satisfactory arrangements are to be made with the Water Corporation for the provision of water and sewer services to the development.

OTHER

- 26 No clearing/pruning of roadside vegetation shall be undertaken without prior written approval of the Shire. Where a street tree requires pruning a separate application shall be made to the Shire.
- 27 The provision of a suitably screened bin storage area and refuse bins adequate to service the development shall be provided to the specification or requirements of the Shire prior to occupation of the development.
- 28 Display lighting, other than that required for reasonable security, shall not be used between the hours of 9.00pm and 6.00am on any day.
- 29 North, east and west facing windows will have eaves or shade structures (eg. awnings, pergolas, verandah roofs) that have a minimum overhang of 0.45 x height of the glazed area from the shade structure (awning, eaves) measured from the bottom of the glass to be shaded. Where the shade structures encroach over street boundaries they are to comply with Section 400 of the Local Government Act (Miscellaneous Provisions) Act 1960.

- 30 Use of bulk insulation and reflective insulation to ceilings and roofs is required to the satisfaction of the Shire and shall achieve a combined “R” value of R2.7 for ceilings and roofs.**
- 31 All hot water heaters for the building must have a 3.5 star energy rating or above to the satisfaction of the Shire.**

FOOTNOTES

- 1 In accordance with the provisions of clause 7.9 the Council has granted concession for the provision of 62 car parking bays subject to the payment of cash-in-lieu.**
- 2 In accordance with the provisions of clause 5.2 the Council has exercised discretion to approval variations to the development requirements for commercial developments related to site coverage, plot ratio, setbacks and landscaping.**

Health

- 3 The Health Act and Health (Food Hygiene) Regulations 1993 provide specific conditions relating to the handling and storage of food and operation of food premises in general. Council’s Environmental Health Services should be consulted to determine any requirements relevant to this consent. In particular, you are required to obtain any necessary licences and complete an application form for Classification of Food Premises.**
- 4 The applicant to make application to Council’s Environmental Health Service for approval to undertake food preparation.**
- 5 Plans showing the interior layout of the premises, location and method of installing all fittings, etc., wall, floor and ceiling finishes, equipment, lighting and ventilation details being submitted for approval by Council’s Environmental Health Service prior to the occupation of any food premises.**
- 6 A detailed plan of all food preparation, storage, dining area(s), and maximum seating capacity and refuse areas must be submitted with an application for approval to establish a food premises in conjunction with the building licence application. Plans are to be in accordance with the Health (Food Hygiene) Regulations, copies of which are available from Council’s Environmental Health Services.**
- 7 The development may be defined as a public building and shall comply with the provisions in the Health Act 1911 (as amended) relating to public buildings, the Public Building Regulations and Shire Guidelines for Establishment of Public Buildings. An application to construct, extend or alter a public building is to be submitted with the building licence application where necessary.**
- 8 The development/use is to comply with the provisions of the Health (Food Hygiene) Regulations 1993 to the satisfaction of the Principal Environmental Health Officer.**

Building Section

- 9 The applicant shall submit, at the time of application for a building licence, documentation in compliance with the Building Regulations 1989 and the Building Code of Australia, including in particular detailed plans and specifications for site works, including finished ground and floor levels, storm water and roof runoff disposal, existing easements, parking areas including pavement type, lighting, loading bays, and refuse bulk bin areas, if applicable, to the satisfaction of Council.**
- 10 A geotechnical report for the lot being submitted by a professional engineer (structural) to the satisfaction of Council before the issue of a building licence, and before the commencement of carrying out of any work or use authorised by this approval.**

- 11 The building is not to be occupied until Council has issued a Certificate of Classification. A person who uses or occupies, or permits the use or occupation, of a building without a Certificate of Classification in contravention of Building Regulation 20(4) or 22 is guilty of an offence.
- 12 External access to the building must be in accordance with Part D3 of the Building Code of Australia and Australian Standard 1428.1, and must be provided –
- From the allotment boundary at the main points of entry; and
 - From any accessible car parking space; and
 - Through the principal public entrance.
- 13 The building must be provided with a minimum of two disabled car parking spaces located as close as possible to the points of access.
- 14 The building itself must be provided with access and facilities suitable for the disabled in accordance with Part D3 of the Building Code of Australia and Australian Standard 1428.1. That is each shop/office must be provided with suitable access and sanitary facilities.
- 15 Please note that strict compliance with the BCA may not fully satisfy your obligations under the Disability Discrimination Act 1992.
- 16 Fire safety equipment is to be provided in accordance with Part E1 of the Building Code of Australia. This may include provision of fire hose reels and fire hydrants.

General Comments

- 17 All wastes being disposed of to the specifications or requirements of Council's Environmental Health Services and the Department of Health.
- 18 The development being designed and constructed to allow access and facilities for people with disabilities in accordance with the Building Code of Australia 1996 Part D3 and AS 1428.1.
- 19 Any more than 20 person seated in a food premise will require the provision of toilets for the public.
- 20 Council is committed to:
- a) reducing energy consumption in both corporate and community sectors. The incorporation of energy efficiency principles will help the overall consumption of energy per capita.
 - b) Reducing water consumption through water conservation practices integrated into all developments.

Main Roads comments

- 21 The applicant is reminded of the requirements to comply with the conditions granted by Main Roads WA in their letter dated 17 February 2004.

CARRIED 9/0

Council Note: Minor amendment to Condition 1 to include the word "Pedestrian" to ensure that the bin storage and pickup access would not affect the inclusion of a verandah on the southern side of the building.

Cr Simpson was not present and did not vote.

Cr Simpson returned to the meeting at 7.58pm

Cr Richards left the meeting at 7.58pm

P069/03/04 REVIEW OF PORTFOLIO PLANNING GROUP – DELEGATION RELATING TO OUTBUILDINGS (A1195)		
Proponent:	Shire of Serpentine-Jarrahdale	In Brief To grant delegation to staff to deal with oversized outbuildings within a maximum 20% variation of Local Planning Policy No.17 'Residential and Incidental Development within the Shire of Serpentine-Jarrahdale' (LPP17).
Owner:	NA	
Officer:	Michael Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	2 March 2004	
Previously	CRP002/07/03 - 28 July 2003	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

On 28 July 2003, Council resolved as follows:

“CRP002 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Hoyer seconded Cr Price that

1. *Council agrees the trial of portfolio system based on the Discussion Paper “Increasing Delegations To Planning Development & Environment (10th July 2003)” included at **Attachment P002.1/07/03.***
2. *Members of the Planning, Development and Environment Committee are nominated to positions on the Planning and Regulatory Services portfolio group.*
3. *The following delegation to the Chief Executive Officer under the Local Government Act 1995, as amended, be adopted by Council:-*
 - *Subdivisions involving more than 3 lots*
 - *Naming of roads*
 - *Extractive industry licence applications and renewals*
4. *The following delegation to the Director Sustainable Development under the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 be adopted by Council:-*
 - *Approval of SA, AA and IP uses*
 - *Consideration of objections received after public consultation and authority to dismiss objections that are deemed no valid or are not planning related*
 - *Amending conditions of a planning approval that has been granted by Council, where development has not commenced*
 - *Retrospective planning approval*
 - *Oversized outbuildings*
 - *Variation to Residential Planning Codes*
 - *All development in the Urban Development zone*
 - *Prosecution for breaches of TPS 2*
 - *To initiate rezonings for land identified in the Rural Strategy*
 - *To carry out development on reserved land in accordance with the intended purpose of the reserve*
 - *To approve developments and impose conditions on developments in the Special Use zone where the development is consistent with TPS 2*
 - *To determine a particular use or purpose of a development where it is not mentioned in the use class table and determine whether it should be carried out in a particular zone”*

Development that did not comply with Local Planning Policy No.17 Residential and Incidental Development originally had to go to Council or Committee for approval. With the establishment of the Portfolio Group, development that did not comply with the LPP No. 17 was workshopped at Portfolio rather than at Committee.

Sustainability Statement

Effect on Environment: The size and height of outbuildings will have an effect on the overall built environment of the locality.

Resource Implications: No resource implications are applicable to this issue.

Use of Local, renewable or recycled Resources: It is considered that locally produced and available resources are potentially used in the construction of outbuildings within the Shire.

Economic Viability and Benefits: It is considered that faster turn around times in issuing planning and building approvals for outbuildings will benefit contractors, builders and landowners alike.

Social – Quality of Life: Community consultation by referring oversized developments to adjoining landowners will continue to occur, ensuring that landowners can comment on development that may affect them.

Social and Environmental Responsibility: Community consultation by referring oversized developments to adjoining landowners will continue to occur, ensuring that landowners can comment on development that may affect them.

Statutory Environment: Town Planning Scheme No.2.

Policy/Work Procedure Implications: Local Planning Policy No.17.

Financial Implications: It is considered that decreased turn around times for planning and building applications will result in savings in staff time.

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

3. Economic

Objective 3: Effective management of Shire growth

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Community consultation is not required as part of this report.

Comment:

The portfolio system was established to deal with planning matters affecting Council and has been used as a referral group for the matters which can be dealt with under delegation rather than via Committee or Council. Although the system has been positive in a number of aspects, it is considered that the large number of oversized outbuilding applications that are referred to portfolio group every month is not an effective use of Councilor and staff time at these meetings. Any outbuilding that does not comply with Council's LPP17, currently needs to be referred to Portfolio Group for approval.

A copy of the Local Planning Policy No.17 is with attachments marked P069/03/04.

A majority of all oversized outbuilding development applications are within a 20% variation of the requirement stipulated within LPP17. It is considered that increased delegation to Officers to deal with the applications within a 20% variation of LPP17 will enable these to be assessed and determined without having to go to portfolio group for approval. An example of the changes proposed are as follows:

Zoning	Current Provision		Maximum 20% Variation	
	Wall Height (m)	Floor Area (m2)	Height (m)	Floor Area (m2)
Residential R20	2.4	10% of the lot area or 60m2, whichever is the smallest	2.88	10% of the lot area or 72m2, whichever is the smallest
Residential R10	2.4	60	2.88	72
Residential R12.5	2.4	60	2.88	72
Special Residential R5	2.7	100	3.24	120
Rural Living A	3.5	150	4.2	180
Rural Living B & Special Rural	4.0	200	4.8	240
Farmlet	5.0	300	6.0	360
Rural	5.0	500	6.0	600

All outbuildings that do not comply with LPP17 will still need to be referred to surrounding landowners for comment and any comments received are considered when determining an application together with the visual impacts of the proposal on surrounding properties. If objections are received, the matter is referred to Council for consideration.

The maximum ridge height of outbuildings as stipulated within LPP17 will remain unchanged. It is considered that variations to wall heights will not affect the ridge height of the building. A majority of the oversized outbuilding applications that are received have roofs at a pitch of 10 degrees. This ensures that the ridge heights comply with LPP17.

It is recommended that Council grant delegated authority to the Director of Sustainable Development to deal with oversized outbuildings within a 20% variation of the wall height and floor area specified in LPP17.

Conclusion:

It is considered that increased delegation to officers to assess oversized outbuildings within a 20% variation will enable portfolio group to focus on the important issues that it was originally established for.

Increased delegation to assess oversized outbuildings within 20% variation of LPP17 will assist in improving turn around times for planning and building applications. This will consequently benefit builders, contractors and land owners alike.

Voting Requirements: ABSOLUTE MAJORITY

CRP069/03/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price seconded Cr Scott

That Council delegate authority to the Director of Sustainable Development to determine any oversized outbuilding within a maximum of 20% variation of the standards set out in LPP17 (part 3.3) as follows:

PP23

OVERSIZED OUTBUILDINGS DELEGATION

Zoning	Current Provision		Maximum 20% Variation	
	Wall Height (m)	Floor Area (m2)	Height (m)	Floor Area (m2)
Residential R20	2.4	10% of the lot area or 60m2, whichever is the smallest	2.88	10% of the lot area or 72m2, whichever is the smallest
Residential R10	2.4	60	2.88	72
Residential R12.5	2.4	60	2.88	72
Special Residential R5	2.7	100	3.24	120
Rural Living A	3.5	150	4.2	180
Rural Living B & Special Rural	4.0	200	4.8	240
Farmlet	5.0	300	6.0	360
Rural	5.0	500	6.0	600

CARRIED 9/0 ABSOLUTE MAJORITY

Cr Richards was not present and did not vote.

P072/03/04 REVIEW OF COUNCIL PLANNING POLICIES (A1048)		
Proponent:	Shire of Serpentine-Jarrahdale	In Brief Council to review and update Planning Policy No.1 'Bed & Breakfast Accommodation' and Planning Policy No.2 'In Lieu of Public Open Space Provisions'.
Owner:	NA	
Officer:	Michael Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	4 March 2004	
Previously	SM057/06/03 – 23 June 2003	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Council undertook a review of Planning Policy No.1 (PP1) 'Bed and Breakfast Accommodation' and PP2 'In Lieu of Public Open Space' in June 2003 and requested they be further workshopped with Councillors. This has been completed through the Portfolio Group and the revised policies are presented for adoption.

Sustainability Statement

Effect on Environment: The amendments to PP1 will ensure that tighter development controls are placed on the construction of Bed and Breakfast developments within the Shire and maintained to a higher level. It is considered that rewording of PP2 will enable public open space to be provided within Special Residential developments.

Resource Implications: The proposed changes to the policies will not result in any resource implications.

Use of Local, renewable or recycled Resources: It is considered that locally produced and available resources may be used in the construction of Bed and Breakfast developments within the Shire.

Economic Viability & Benefits: It is considered that tighter development controls on Bed and Breakfast developments will result in a better development and help generate tourism within the Shire.

Social – Quality of Life: The provision of public open space, as contained within PP2, and the retention of existing vegetation will ensure that recreation and conservation areas are set aside in developments for use by the public.

Social and Environmental Responsibility: It is considered that PP2 will be environmentally responsible through the Council, at the time of subdivision, obtaining 10% of the unimproved land to be used for recreation and conservation purposes.

Social Diversity: The proposed changes to PP1 will ensure that people with disabilities are able to be accommodated in these developments.

Statutory Environment: Town Planning Scheme No.2

Policy/Work Procedure PP1 'Bed & Breakfast Accommodation'

Implications:

PP2 'In Lieu of Public Open Space Provisions'

Financial Implications:

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

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Provide recreational opportunities.
2. Develop good services for health and well being.
4. Respect diversity within the community.

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

Strategies:

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

2. Environment

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

Strategies:

3. Encourage protection and rehabilitation of natural resources.

3. Economic

Objective 1: A vibrant local community

Strategies:

1. Attract and facilitate appropriate industries, commercial activities and employment.
3. Develop tourism potential.

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

Community Consultation:

Community consultation is not required.

Comment:

A copy of the current policies is with the attachments marked P072.1/03/04.

Policies PP1 and PP2 have recently been reviewed at the Planning Portfolio Group meetings.

A copy of the amended policies is with the attachments marked P072.2/03/04.

The changes are shown within the document with the main changes to PP1 being the removal of location requirements and the primary alteration to PP2 being the reduction to a 5% requirement for POS in Special Rural as there is no statutory requirement for 10% POS in rural subdivisions.

Voting Requirements: Normal

Officer Recommended Resolution:

1. Council adopt Planning Policy 1 as follows:

PP1 BED & BREAKFAST ACCOMMODATION

Responsibility: Director Sustainable Development

Original Date Adopted	23.06.96 – Ordinary Council Meeting
Reviewed - P225	26.06.00 – Ordinary Council Meeting
Review – SM077/06/02	24.06.02 – Ordinary Council Meeting
Review – SM057.2/06/03	23.06.03 – Ordinary Council Meeting

STATEMENT OF INTENT

The need for tourist accommodation within the Shire has diversified within recent years with applications being received for Bed and Breakfast Accommodation. Councils Town Planning Scheme No. 2 does not include a provision for this facility, consequently this policy is required to establish guidelines and development standards for Council to consider such proposals. The policy is intended as an interim policy pending inclusion of appropriate provisions within Council's Town Planning Scheme text.

Council recognises and supports the need for a degree of flexibility and choice in selecting tourist accommodation. Such facilities complement existing tourist and recreation facilities in the area and can play an important role in encouraging further tourism. Accordingly, this policy is intended to outline to applicants:

- the site criteria and locations necessary for Council's support of a short stay bed and breakfast facility;
- the development quality envisaged by the Council for bed and breakfast accommodation.

OBJECTIVES

- To ensure that bed and breakfast accommodation will complement and encourage further tourism in the area.
- To ensure that bed and breakfast accommodation is undertaken to a sufficient quality and standard suitable for tourist use.
- That approval to bed and breakfast facility will not detract from the amenity or character of an area.

DEFINITION

"Bed and Breakfast Establishment" means a private dwelling intended for short stay/overnight accommodation in which one or two guest bedrooms are utilised to provide incidental holiday accommodation for not more than four persons or one family located under the main roof of the dwelling house.

1.0 SCHEME PROVISIONS

Pending inclusion of appropriate provisions within Council's Town Planning Scheme, bed and breakfast is to be assessed as an 'SA' use within the Residential, Special Residential, Conservation, Special Rural, Rural Living A and B and Farmlet zones, and 'AA' within the Rural Zone and Agriculture Protection zones. No contemplation of bed and breakfast applications will occur within any other zone comprised within Town Planning Scheme No. 2.

2.0 POLICY MEASURES

2.1 Location and Site Area Requirements

2.1.1 The minimum lot size considered for a bed and breakfast facility will be 900m². The rationale being that prospective impacts (and hence lot sizes) are similar to duplex development.

2.2 Car Park and Access

2.2.1 One car parking bay is required for each guest room together with two for the normal permanent residential use. The Council may accept tandem parking for the two permanent residential bays.

2.2.2 Car parking areas should generally be screened from major access roads with car parking area and access to the specifications of the local authority

2.3 Building

2.3.1 Where the existing standard of dwelling is not considered appropriate, consent to the facility may be conditional upon upgrading of the dwelling. A class 1 b classification will apply and the residence must comply with the BCA provisions for this classification (maximum floor area 300m²). Access and facilities suitable for use by people with disabilities are encouraged to be provided.

2.4 Health

2.4.1 Separate guest rooms conforming to size, light and ventilation requirements as per the Health Act.

2.4.2 Separate toilet, shower, bath and hand basins are to be supplied for guest users, where practical, as determined by Council. Council may require upgrading to existing facilities to meet satisfactory health standards, if required.

2.4.3 An acceptable standard of hygiene, especially in areas of food preparation to be determined prior to approval and in any subsequent inspections. Council may require upgrading to existing facilities to meet satisfactory health standards if required.

2.4.4 Dwelling must be connected to reticulated water supply and/or rainwater tank of sufficient capacity.

2.4.5 Premises must register with the local authority as a food premises in accordance with legislative requirements.

2.4.6 The swimming pool shall comply with the Health Act and be tested for water quality at regular intervals.

2.5 Signposting

2.5.1 Signposting will be limited to completely within the property and shall not exceed 0.5m² (ie 1.0m x 0.5m) on the property frontage. The height of the sign from ground level will not exceed 1.5m. Directional signposting in general will not be contemplated by Council. Applications will be assessed in accordance with Council's Local Planning Policy – Control of Advertising.

2.6 Landscaping and Fencing

2.6.1 Council may require the front setback to be landscaped in order to provide a high quality street frontage or sufficient screening of car parking areas where necessary.

3.0 ADVERTISING

In accordance with the provisions of Council's Town Planning Scheme for "SA" uses, applications for bed and breakfast in the relevant zones are to be advertised in order that adjoining owners have the opportunity to comment. This is not necessary in the Rural Zone or Agriculture Protection zones where the same zoned land abuts. Adjoining owners will be notified in writing and Council may also require the erection of a sign on site at the applicant's cost. Where an application abuts a regional reserve or roadway, Council may be required to forward the application to other Government agencies for comment.

2. Council adopt Planning Policy 2 as follows:

PP2 IN LIEU OF PUBLIC OPEN SPACE PROVISIONS

Responsibility: Director Sustainable Development

Original Date Adopted - P456	27.06.88 – Ordinary Council Meeting
Modified	28.03.94 – Ordinary Council Meeting
Reviewed- P22	26.06.00 – Ordinary Council Meeting
Review – SM077/06/02	24.06.02 – Ordinary Council Meeting
Review – SM057.2/06/03	23.06.03 – Ordinary Council Meeting

Council requires no set standard for the provision of public open space in Special Residential or Special Rural zones. However, a contribution of public open space will normally be required. This should include provision of important topographical features such as a creek or group of trees, a rocky outcrop of land which is to be preserved as a recreational amenity for residents of the subdivision and the district. Where no such special features exist, Council will recommend to the Western Australian Planning Commission that 10% of the unimproved land should be given to Council for its recreation and conservation purposes for Special Residential, and 5% for Special Rural.

CRP072/03/04 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Price seconded Cr Star

1. Council adopt Planning Policy 1 as follows:

PP1 BED & BREAKFAST ACCOMMODATION

Responsibility: Director Sustainable Development

Original Date Adopted	23.06.96 – Ordinary Council Meeting
Reviewed - P225	26.06.00 – Ordinary Council Meeting
Review – SM077/06/02	24.06.02 – Ordinary Council Meeting
Review – SM057.2/06/03	23.06.03 – Ordinary Council Meeting

STATEMENT OF INTENT

The need for tourist accommodation within the Shire has diversified within recent years with applications being received for Bed and Breakfast Accommodation. Councils Town Planning Scheme No. 2 does not include a provision for this facility, consequently this policy is required to establish guidelines and development standards for Council to consider such proposals. The policy is intended as an interim policy pending inclusion of appropriate provisions within Council's Town Planning Scheme text.

Council recognises and supports the need for a degree of flexibility and choice in selecting tourist accommodation. Such facilities complement existing tourist and recreation facilities in the area and can play an important role in encouraging further tourism. Accordingly, this policy is intended to outline to applicants:

- the site criteria and locations necessary for Council's support of a short stay bed and breakfast facility;
- the development quality envisaged by the Council for bed and breakfast accommodation.

OBJECTIVES

- To ensure that bed and breakfast accommodation will complement and encourage further tourism in the area.
- To ensure that bed and breakfast accommodation is undertaken to a sufficient quality and standard suitable for tourist use.
- That approval to bed and breakfast facility will not detract from the amenity or character of an area.

DEFINITION

"Bed and Breakfast Establishment" means a private dwelling intended for short stay/overnight accommodation in which one or two guest bedrooms are utilised to provide incidental holiday accommodation for not more than four persons or one family located under the main roof of the dwelling house.

1.0 SCHEME PROVISIONS

Pending inclusion of appropriate provisions within Council's Town Planning Scheme, bed and breakfast is to be assessed as an 'SA' use within the Residential, Special Residential, Conservation, Special Rural, Rural Living A and B and Farmlot zones, and 'AA' within the Rural Zone and Agriculture Protection zones. No contemplation of bed and breakfast applications will occur within any other zone comprised within Town Planning Scheme No. 2.

2.0 POLICY MEASURES

2.1 Location and Site Area Requirements

- 2.1.1 The minimum lot size considered for a bed and breakfast facility will be 900m². The rationale being that prospective impacts (and hence lot sizes) are similar to duplex development.

2.2 Car Park and Access

- 2.2.1 One car parking bay is required for each guest room together with two for the normal permanent residential use. The Council may accept tandem parking for the two permanent residential bays.
- 2.2.2 Car parking areas should generally be screened from major access roads with car parking area and access to the specifications of the local authority

2.3 Building

- 2.3.1 Where the existing standard of dwelling is not considered appropriate, consent to the facility may be conditional upon upgrading of the dwelling.

A class 1 b classification will apply and the residence must comply with the BCA provisions for this classification (maximum floor area 300m²).

Access and facilities suitable for use by people with disabilities are encouraged to be provided.

2.4 Health

- 2.4.1 Separate guest rooms conforming to size, light and ventilation requirements as per the Health Act.**
- 2.4.2 Separate toilet, shower, bath and hand basins are to be supplied for guest users, where practical, as determined by Council. Council may require upgrading to existing facilities to meet satisfactory health standards, if required.**
- 2.4.3 An acceptable standard of hygiene, especially in areas of food preparation to be determined prior to approval and in any subsequent inspections. Council may require upgrading to existing facilities to meet satisfactory health standards if required.**
- 2.4.4 Dwelling must be connected to reticulated water supply and/or rainwater tank of sufficient capacity.**
- 2.4.5 Premises must register with the local authority as a food premises in accordance with legislative requirements.**
- 2.4.6 The swimming pool shall comply with the Health Act and be tested for water quality at regular intervals.**

2.5 Signposting

- 2.5.1 Signposting will be limited to completely within the property and shall not exceed 0.5m² (ie 1.0m x 0.5m) on the property frontage. The height of the sign from ground level will not exceed 1.5m. Directional signposting in general will not be contemplated by Council other than Council standard signs. Applications will be assessed in accordance with Council's Local Planning Policy – Control of Advertising.**

2.6 Landscaping and Fencing

- 2.6.1 Council may require the front setback to be landscaped in order to provide a high quality street frontage or sufficient screening of car parking areas where necessary.**

3.0 ADVERTISING

In accordance with the provisions of Council's Town Planning Scheme for "SA" uses, applications for bed and breakfast in the relevant zones are to be advertised in order that adjoining owners have the opportunity to comment. This is not necessary in the Rural Zone or Agriculture Protection zones where the same zoned land abuts. Adjoining owners will be notified in writing and Council may also require the erection of a sign on site at the applicant's cost. Where an application abuts a regional reserve or roadway, Council may be required to forward the application to other Government agencies for comment.

2. Council adopt Planning Policy 2 as follows:

PP2 IN LIEU OF PUBLIC OPEN SPACE PROVISIONS

Responsibility: Director Sustainable Development

Original Date Adopted - P456	27.06.88 – Ordinary Council Meeting
Modified	28.03.94 – Ordinary Council Meeting
Reviewed- P22	26.06.00 – Ordinary Council Meeting
Review – SM077/06/02	24.06.02 – Ordinary Council Meeting
Review – SM057.2/06/03	23.06.03 – Ordinary Council Meeting

Council requires no set standard for the provision of public open space in Special Residential or Special Rural zones. However, a contribution of public open space will

normally be required. This should include provision of important topographical features such as a creek or group of trees, a rocky outcrop of land which is to be preserved as a recreational amenity for residents of the subdivision and the district. Where no such special features exist, Council will recommend to the Western Australian Planning Commission that 10% of the unimproved land should be given to Council for its recreation and conservation purposes for Special Residential, and 5% for Special Rural.

CARRIED 9/0

Committee Note: The Officer's recommendation was altered to change 2.5.1 by adding "other than Council standard signs" to provide clarity in the interpretation.

Cr Richards was not present and did not vote.

P075/03/04 COHUNU WILDLIFE AND AMUSEMENT PARK, QUARANTINE STATION SITE, LOT 1 NETTLETON ROAD, BYFORD		
Proponent:	W Jenkins	In Brief Proposal to relocate Cohunu Wildlife and Amusement Park to Byford. Approval is recommended subject to compliance with conditions.
Owner:	N & L Sorbello	
Officer:	Meredith Kenny, Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	22 February 2004	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt:	29 December 2003
Advertised:	Yes – see "Public Consultation" section below
Submissions:	Yes – see "Public Consultation" section below
Lot Area:	23.79 hectares (whole of Lot 1)
L.A Zoning:	Urban Development
MRS Zoning:	Urban
Byford Structure Plan:	N/A
Rural Strategy Policy Area:	N/A
Rural Strategy Overlay:	N/A
Municipal Inventory:	N/A
Townscape/Heritage Precinct:	N/A
Bush Forever:	N/A
Date of Inspection:	5 February 2003

Background

Site Description

The subject site is located on the southern side of Nettleton Road, east of the Byford light industrial area. The eastern part of the site currently contains a Commonwealth animal quarantine station. The western half of the site contains a few disused outbuildings. The site is generally characterized as parkland cleared grazing land and contains many mature trees. Over the last two years the owners have begun to revegetate the site and have planted several hundred young trees.

Historical Data

The site was previously owned by the Commonwealth government, with the eastern portion being used for the purpose of an animal quarantine station. The western half of the site was originally part of the Commonwealth Royal Australian Navy Armaments Depot (RANAD) and was subsequently owned by Smith Corporation. Smith Corporation subdivided the western portion of the site from the former RANAD site in the late 1990's. It was then purchased by the Commonwealth and amalgamated with the quarantine station site.

In 2002, the Commonwealth formed plans to construct a new animal quarantine facility at Perth airport. Accordingly the site was put on the market and in June 2002 the site was purchased by the Sorbello family (owners of Cohunu). At that time, the Commonwealth commenced to lease the eastern portion of the site from the Sorbello family for a period of five years to cover their interim needs until the new facility was constructed at Perth Airport. The applicant advises however, that the Commonwealth have now shelved the plan to construct the new quarantine facility at Perth Airport and wish to occupy the eastern part of the site indefinitely. Accordingly, the Commonwealth Government are now negotiating with the Sorbello family to buy back the eastern portion of the site.

The western half of the site is the subject of this application to relocate the Cohunu wildlife and amusement park.

Application

Activities: Wildlife park, petting zoo, talking parrot zoo, café/restaurant, souvenir/gift shop, miniature railway display, miniature passenger railway, sportscar museum, steam engine museum, art gallery, children's castle, astronomy observatory and music dome. A caretakers residence will also be located on site.

Staff: 5 full time staff and 14-16 casual staff
4 work experience students and 1 adult work experience person 3 times per week.

Number of Patrons: 1-2 buses per day = approximately 80-160 people per day
60 vehicles per day on weekends = approx. 240 persons
20 vehicles per day on weekdays = approx. 80 persons

Total Weekends: Approximately 320-400 persons per day
Total Weekdays: Approximately 160 to 240 persons per day

Hours of Operation: Park – 7 days a week 9am to 5.30pm
Restaurant & Observatory open in the evenings

The owner/operators will reside in the caretakers' house to be constructed on the property. This will aid with management of the park and security.

A copy of the Location Plan, Site Plan, and conceptual drawings are with attachments marked P075.1/03/04.

Sustainability Statement

Effect on Environment:

Environmental impacts will be assessed fully when the proponent provides advice on water use, vegetation management and nutrient management. This report recommends the:

- assessment of impacts;
- setting of appropriate environmental targets; and,
- identification of appropriate management strategies

be undertaken as part of the development of an environmental management system.

Remnant vegetation on the property consists of some mature native trees including marri trees. Marri trees provide an important food source for the endangered black cockatoos which are suffering increasing habitat loss. The current design of the proposal requires the felling of some mature trees and there is room to negotiate minor changes to the proposal to both minimize impacts on mature marri trees and ensure the replacement of trees which cannot be accommodated.

The site is strategically located to potentially provide part of an ecological linkage between the forest habitats on the scarp and the coastal plain habitats on the rail line and Brickwood Reserve. The development design can include a revegetation program to achieve this outcome.

The Cohunu Wildlife Park provides a facility for the care and rehabilitation of orphaned and injured wildlife.

Since purchasing the site two years ago the owners have commenced revegetation of the site. To date they have planted hundreds of new trees and plan to continue this program. They intend to retain the majority of the existing mature and re-growth trees on the site. The bushland character is part of the whole ethos of the park. The deep sandy gravelly soils typical on the site are extremely conducive to revegetation and infiltration of stormwater. This was not easy on their current site in Gosnells due to the hard, dense gravel and cap-rock that characterize that site.

The proposal will provide for diversity in the landscape of this part of Byford, acting as a green belt between the existing townsite and the residential development to occur on the RANAD site to the south.

Resource Implications: The bushland character of a wildlife park means that there is scope for minimal disturbance of the site. The park will not have vast stretches of lawn that require large amounts of water or fertilizers.

Most of the buildings proposed to be constructed as part of the development will face north and are designed to be solar passive.

Much of the feed for the animals (eucalypt trees) will be grown on site and have a dual role of vegetating the site and providing feed. Cohunu also currently provides a service to the City of Gosnells of pruning street trees with the prunings used as feed for koalas.

The new park will provide the opportunity for many sustainable development initiatives to be carried out including:

- re-use of treated waste water and stormwater run-off for irrigation purposes;
- solar powered lighting;
- passive solar building design;
- some protection and potential enhancement of flora and fauna habitats;
- controlled breeding programmes for native animals;
- rehabilitation and protection of injured animals (they provide a home for many recovered injured animals who are no longer able to live in the wild).

Use of Local, renewable or recycled Resources: The proponents advise that they intend to use locally available or produced resources wherever possible in the development. They also advise that they are keen to use recycled materials in the construction of buildings and the miniature passenger railway. They have already obtained a large amount of salvaged railway material from the government rail authority for use in the construction of miniature railway to be constructed through the park.

The subject site is well located in close proximity to a major transport route and with the development of the Byford townsite opportunities will arise for the site to be accessible via public transport such as trains and public bus services

Economic Viability: The proposal will be economically viable in a way that incorporates its external costs. In particular the revegetation of the site will enable the enhancement of biodiversity, and habitats for birds and other wildlife. As the animals are generally kept in enclosures regular cleaning and removal of manures is carried out thereby limiting nutrients entering groundwater.

Economic Benefits: Cohunu Wildlife and Amusement Park will provide an Icon International Tourist Attraction in Byford. Cohunu has a very good reputation in the international market having been around for 30 years. Tourist facilities have been designed on what has worked best over the past 30 years and what is new and innovative for today's tourist/visitor.

Tourism is second to Mining as an economic generator and Cohunu brings international dollars to the economy. The Park will initially employ 5 full time and 14 -16 casual staff. (The proprietors are keen to use local staff). The current facility attracts 160 -240 people per weekday and 320 - 400 people per day on weekends. The International Tourist spends an average of \$95.00 per day and this average includes those staying with friends and relatives.

One of the most significant economic factors will come from the flow on effect to business houses in Byford and the other surrounding attractions in the shire. It will also stimulate the development of other tourist-linked ventures in the area. Cohunu will link with Tumblegum Farm; Jarrahdale Heritage Park; Millbrook Winery; Serpentine Dam and Golden Ponds as a significant International Day Tour on the doorstep of Perth, which can be promoted to the Interstate and Intrastate market.

The proposal was presented for comment to the Local Economic Development Unit who advised that they supported the proposal and saw it to be of major economic importance to the Shire of Serpentine-Jarrahdale.

Social – Quality of Life: There is wide scope for this development to enhance the quality of life for the Byford community through the provision of local employment opportunities and the attraction of tourists to the town with possible flow-on effects to other local businesses.

Additionally, the Cohunu organization has a strong commitment to education. They currently have partnerships with local Gosnells schools to provide work experience for students and the relocation of the park to Byford will provide those opportunities for Byford youth.

Cohunu also has a volunteer program for people interested in wildlife which would be of interest to younger people interested in one-day pursuing a career in fields such as wildlife care, veterinary studies, animal keeping among other things or to older people who have a commitment to caring for wildlife or volunteer work in general.

The park will provide a green belt between the existing townsite and the residential development occurring on the RANAD site to the south thereby providing for diversity in landuse and landscape.

Social and Environmental Responsibility: See above.

Social Diversity: See above.

Statutory Environment:

Town Planning and Development Act 1928;
Town Planning Scheme No.2;
Western Australian Planning Commission Act
(Subdivision Regulations) 1985.

Policy/Work Procedure

Implications:

LPP4 – Revegetation
LPP6 – Water Sensitive Design

Financial Implications:

Expenditure: Environmental health inspections relating to the proposed food premises, keeping of animals etc.

Income: Will become commercial rateable –was previously exempt as it was Commonwealth owned until 2 years ago and rated on unimproved value for last two years.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Provide recreational opportunities.
5. Value and enhance the heritage character, arts and culture of the Shire.

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.

Objective 3: High level of social commitment

Strategies:

2. Build key community partnerships.

2. Environment

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

Strategies:

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.
3. Develop tourism potential.

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Required: Yes

Support/Object: 10 submissions received

A copy of the schedule of submissions received is with the attachments marked P075.2/03/04.

Main Roads Western Australia's Comment

The development will indirectly increase traffic volumes on South Western Highway and in particular will result in increased traffic movements at the intersection of Nettleton Road and South Western Highway. Under the Notice of Delegation issued under the Western Australian Planning Commission Act 1985, applications for development which will either directly or indirectly impact on an Important Regional Road (IRR) must be referred to the authority responsible for the IRR for comment prior to Council determining the application. Accordingly, as Main Roads Western Australia (MRWA) are responsible for South Western Highway the application was referred to that agency for comment.

MRWA advise as follows:

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

1. *Deletion of the proposed entry statement "Koala" signage.*
2. *Should the current geometry of South Western Highway/Nettleton Road require modification to accommodate turning paths and/or vehicle volumes the applicant shall pay all associated costs. The applicant shall be responsible for all costs involved in the design and construction of the intersection. This shall include, but not be limited to, the following:*

Road signs, road marking, street lighting, the relocation of utilities if necessary, and Main Roads costs involved in the design, checking of the construction drawings and site supervision.
3. *Main Roads approval for the construction drawings is required before any work is undertaken within the South West Highway road reserve. Details of traffic management and safety while working within the South West Highway road reserve, is to be submitted as part of this approval."*

Traffic Impact

Asset Services advise that modifications will not be required to the existing design of the Nettleton Road/South Western Highway intersection to facilitate the type and volume of traffic which the development will generate. Nor is it considered that a right turn slip lane will be required on Nettleton Road as the additional traffic generated by the development will be negligible. The intersection is currently adequate to accommodate the large truck and road train movements in and out of the intersection generated by the existing Caltex service station. As the park will have some night-time use, street lighting should be provided at the entrance to the park to enable traffic safety (ie to enable clear visibility and prevent sudden stops by vehicles missing the entrance at night).

The portion of Nettleton Road between South Western Highway and Brickworks Road is classified as a District Distributor A under the Main Roads Western Australia's Road Hierarchy. Under this hierarchy, a road classified District Distributor A could have a carrying capacity of above 8000 vehicles per day. East of Brickworks Road the road classification changes to a local road classification.

A traffic count for the portion of Nettleton Road west of Brickworks Road done in 2002 indicated an average of 1145 vehicle movements on the road per day, including an average of 43 commercial vehicle movements per day.

For the Cohunu proposal it is projected that the amount of vehicle movements generated per day during peak times (weekends) will be 2-4 bus movements per day (ie 2 buses in and 2 buses out) plus 160-200 other vehicle movements per day (ie 80-100 cars going to and from the site).

The subject land is zoned Urban Development. Once reticulated sewerage reaches the site it will have the development potential for approximately 200 residences. The average number of vehicle movements per day per average household is ten (10) giving a potential of approximately 2000 additional vehicle movements per day. If the land was developed for residential purposes it is likely that there would be two to three road entrances from the subdivision on to Nettleton Road to accommodate this many vehicles.

The site does not have any frontage to either Dougall Street or South Western Highway. Its only road frontage is to Nettleton Road. Accordingly, the only potential location for the main entrance to the proposed park is via Nettleton Road.

The applicant advises that the following parking facilities will be provided on site:

Main Car Park	90 car bays plus 4 disabled car bays (376 persons)
Main Bus Park	2 tourist coach bays/3 mini-medium bus bays (approx 80-120 persons)
Observatory Car Park	3 car bays and 1 disabled car bay (approx 16 persons)
Observatory Bus Park	1 bus bay (approx 25 persons – mini bus)

The above parking provision will be adequate to cater for the projected visitor numbers. Additional parking would be required to be provided if park facilities are expanded to cater for more than the currently projected number of visitors.

The provision of bicycle parking facilities should also be required.

Environmental Officer's Comment

There are two options for achieving good environmental management of the development:

- 1. Preparation of (to the satisfaction of the Shire) and commitment to an environmental management system (EMS) for the proposed operation. This could be a good education and quasi accreditation instrument to show visitors. The EMS should address biodiversity protection, land capability and potential pollution issues.*
- 2. The imposition of stringent environmental conditions.*

The following issues should be addressed:

- The operation should comply with all aspects of a recently published (2003) code of practice for exhibited animals in WA and the provisions of the Wildlife Conservation Act.*
- The aerial photograph overlay seems to miss some trees but there is no explanation as to why other clusters of trees are beneath areas of proposed buildings when cleared areas exist. It is not completely evident that the design explores all options to minimize impacts.*
- Some of the park components listed in the plan legend are not evident on the map for example the entry statement, bus parking, miniature railway engine building, music dome and animal enclosure.*
- There is no statement of impact on vegetation or how vegetation other than pasture is to be managed (weed control, protection of existing vegetation and replanting).*
- The application makes no mention of animal numbers and there are no details regarding cage or fence specifications.*
- Nutrient management.*
- There is no information provided regarding land capability and how pasture is to be maintained in large walk through enclosures.*

- *Although a storm water sump is located on site, there is no further information regarding the management of water and its use.*
- *The existing shed on the site has an external cladding of asbestos.*

Environmental Officer's Recommendation

Approval be subject to the following conditions:

An Environmental Management System is to be designed and submitted to Council for approval. Once approved by the Council the Environmental Management System is thereafter to be implemented in its entirety.

This condition might be adequate on its own as long as either:

- *the EMS incorporates a requirement for a bond for vegetation management and landscaping; or*
- *additional standard conditions relating to the preparation and implementation of a vegetation plan are imposed.*

The following footnote would need to be appended to the EMS conditions above:

The Environmental Management System document is to:

- *Identify potential environmental risks and issues associated with the establishment and ongoing operation of all aspects of the Cohunu Koala Park proposal*
- *Set management targets in accordance with State and local government legislation and policies;*
- *Describe management strategies to be used to both maintain environmental outcomes within management targets and rectify any breaches of management targets;*
- *Design and commit to a reporting framework.*

The environmental risks and issues are to include:

- *Noise;*
- *Asbestos management;*
- *Potential light pollution;*
- *The transportation, storage, use and disposal of flammable liquids, chemicals and other dangerous goods, e.g. vehicle workshops and fuel storage.*
- *Visual amenity;*
- *Water management, including storm water management, surface and ground water pollution and water use for park operations;*
- *Vegetation management including weeds, the protection of remnant and replanted vegetation, the need for additional planting and disease control;*
- *Fauna management including potential impacts on the habitat of wild animals, the control of feral and pest animals and the health and wellbeing of captive animals.*
- *Nutrient management including effluent, catering, fertilisers, cage wash-down and domestic sources.*
- *Levels of knowledge and understanding of staff and other operators on site;*
- *Waste management including manure;*
- *Green house gas emissions.*

The legislative and policy framework is to include but not be limited to:

- *Serpentine-Jarrahdale Town Planning Scheme No. 2;*
- *The Wildlife Conservation Act;*
- *The 2003 Code of practice for exhibiting animals in WA.*
- *Requirements of the Department of Industry and Resources for storage of dangerous goods;*
- *Environmental Protection Act*
- *Health (Asbestos) Regulations*

The following target statements are to be incorporated into the EMS:

- *No visible dust is to cross the property boundary;*
- *The amount and quality of surface water leaving the property is to remain unaffected by any of the operations on the property;*
- *Areas of pasture are to remain at or greater than 95% cover.*
- *Ground water flowing from beneath the property downstream of the effluent disposal units is to remain within zero percent of nitrate and ammonia levels prior to development.*
- *There is to be no net loss of black cockatoo habitat.*
- *Declared and environmental weeds are to be controlled and reduced to no more than 5 percent of the property by 2010.*
- *In areas to be rehabilitated for ecological linkage and wildlife habitat, revegetation is to be with locally occurring native plant species with a minimum survival of 500 locally native tree stems per hectare and 1 stem per m² of locally native shrub and ground covers three years after planting and a diversity of at least 50 percent of the diversity measured at an agreed natural community reference site.*
- *In areas to be rehabilitated solely for visual screening and or nutrient absorption, locally native tree and shrub species are to be used with a minimum density of one plant every three meters after three years.*
- *Areas to be landscaped for visual amenity alone are to use Western Australian species with low water consumption requirements unless by prior agreement with the Shire.*
At least 90 percent recycling of all recyclable materials and substances
- *The use of solar hot water systems for all buildings.*
- *Energy Efficient building design including not using dark colours for roofing materials such as grey or black which absorb heat.*

Environmental Health Officer's Comment

It is preferable that the development be connected to the reticulated sewer system given the large volumes of people, sanitary facilities and commercial kitchen. However, due to the current distance to the reticulated sewer system it may not be economically feasible for the development to be connected right away. It may be more appropriate, in the interests of enabling this project to get off the ground without being stymied by exorbitant infrastructure costs to allow septic systems to be used initially with dormant sewer infrastructure being installed in preparation for the time when reticulated sewer is available. This will enable connection with the minimum of disruption to the park when sewer is available. It would be pertinent to include a condition requiring connection to sewer within a certain time frame of it becoming available.

Comment:

Zoning and Landuse

The development is classified as "Public Amusement" under the town planning scheme. This type of use may be considered in the Urban Development zone at the discretion of the Council subject to advertising being carried out and any submissions being assessed in order to determine the impact of the proposed use on surrounding properties. Under Town Planning Scheme No. 2 a Public Amusement is defined as follows:

"Public Amusement - means land and buildings used for the amusement or entertainment of the public, with or without charge.

With regard to the approval of development within the Urban Development zone when there is not a structure plan in place Clause 5.18.7.3 of Town Planning Scheme No. 2 provides as follows:

5.18.7.3 Council may approve the development or use for other than a single house within the Urban Development zone subject to Council being

satisfied that the nature or scale of such development or use will not have an adverse effect on:

- a) the preparation of a Structure Plan for, or*
- b) the orderly and proper planning of, or*
- c) the health, amenity, safety or convenience of the future occupants of,*

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

It is considered that the development would not have an adverse effect on the amenity of local residents and demonstrates an overall development concept for the whole site. The development has been advertised for public inspection in accordance with the requirements of Clause 5.18.7.3.

Site Visit

Several elected members and executive and technical staff visited the existing Cohunu site on 20 February 2004 in order to gain an impression of the nature of the park, how it is operated and the capabilities and standards of the owner/operators.

The proponents advised that they have leased the current site from the City of Gosnells for approximately 25 years and the lease will run for another two and half years. However, they have plans to add to the facilities offered by the park (ie. with the observatory) but have been unable to gain assurances from the City of Gosnells that their lease will be renewed. Accordingly, they are reluctant to invest any more money into the Gosnells site and sought to obtain a free-hold site of their own. Additionally, the current site has several constraints:

1. The location is increasingly less suitable for the development of an astronomical observatory due to the proximity of the greater Perth urban area and the associated night-lighting generated by that vast urban development. Byford apparently has the best night darkness in the whole of Perth for this type of facility.

The observatory will have two telescopes – one just for viewing and one photographic telescope. These have been purchased at a cost of approximately \$US160,000 each. Overall, the observatory, including the telescopes, will cost approximately \$500,000 to construct. This facility will provide a unique attractor for Byford particularly from education institutions. The existing government run Perth Observatory is booked out by educational groups 12 months in advance.

The operators had already obtained approval from the City of Gosnells to construct this facility and so have all of the plans and engineering drawings and specifications prepared already. They intend this to be the first facility constructed on the site along with the caretaker's dwelling (for security).

2. The Gosnells site is only accessible by a very steep winding road (Mills Road) which tourist bus operators find difficult. The Byford site is easily accessible from South Western Highway and is relatively flat.
3. The Gosnells site does not have Scheme water and relies on bore water for its operation. In summer even this water source is severely constrained.
4. The site consists of cap rock and gravel, which has made revegetation extremely difficult and construction difficult and expensive.

Amenity

The site is within the Landscape Protection Policy Area. Therefore, particular attention needs to be paid to the scale and materials of the structures within the park. The application details that buildings will generally be single storey except for the observatory, which needs to clear the tree tops. The observatory building is relatively small in area (12 metre diameter) and the first storey will be disguised as a rock mountain and form part of a train

tunnel. Therefore, it is not considered that the building will impact on the amenity of the area.

All machinery sheds constructed to house the steam engine and machinery collections will be built in traditional rural machinery shed styles, colourbond clad in earthy tones.

The residence and sportcar museum will be constructed on brick, timber and glass with colourbond roofing.

The Main Station Complex (housing restaurant, office, shop and main entrance) will be constructed in the architectural style of early Railway Stations in brick with corrugated metal roofing and trimmed with metal and timber lacework. Apart from the lacework, this design may be similar to the original Byford and Mundijong train stations.

The children's castle, enclosures, koala photo room and tunnels etc. will be low key structures constructed with a variety of mediums including concrete, brickwork, steel and fibreglass.

The dinosaur park will contain the many existing fibreglass dinosaur statues at the Gosnells site. These were viewed at the site visit and are good quality, lifelike reproductions. Due to tree coverage they are unlikely to be visible from outside the site. The owner's son has constructed all of these replicas himself.

The circa World War Two existing asbestos shed on the property will be retained but will not be used for public purposes only storage.

The nature of the park is such that security fencing will be required. To reduce any potential impact on the amenity of adjacent properties (in particular the RANAD residential site to the south west and the Nettleton Road streetscape) it is recommended that any security fencing be set back a minimum of 5 metres from these property boundaries and the intervening space densely landscaped. The eastern boundary (to the quarantine station and the western boundary to the light industrial area are not as sensitive as the other two boundaries. Also there will be a 20 metre deep buffer zone (no-man's land) delineated between the quarantine station and Cohunu.

A comprehensive signage strategy, in accordance with the Council's policy, should be required for the roadside directional signs, entry statement and internal signage.

Conditions should be placed on any flood or security lighting to require they be hooded and oriented in such a manner as to prevent overspill onto adjacent properties or glare for motorists.

A condition should be imposed requiring a rubbish/bin storage area to be provided, screened from public view, with a hardstand floor, a floor waste trap and water supply for cleaning of bins and the bin area.

Minimum amenity standards should be imposed on the caretaker's dwelling including provision of car parking, a drying court and equipment, an external storeroom/shed and a private outdoor living area. The owners intend to install a swimming pool. The owner/operators will reside in this dwelling. They currently reside in a dwelling at the Gosnells site.

Environmental Management

Most of the environmental issues have been covered in the Environmental Officer's comment.

Emphasis of the new park is going to be placed more on exhibits such as the Miniature Railway, the Car and Steam Museums and some park games. No amusement park rides apart from the miniature passenger train are proposed. It is intended that this new park will have a minimal volume of animals (all small native species), therefore, heavy stocking and resulting grazings, nutrient build up and waste management will be of minimal concern. The site visit showed that, while the park is a bit rundown and dated looking at the moment, all enclosures were clean and well maintained.

All display machinery and Miniature trains are steam driven and there are a minimal number of service vehicles, therefore the volume of waste products such as oils etc. is negligible and will be held in containers as recommended by the manufacturers of these products and disposed of by licenced contractors.

Services/Infrastructure

Scheme water is available to the site, which will greatly assist in the establishment of new vegetation, and the running of the park. The current Cohunu site in Gosnells relies on bore water and even supplies of bore water are limited in the summer months, which has placed restrictions on the operation and development of the Gosnells site.

Effluent Disposal has been covered in the Environmental Health Officer's comment above.

An electricity substation may be required to service the development. Due to the potential for these structures to be visually intrusive and for Western Power to generally require them to be located as close to the street boundary of a lot as possible, a condition should be imposed requiring the substation to be located and screened to reduce impact on the streetscape and the visual amenity of other adjoining properties.

Conclusion

This is an exciting development for Byford, which will have environmental, economic, tourism and social benefits for the community. All issues (environmental, traffic etc.) are able to be addressed by conditions. It is therefore recommended that the application be approved subject to the special conditions discussed throughout this report and standard development conditions.

Voting Requirements: Normal

Cr Richards returned to the meeting at 8.03pm

CRP075/03/04 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price seconded Cr Wigg

That Council grants approval for the development of a Public Amusement (Wildlife and Amusement Park) on Lot 1 Nettleton Road, Byford subject to the following conditions:

General

- 1. 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 and other relevant legislation.**
- 2. This Planning Approval does not obviate the responsibility of the applicant/owner to comply with any other requirements of the Shire of Serpentine-Jarrahdale's Town Planning Scheme No. 2.**
- 3. This approval is restricted to the following uses and structures:**
 - caretaker's dwelling and garage**

- **gift/souvenir shop**
 - **art gallery**
 - **café/restaurant**
 - **food & drink kiosk**
 - **steam engine museum**
 - **miniature railway building**
 - **miniature passenger railway & trains**
 - **music dome**
 - **children's castle**
 - **observatory**
 - **dinosaur park**
 - **car museum**
 - **picnic areas including incidental picnic facilities such as seating, barbecues, shade structures, drinking fountains.**
 - **animal and bird enclosures**
 - **koala photo room/building**
 - **incidental facilities and infrastructure including, but not limited to, toilets, pedestrian paths, car and bus parking, service roads and plant and equipment buildings.**
4. **Any change or expansion of use outside the parameters identified in Condition 3. above will require a further planning approval.**
 5. **The holding of special events on site where the number of patrons will exceed that described in the application will require the prior written approval of the Council. Such occasional approval may attract conditions relating to the provision of temporary car park and sanitary facilities and the implementation of measures to ensure adequate crowd control, traffic management and prevent and manage anti-social behaviour which may affect the adjacent residential areas.**
 6. **Operation of the restaurant shall not exceed 7am - 7pm without prior planning approval being issued for evening use.**
 7. **A separate application is required for any signage and shall comprise an overall signage strategy for the site including any entry statements, directional signs within road reserves and internal site signage.**
 8. **That during construction access to the lot be via the street frontage only and that no building rubble or sand be permitted to over spill the site.**
 9. **On completion of construction, all excess articles equipment, rubbish or materials and temporary privies are to be removed and the site and surrounding area used during the development is to be made good and left in an orderly and tidy condition to the satisfaction of the Shire of Serpentine-Jarrahdale.**
 10. **The caretaker's dwelling to be provided with a minimum of two car parking spaces, a screened outdoor drying area, a private courtyard with a minimum area of 40 square metres and a minimum dimension in any direction of 4 metres and an externally accessible storeroom or shed (may be incorporated in garage) to the satisfaction of the Shire of Serpentine-Jarrahdale.**

Environmental

11. **An Environmental Management System for the development and operation of the Public Amusement park is to be designed and submitted to Council for approval by 31 August 2004. Once approved by the Council the Environmental Management System is thereafter to be implemented in its entirety to the satisfaction of the Shire of Serpentine-Jarrahdale.**
12. **Landscaping to a minimum depth of 5 metres shall be planted along the full extent of the Nettleton Road frontage of the lot. No activities or structures are to be conducted or constructed within this 5 meter landscape buffer except for any entry statement approved by Council as part of the signage strategy.**

- 13. A detailed vegetation and landscape plan shall be submitted for approval prior to the commencement of vegetation management, additional planting, site development works or the issuance of a building license showing:**
- Existing vegetation to be retained and removed (from recent aerial photograph);
 - Areas for rehabilitation as ecological linkage and wildlife habitat;
 - Areas to be planted for visual screening
 - Areas to be replanted for nutrient absorption, including compensation basins;
 - Areas to be landscaped for visual amenity.
 - Areas of irrigated turf
 - Areas of un-irrigated turf.
 - Proposed trees, shrubs and lawn to be installed to the street verge.
 - Proposed trees, shrubs and lawns to be installed along the front boundary of the property.
 - Details of protection measures for existing vegetation during construction shall be submitted to the satisfaction of the Director Sustainable Development prior to the issue of a building licence.

The plan is to show all proposed trees, shrubs, groundcovers and lawns to be installed with species, planting size, location, planting numbers and densities, for the various areas on the plan, and thereafter implemented and maintained to the satisfaction of the Shire of Serpentine Jarrahdale.

Carparking

- 16. The parking bay/s, driveway/s and points of ingress and egress to be designed, at the expense of the proponent, to the specification of the Shire of Serpentine-Jarrahdale. All carparking areas are to be hardpaved with bitumen or concrete (unless otherwise approved by the Shire). Where any damage is caused to a Council facility, tree or street furniture, or where alteration to a Council facility is required, the cost or such damage or alteration shall be paid for by the applicant.**
- 17. Maximum vehicles access gradient ratio of 1:6 being achieved.**
- 18. All parking bay/s, driveway/s and points of ingress and egress areas are to be constructed, drained, marked prior to the development first being occupied and thereafter maintained to the satisfaction of the Shire of Serpentine-Jarrahdale.**
- 19. Disabled car parking bay/s to be provided and located conveniently to the principal entrance to the main station complex and with a minimum width of 3.2 metres and a minimum clearance behind of 6 metres.**
- 20. All car parking areas are to be provided with protective rails or a buffer strip to hard standing car bays adjoining boundary fences to the satisfaction of the Shire of Serpentine-Jarrahdale.**
- 21. All unused crossover(s) are to be removed and the kerbing and verge to be reinstated at the applicant/owner's full expense to the satisfaction of the Shire of Serpentine-Jarrahdale.**
- 22. Off street parking facilities to be provided at the following rate:**
- | | | |
|--------------------------------|-----------------------------|--|
| 23. Car parking spaces: | Main car park | 90 bays plus 4 disabled bays |
| | Observatory car park | 3 bays plus 1 disabled bay |
| Bus Parking: | Main car park | a contiguous space sufficient for 2 full size tourist coaches or 3 small capacity buses |
| Observatory: | | 1 mini-bus (22 seater) parking bay |
- 24. All parking bays are to be permanently marked on site.**
- 25. Minimum car parking bay dimensions to be 5.5 metres long by 2.5 metres wide with reversing space as specified by the Shire of Serpentine Jarrahdale. Where any bay abuts an obstruction (such as a fence) the width of the bay to be increased by 0.3 metres.**

26. Shade trees to be provided within car parking areas at a rate of one tree per four parking bays.
27. Vehicle access through site to be designed to accommodate a NAASRA 9m Radius Single unit truck turning path (rubbish trucks, buses and delivery vehicles).
28. Crossover width to be a minimum of 6 metres wide with turning radii of 1.5 metres. Crossovers to be constructed to the satisfaction of the Shire of Serpentine Jarrahdale.
29. Secure bicycle parking facilities for a minimum of ten (10) bicycles to be provided on site adjacent to the Main Station complex.

Drainage

30. All stormwater and drainage run off to be contained on site. An onsite stormwater drainage system with a capacity to contain a 1:100 year storm of a twenty-four (24) hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the Shire of Serpentine-Jarrahdale. Water sensitive design of stormwater infrastructure should enable re-use of stormwater, where possible, for maintenance of landscaping. The proposed stormwater drainage system is required to be shown on the Building Licence submission for approval prior to the commencement of construction.
31. Any required nutrient stripping basins being designed, constructed and landscaped in accordance with water sensitive design principles to maximise detention time, and minimise the discharge of nutrients, to the satisfaction of the Shire of Serpentine-Jarrahdale.
32. The developer to be responsible for the ongoing monitoring and maintenance of any required nutrient stripping basins

Services

33. Dormant sewer infrastructure to be provided from the front boundary of the site to each building to enable connection to the reticulated sewer system when that service becomes available to the site to the satisfaction of the Principal Environmental Health Officer.
34. The development shall be connected to the reticulated sewer system within 3 years of a sewer main being constructed to within 100 metres of the boundary of Lot 1 Nettleton Road.
35. Street lighting being provided at the main entrance to the site on Nettleton Road at the expense of the proponent and to the satisfaction of the Shire of Serpentine-Jarrahdale.
36. The developer shall prepare a Bush Fire Management Plan in accordance with the specification of Fire and Emergency Services Authority and the Shire of Serpentine-Jarrahdale. Bush Fire Management Plan to be submitted to the Shire prior to the issue of a Building Licence and shall be implemented (as required) prior to the use first commencing.

Design and Construction

37. Technical drawings and detailed specifications of all proposed infrastructure and servicing works (including, but not limited to, drainage, construction of carparks, crossovers and driveways, effluent disposal systems, waste management and lighting) to be submitted to and approved by the Shire of Serpentine-Jarrahdale prior to the issue of a Building Licence and the commencement of any site works (including the clearing of vegetation).
38. Technical drawings and detailed specifications of all proposed landscaping and revegetation works to be submitted to and approved by the Shire of Serpentine Jarrahdale prior to the issue of a Building Licence and the commencement of site works (including the clearing of vegetation).

Amenity

39. The development must not cause a dust nuisance to neighbours during construction. The developer is required to submit a Dust Management Plan in accordance with the Shire's Guidelines for the Preparation of Dust Management Plans. This Plan is to be approved by the Shire of Serpentine Jarrahdale's Environmental Health Services prior to the commencement of earthworks and complied with for the duration of the construction works.
40. The submission of an acoustic consultant's report demonstrating compliance with the report's recommendations to the satisfaction of the Shire of Serpentine-Jarrahdale that the proposed development is capable of containing all noise emissions in accordance with the limitations of the Environmental Protection Act 1986 is to be provided prior to commencement of the use and thereafter implemented to the satisfaction of the Serpentine Jarrahdale Shire.
41. Lighting to be provided to all carparking areas and the exterior entrances to all buildings in accordance with Australian Standard AS 1158.3.1 (Cat. P); and
42. All external lighting to be hooded and oriented so that the light source is not directly visible to the travelling public or abutting residences; and
43. A Rubbish storage area complying with the following specifications shall be provided on site and screened from public view to the satisfaction of Shire of Serpentine-Jarrahdale:
 - be fenced with a 1.8m high childproof fence;
 - have a gate sized to accommodate chosen bin type;
 - have a concrete base; and
 - to have a water service with a 'NYLEX' or similar hose/tap connection.
44. Any proposed security fencing along the street boundary of the lot and the boundary between Lot 1 Nettleton Road and the former RANAD site shall be setback a minimum of 5 metres and the intervening space vegetated to sufficiently screen the fencing to the satisfaction of the Shire of Serpentine-Jarrahdale.

Site Features

45. 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 Shire of Serpentine-Jarrahdale.

Flora and Fauna Survey

46. Before any site works are commenced, the developer is to have provided a flora and fauna survey of the land and a management plan to the Shire identifying measures to minimise the clearing of existing vegetation and to provide for the protection/relocation of fauna to the satisfaction of the Shire of Serpentine-Jarrahdale.

Site Works (Time)

47. No construction or site works causing noise and/or inconvenience to neighbours being carried out after 6.00 p.m. or before 7.00 a.m. Monday to Saturday, and not at all on Sunday or public holidays to the satisfaction of the Shire of Serpentine-Jarrahdale

Advisory Sign

48. The developer providing a temporary sign on site (visible from Nettleton Road) to the satisfaction of the Shire of Serpentine-Jarrahdale, outlining the proposed future development of the land.
49. A Practical Completion Inspection being obtained prior to occupancy requiring an on-site inspection and clearance of all outstanding conditions to the satisfaction of the Shire of Serpentine-Jarrahdale. In certain circumstances, and at its discretion, a condition maybe satisfied in part by way of a legal

agreement being in place and bond/bank guarantee being submitted by the applicant/owner to the satisfaction of the Shire of Serpentine-Jarrahdale.

Advice Notes

- 1. The Environmental Management System document referred to in Condition 11 above is to:**
 - Identify potential environmental risks and issues associated with the establishment and ongoing operation of all aspects of the Cohunu Koala Park proposal;
 - Set management targets in accordance with State and local government legislation and policies;
 - Describe management strategies to be used to both maintain environmental outcomes within management targets and rectify any breaches of management targets;
 - Design and commit to a reporting framework.
- 2. The environmental risks and issues are to include:**
 - Noise;
 - Asbestos management;
 - Potential light pollution;
 - The transportation, storage, use and disposal of flammable liquids, chemicals and other dangerous goods, e.g. vehicle workshops and fuel storage;
 - Visual amenity;
 - Water management, including storm water management, surface and ground water pollution and water use for park operations;
 - Vegetation management including weeds, the protection of remnant and replanted vegetation, the need for additional planting and disease control;
 - Fauna management including potential impacts on the habitat of wild animals, the control of feral and pest animals and the health and wellbeing of captive animals;
 - Nutrient management including effluent, catering, fertilisers, cage wash-down and domestic sources;
 - Levels of knowledge and understanding of staff and other operators on site;
 - Waste management including manure;
 - Green house gas emissions.
- 3. The legislative and policy framework is to include but not be limited to:**
 - Serpentine-Jarrahdale Town Planning Scheme No. 2;
 - The Wildlife Conservation Act;
 - The 2003 Code of practice for exhibiting animals in WA;
 - Requirements of the Department of Industry and Resources for storage of dangerous goods;
 - Environmental Protection Act;
 - Health (Asbestos) Regulations.
- 4. The following target statements are to be incorporated into the EMS:**
 - No visible dust is to cross the property boundary;
 - The amount and quality of surface water leaving the property is to remain unaffected by any of the operations on the property;
 - Areas of pasture are to remain at or greater than 95% cover;
 - Ground water flowing from beneath the property downstream of the effluent disposal units is to remain within 5 percent of nitrate and ammonia levels prior to development;
 - There is to be no net loss of black cockatoo habitat;
 - Declared and environmental weeds are to be controlled and reduced to no more than zero percent of the property by 2010;

- In areas to be rehabilitated for ecological linkage and wildlife habitat, revegetation is to be with locally occurring native plant species with a minimum survival of 500 locally native tree stems per hectare and 1 stem per m² of locally native shrub and ground covers three years after planting and a diversity of at least 50 percent of the diversity measured at an agreed natural community reference site;
 - In areas to be rehabilitated solely for visual screening and or nutrient absorption, locally native tree and shrub species are to be used with a minimum density of one plant every three meters after three years;
 - Areas to be landscaped for visual amenity alone are to use Western Australian species with low water consumption requirements unless by prior agreement with the Shire;
 - At least 90 percent recycling of all recyclable materials and substances
 - The use of solar hot water systems for all buildings;
 - Energy Efficient building design including not using dark colours for roofing materials such as grey or black which absorb heat.
5. Plans of this development are required to be submitted to the Western Australian Fire Brigades Board for assessment as part of the Building Licence stage.
 6. The applicant/owner is advised that the proposal is to comply with all aspects of the Building Code of Australia including fire rating; fire separation; provision of fire hydrants; hose and reel provision; the provision of disabled access/ramp and facilities; emergency lighting and signage.
 7. Detailed plans and specifications of all internal fixtures, fittings and finishes for all buildings, must be provided and be approved by the Council's Health Services prior to issue of a Building Licence.
 8. The applicant is advised that the Department of Environment, Water and Catchment Protection has prepared dust control guidelines for development sites, which inter alia, outline the procedures for the preparation of Dust Management Plans for subdivisions and developments. Further information on the guidelines can be obtained from the Department or the Shire.

CARRIED 9/1

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

9. CHIEF EXECUTIVE OFFICER'S REPORT

SM035/03/04 INFORMATION REPORT		
Proponent	Chief Executive Officer	In Brief Information Report.
Officer	D E Price – Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	17 th March, 2004	
Previously		
Disclosure of Interest		
Delegation	Council	

SM035.1/03/04 COMMON SEAL REGISTER REPORT – FEBRUARY 2004 (A1128)

The Common Seal Register Report for the month of February 2004 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the attachments marked "SM035.1/03/04".

SM035.2/03/04 PEEL ECONOMIC DEVELOPMENT UNIT MINUTES – FEBRUARY, 2004 (A0839-06)

The Minutes of the Peel Economic Development Unit Executive Meeting held on 5th February 2004 are in the attachments marked “SM035.2/03/04”.

SM035.3/03/04 LOCAL ECONOMIC DEVELOPMENT UNIT MINUTES – 4TH FEBRUARY, 2004 (A0436-05)

The Minutes of the Local Economic Development Unit meeting held on 4th February 2004 are in the attachments marked “SM035.3/03/04”.

SM035.4/03/04 JARRAHDALÉ HERITAGE PARK MANAGEMENT COMMITTEE MINUTES – 2ND FEBRUARY, 2004 (P05576/02)

The Minutes of the Jarrahdale Heritage Park Management Committee meeting minutes held on 2nd February, 2004 are in the attachments marked “SM035.4/03/04”.

SM035.5/03/04 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – STATE COUNCIL SUMMARY MINUTES AND CHIEF EXECUTIVE OFFICER REPORT – FEBRUARY 2004 (A1164)

A summary of the State Council Minutes held on 4th February, 2004 together with the Chief Executive Officer Report for February 2004 are in the attachments marked “SM035.5a/03/04 and SM035.5b/03/04”.

SM035.6/03/04 ECONOMIC AND TOURISM DEVELOPMENT OFFICER REPORT - MARCH 2004 (A0426-05)

The Economic and Tourism Development Officer report of priorities for March 2004 are with the attachments marked “SM035.6/03/04”.

CRSM035 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Simpson seconded Cr Scott

That the Information Report to 18th March, 2004 be received.
CARRIED 10/0

10. URGENT BUSINESS:

11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

12. CLOSURE:

There being no further business, the meeting closed at 8.16pm.

I certify that these minutes were confirmed at the ordinary council meeting held on 27th April, 2004

.....
Presiding Member

.....
Date

13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

C059/03/04 JARRAHDALÉ HERITAGE PARK DEVELOPMENT AND DISPOSITION BUSINESS PLAN (P05576)		
Proponent:	Chief Executive Officer	<p>In Brief</p> <p><i>Council is requested to agree to advertise the draft “Jarrahdale Heritage Park Development and Disposition” business plan in accordance with Section 3.59 of the Local Government Act 1995 (the Act) for a proposed “major land transaction”.</i></p>
Owner:	Serpentine Jarrahdale Shire	
Officer:	D.E Price – Chief Executive Officer	
Signatures Author:		
Senior Officer:		
Date of Report	24 February 2004	
Previously	Item 9.3 - 22 November 1999	
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 SM054/05/03	

C059/03/04 COMMITTEE DECISION/Officer Recommended Resolution:

Council agrees to advertise the draft “Jarrahdale Heritage Park Development and Disposition” business plan as included with attachments and marked C059/03/04” in accordance with Section 3.59 of the Local Government Act 1995 (the Act) for a proposed “major land transaction”.
CARRIED 5/0

C063/03/04 MUNDIJONG HALL (RS0004)		
Proponent:	Director Asset Services	<p>In Brief</p> <p>Deterioration of the Mundijong Hall roof has reached a point where repairs are required in the near future.</p> <p>It is recommended that provision is made in the Principal Activities Plan for the replacement of the roof.</p>
Owner:	Shire of Serpentine Jarrahdale	
Officer:	Mick Beaverstock Director Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	23 February 2004	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM054/05/03	

C063/03/04 COMMITTEE DECISION/Officer Recommended Resolution:

That Council requests an amount of \$33,000 now be considered in the 2004 – 2014 Principal Activities Plan for the replacement of the Mundijong Hall roof.
CARRIED 5/0

C064/03/04 RECOGNITION OF SERVICE – MR PAUL BEAUMONT		
Proponent:	Chief Executive Officer /Director Asset Services	<p>In Brief</p> <p>Paul Beaumont, Operations Team Leader, has recently completed 20 years service with the shire.</p> <p>Council is requested to formally acknowledge this period of service and approve the purchase of a suitable gift.</p>
Officer:	Mick Beaverstock Director Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	2 March 2004	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM054/05/03	

C064/03/04 COMMITTEE DECISION/Officer Recommended Resolution:

Council formally thanks Mr Paul Beaumont for his services to the shire over the last 20 years.

Council approves the purchase of a gift, up to the value of \$500, in recognition of this service from account MOC 555.

Council requests the Chief Executive officer develop a suitable policy and refer it back to Council for consideration.

CARRIED 5/0

Committee Note: That a suitable policy be developed to recognise long serving employees.

C065/03/04 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent:	Director Corporate Services	<p>In Brief</p> <p>To confirm the creditor payments made during February</p>
Owner:	N/A	
Officer:	S. O'Meagher – Finance Officer	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM054/05/03	

C065/03/04 COMMITTEE DECISION/Officer Recommended Resolution:

Council notes the payments authorised under delegated authority and detailed in the list of invoices for the month of February, presented to the Corporate Services

**Committee and to Council, per the summaries set out above include Creditors yet to be paid and in accordance with the Local Government (Financial Management) Regulations 1996.
CARRIED 5/0**

C066/03/04 DEBTOR ACCOUNTS WITH A BALANCE IN EXCESS OF \$1,000 (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the statement of debtors over \$1,000 as at 29 February 2004
Owner:	Not Applicable	
Officer:	Ray Pryce – Senior Finance Officer	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM054/05/03	

C066/03/04 COMMITTEE DECISION/Officer Recommended Resolution:

**Council receive and note the report on Debtors accounts with a balance in excess of \$1,000 outstanding for 90 days or greater as at 29 February 2004.
CARRIED 5/0**

C067/03/04 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the sundry debtor balances as at 29 February 2004
Owner:	Not Applicable	
Officer:	Ray Pryce – Senior Finance Officer	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM054/05/03	

C067/03/04 COMMITTEE DECISION/Officer Recommended Resolution:

**Council receive and note the report on Sundry Debtor Outstanding Accounts as at 29 February 2004.
CARRIED 5/0**

C069/03/04 RATE DEBTORS REPORT (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the rates report as at 29 February 2004
Owner:	Not Applicable	
Officer:	V Delbridge – Finance Officer - Rates	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM054/05/03	

C069/03/04 COMMITTEE DECISION/Officer Recommended Resolution:

**Council receive and note the report the Rate Debtors accounts as at 29 February 2004.
CARRIED 5/0**

C071/03/04 CHIEF EXECUTIVE OFFICER STUDY TOUR/CONFERENCE ATTENDANCE 2003-2004 (H0031)		
Proponent:	Shire President/ Chief Executive Officer	In Brief <i>Council are requested to approve a request by the Chief Executive Officers to be given the flexibility to attend either an interstate conference in 2003/2004 as provided under the terms of his employment contract, or substitute this with his attendance on the Bank of IDEAS Study Tour to England in late April – early May 2004 provided costs remain within the funds budgeted.</i>
Owner:	Not applicable	
Officer:	D.E Price – Chief Executive Officer	
Signatures Author:		
Senior Officer:		
Date of Report	04/03/2004	
Previously		
Disclosure of Interest	The items relates to a matter associated with the Chief Executive Officers employment contract.	
Delegation	Committee in accordance with resolution SM054/05/03	

C071/03/04 COMMITTEE DECISION/Officer Recommended Resolution:

**Council approves the Chief Executive Officers request to be given the flexibility to attend either an interstate conference in 2003/2004, as provided under the terms of his employment contract, or substitute this with his attendance on the Bank of IDEAS Study Tour to England in late April – early May 2004.
CARRIED 5/0**

C070/03/04 INFORMATION REPORT		
Proponent:	Director Corporate Services	In Brief To receive the information report to 29 February 2004
Owner:	Not Applicable	
Officer:	Various	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM054/05/03	

C070/03/04 COMMITTEE DECISION/Officer Recommended Resolution:

The information report to 29 February 2004 be received.
CARRIED 5/0

AS055/03/04 PROPOSED FENCING OF SOUTHERN PORTION OF BRICKWOOD RESERVE BY THE DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT (RS0122)		
Proponent:	Department of Conservation and Land Management	In Brief The Department of Conservation and Land Management (CALM) proposes to fund the fencing of the southern section of Brickwood Reserve on the condition that Council commits, to fencing the northern portion of the reserve within 5 years. It is recommended that Council approve the proposed fencing of the southern portion of the reserve and commit to fencing the northern portion of the reserve by 2009.
Owner:	Crown Land vested to the Serpentine-Jarrahdale Shire	
Officer:	Brett Dunn – Reserves Officer	
Signatures Author:		
Senior Officer:		
Date of Report	24/02/04	
Previously		
Disclosure of Interest		
Delegation	Committee in accordance with resolution SM054/05/03	

CRAS055 COMMITTEE DECISION/Officer Recommended Resolution:

1. Council approves the proposed fencing of the southern portion of Brickwood Reserve and commit to fencing the northern portion of the reserve by 2009.
2. Council requests that provision of \$4,200 is made in the draft Forward Financial Plan for these works to be undertaken no later than 2009.

CARRIED 5/0

Committee Note: The Committee expressed this matter be treated more urgently and that they would like to see it carried out within the 2004/05 budget.

AS057/03/04 INFORMATION REPORT		
Proponent	Director Asset Services	In Brief <i>To receive the information report to the 29 January 2004</i>
Officer		
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
Delegation	Committee in accordance with resolution SM054/05/03	

CRAS057 COMMITTEE DECISION/Officer Recommended Resolution:

**That the Director Asset Services' report to the 29 February, 2004 be received.
CARRIED 5/0**

CRD21/03/04 INFORMATION REPORT		
Proponent:	Not applicable	In Brief Information report
Owner:	Not applicable	
Officer:	Carole McKee – Community Development Officer and Brian Owston – Senior Ranger	
Signatures Author:		
Senior Officer:		
Date of Report	25.2.04	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM054/05/03	

CRD21/03/04 COMMITTEE DECISION/Officer Recommended Resolution

**That Council accepts the February 2004 Information Report.
CARRIED 5/0**

B14/03/04 INFORMATION REPORT		
Proponent:	N/A	In Brief Information report
Owner:	N/A	
Officer:	Wayne Chant - Principal Building Surveyor	
Signatures Author:		
Senior Officer:		
Date of Report	04.03.04	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<i>Committee – in accordance with resolution SM054/05/03</i>	

H14/03/04 COMMITTEE DECISION/Officer Recommended Resolution

**That Council accepts the February 2004 Information Report.
CARRIED 5/0**

H10/03/04 INFORMATION REPORT		
Proponent:	N/A	In Brief Information report
Owner:	N/A	
Officer:	Joanne Abbiss - Principal Environmental Health Officer	
Signatures Author:		
Senior Officer:		
Date of Report	04.03.04	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM054/05/03	

H10/03/04 COMMITTEE DECISION/Officer Recommended Resolution

**That Council accepts the information report for February 2004.
CARRIED 5/0**

P067/03/04 CITIES FOR CLIMATE PROTECTION – CCP PLUS AND TDM PROGRAM (A1182)		
Proponent:	Shire of Serpentine-Jarrahdale	<p>In Brief</p> <p>Since successfully completing the Cities For Climate Protection Program in March 2003 council agreed to further undertake CCP Plus with a focus on Travel Demand Management (TDM) component.</p> <p>A scoping paper on travel demand management options and techniques available to council as well as proposals has been completed.</p> <p>This report requests council approves the TDM report to be submitted to ICLEI.</p>
Owner:	N/A	
Officer:	Carlie Eldridge, Manger of Sustainability Unit	
Signatures Author:		
Senior Officer:		
Date of Report	15 January 2003	
Previously	E003/07/03	
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 SM054/05/03	

CRP067/03/04 COMMITTEE DECISION/Officer Recommended Resolution:

**That Council accepts the TDM report and refers it for endorsement by ICLEI to complete the requirements of the CCP Plus Program.
CARRIED 5/0**

P070/03/04 INITIATION OF SCHEME AMENDMENT TO REZONE LOT 9 GULL ROAD, SERPENTINE FROM "RURAL" TO "FARMLLET" (P02936)		
Proponent:	BSD Consultants on behalf of G Roper	<p>In Brief</p> <p>Request for Council to initiate a Scheme Amendment to rezone Lot 9 Gull Road Serpentine from 'Rural' to 'Farmlet' under the provisions of Shire of Serpentine - Jarrahdale Town Planning Scheme No. 2. To enable subdivision of Lot 9 into four lots ranging in size from 4 hectares to 6.9 hectares. It is recommended that the rezoning be initiated.</p>
Owner:	G Roper	
Officer:	Meredith Kenny, Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	4 March 2004	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM054/05/03	

CRP070/03/04 COMMITTEE DECISION/Officer Recommended Resolution:

That subject to the applicant submitting five copies of scheme amendment documentation to the satisfaction of the Council and paying a deposit for fees of \$2200 prior to referral of the documentation to the Environmental Protection Authority:

A. Pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 be amended as described below:

1. Inserting in Appendix 4C Farmlet Zone the following:

(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
<p>8. Lot 9 Gull Road, Serpentine</p>	<p>1. Within the Farmlet zone the following land uses are permitted, or are permitted at the discretion of the Council.</p> <p>Use classes permitted (P) Single House Public Recreation Public Utility</p> <p>Discretionary Uses (AA) Ancillary Accommodation Home Occupation Rural Use Stables</p> <p>All other uses are prohibited.</p> <p>2. In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management shall only permit such uses when it is satisfied following consultation with government agencies that the land use does not involve excessive nutrient application or clearing of land.</p> <p>3. No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste water treatment system as approved by the Department of Health with an adequate phosphorus retention capacity, as determined by the Department of Environment, and with the base of the system or the modified irrigation area being the required distance above the highest known water table.</p> <p>4. All buildings and effluent disposal systems to be located within the building envelopes defined on the Subdivision Guide Plan unless otherwise approved in writing by the Council.</p> <p>5. A minimum habitable floor level of 28.30m AHD is required for any new dwelling.</p> <p>6. All new buildings and structures to be constructed in accordance with AS 3959-1999 "Construction of buildings in bushfire-prone areas".</p> <p>7. All development (i.e. filling, building, etc) is to be located outside of the floodway.</p> <p>8. At the time of the building application for each lot a plan of the site shall be submitted by the applicant to the satisfaction and specifications of</p>

	<p>the Council which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained, and proposals for tree planting and maintenance.</p> <p>9. No indigenous vegetation and trees shall be destroyed or cleared except, but subject to the developer of the estate/landowner obtaining the prior consent in writing of the Council, where such vegetation is dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems and/or driveways, to accommodate a “Rural Use”.</p> <p>10. The subdivider shall plant indigenous trees and shrubs of a species and at a density and distribution to the satisfaction of the Council prior to the transfer of a lot(s) to a new owner.</p> <p>11. The subdivider shall prepare and implement a foreshore management plan to the satisfaction of the Council.</p> <p>12. The subdivider shall either maintain the trees and shrubs planted until the land is sold or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the Council.</p> <p>13. The subdivider shall prepare and implement a Fire Management Plan that identifies the need for and the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary to the specification and satisfaction of the local authority and the Bush Fires Board of WA.</p> <p>14. The subdivider preparing a drainage management plan outlining the flood flow escape route and designed to accommodate a 1 in 100 year ARI storm to the satisfaction of the Council. Additionally, as part of the drainage plan existing drains shall be modified to prevent direct drainage into the Serpentine River.</p> <p>15. Notwithstanding the obligations of the subdivider under Clause 5.13.7e of the Scheme the subdivider shall drain the land and provide drainage sumps in accordance with the Subdivision Guide Plan for the estate. Those easements and reserves required by Council shall be provided to the Council free of cost at the time of subdivision to provide for the ongoing maintenance of drains and sumps.</p> <p>16. The keeping of horses, sheep, goats, cattle or other grazing animals, where permitted shall be subject to the prior, written approval of Council. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture WA</p>
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	<p>for the applicable pasture types. Vegetation planted by the developer, and remnant vegetation must be fenced from grazing livestock in order to protect vegetation. The subdivider to construct a stock proof fence along the northern boundary of Lot 4 to protect the existing foreshore reserve.</p> <p>17. Notwithstanding the controls specified by Provision 1, development and use of the land is subject to the provisions of the Water Corporation By-Laws applying to underground water supply and pollution control.</p> <p>18. Multiple Use Trails within the foreshore reserve to be constructed by the subdivider in accordance with the endorsed Subdivision Guide Plan.</p> <p>19. The subdivider providing a reticulated water supply to each lot to the satisfaction of the Water Corporation.</p> <p>20. The subdivider to upgrade the construction of Hall Road to the satisfaction of the Council.</p> <p>21. The subdivider preparing a conservation covenant for those areas of the lot identified on the subdivision guide plan to the satisfaction of Council.</p>
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2. Amending the Scheme Map by delineating Lot 9 Gull Road Serpentine within the Farmlet Zone and identifying it as F8.

B. Following endorsement, a copy of the amendment documentation be forwarded to the Environmental Protection Authority in accordance with Section 7A(1) of the Act; and

C. Subject to the advice of the Environmental Protection Authority under section 48A of the Environmental Protection Act that the amendment not be assessed, advertise the amendment in accordance with the requirements of the Town Planning Regulations 1967 (as amended) for not less than 42 days.

CARRIED 5/0

Committee Note: The Officer's report was corrected by removing the reference to the Lot being in a Low Fire Risk Area as the Chief Fire Control Officer advised that it is in a High Fire Risk Area. This did not alter the Officer's recommendation in anyway.

P073/03/04 PROPOSED COMMERCIAL VEHICLE HARDSTAND AREA (TRANSPORT DEPOT) – LOT 3 SOUTH WESTERN HIGHWAY, WHITBY (P03935/01)		<p>In Brief</p> <p>To construct a hardstand area for the purpose of use as a transport depot. The proposal was previously refused by Council.</p> <p>The owners appealed against the Council's refusal of the application. Modified plans have been submitted and are presented to Council for consideration. It is recommended that the proposal not be approved.</p>
Proponent:	Ransberg Pty Ltd	
Owner:	Ransberg Pty Ltd	
Officer:	Brad Gleeson, Manager Planning and Regulatory Services	
Signatures Author:		
Senior Officer:		
Date of Report	5 March 2004	
Previously	P028/10/03	
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 SM054/05/03	

CRP073/03/04 COMMITTEE DECISION/Officer Recommended Resolution:

A. Council advise the landowner that it does not support a modified application dated 11 February 2004 for a "Transport Depot" (hardstand area for parking and transport services associated with an existing extractive industry) at Lot 3 South Western Highway, Whitby for the following reasons:

- 1. The subject land is located within Council's Local Planning Policy No.8 – Landscape Protection Policy Area. It is considered that the proposed hardstand are will have a significant detrimental impact on the landscape amenity to the south of the subject land.**
- 2. The filling of the land to provide a hardstand area is not considered justified as there is adequate hardstand area for the parking of vehicles in proximity to the proposed filled area.**
- 3. The amount of fill that is required for the hardstand area for the parking of commercial vehicles is excessive.**

B. The applicant be advised that Council is prepared to consider a new planning application for the filling of the land for he purpose of the transport depot, subject to the amount of land that is being filled being substantially reduced in size.

C. The Town Planning Appeals Tribunal being advised of Council's decision.
CARRIED 5/0

P076/03/04 INFORMATION REPORT		
Proponent	Director Sustainable Development	In Brief Information Report.
Officer	Tamlyn Downes – Acting Sustainable Development Support Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	8 March 2004	
Previously		
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM054/05/03	

CRP076/03/04 COMMITTEE DECISION/Officer Recommended Resolution

**That the Information Report to 8 March 2004 be received.
CARRIED 5/0**