

TABLE OF CONTENTS

1. ATTENDANCE & APOLOGIES:	1
2. PUBLIC QUESTION TIME:	1
2.1 Response To Previous Public Questions Taken On Notice	1
3. PUBLIC STATEMENT TIME:	1
4. PETITIONS & DEPUTATIONS:	2
5. PRESIDENT'S REPORT:	2
6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:	2
7. RECEIPT OF MINUTES OR REPORTS AND CONSIDERATION OF ADOPTION OF RECOMMENDATIONS FROM COMMITTEE MEETINGS HELD SINCE THE PREVIOUS COUNCIL MEETINGS:	3
SD045/10/06 PROPOSED EDUCATIONAL ESTABLISHMENT (BUDDHIST MEDITATION RETREAT CENTRE) - LOT 1438 KINGSBURY DRIVE, SERPENTINE (P01520/03)	4
OCM014/10/06 REQUEST FOR RECONSIDERATION OF PLANNING CONDITION – GRACEFORD HOSTEL – LOT108 (#18) TURNER ROAD, BYFORD (P01301/02)	21
SD039/10/06 DRAFT LOCAL PLANNING POLICY - SEA CONTAINERS AND OTHER RELOCATABLE STORAGE CONTAINERS (A1048/03)	26
SD040/10/06 PROPOSED DISPOSAL OF UNALLOCATED CROWN LAND (UCL) WOODLAND STREET, ALFORD ROAD, SIFORD WAY, SLADDEN STREET AND COUSENS STREET, JARRAHDAL (A1171)	31
SD041/10/06 DELEGATED AUTHORITY FOR APPROVAL OF DETAILED AREA PLANS (A1047/03)	40
SD042/10/06 LOCAL STRUCTURE PLAN – LOTS 6 & 27 ABERNETHY ROAD, BYFORD (A1364/04)	46
SD043/10/06 PROPOSED OVERSIZE ANCILLARY ACCOMMODATION - LOT 605 HOLMES ROAD, OAKFORD (P06574/02)	50
SD047/10/06 INITIATION OF SCHEME AMENDMENT TO REZONE LOTS 102 - 106 RUDALL STREET / ARNOLD ROAD, SERPENTINE (A0779)	53
CGAM007/10/06 REQUEST TO WAIVE LEGAL FEES ASSOCIATED WITH THE PREPARATION OF THE LEASE FOR MUNDIJONG ARTS & CRAFTS GROUP (RS0181-01)	57
8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN	60
OCM016/10/06 INFORMATION REPORT	60

OCM015/10/06	CONFIDENTIAL ITEM VALUATION REPORT FOR LOTS 87 AND 88 MUNDIJONG ROAD, MUNDIJONG (A1118)	62
9.	CHIEF EXECUTIVE OFFICER'S REPORT	64
10.	URGENT BUSINESS:	64
11.	COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:	64
12.	CLOSURE:	64
13.	INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:	65
SD036/10/06	BUILDING INFORMATION REPORT	65
SD037/10/06	HEALTH INFORMATION REPORT	65
SD044/10/06	PROPOSED SHED OUTSIDE BUILDING ENVELOPE - LOT 604 BRUNS DRIVE, DARLING DOWNS (P06032/03)	66
SD046/10/06	RETROSPECTIVE APPLICATION FOR PLANNING APPROVAL FOR FILLING OF EXISTING GRAVEL PIT – LOT 59 (99) BARGE DRIVE, BYFORD (P04189/03)	67
SD038/10/06	COMMUNITY SPORT & RECREATION FACILITIES FUND (CSRFF) (A0141-02) ..	68
SD048/10/06	PLANNING INFORMATION REPORT	69
CGAM001/10/06	REQUEST FOR FORMAL ACCESS TO COCKBURN LOCATION 871 NETTLETON ROAD, KARRAKUP	70
CGAM002/10/06	PALCON GROUP - OVERSIZE VEHICLE APPLICATION TO SERVICE LOT 12 BIRD ROAD, OLDBURY	70
CGAM003/10/06	TENDER NUMBER 012/2006-07 SUPPLY OF TWO GREEN WASTE COLLECTIONS NOVEMBER 2006 AND APRIL 2007 (A1137/05)	72
CGAM004/10/06	TENDER NUMBER 013/2006 WIN & STOCKPILE 30,000 TONNES OF FERRICRETE SCRIVENER RD GRAVEL RESERVE (RS0091/02)	72
CGAM005/10/06	REQUEST TO GRANT THE FARMLAND RATES CONCESSION TO ASSESSMENT A398226 (P06031)	73
CGAM006/10/06	PROPOSAL TO ACQUIRE PORTION OF LOT 58 THOMAS ROAD (P05373) ..	74
CGAM008/10/06	DARLING 200 RALLY – PROPOSAL TO USE JARRAHDAL E HERITAGE PARK AS A SERVICE PARK (P05576/44)	74
CGAM009/10/06	MONTHLY FINANCIAL REPORT – AUGUST 2006 (A0924/06)	75
CGAM010/10/06	MONTHLY FINANCIAL REPORT – SEPTEMBER 2006 (A0924/06)	75
CGAM011/10/06	CONFIRMATION OF PAYMENT OF CREDITORS (A0917)	76

CGAM012/10/06	SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)	76
CGAM013/10/06	RATE DEBTORS REPORT (A0917)	77
CGAM014/10/06	INFORMATION REPORT	77

- NOTE:**
- a) The Council Committee Minutes Item numbers may be out of sequence. Please refer to Section 10 of the Agenda – Information Report - Committee Decisions Under Delegated Authority for these items.
 - b) Declaration of Councillors and Officers Interest is made at the time the item is discussed.

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET MUNDIJONG ON MONDAY 23RD OCTOBER, 2006. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.07PM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

1. ATTENDANCE & APOLOGIES:

IN ATTENDANCE:

COUNCILLORS: DL Needham Presiding Member
JE Price
AW Wigg
KR Murphy
JC Star
JA Scott
EE Brown
WJ Kirkpatrick
MJ Geurds
M Harris

OFFICERS: Mr D Long Acting Chief Executive Officer
Mr B Gleeson Executive Manager Planning & Regulatory Services
Mr R Montgomery Executive Manager Strategic Community Planning
Mrs S Langmair Minute Secretary

APOLOGIES: Mr S Bell Director Engineering

GALLERY: 6

2. PUBLIC QUESTION TIME:

2.1 Response To Previous Public Questions Taken On Notice

3. PUBLIC STATEMENT TIME:

Public Statement Time commenced at 7.08pm

Ajahn Brahmalī, Bodhinyana Buddhist Monastery

Ajahn Brahmalī read out the following statement by Ajahn Brahm, Abbot of Bodhinyana Buddhist Monastery.

I wish to advise Council regarding the anticipated extra traffic flow along the first three kilometres of Kingsbury Drive, for its junction with South Western Highway, generated by the requested development of SD045/10/06 – Proposed Educational Establishment (Buddhist Meditation Retreat Centre) – Lot 1438 Kingsbury Drive, Serpentine

During the construction period, which our builder estimates would take 6 to 9 months, there will be some trucks delivering materials such as bricks and concrete, but only during the weekdays when traffic flow is always low. The number of trucks will probably be less than other recent developments along Kingsbury Drive, such as the widening of the spillway at Serpentine Dam and the construction of the Karnet Prison Farm fence.

Once the project is completed, we do not anticipate any significant increase in the traffic flow along Kingsbury Drive. Meditation retreats generally last for 9 days (from Friday evening to Sunday week) and participants are not permitted to leave the Retreat Centre during their

retreat, except in emergencies. Thus, we estimate the increase of traffic due to participants to be an extra 100 class 1 vehicles (cars) per week (50 cars each way, assuming some participants will car-pool). The most recent traffic profile along this section of Kingsbury Drive that we possess, *Shawmac 1998*, registered 2,732 cars per week. Thus the increase in car traffic generated by our proposed development is not significant.

Traffic from service vehicles would also be minimal due to the simple lifestyle expected of retreatants. For example, the catering would be restricted to a simple breakfast, followed by a substantial lunch. There would be no afternoon, evening or night time meal. Uncooked food supplies are usually brought in to such retreats twice per week in a van. The proposed Biomax wastewater system would be serviced once every three months. Cleaning contractors would probably come twice per week. Other than this, the only other service vehicles would be maintenance vans to fix up faults as they arise.

In light of the above, we would be willing, if Council so requires, to repair any damage to the relevant 3 kilometre section of Kingsbury Drive arising out of our proposed development, returning it to its original state prior to the development. This, in fact, was the arrangement Council had with Metro Brick, whose transport volume was far greater than what would be generated by our development. Furthermore, we are happy to make any upgrade to Kingsbury Drive, immediately adjacent to the entrance way of the proposed development, as required by Council. Finally, if the unconstructed road reserve dissecting our land really is a statutory access road for Mr Chapman's property, then as I verbally proposed to the Sustainable Development Committee on Tuesday 17th October 2006, we would be happy to construct a suitable access road to Mr Chapman's adjoining property, along the eastern boundary of Lot 1438 Kingsbury Drive, to compensate his loss. The present easement is in any case unfortunate as it traverses a sensitive wetland area.

I thank you for your consideration of this matter.

Public Statement Time concluded at 7.13pm

4. PETITIONS & DEPUTATIONS:

Nil

5. PRESIDENT'S REPORT:

The Presiding Member presented a certificate to Councillors which was received at the recent Water Awards. Serpentine Jarrahdale Shire was a finalist in the category: Local Government Water Efficiency. Thanks went to Glen Byleveld from the Landcare Centre who prepared the submission.

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Cr Price declared an interest of impartiality in item CGAM007/10/06 REQUEST TO WAIVE LEGAL FEES ASSOCIATED WITH THE PREPARATION OF THE LEASE FOR MUNDIJONG ARTS & CRAFTS GROUP as a family member is a member of this Arts and Crafts Group.

Cr Wigg declared a financial interest in item OCM015/10/06 VALUATION REPORT FOR LOTS 87 AND 88 MUNDIJONG ROAD, MUNDIJONG as he is a Board Member of the SJ Grammar School. As he is aware of the nature of the report Cr Wigg requested that he is able to participate in the discussion on this item. The Presiding Member advised that if Cr Wigg remains present when this item is voted on that he will be unable to vote.

Cr Star declared an interest of impartiality in item SD040/10/06 PROPOSED DISPOSAL OF UNALLOCATED CROWN LAND (UCL) WOODLAND STREET, ALFORD ROAD, SIFORD WAY, SLADDEN STREET AND COUSENS STREET, JARRAHDAL as a family member owns land in the locality of the proposed development.

Cr Needham declared an interest of impartiality in item OCM014/10/06 REQUEST FOR RECONSIDERATION OF PLANNING CONDITION – GRACEFORD HOSTEL – LOT108 (#18) TURNER ROAD, BYFORD as she is a personal friend of the Buttfield family of which the proponents architect is a family member.

Cr Harris declared an interest of impartiality in OCM014/10/06 REQUEST FOR RECONSIDERATION OF PLANNING CONDITION – GRACEFORD HOSTEL – LOT108 (#18) TURNER ROAD, BYFORD as her mother is a resident at the facility.

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

7.1 Ordinary Council Meeting – 25th September, 2006

COUNCIL DECISION

Moved Cr Wigg seconded Cr Brown
That the minutes of the Ordinary Council Meeting held on 25th September, 2006 be confirmed.
CARRIED 10/0

7.2 Special Council Meeting – 9th October, 2006

COUNCIL DECISION

Moved Cr Kirkpatrick seconded Cr Star
That the minutes of the Special Council Meeting held on 9th October, 2006 be confirmed.
CARRIED 10/0

REPORTS OF COMMITTEES:

SD045/10/06 PROPOSED EDUCATIONAL ESTABLISHMENT (BUDDHIST MEDITATION RETREAT CENTRE) - LOT 1438 KINGSBURY DRIVE, SERPENTINE (P01520/03)		
Proponent:	Brian Kidd Architect	In Brief Application for development of Educational Establishment being a residential Buddhist Meditation Retreat comprising 60 suites (bedroom and ensuite), a meditation hall and a kitchen/dining hall. Approval with conditions is recommended.
Owner:	Buddhist Society of Western Australia	
Officer:	Meredith Kenny - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	8 October 2006	
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: 19 July 2006
 Advertised: Yes
 Submissions: Nil
 Lot Area: 58 hectares
 L.A Zoning: Rural
 MRS Zoning: Rural
 Rural Strategy Policy Area: Agricultural Protection
 Rural Strategy Overlay: Landscape Protection
 Municipal Inventory: N/A
 Townscape/Heritage Precinct: N/A
 Bush Forever: No

Background

Site Description

The subject site is located on the escarpment to the east of South Western Highway and is opposite the Buddhist Monastery. The lot abuts privately owned Rural land to the north and State Forest to the east and west. The only structures on the property are a couple of small meditation huts (Kuti's) used by the monks. Karnet Creek runs through the eastern portion of Lot 1438 and is classed as a resource enhanced wetland. The site contains some significant areas of remnant vegetation being mainly Marri and Wandoo woodland, with some remnant intact ground cover in places. Pastured clearings are interspersed with the woodland areas

An unconstructed road reserve (Karnet Creek Road) runs through the property from north to south and dissects the property into an eastern and western half.

A copy of the aerial photograph of the site is with the attachments marked SD045.1/10/06.

Site Access

The site has a wide frontage to Kingsbury Drive and there is an existing track that runs from Kingsbury Drive through to the boundary of Lot 481 to the north.

The Proposal

The applicants propose to construct 10 cottages that will each contain six bedrooms with ensuite bathrooms (a total of 60 suites). Two additional buildings will house a meditation hall and a kitchen/dining/laundry building.

The Centre will provide year round meditation retreats and will be open to all people who wish to learn and practice the art of meditation. It will not be exclusive to people of Buddhist faith. The value of the project is \$3 300 000.

A copy of a brochure detailing the vision and aims of the centre is with the attachment marked SD045.2/10/06.

The walls of the buildings will comprise red and cream brickwork. The roofs of the buildings will be custom orb Colorbond metal sheeting in an earthy red colour. The applicants advise that all structures will be constructed to the Australian Standard for Buildings in Bushfire Prone Areas.

The location of all of the buildings is in an existing cleared area to avoid or minimize tree removal and the buildings will be screened from the road by the surrounding trees in order to attain visual and acoustic privacy.

The applicants advise that the meditation retreats will not generate any noise as the overall rule is for silence. Retreats will generally be of several days duration and attendees will not use their cars in this time. Kingsbury Drive is a major sealed road and is in excellent condition so will be able to handle the traffic volumes.

The applicants have been liaising with the owners of Lot 481 to the north to provide strategic fire access routes through both Lot 1438 and Lot 481. This will provide emergency access from Kingsbury Drive through both properties to Firms Road.

Copies of the site, floor and elevation plans are with attachments marked SD045.3/10/06.

Sustainability Statement

Effect on Environment: The applicant has chosen an area of land for the buildings, water tanks and effluent disposal systems that is already predominantly cleared. Accordingly, minimal clearing of trees will be required.

The site is within the Landscape Protection policy area and as such use of these materials is discouraged unless it can be demonstrated that the dwellings will not be visible from South Western Highway, the Swan Coastal Plain and the Kwinana Freeway. The building envelope is located on lower land behind a ridge that prevents views of this development area from the west. The significant vegetation on the site will also prevent visibility of the small single storey buildings from adjacent properties. Accordingly, the objectives of the Landscape Protection Policy are addressed and the use of these energy efficient building materials is supported.

Resource Implications: The development aims to have as minimal as possible an effect on the environment. The buildings are all designed to be energy efficient and incorporate solar passive principles. The design of the buildings is such that cross ventilation will be possible. These design features will help to reduce the use of powered heating, cooling and lighting.

Use of Local, renewable or recycled Resources: The proponents intend to incorporate re-use of grey water for irrigation of landscaped areas and solar power for water heating.

Economic Viability: The proposal incorporates energy efficient design features, minimal loss of native vegetation and the minimal site disturbance that will occur.

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

Social – Quality of Life: The proposed development is unlikely to impact on the quality of life of any surrounding properties.

Social and Environmental Responsibility: Not applicable.

Social Diversity: The development will attract a diverse range of people to the Shire and increase the number of visitors to the Shire.

Statutory Environment: Planning and Development Act 2005
Town Planning Scheme No. 2

Policy/Work Procedure Implications: Local Planning Policy LPP 8 Landscape Protection
Serpentine Jarrahdale Shire Rural Strategy

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

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

1. People and Community

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

Strategies:

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

2. Environment

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

Strategies:

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

3. Economic

Objective 1: A vibrant local community

Strategies:

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

Objective 3: Effective management of Shire growth

Strategies:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Required: An Educational Establishment is an "AA" use in the Rural zone and the Scheme recommends that applications for "AA" uses to be advertised prior to them being determined if it is considered that the proposed uses may impact on adjacent residents.

Support/Object: No objections were received to this proposal.

External Agencies' Comments

The application was required to be referred to the Department of Environment and Conservation (DEC) for comment prior to being determined as the development site abuts a State Forest. DEC advised simply that they have no objections to the proposed development and that the developer has been liaising with DEC with regard to the development for some time.

Comment:

Statutory and Strategic Context

Under the Shire's Town Planning Scheme an Educational Establishment is defined as follows:

Educational Establishment - means a school, college, university, technical institute, academy or other educational centre, but does not include a reformatory or institutional home.

The proposed development is considered to fit within this definition. An Educational Establishment is an "AA" (discretionary) use in the Rural zone.

The site is within the Agricultural Protection Policy Area under the Shire's Rural Strategy. Under the Shire's Rural Strategy school and tourism oriented uses, such as the Educational Establishment proposed, are included in the range of "Conditional" uses that may be considered in the Agricultural Protection Area.

Building Design

The design of the buildings is extremely appropriate for the site as, energy efficiency (including solar passivity) is maximised, views are maximised and the character, materials, bulk and scale of the dwellings is appropriate for the location. The development area is an existing clearing so there will be minimal impact on existing vegetation.

Bushfire Safety and Management

The proximity of the property to the State Forest and the existing vegetation on Lot 1438 and surrounding properties places the property within an Extreme Risk bushfire area. In addition, the development will attract visitors who may not be familiar with the area. Accordingly, the addressing of fire management issues is of extreme importance. A fire management plan will be required as a condition of approval to address the following issues:

- construction of buildings to comply with the Australian Standard for buildings in bush fire prone areas;
- strategic emergency access routes to be provided to link with the routes provided on Lot 481 to the north to provide an alternative escape route and emergency vehicle access route to Firns Road during fire incidents;
- low fuel zones to be maintained around all buildings;
- water tanks to be fitted with connection valves consistent with FESA apparatus and mechanism to conserve minimum levels of water for fire fighting purposes;
- consideration of the development of a fire proof bunker for emergency refuge.

Closure of unconstructed road reserve

The applicant has submitted a formal request that the unconstructed road reserve that dissects the property be formally closed. This road reserve runs through the centre of the portion of the site that will contain the development and one cottage is shown actually over this unmade road reserve. It is likely that the development would be built in stages so that any building affected by the road reserve could be built after the closure of the road reserve has been approved by the Minister for Lands. Generally a road closure process takes between 6-9 months. This matter will be dealt with in a separate report to the Council at a later date. A condition will be placed on the development that any proposed structures that intrude on the road reserve cannot be built until the closure has been effected.

Vegetation Management

The proponent should be required to provide a vegetation management plan to show how the following issues will be addressed:

1. Erosion and water pollution issues to be addressed in track design.
2. Prevention of dieback importation to the site.
3. Weed Management.
4. Vegetation management.

Conclusion

The development will assist in the Shire achieving its strategic vision with regard to encouraging the protection and rehabilitation of natural resources, attracting and facilitating appropriate commercial activities and employment, developing tourism potential and enhancing economic futures for the Shire's communities. The design of the dwellings addresses energy efficient principles and will result in minimal site disturbance. The development will provide the impetus for weed management and revegetation of the site.

Approval is recommended, subject to conditions addressing the issues raised in this report and standard conditions.

Voting Requirements: Normal

Officer Recommended Resolution:

The application for the development of an Educational Establishment (Meditation Retreat Centre) on Lot 1438 Kingsbury Drive, Serpentine be approved subject to the following conditions:

PLANNING

1. No structures are permitted to be built on or over the Karnet Creek Road reserve until closure of that road reserve has been formally approved by the Minister for Lands.
2. Only materials identified in the approved plans are to be used in the construction of the buildings unless the prior written approval of the Shire is obtained.
3. Remnant vegetation and vegetation planted by the developer must be fenced from grazing livestock in order to protect trees and other vegetation from damage.
4. The short-stay accommodation units hereby approved shall be occupied by persons undertaking short stay accommodation only. Which for the purpose of this approval means accommodation for persons, during a single stay, for a period of not more than a total of three (3) months in any one (1) twelve (12) month period.
5. The use/development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, odour, dust, light spill or waste products.
6. One sign identifying the name, address and phone numbers of the business/property only and having maximum dimensions for the sign face of 1 metre by 1 metre is permitted to be erected on the property. Such sign shall be fixed to the front fence or otherwise contained wholly within the boundaries of the lot and shall not be placed on or protrude into the adjacent verge.

BUILDING

7. A building licence is required to be obtained prior to the commencement of any development (including earthworks).
8. All structures to be constructed to comply with AS3959 Construction of Building in Bushfire Prone Areas.
9. A classification certificate to be obtained from the Shire's Principal Building Surveyor prior to the commencement of use of the short-stay accommodation units.

HEALTH

10. A guaranteed potable water supply of the equivalent of 90 000 litres per cottage shall be provided prior to occupation of the cottages. Potable water supply may be tested by Council's Environmental Health Department prior to occupying the premises and thereafter as required. The proprietor shall maintain a potable water supply in accordance with the Australian Drinking Water Guidelines.
11. An approved effluent disposal system to the satisfaction of the Council and/or the Department of Health must be installed prior to the occupation of any building the subject of this approval. Details of the proposed system are to be submitted as part of a building licence application.
12. All onsite effluent disposal systems shall be set back a minimum distance of 100 metres from any streams, river or water course and/or dam (including non-perennial streams) and have a minimum 2 metre vertical separation from the groundwater table or any impermeable layer of bedrock.

ENGINEERING

13. Vehicle accessways within the property shall be constructed in a manner that avoids tight corners and steep grades, so that large tankers can easily obtain access and egress to buildings and water supplies on the property to the satisfaction of the Shire.
14. All stormwater runoff from roofs and hardstand areas (including driveways) shall be disposed of on site but is not be permitted to drain directly into watercourses or drainage lines.
15. The vehicle parking, accessways and crossover shall be designed, constructed and drained to a compacted gravel, limestone or similar material standard to the satisfaction of the Shire prior to the occupation of the development for the use hereby permitted.

FIRE MANAGEMENT

16. To enable standardisation of fire brigade access to the water supply, each water tank shall be fitted with a coupling at the base of the tank so that the total capacity (10,000 litre minimum) is available for fire fighting purposes. This coupling shall be installed with a full flow ball valve and maintained in a correct operating condition and adequately sign posted at all times. The nature and size of the coupling is to be to the satisfaction of the Shire.
17. A 30 metre low fuel zone measured from the outer wall of all buildings/structures is to be kept free of all combustible undergrowth and ground litter to the satisfaction of the Shire. Combustible trees should not form a continuous canopy or line between the fire source and the building. All fire suppressant trees and shrubs should be retained within this area. The low fuel zone is to be connected to the fire break system within the property.
18. At least one gate is to be provided within boundary fences adjoining private or public land, in a location to the satisfaction of the Council's Director Engineering, to allow free and easy movement of fire tenders in times of emergency.
19. The applicant must submit an Emergency Management Plan for approval by the Director Engineering for the development prior to the issue of a building licence that addresses the Prevention, Preparation, Response and Recovery issues for the property to the satisfaction of the Shire prior to occupation of the facilities. The approved Emergency Management Plan is thereafter to be implemented in its entirety.

ENVIRONMENT

20. Prior to the issue of a Building Licence for the development, the proponent shall submit for approval by Executive Manager Strategic Community Planning a Landscape and Vegetation Management Plan that identifies an action plan for weed control, details the protection of existing vegetation, and describes the densities and distributions of any indigenous trees, shrubs and groundcover to be established. No deciduous trees are permitted.
21. The implementation of the approved Landscape and Vegetation Management Plan shall commence within 12 months of the development approval being granted and is to be completed within three years of the development approval being granted. Vegetation on site is to be maintained in accordance with the approved Landscape and Vegetation Management Plan thereafter.
22. No clearing of native vegetation is permitted outside the development site, 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.

Advice Notes:

1. A new application for planning approval will be required for any additional short stay accommodation units and any additional land uses, structures or facilities incidental to that use.
2. Native vegetation is valued and protected in the Serpentine Jarrahdale Shire. You are advised that the Shire's Town Planning Scheme requires separate approval for the clearing of native trees in most instances if approval for this is not given above.
3. Under Part 9 of the Environmental Protection Act 1986 a permit is required to be obtained from the Department of Environment for the clearing of any remnant indigenous vegetation. Failure to obtain the required clearing permit is an offence which carries a maximum penalty of up to \$250 000 for individuals and \$500 000 for a body corporate.
4. The proponent should consider the following matters with regard to the construction and operation of the development:
 - a) Positioning of all dwellings greater than 100 metres from CALM Managed Land to minimize the impact of Departmental activities on neighbours and vice versa.
 - b) That 1080 fox baiting is undertaken in the State Forest. Measures, such as fencing, should be undertaken to ensure domestic animals do not stray into State Forest.
 - c) The building site and track alignment need to be considered carefully to ensure minimal clearing of remnant vegetation including single trees.
 - d) Phytophthora cinnamomi (Dieback) hygiene should be addressed when developing the site. Vegetation in this area can be susceptible to dieback, which can have devastating effects on environmental and aesthetic values.
 - e) All dwellings should have closed-in eaves to prevent possums from inhabiting roof cavities. Such eaves will also provide protection from fire.
5. The Shire can advise on energy efficient opportunities that can benefit your operations.
6. The Serpentine Jarrahdale Shire contains places of Aboriginal heritage significance. Proponents are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage of planning. Further information can be obtained from the Department of Indigenous Affairs.
7. This decision issued by the Serpentine Jarrahdale Shire does not remove any responsibility the proponent may have in obtaining approval from the Department of Environment for any works which may impact on any wetland on or within proximity of their property. Further information should be obtained from the Department of Environment.
8. This decision issued by the Serpentine Jarrahdale Shire does not remove any responsibility the proponent may have in notifying Environment Australia of their proposal for consideration of impacts in accordance with the Environmental Protection

- and Biodiversity Conservation Act 1999. Further information can be obtained from Environment Australia.
9. The applicant is advised that this planning consent does not absolve the applicant or owner from time to time from complying with the restrictions contained in any restrictive covenant, estate covenants or easement pertaining to the site. This is the case even if this planning consent is in respect of a development which if constructed or carried out, would necessarily breach such a covenant or easement. Any such restrictive covenant, estate covenant or easement is a matter of private rights between the applicant or owner from time to time and the owner and owners of the land with the benefit of that restrictive covenant, estate covenant or easement, and this planning consent does not authorise a breach of such private rights or prevent such owners from enforcing such rights.
 10. Directional signage for placement on roads leading to the subject business can be applied for from the Shire. Application forms are available on the Shire's website or can be obtained by contacting the Shire's Asset Services.
 11. The Shire has a Local Business Directory on the Shire website (www.sjshire.wa.gov.au) which can be used by anyone who runs a business locally. All you need to do is register your details online at no charge and you will be issued a password. You are then able to update your own details as the need arises.

SD045/10/06 Committee Recommended Resolution:

That item SD045/10/06 be deferred to the October Ordinary Council meeting to allow a site visit to the property and further investigations regarding road access to the adjoining property and the revised engineering conditions.

CARRIED 7/0

SD045/10/06 SUPPLEMENTARY REPORT

At the Sustainable Development Committee meeting held on 17 October 2006, this matter was deferred pending a site visit and further clarification on a number of proposed engineering related planning conditions.

Late advice was received from the Department of Environment and Conservation (DEC)th October, 2006. A number of conditions have been recommended for inclusion on this approval by DEC.

Following a site visit to the property, the Director Engineering has reviewed the engineering conditions. The recommended conditions are outlined below.

1. The applicant shall prepare a detailed stormwater management plan to ensure that all stormwater runoff from the buildings, roads, carparking facilities, hardstand and paved areas, and other developed areas is appropriately contained and controlled on the site of the subject development. The stormwater management plan shall be submitted prior of the issue of a building licence and approved by the Director Engineering.
2. All the measures identified in the approved stormwater management plan shall be implemented during the design and construction phases of the subject development.
3. No stormwater discharge from the subject development to existing water courses or drainage lines is permitted.
4. The applicant shall engage the services of a NATA registered geotechnical engineer or engineering consultancy to undertake the geotechnical testing, reporting, and road pavement design for the proposed intersection upgrade at Kingsbury Drive and the access road, carparking, and hardstand areas. The geotechnical testing and reporting shall also provide advice of the site classification for the respective building envelopes.
5. The applicant shall prepare detailed engineering design drawings for the new road

intersection at Kingsbury Drive and for all of the internal access roads, car parking facilities and other infrastructure that comprises the subject development. The detailed design shall be undertaken in accordance with the Shire's Engineering Standards for Subdivisional Development, relevant AustRoad and Australian Standards and undertaken to the satisfaction of the Director Engineering.

6. As a minimum, the applicant shall design an AustRoads Type 'A' intersection or equivalent at the new road junction with Kingsbury Drive, inclusive of a left turn deceleration lane and left turn taper. The new road junction shall be located such that all applicable stopping sight and safe intersection sight distances for the existing speed environment are met and be situated such that sufficient stagger distance is achieved to Scarp Road in accordance with relevant AustRoads, Australian Standards and/or Main Roads design standards.
7. The applicant shall construct the new road intersection at Kingsbury Drive and all of the internal roads, car parking facilities, and other infrastructure in accordance with the approved engineering design drawings and to the satisfaction of the Director Engineering.
8. The new road intersection at Kingsbury Drive shall have asphaltic concrete wearing course applied over its entire length and breadth and kerbing placed at the access road to regulate traffic flow and speed.
9. The internal access road, car parking facilities, and hardstand areas shall be bitumen sealed or to an equivalent standard.
10. The applicant shall provide a total of fifty two (52) car parking bays to service the subject development of which two (2) car parking bays shall be designated disabled parking. All of the disabled parking bays shall be designed and constructed in accordance with the relevant Australian Standard.
11. The applicant shall design and install all of the relevant signage and pavement markings for the new road intersection and carparking facilities to meet the relevant AustRoads, Australian Standards, and/or Main Roads standards.
12. Prior to the commencement of construction of road works, the applicant shall forward a certified Traffic Management Plan to Council for approval.

SD045/10/06 REVISED OFFICER RECOMMENDATION

Moved Cr Price seconded Cr Harris

- A) The application for the development of an Educational Establishment (Meditation Retreat Centre) on Lot 1438 Kingsbury Drive, Serpentine be approved subject to the following conditions:**

PLANNING

- 1. No structures are permitted to be built on or over the Karnet Creek Road reserve until closure of that road reserve has been formally approved by the Minister for Lands.**
- 2. Only materials identified in the approved plans are to be used in the construction of the buildings unless the prior written approval of the Shire is obtained.**
- 3. Remnant vegetation and vegetation planted by the developer must be fenced from grazing livestock in order to protect trees and other vegetation from damage.**
- 4. The short-stay accommodation units hereby approved shall be occupied by persons undertaking short stay accommodation only. Which for the purpose of this approval means accommodation for persons, during a single stay, for a**

- period of not more than a total of three (3) months in any one (1) twelve (12) month period.
5. The use/development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, odour, dust, light spill or waste products.
 6. One sign identifying the name, address and phone numbers of the business/property only and having maximum dimensions for the sign face of 1 metre by 1 metre is permitted to be erected on the property. Such sign shall be fixed to the front fence or otherwise contained wholly within the boundaries of the lot and shall not be placed on or protrude into the adjacent verge.

BUILDING

7. A building licence is required to be obtained prior to the commencement of any development (including earthworks).
8. All structures to be constructed to comply with AS3959 Construction of Building in Bushfire Prone Areas.
9. A classification certificate to be obtained from the Shire's Principal Building Surveyor prior to the commencement of use of the short-stay accommodation units.

HEALTH

10. A guaranteed potable water supply of the equivalent of 90 000 litres per cottage shall be provided prior to occupation of the cottages. Potable water supply may be tested by Council's Environmental Health Department prior to occupying the premises and thereafter as required. The proprietor shall maintain a potable water supply in accordance with the Australian Drinking Water Guidelines.
11. An approved effluent disposal system to the satisfaction of the Council and/or the Department of Health must be installed prior to the occupation of any building the subject of this approval. Details of the proposed system are to be submitted as part of a building licence application.
12. All onsite effluent disposal systems shall be set back a minimum distance of 100 metres from any streams, river or water course and/or dam (including non-perennial streams) and have a minimum 2 metre vertical separation from the groundwater table or any impermeable layer of bedrock.

ENGINEERING

13. The applicant shall prepare a detailed stormwater management plan to ensure that all stormwater runoff from the buildings, roads, carparking facilities, hardstand and paved areas, and other developed areas is appropriately contained and controlled on the site of the subject development. The stormwater management plan shall be submitted prior of the issue of a building licence and approved by the Director Engineering.
14. All of the measures identified in the approved stormwater management plan shall be implemented during the design and construction phases of the subject development.
15. No stormwater discharge from the subject development to existing water courses or drainage lines is permitted.
16. The applicant shall engage the services of a NATA registered geotechnical engineer or engineering consultancy to undertake the geotechnical testing, reporting, and road pavement design for the proposed intersection upgrade at Kingsbury Drive and the access road, carparking, and hardstand areas. The geotechnical testing and reporting shall also provide advice of the site classification for the respective building envelopes.
17. The applicant shall prepare detailed engineering design drawings for the new road intersection at Kingsbury Drive and for all of the internal access roads, car parking facilities and other infrastructure that comprises the subject development. The detailed design shall be undertaken in accordance with the

Shire's Engineering Standards for Subdivisional Development, relevant AustRoad and Australian Standards, and undertaken to the satisfaction of the Director Engineering.

18. As a minimum, the applicant shall design an AustRoads Type 'A' intersection or equivalent at the new road junction with Kingsbury Drive, inclusive of a left turn deceleration lane and left turn taper. The new road junction shall be located such that all applicable stopping sight and safe intersection sight distances for the existing speed environment are met and be situated such that sufficient stagger distance is achieved to Scarp Road in accordance with relevant AustRoads, Australian Standards and/or Main Roads design standards.
19. The applicant shall construct the new road intersection at Kingsbury Drive and all of the internal roads, car parking facilities, and other infrastructure in accordance with the approved engineering design drawings and to the satisfaction of the Director Engineering.
20. The new road intersection at Kingsbury Drive shall have asphaltic concrete wearing course applied over its entire length and breadth and kerbing placed at the access road to regulate traffic flow and speed.
21. The internal access road, car parking facilities, and hardstand areas shall be bitumen sealed or to an equivalent standard.
22. The applicant shall provide a total of fifty two (52) car parking bays to service the subject development of which two (2) car parking bays shall be designated disabled parking. All of the disabled parking bays shall be designed and constructed in accordance with the relevant Australian Standard.
23. The applicant shall design and install all of the relevant signage and pavement markings for the new road intersection and carparking facilities to meet the relevant AustRoads, Australian Standards, and/or Main Roads standards.
24. Prior to the commencement of construction of road works, the applicant shall forward a certified Traffic Management Plan to Council's Director Engineering for approval.

FIRE MANAGEMENT

- 25 To enable standardisation of fire brigade access to the water supply, each water tank shall be fitted with a coupling at the base of the tank so that the total capacity (10,000 litre minimum) is available for fire fighting purposes. This coupling shall be installed with a full flow ball valve and maintained in a correct operating condition and adequately sign posted at all times. The nature and size of the coupling is to be to the satisfaction of the Shire.
- 26 A 30 metre low fuel zone measured from the outer wall of all buildings/structures is to be kept free of all combustible undergrowth and ground litter to the satisfaction of the Shire. Combustible trees should not form a continuous canopy or line between the fire source and the building. All fire suppressant trees and shrubs should be retained within this area. The low fuel zone is to be connected to the fire break system within the property.
- 27 At least one gate is to be provided within boundary fences adjoining private or public land, in a location to the satisfaction of the Council's Director Engineering, to allow free and easy movement of fire tenders in times of emergency.
- 28 The applicant must submit an Emergency Management Plan for approval by the Director Engineering for the development prior to the issue of a building licence that addresses the Prevention, Preparation, Response and Recovery issues for the property to the satisfaction of the Shire prior to occupation of the facilities. The approved Emergency Management Plan is thereafter to be implemented in its entirety.

ENVIRONMENT

29. Prior to the issue of a Building Licence for the development, the proponent shall submit for approval by Executive Manager Strategic Community Planning a Landscape and Vegetation Management Plan that identifies an action plan for weed control, details the protection of existing vegetation, and describes the densities and distributions of any indigenous trees, shrubs and groundcover to be established. No deciduous trees are permitted.
30. The implementation of the approved Landscape and Vegetation Management Plan shall commence within 12 months of the development approval being granted and is to be completed within three years of the development approval being granted. Vegetation on site is to be maintained in accordance with the approved Landscape and Vegetation Management Plan thereafter.
31. No clearing of native vegetation is permitted outside the development site, 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.

Advice Notes:

1. A new application for planning approval will be required for any additional short stay accommodation units and any additional land uses, structures or facilities incidental to that use.
2. Native vegetation is valued and protected in the Serpentine Jarrahdale Shire. You are advised that the Shire's Town Planning Scheme requires separate approval for the clearing of native trees in most instances if approval for this is not given above.
3. Under Part 9 of the Environmental Protection Act 1986 a permit is required to be obtained from the Department of Environment for the clearing of any remnant indigenous vegetation. Failure to obtain the required clearing permit is an offence which carries a maximum penalty of up to \$250 000 for individuals and \$500 000 for a body corporate.
4. The proponent should consider the following matters with regard to the construction and operation of the development:
 - a) Positioning of all dwellings greater than 100 metres from CALM Managed Land to minimize the impact of Departmental activities on neighbours and vice versa.
 - b) That 1080 fox baiting is undertaken in the State Forest. Measures, such as fencing, should be undertaken to ensure domestic animals do not stray into State Forest.
 - c) The building site and track alignment need to be considered carefully to ensure minimal clearing of remnant vegetation including single trees.
 - d) Phytophthora cinnamomi (Dieback) hygiene should be addressed when developing the site. Vegetation in this area can be susceptible to dieback, which can have devastating effects on environmental and aesthetic values.
 - e) All dwellings should have closed-in eaves to prevent possums from inhabiting roof cavities. Such eaves will also provide protection from fire.
5. The Shire can advise on energy efficient opportunities that can benefit your operations.
6. The Serpentine Jarrahdale Shire contains places of Aboriginal heritage significance. Proponents are advised to consider Aboriginal heritage issues and their obligations under the Aboriginal Heritage Act 1972 at an early stage of planning. Further information can be obtained from the Department of Indigenous Affairs.
7. This decision issued by the Serpentine Jarrahdale Shire does not remove any responsibility the proponent may have in obtaining approval from the Department of Environment for any works which may impact on any wetland on

- or within proximity of their property. Further information should be obtained from the Department of Environment.
8. This decision issued by the Serpentine Jarrahdale Shire does not remove any responsibility the proponent may have in notifying Environment Australia of their proposal for consideration of impacts in accordance with the Environmental Protection and Biodiversity Conservation Act 1999. Further information can be obtained from Environment Australia.
 9. The applicant is advised that this planning consent does not absolve the applicant or owner from time to time from complying with the restrictions contained in any restrictive covenant, estate covenants or easement pertaining to the site. This is the case even if this planning consent is in respect of a development which if constructed or carried out, would necessarily breach such a covenant or easement. Any such restrictive covenant, estate covenant or easement is a matter of private rights between the applicant or owner from time to time and the owner and owners of the land with the benefit of that restrictive covenant, estate covenant or easement, and this planning consent does not authorise a breach of such private rights or prevent such owners from enforcing such rights.
 10. Directional signage for placement on roads leading to the subject business can be applied for from the Shire. Application forms are available on the Shire's website or can be obtained by contacting the Shire's Asset Services.
 11. The Shire has a Local Business Directory on the Shire website (www.sjshire.wa.gov.au) which can be used by anyone who runs a business locally. All you need to do is register your details online at no charge and you will be issued a password. You are then able to update your own details as the need arises.
- B) The Executive Manager Planning & Regulatory Services be authorized to include any conditions on this approval as recommended by the Department of Environment and Conservation.

LOST 0/10

AMENDMENT:

Moved Cr Star seconded Cr Kirkpatrick to add the words “or the implementation of an adequate alternative engineering solution in negotiation with the Director Engineering” to the end of condition 18, 20 and 21 and delete the words “no deciduous trees are permitted” from Condition 29.

After debate the Presiding Member then put the amendment which was
CARRIED 10/0

The Presiding Member then put the amended motion

SD045/10/06 COUNCIL DECISION

- A) The application for the development of an Educational Establishment (Meditation Retreat Centre) on Lot 1438 Kingsbury Drive, Serpentine be approved subject to the following conditions:

PLANNING

1. No structures are permitted to be built on or over the Karnet Creek Road reserve until closure of that road reserve has been formally approved by the Minister for Lands.
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15. No direct stormwater discharge from the subject development to existing water courses or drainage lines is permitted.
16. The applicant shall engage the services of a NATA registered geotechnical engineer or engineering consultancy to undertake the geotechnical testing, reporting, and road pavement design for the proposed intersection upgrade at Kingsbury Drive and the access road, carparking, and hardstand areas. The

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Advice Notes:

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 - e) All dwellings should have closed-in eaves to prevent possums from inhabiting roof cavities. Such eaves will also provide protection from fire.

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 7. This decision issued by the Serpentine Jarrahdale Shire does not remove any responsibility the proponent may have in obtaining approval from the Department of Environment for any works which may impact on any wetland on or within proximity of their property. Further information should be obtained from the Department of Environment.
 8. This decision issued by the Serpentine Jarrahdale Shire does not remove any responsibility the proponent may have in notifying Environment Australia of their proposal for consideration of impacts in accordance with the Environmental Protection and Biodiversity Conservation Act 1999. Further information can be obtained from Environment Australia.
 9. The applicant is advised that this planning consent does not absolve the applicant or owner from time to time from complying with the restrictions contained in any restrictive covenant, estate covenants or easement pertaining to the site. This is the case even if this planning consent is in respect of a development which if constructed or carried out, would necessarily breach such a covenant or easement. Any such restrictive covenant, estate covenant or easement is a matter of private rights between the applicant or owner from time to time and the owner and owners of the land with the benefit of that restrictive covenant, estate covenant or easement, and this planning consent does not authorise a breach of such private rights or prevent such owners from enforcing such rights.
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- B) The Executive Manager Planning & Regulatory Services be authorized to include any conditions on this approval as recommended by the Department of Environment and Conservation.
- CARRIED 10/0**

Council Note: The Revised Officer Recommended Resolution was changed in view of the new information received in relation to traffic volumes and movements in respect of the development and clarification in regard to vegetation.

COUNCIL DECISION

Moved Cr Price seconded Cr Kirkpatrick that the order of business be changed so that item OCM014/10/06 be considered after item SD045/10/06 to allow members of the gallery to listen to Council's decision on this item.
CARRIED 10/0

Cr Needham declared an interest of impartiality in item OCM014/10/06 REQUEST FOR RECONSIDERATION OF PLANNING CONDITION – GRACEFORD HOSTEL – LOT108 (#18) TURNER ROAD, BYFORD as she is a personal friend of the Buttfield family of which the proponents architect is a family member.

Cr Harris declared an interest of impartiality in OCM014/10/06 REQUEST FOR RECONSIDERATION OF PLANNING CONDITION – GRACEFORD HOSTEL – LOT108 (#18) TURNER ROAD, BYFORD as her mother is a resident at the facility.

OCM014/10/06		REQUEST FOR RECONSIDERATION OF PLANNING CONDITION – GRACEFORD HOSTEL – LOT108 (#18) TURNER ROAD, BYFORD (P01301/02)
Proponent:	Scott Hambley	In Brief An application for extensions to the Graceford Hostel was considered by Council in April 2006. Formal Council Planning approval was issued in May 2006. One of the conditions of approval required the preparation of a revised Environmental Management Plan to the satisfaction of the Executive Manager Community Strategic Planning. This condition was required as a result of comments received on the proposal following assessment by the Environmental Protection Authority. The applicant has advised that they do not wish to submit a revised EMP and have requested that Council reconsider this condition.
Owner:	WA Baptist Hospital and Homes Trust Inc.	
Officer:	Michael Taylforth – A/Environmental Coordinator	
Signatures Author:		
Senior Officer:	Ross Montgomery – Executive Manager Strategic Community Planning	
Date of Report	16 October 2006	
Previously	SD125/04/06 – April 2006	
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

An application for proposed additions to the Graceford Hostel was considered by Council in April 2006. The application was referred to relevant external agencies for comment including the then Department of Environment (DoE) and the Bush Forever Office (BFO) of the Department for Planning and Infrastructure. An Environmental Management Plan (EMP) was prepared to support the application.

The DoE suggested that the application be formally referred to the Environmental Protection Authority (EPA) under Section 38 of the *Environmental Protection Act 1986*. The application was subsequently referred and the EPA decided to informally assess the proposal. Detailed environmental advice was provided by the EPA with the expectation that the Shire would implement the advice should planning permission be granted.

Both the EPA and BFO provided advice to the Shire recommending that a revised EMP be prepared to address a range of issues. This condition was included on the Shire's approval,

along with detailed advice notes regarding the requirements of the revised EMP. The advice notes were consistent with the advice provided by the EPA.

The applicant did not appeal against the decision within the allotted timeframe. They have subsequently indicated that they do not wish to submit a revised EMP and have requested that Council reconsider this condition.

A copy of the previous report considered by Council is with attachments marked Attachment OCM014/10/06.

Sustainability Statement

Effect on Environment and Resource Implications: The proposal will result in the removal of existing vegetation within a Bush Forever site and a Conservation Category Wetland. The Department of Environment and Conservation (DEC) has issued a clearing permit to the applicant to allow for the vegetation to be removed. The DEC has advised that the clearing permit should complement the Shire Development Approval.

Storm water from the proposed road way and car bays will be managed on site as part of the storm water management for the entire property. The development has been assessed by the EPA and the level of assessment was 'Not Assessed – Public Advice Given.'

The Graceford Hostel site contains a number of significant conservation values including the presence of conservation category wetlands which are presently not well represented elsewhere in the Region, Threatened Ecological Communities at both the state and national levels and several species of threatened flora and fauna. Information regarding these values as provided by the Bush Forever Office is described below:

The site contains two poorly conserved vegetation complexes representative of the eastern side of the Swan Coastal Plain. These are the Forrestfield Complex (where only 5% is proposed for protection) and the Guildford Complex (where only 3% is proposed for protection). Both vegetation complexes are well below the minimum conservation target of 10%.

The site contains two threatened floristic community types, one of which is listed under the Commonwealth 'Environmental Protection and Biodiversity Conservation Act 1999' where referral to the Commonwealth is required. These are critically endangered floristic community type 3a 'Eucalyptus calophylla – Kingia australis' woodlands on heavy soils (listed as endangered under the Commonwealth Act) and the endangered floristic community type 20b – Eastern 'Banksia attenuata' and or 'Eucalyptus marginata' woodlands. A number of Priority listed flora and fauna species have also been recorded on the site.

The site contains a large wetland, which has been classified into areas of conservation category, resource enhancement and multiple use.

It is essential that the environmental values as detailed above are preserved as much as possible through the construction phase of the proposed development.

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

Economic Viability: The proposal will result in the removal of some existing vegetation. The addition of the new rooms will cater for a growing demand of such facilities.

Economic Benefits: There will be a significant economic benefit to the community as a result of this application.

Social – Quality of Life: The proposal may improve the quality of life for residents at the Hostel through the construction of the new activity room and common lounge area.

Social and Environmental Responsibility: The Council has a social responsibility to the community to provide adequate facilities to cater for an ageing population and to provide these residents with suitable services.

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

Statutory Environment:

Town Planning Scheme No. 2 – Clause 6.7 provides Council with the power to amend or revoke a planning approval.

Planning and Development Act 2005.

Policy/Work Procedure Implications:

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

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:

2. Develop good services for health and well being.
3. Retain seniors and youth within the community.
6. Ensure a safe and secure community.

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

Strategies:

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.

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

Strategies:

1. Implement known best practice sustainable natural resource management.

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:

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

Community Consultation:

No further consultation has occurred.

Comment:

The initial EMP submitted with the application was assessed by the then Shire Environmental Coordinator. Detailed comments on the application were provided along with a number of recommended conditions.

The EPA and BFO subsequently provided advice to the Shire. Details of their advice are provided in the Council report attached. Essentially, the EPA and BFO considered the submitted EMP deficient in several areas and recommended that a revised plan be required should the Shire issue planning approval for the proposed development.

The EPA is the peak environmental protection body in Western Australia and the Shire was rightly guided by their advice in considering the application. The application was therefore approved subject to a requirement for a revised EMP. The wording of the condition states:

Prior to any site disturbance associated with the proposed works on Lot 108, a revised Environmental Management Plan shall be prepared for Lot 108 and Part Reserve 37404 to the satisfaction of the Executive Manager Strategic Community Planning. The objective of the Environmental Management Plan shall be to protect the environmental values of Lot 108 and the adjoining land from impacts from the Graceford Hostel development during the development and in the future.

The applicant was also advised:

- of the expected components of the EMP
- to have due regard to the advice provided by the EPA, a copy of which had been sent to the applicant by the EPA.

This advice was provided to the applicant in May 2006.

The applicant had a period of 28 days in which to lodge an appeal against this condition. No appeal was received.

The applicant has subsequently requested that the Executive Manager Strategic Community Planning provide clearance of this condition without a revised EMP being submitted. The rationale behind the request is that the applicant had amended the EMP previously after discussions with the Shire's then Environmental Coordinator.

The Shire has not received a revised EMP since formal an Approval to Commence Development was issued and therefore the requirements of the condition have not been met. In accordance with the terms of the condition the Executive Manager Strategic Community Planning does not have authority to provide clearance.

The only option available is for the applicant to request Council to reconsider this condition under Clause 6.7 of TPS2, which states:

The Council may on application in writing from the owner of the land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development subject of the planning approval.

Statutory Obligations under Planning and Development Act

It is important to note that removing the requirement for a revised EMP would make the Shire's approval inconsistent with advice received from external agencies (notably EPA and Bush Forever Office). Under the Western Australian Planning Commissions Notice of delegation relating to 'Development Control Powers under the Metropolitan Region Scheme to Local Governments', it states that where the recommendation provided by a public authority is not acceptable to the Local Government the application shall be referred to the commission for determination.

The land is zoned urban under the Metropolitan Region Scheme and directly abuts MRS Regional Parks and Recreation Reserve. The site is reserved under Councils Town Planning Scheme. MRS Clause 32 applies to the application and will need to be referred to the Western Australian Planning Commission for determination should Council remove this planning condition.

Conclusion

The proposal will need to be referred to WAPC for determination if under the MRS if Council decisions vary re planning condition imposed on the approval under the Town Planning Scheme.

Voting Requirements: Normal

OCM014/10/06 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Price (proforma) seconded Cr Star

1. That Council is to re-affirm its previous decision and retains Condition 9 on the planning approval on the basis that the Environmental Protection Authority is the primary environmental authority in Western Australia as established in the Environmental Protection Act and has recommended that this condition be imposed.
2. The applicant and the Environmental Protection Authority be advised of Councils decision.

ADVICE NOTE:

**That the Bush Forever site be protected by taping in Stage 1 and subsequent stages.
CARRIED 10/0**

Council Note: The Officer Recommended Resolution was changed by adding an Advice Note to protect the Bush Forever site. The Presiding Member advised that this amendment was of a minor nature and did not alter the intent of the Officer Recommended Resolution.

SD039/10/06 DRAFT LOCAL PLANNING POLICY - SEA CONTAINERS AND OTHER RELOCATABLE STORAGE CONTAINERS (A1048/03)		
Proponent	Serpentine Jarrahdale Shire	In Brief A policy has been prepared to control the placement of sea containers and other similar containers to ensure the amenity and character of the Shire is preserved. It is recommended that the draft policy be adopted for the purpose of public advertising.
Owner	Not applicable	
Officer	M Kenny - Senior Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	8 October 2006	
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

There has been concern expressed by Councillors, Shire officers and community members over the growing proliferation of sea containers being used as sheds on properties throughout the Shire. The unsightly nature of most of these sea containers has the potential to seriously affect the amenity and rural and landscape character of the Shire.

Earlier this year, the Council refused to grant retrospective planning approval for the use of a sea container as an outbuilding on a residential lot in Mundijong. The applicant lodged an application for review of the decision with the State Administrative Tribunal (SAT). A hearing on the matter was subsequently held and following the hearing the SAT advised that the following order had been issued:

1. *The application for review is dismissed.*
2. *The decision of the respondent to refuse to grant retrospective approval for the placement and use of a sea container as an outbuilding on Lot 701 (No. 1) Wallace Street, Mundijong is affirmed.*

The reason for SAT's decision is summarised below:

The Tribunal found that the sea container was clearly visible from Adonis Street and from surrounding properties and that the visual outlook from the street and the residences was significantly diminished and the character of the area was negatively affected by the visual prominence of the sea container. The Tribunal considered that approval of development that diminished the existing residential character of the area and negatively impacted on the existing and future amenity of the area was contrary to orderly and proper planning. Furthermore, the Tribunal considered the form of the structure was discordant with the residential character of the area and visually detracted from the streetscape and significantly diminished the visual outlook of adjoining properties.

With this precedent now set and the Council's existing concern with regard to the growing proliferation of these containers throughout the Shire it has been determined that a Local Planning Policy is required to clearly control where and in what manner sea containers will be permitted in the Shire.

Sustainability Statement

Controlling the location, appearance and number of sea containers permitted in the Shire will help to ensure that an appropriate and desirable level of visual amenity is maintained.

Statutory Environment:

Planning and Development Act 2005

Town Planning Scheme No.2

Policy/Work Procedure

Implications:

Nil

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:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Will be required prior to final adoption of the policy.

Comment

Clause 9.1 of Town Planning Scheme no. 2 provides the mechanism by which the Council may make Local Planning Policies as follows:

9.1 LOCAL PLANNING POLICIES

9.1.1 *The Council may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme Area so as to apply:-*

- a) generally or for a particular class or classes or matters and;*
- b) throughout the Scheme Area or in one or more parts of the Scheme Area;*

and may amend or add to or rescind a Policy so prepared.

The procedure for making a Local Planning Policy is contained in clause 9.3 of Town Planning Scheme No. 2 as set out below:

9.3 PROCEDURES FOR MAKING AND AMENDING A LOCAL PLANNING POLICY

A Local Planning Policy shall become operative only after the following procedures have been completed:-

- a) The Council having prepared and adopted a draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected, the subject and nature of the Policy and in what form and during what period (being not less than 21 days) submissions may be made.*
- b) The Council shall review the draft Policy in the light of any submissions made and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.*

At the Council's Policy Forum held on 3 October 2006 the draft policy was discussed. The initial draft provided some scope for the placement of sea containers on larger Rural, Farmlet and Rural Living lots. However, it was agreed to prohibit sea containers on any land except that zoned or lawfully used for Commercial or industrial purposes and reserves such as emergency services depots, Council depots and other kinds of public works depots. Accordingly, the draft policy was amended to address the desired outcome expressed at the Policy Forum.

The latest draft of the policy is contained in the officer's recommendation below. It is recommended that the draft policy be adopted for the purposes of public advertising. Following the advertising period the policy will be referred back to the Council for consideration of its final adoption.

Voting Requirements: Normal

Officer Recommended Resolution:

- A. Pursuant to Clause 9.1 of Town Planning Scheme No. 2 Draft Local Planning Policy "LPP 20 Sea Containers and other Similar Relocatable Storage Containers" as contained below be adopted for the purpose of advertising:

LPP 20 SEA CONTAINERS AND OTHER SIMILAR RELOCATABLE STORAGE CONTAINERS

1.0 APPLICATION

This policy applies to all land within the Serpentine Jarrahdale Shire.

2.0 OBJECTIVE

The primary objective of this policy is to regulate the use of Sea Containers and similar storage containers within the Shire in order to preserve the character and landscape amenity of the Shire.

3.0 DEVELOPMENT CONTROL

- 3.1 Sea containers are not permitted to be placed within a road reserve or verge.
- 3.2 Sea containers are not permitted on any land zoned Residential, Urban Development and Special Residential.
- 3.3 Planning consent may be considered in the Rural Living A, Rural-Residential, Rural, Rural Living B, Special Rural, Farmlet, Rural Groundwater Protection and Special Use Zones for the temporary storage of building materials and equipment for the duration of construction of a building or structure on that land for which the Shire has issued a Building Licence.
- 3.4 The Council may grant approval for ONE Sea Container to be kept on land zoned or approved for Commercial, Showroom/Warehouse, Highway Commercial, Town Centre, Neighbourhood Centre, Mixed Business, Industry - Light, Industry - Service or Industry - General, public reserve or any other public or Crown land subject to the following conditions:
 - 3.4.1 The container shall not be located in front of the building setback and shall be screened from view of the street, including secondary streets and adjacent properties.

- 3.4.2 The container shall be painted in a colour that is similar to or complementary to the colour of existing buildings on the property, or the prevailing landscape.
 - 3.4.3 Sea Containers may not be used for the purpose of storing food products unless they are modified to comply with the Health (Food Hygiene) Regulations 1993.
 - 3.4.4 Refrigerator motors and other cooling devices must be modified to ensure that the noise emitted from the unit complies with the Environmental Protection (Noise) Regulations 1997.
 - 3.5 The Council reserves the right to instruct a landowner to remove a sea container from land in the district if any or all of the above conditions are not taken into consideration.
- B. Draft Local Planning Policy LPP20 be advertised publicly in accordance with the provisions of clause 9.3 of Town Planning Scheme No. 2.

SD039/10/06 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Murphy seconded Cr Star

- A. Pursuant to Clause 9.1 of Town Planning Scheme No. 2 Draft Local Planning Policy "LPP 20 Sea Containers and other Similar Relocatable Storage Containers" as contained below be adopted for the purpose of advertising:**

LPP 20 SEA CONTAINERS AND OTHER SIMILAR RELOCATABLE STORAGE CONTAINERS

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This policy applies to all land within the Serpentine Jarrahdale Shire.

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The primary objective of this policy is to regulate the use of Sea Containers and similar storage containers within the Shire in order to preserve the character and landscape amenity of the Shire.

3.0 DEVELOPMENT CONTROL

- 3.1 Sea containers are not permitted to be placed within a road reserve or verge.**
- 3.2 Sea containers are not permitted on any land zoned Residential, Urban Development and Special Residential.**
- 3.3 Planning consent may be considered in the Rural Living A, Rural-Residential, Rural, Rural Living B, Special Rural, Farmlet, Rural Groundwater Protection and Special Use Zones for the temporary storage of building materials and equipment for the duration of construction of a building or structure on that land for which the Shire has issued a Building Licence.**
- 3.4 The Council may grant approval for ONE Sea Container to be kept on land zoned or approved for Commercial, Showroom/Warehouse, Highway Commercial, Town Centre, Neighbourhood Centre, Mixed Business, Industry - Light,**

Industry - Service or Industry - General, public reserve or any other public or Crown land subject to the following conditions:

3.4.1 The container shall not be located in front of the building setback and shall be screened from view of the street, including secondary streets and adjacent properties.

3.4.2 The container shall be painted in a colour that is similar to or complementary to the colour of existing buildings on the property, or the prevailing landscape.

3.4.3 Sea Containers may not be used for the purpose of storing food products unless they are modified to comply with the Health (Food Hygiene) Regulations 1993.

3.4.4 Refrigerator motors and other cooling devices must be modified to ensure that the noise emitted from the unit complies with the Environmental Protection (Noise) Regulations 1997.

3.5 The Council reserves the right to instruct a landowner to remove a sea container from land in the district if any or all of the above conditions are not carried out to the satisfaction of the Shire.

B. Draft Local Planning Policy LPP20 be advertised publicly in accordance with the provisions of clause 9.3 of Town Planning Scheme No. 2.

CARRIED 10/0

Committee Note: The Officer Recommended Resolution was changed by rewording part 3.5 to state to the satisfaction of the Shire.

Cr Star declared an interest of impartiality in item SD040/10/06 PROPOSED DISPOSAL OF UNALLOCATED CROWN LAND (UCL) WOODLAND STREET, ALFORD ROAD, SIFORD WAY, SLADDEN STREET AND COUSENS STREET, JARRAHDAL as a family member owns land in the locality of the proposed development.

SD040/10/06 PROPOSED DISPOSAL OF UNALLOCATED CROWN LAND (UCL) WOODLAND STREET, ALFORD ROAD, SIFORD WAY, SLADDEN STREET AND COUSENS STREET, JARRAHDAL (A1171)		
Proponent:	Department for Planning & Infrastructure	In Brief Department for Planning and Infrastructure sought comment from Council on the proposed disposal of Unallocated Crown Land (UCL) within Jarrahdale Townsite. Council previously resolved to refer the matter to the Department of Conservation and Land Management (CALM) for comment. CALM advises they do not have an interest in acquiring the UCL for inclusion in National Park. It is recommended that the proposed disposal be supported subject to conditions.
Owner:	Crown	
Officer:	Meredith Kenny - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	6 October 2006	
Previously	SD018/08/06	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt:	12 July 2006
Advertised:	N/A
Submissions:	N/A
Lot Area:	Combined area is approximately 2 hectares Average lot size is 1 000m ²
L.A Zoning:	Residential R12.5
MRS Zoning:	Urban
Municipal Inventory:	Not listed
Townscape/Heritage Precinct:	Townscape
Bush Forever:	No
Site Inspection:	20 July 2006

Background

The Department for Planning and Infrastructure (DPI) wrote to the Council seeking comment on the proposed disposal of Unallocated Crown Land (UCL) lots on Woodland Street, Alford Road, Siford Way, Sladden Street and Cousens Street within the Jarrahdale townsite. There are 25 lots ranging in size from 711m² to 1184m².

Siford Way, Woodland Street, Sladden Street, Alford Road and Cousens Street abutting the subject lots have never been constructed. Siford Way and Sladden Street about the Jarrahdale Primary School site.

All lots and the unconstructed road reserves are densely covered in native vegetation.

DPI advises that the Department of Housing and Works intend to:

1. Retain some of the lots for rental properties
2. Sell the remaining lots

3. Be responsible for the provision of the required roads and services subject to the land being valued as unserviced land by the Department of Land Information.

At the Ordinary meeting of the Council held on 28 August 2006 the Council resolved:

“SD018/08/06 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Price seconded Cr Brown

1. *Council defers a decision on item SD018/08/06 to allow a meeting with the Conservation Commission regarding alternative uses for this land.*
 2. *The Jarrahdale Community Forum be advised in writing of this proposal.*
- CARRIED 8/0”**

The above correspondence was sent to the Department of Conservation and Land Management (CALM) and the Jarrahdale Community Forum seeking their comment on the matter. The Jarrahdale Community Forum has not provided a response to date. CALM have provided the following response:

The Department of Environment and Conservation (DEC) wishes to advise that it does not have an interest in seeing the UCL acquired for inclusion into the Serpentine National Park. The land in question was not identified in the Serpentine National Park Management Plan 2000-2009 as a proposed addition to the park. A subsequent inspection by DEC officers also concluded that the environmental values of the land were not significant enough to see this area proposed for inclusion into the park.

An aerial photograph of the subject lots is with the attachments marked SD040.1/10/06.

Sustainability Statement

Effect on Environment: Construction of roads and infrastructure to service the subject lots, the construction of dwellings, outbuildings, effluent disposal and fencing on the lots will result in the loss of a significant amount of native vegetation. It may be possible to require building envelopes on the lots and place restrictive covenants on the certificates of title for the lots to enable the retention of some of the native vegetation.

Resource Implications: Possible loss of trees and other native vegetation. Increased demand on utilities (power, water) and community services in the town.

Use of Local, renewable or recycled Resources: Not applicable

Economic Benefits: The development of the lots could see the addition of another 25 families to the town. This would have economic benefits for local businesses, the local school and community organisations. In addition the construction of 25 additional houses could provide local employment opportunities.

Social – Quality of Life: The release of more residential land in the townsite will enable more people to be able to enjoy the benefits of living in a beautiful natural environment and in a small town.

Statutory Environment:

Land Administration Act
Planning and Development Act 2005
Town Planning Scheme No. 2

Policy/Work Procedure Implications:

Nil

Financial Implications:

Financial implications to the Council would include the construction of roads and other infrastructure (if not paid for by the applicant) as well as the ongoing costs of maintaining those roads and power costs for street lighting.

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:

3. Design and develop clustered neighbourhoods in order to minimise car dependency.
5. Protect built and natural heritage for economic and cultural benefits.

2. Environment

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

Strategies:

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

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

Strategies:

1. Implement known best practice sustainable natural resource management.

3. Economic

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.
2. Represent the interests of the Shire in State and Regional planning processes.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Referred to Jarrahdale Community Forum. No response has yet been received.

Comment:

Given the comment of the Department of Conservation and Land Management (CALM) it is considered that the Council does not have a strong basis for objecting to the release of the lots. Therefore, it will be important that development controls are put in place to prevent extensive clear felling of the lots. Accordingly, it is recommended that the Council write to the DPI advising that the release of the lots is supported subject to the imposition of strict development controls with regard to clearing, house design and provision of infrastructure to minimise the impact on the existing vegetation and to reduce the impact of development of the lots on adjacent existing residences.

There is a shortage of undeveloped residential lots ready to build on within the Jarrahdale townsite. There are some privately owned parcels of land along Atkins Street and in

Cousens Street that are large enough to be subdivided into the minimum 2000m² size lots permitted under the Government Sewerage Policy (ie minimum size permitted without reticulated sewerage). In addition, there is still some land to be released in the Chestnuts Special Residential estate although these lots will be approximately 4000m² in area. Accordingly there is the need for additional townsite lots to be released.

There are more than 25 parcels of unallocated crown land (UCL) within the townsite. The average size of these UCL lots is 1000m². The land is already zoned for Residential development. However, there are issues for the Council with regard to these lots relating to:

1. No constructed road access to the lots and as the lots are already created there is no avenue for the Council to require the subdivider to provide constructed public roads. Accordingly, if the lots were released there would be a requirement for the Shire to construct the unmade roads including the installation of infrastructure such as drainage and street lighting if the applicant did not construct the roads. The Council has not budgeted for these works
2. If the lots are retained by the Department of Housing and Works and developed as either Homeswest or Government Employees Housing rental properties then the Shire will not derive any rates income from the lots.
3. The lots and the unmade road reserves are densely vegetated with native vegetation, which could be substantially lost if the lots are developed.
4. The lots are in close proximity to the Serpentine National Park (in some cases over the road) and any dwellings on the properties and their occupants could be subjected to an extreme risk in the event of bushfire events in the locality.

Development Conditions

The following estimate of the land area required in a building envelope on this land to support a dwelling, shed and on-site effluent disposal system is as follows:

Dwelling	220m ²
Shed	60m ²
Effluent Disposal	150m ² (as per standard contained in Government Sewerage Policy)
	430m ²

Given the above it would be considered that a 500m² building envelope would be sufficient. However, it is necessary to take into account the need for separation between buildings, buildings and effluent disposal systems, and fire separation distances between vegetation and the dwellings given the extreme fire danger that exists in the area and vehicle turnaround & access areas. In addition, building envelopes are quite restrictive with regard to the layout of buildings on site and do not take account of different shapes of buildings (ie some buildings are very wide or very long. Accordingly, it is recommended that instead of building envelopes a requirement be put in place that a minimum of 25% of existing vegetation be retained on each site with a minimum of 10% of that vegetation to be retained within the front setback area of each lot. For lots that back onto the existing houses on Wanliss Street it is recommended that all existing vegetation be required to be retained in the rear 5 metres of the lots to provide a buffer between the existing residences and the new development and thereby lessen the impact of the development on existing residents whose properties back onto this area.

It is considered that if the Council does support the release of these lots then it would be appropriate to require the Department of Housing and Works to enter into a legal agreement with the Shire to:

1. Pay all costs related to providing constructed public roads to all of the lots including drainage, paving, street lighting, signage and other common service infrastructure.

2. Identify vehicle crossover locations for each of the lots to enable the least disturbance of native vegetation on the road verges abutting the lots to the satisfaction of the Shire.
3. Place restrictive Covenants on the certificates of Title for all the lots requiring the retention of a minimum of 25% of the existing vegetation on any lot with a minimum of 10% of the retained vegetation being in the front setback area of the lot, all vegetation in the rear five metres of all lots backing onto Wanliss Street properties being retained and preventing the removal of any further native vegetation in perpetuity unless such vegetation is dead, diseased or dangerous as determined by a qualified arboriculturist at the expense of the landowner to the satisfaction of the Shire.
4. Place restrictive covenants on the Certificates of Title for the lots requiring all dwellings to be constructed to the Australian Standard for Buildings in Bushfire-Prone Areas (AS 3959).

Voting Requirements: Normal

Officer Recommended Resolution:

- A. The Department for Planning and Infrastructure be advised that in relation to Lots 58-63, 83-89 90-92 and 94-106 Woodland Street, Siford Way, Cousens Street, Sladden Street and Alford Road, Jarrahdale, Council considers that before the land is available for development it will need comprehensive planning in a manner that maximises the protection and retention of the jarrah forest on the subject land.
- B. Council is willing to consider innovative development proposals for the land to achieve sustainability objectives incorporating the use of water recovery and recycling within the development area subject to the following:
 1. The Department of Housing and Works entering into a legally binding agreement with the Serpentine Jarrahdale Shire to:
 - a) pay all costs associated with the provision of constructed public roads to all of the lots including drainage, paving, street lighting, signage and other common service infrastructure;
 - b) identify vehicle crossover locations for each of the lots to enable the least disturbance of native vegetation on the road verges abutting the lots to the satisfaction of the Shire;
 - c) identify building envelopes of a maximum area of 500 square metres on each lot to enable the retention of native vegetation on the lots;
 - d) Place restrictive covenants on the Certificates of Title for all the lots requiring the retention of a minimum of 25% of the existing vegetation on any lot with a minimum of 10% of the retained vegetation being in the front setback area of the lot, all vegetation in the rear five metres of all lots backing onto Wanliss Street properties being retained and preventing the removal of any further native vegetation in perpetuity except:
 - i. where the vegetation constitutes an immediate threat to life or property, or is dead or diseased, the proof of which threat lies upon the person who removes, destroys, or damages the tree;
 - ii. where vegetation is required to be removed for firebreak purposes required by a Regulation or Local Law;
 - iii. a boundary fence is to be erected;
 - iv. in an area required for the construction of an effluent disposal system approved by Council;
 - v. a vehicle accessway to a property;
 - vi. for the installation of any public utilities to service a dwelling.

- vii. any tree having branches directly overhanging the roof of any building, but in that case the exemption applies only to the lopping of an overhanging branch; and
 - viii. any tree within 2 metres of a sewer, water-main, effluent disposal system, stormwater or power network, where the tree has caused damage of blockage to the installation or equipment in question, proof of which damage lies upon the person removing, destroying or damaging the tree;
 - e) Place restrictive covenants on the Certificates of Title for the lots requiring all dwellings to be constructed to the Australian Standard for Buildings in Bushfire-Prone Areas (AS 3959).
2. The cost of preparing the legal agreements and construction plans/drawings for the project is to be the responsibility of the Department for Planning and Infrastructure.

NEW MOTION:

- A. The Department for Planning and Infrastructure be advised that in relation to Lots 58-63, 83-89 90-92 and 94-106 Woodland Street, Siford Way, Cousens Street, Sladden Street and Alford Road, Jarrahdale, Council considers that before the land is available for development it will need comprehensive planning in a manner that maximises the protection and retention of the jarrah forest on the subject land.
- B. Council is willing to consider innovative development proposals for the land to achieve sustainability objectives incorporating the use of water recovery and recycling within the development area subject to the following:
- 1. The Department of Housing and Works entering into a legally binding agreement with the Serpentine Jarrahdale Shire to:
 - a) pay all costs associated with the provision of constructed public roads to all of the lots including drainage, paving, street lighting, signage and other common service infrastructure;
 - b) identify vehicle crossover locations for each of the lots to enable the least disturbance of native vegetation on the road verges abutting the lots to the satisfaction of the Shire;
 - c) Place restrictive covenants on the Certificates of Title for all the lots requiring the retention of a minimum of 25% of the existing vegetation on any lot with a minimum of 10% of the retained vegetation being in the front setback area of the lot, all vegetation in the rear five metres of all lots backing onto Wanliss Street properties being retained and preventing the removal of any further native vegetation in perpetuity except:
 - i. where the vegetation constitutes an immediate threat to life or property, or is dead or diseased, the proof of which threat lies upon the person who removes, destroys, or damages the tree;
 - ii. where vegetation is required to be removed for firebreak purposes required by a Regulation or Local Law;
 - iii. a boundary fence is to be erected;
 - iv. in an area required for the construction of an effluent disposal system approved by Council;
 - v. a vehicle accessway to a property;
 - vi. for the installation of any public utilities to service a dwelling.
 - vii. any tree having branches directly overhanging the roof of any building, but in that case the exemption applies only to the lopping of an overhanging branch; and

- viii. any tree within 2 metres of a sewer, water-main, effluent disposal system, stormwater or power network, where the tree has caused damage of blockage to the installation or equipment in question, proof of which damage lies upon the person removing, destroying or damaging the tree;
 - d) Place restrictive covenants on the Certificates of Title for the lots requiring all dwellings to be constructed to the Australian Standard for Buildings in Bushfire-Prone Areas (AS 3959).
- 2. The cost of preparing the legal agreements and construction plans/drawings for the project is to be the responsibility of the Department for Planning and Infrastructure.

LOST 0/7

During debate Cr Needham foreshadowed that she would move the addition of a part e where all development subject to this subdivision shall be connected to an integrated waste water treatment system.

SD040/10/06 Committee Recommended Resolution:

Moved Cr Kirkpatrick seconded Cr Harris

- A. The Department for Planning and Infrastructure be advised that in relation to Lots 58-63, 83-89 90-92 and 94-106 Woodland Street, Siford Way, Cousens Street, Sladden Street and Alford Road, Jarrahdale, Council considers that before the land is available for development it will need comprehensive planning in a manner that maximises the protection and retention of the jarrah forest on the subject land.**
- B. Council is willing to consider innovative development proposals for the land to achieve sustainability objectives incorporating the use of water recovery and recycling within the development area subject to the following:**
 - 1. The Department of Housing and Works entering into a legally binding agreement with the Serpentine Jarrahdale Shire to:**
 - a) pay all costs associated with the provision of constructed public roads to all of the lots including drainage, paving, street lighting, signage and other common service infrastructure;**
 - b) identify vehicle crossover locations for each of the lots to enable the least disturbance of native vegetation on the road verges abutting the lots to the satisfaction of the Shire;**
 - c) Place restrictive covenants on the Certificates of Title for all the lots requiring the retention of a minimum of 25% of the existing vegetation on any lot with a minimum of 10% of the retained vegetation being in the front setback area of the lot, all vegetation in the rear five metres of all lots backing onto Wanliss Street properties being retained and preventing the removal of any further native vegetation in perpetuity except:**
 - i. where the vegetation constitutes an immediate threat to life or property, or is dead or diseased, the proof of which threat lies upon the person who removes, destroys, or damages the tree;**
 - ii. where vegetation is required to be removed for firebreak purposes required by a Regulation or Local Law;**
 - iii. a boundary fence is to be erected;**
 - iv. in an area required for the construction of an effluent disposal system approved by Council;**

- v. a vehicle accessway to a property;
 - vi. for the installation of any public utilities to service a dwelling.
 - vii. any tree having branches directly overhanging the roof of any building, but in that case the exemption applies only to the lopping of an overhanging branch; and
 - viii. any tree within 2 metres of a sewer, water-main, effluent disposal system, stormwater or power network, where the tree has caused damage or blockage to the installation or equipment in question, proof of which damage lies upon the person removing, destroying or damaging the tree.
- d) Place restrictive covenants on the Certificates of Title for the lots requiring all dwellings to be constructed to the Australian Standard for Buildings in Bushfire-Prone Areas (AS 3959).
 - e) All development subject to this subdivision shall be connected to an integrated waste water treatment system to treat, recover and reuse water on site. Council's policy is that alternative treatment units are required for all lots in this area unless there is an appropriate alternative.
2. The cost of preparing the legal agreements and construction plans/drawings for the project is to be the responsibility of the Department for Planning and Infrastructure.

AMENDMENT

Moved Cr Price seconded Cr Harris add a Point f) to the condition of the inclusion of a Provision of a minimum capacity 3,000 litre water tank per dwelling.

CARRIED 9/1

After debate the Presiding Member then put the amendment which was

CARRIED 9/1

The Presiding Member then put the amended motion

SD040/10/06 COUNCIL DECISION

- A. The Department for Planning and Infrastructure be advised that in relation to Lots 58-63, 83-89 90-92 and 94-106 Woodland Street, Siford Way, Cousens Street, Sladden Street and Alford Road, Jarrahdale, Council considers that before the land is available for development it will need comprehensive planning in a manner that maximises the protection and retention of the jarrah forest on the subject land.
- B. Council is willing to consider innovative development proposals for the land to achieve sustainability objectives incorporating the use of water recovery and recycling within the development area subject to the following:
 - 1. The Department of Housing and Works entering into a legally binding agreement with the Serpentine Jarrahdale Shire to:
 - a) pay all costs associated with the provision of constructed public roads to all of the lots including drainage, paving, street lighting, signage and other common service infrastructure;
 - b) identify vehicle crossover locations for each of the lots to enable the least disturbance of native vegetation on the road verges abutting the lots to the satisfaction of the Shire;

- c) Place restrictive covenants on the Certificates of Title for all the lots requiring the retention of a minimum of 25% of the existing vegetation on any lot with a minimum of 10% of the retained vegetation being in the front setback area of the lot, all vegetation in the rear five metres of all lots backing onto Wanliss Street properties being retained and preventing the removal of any further native vegetation in perpetuity except:
- i. where the vegetation constitutes an immediate threat to life or property, or is dead or diseased, the proof of which threat lies upon the person who removes, destroys, or damages the tree;
 - ii. where vegetation is required to be removed for firebreak purposes required by a Regulation or Local Law;
 - iii. a boundary fence is to be erected;
 - iv. in an area required for the construction of an effluent disposal system approved by Council;
 - v. a vehicle accessway to a property;
 - vi. for the installation of any public utilities to service a dwelling.
 - vii. any tree having branches directly overhanging the roof of any building, but in that case the exemption applies only to the lopping of an overhanging branch; and
 - viii. any tree within 2 metres of a sewer, water-main, effluent disposal system, stormwater or power network, where the tree has caused damage or blockage to the installation or equipment in question, proof of which damage lies upon the person removing, destroying or damaging the tree.
- d) Place restrictive covenants on the Certificates of Title for the lots requiring all dwellings to be constructed to the Australian Standard for Buildings in Bushfire-Prone Areas (AS 3959).
- e) All development subject to this subdivision shall be connected to an integrated waste water treatment system to treat, recover and reuse water on site. Council's policy is that alternative treatment units are required for all lots in this area unless there is an appropriate alternative.
- f) Provision of a minimum capacity 3,000 litre water tank per dwelling.
2. The cost of preparing the legal agreements and construction plans/drawings for the project is to be the responsibility of the Department for Planning and Infrastructure.

CARRIED 9/1

Committee Note: The original motion was changed by removing part c relating to identifying building envelopes and by adding part e relating to a waste water treatment system.

Council Note: The Committee Recommended Resolution was changed by adding a part f for the provision of a minimum capacity water tank per dwelling.

SD041/10/06 DELEGATED AUTHORITY FOR APPROVAL OF DETAILED AREA PLANS (A1047/03)		
Proponent:	Serpentine Jarrahdale Shire	In Brief To consider the delegation of authority for the approval of Detailed Area Plans to the Executive Manager Planning and Regulatory Services.
Owner:	Not applicable	
Officer:	Meredith Kenny – Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	6 October 2006	
Previously	SD033/09/06	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background:

Conditions of subdivision for residential lots within the Byford Structure Plan area require the preparation of Detailed Area Plans (DAP's) in the following instances:

1. Lots with a density coding of R30 or greater.
2. Lots adjacent to major roads or other producers of high noise levels (eg railways).
3. Lots abutting areas of public open space.
4. Cottage lots (vehicle access via rear laneways).

To date the Council has approved 11 DAP's fitting the above circumstances and subdivision approval has only been granted for less one quarter of the Byford Structure Plan area. Accordingly, it is likely that the Shire will receive many more DAP's for approval.

All of the DAP's need to go up to Council for approval at the present time. This necessitates the preparation of an officer report for each DAP and this can lead to delays in the subdivision clearances that are conditional upon approval of a DAP.

A set of standard conditions for DAPs that address all of the circumstances detailed above has now been developed through the process of approving the existing 11 DAP's. Accordingly, it is now recommended that the Council delegate authority to the Executive Manager Planning and Regulatory Services for the approval of DAP's subject to implementation of the standard conditions developed.

At the Ordinary meeting of the council held on 25 September 2006 the matter was deferred to the October meeting to enable Shire officers to assess comments made by Councillors and determine whether any changes should be made to the recommendation. The comments provided are detailed in the Comment section of this report.

Sustainability Statement

The delegation of authority for the approval of DAP's will result in efficiencies in the processing time of these plans and may reduce the length of time taken to issue subdivision clearances as a result.

Statutory Environment:

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

Policy/Work Procedure

Implications:

Nil

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:-

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

2. Improve customer relations service.

Community Consultation:

Not required.

Comment:

Clause 8.2 of Town Planning Scheme No. 2 gives the Council to power to delegate any of its functions under the town planning scheme as follows:

8.2 DELEGATION

8.2.1 The Council may delegate to an officer of the Council such of its functions under the Scheme as it thinks fit.

8.2.2 The exercise of a function by a delegate under Clause 8.2.1 shall be deemed to be a performance of the function by the Council.

8.2.3 The Council may make rules for the exercise of functions delegated under Clause 8.2.1.

8.2.4 The Council may, at any time, withdraw the delegation of a function made under Clause 8.2.1.

The full range of standard provisions for DAP's developed over the last few months is set out in the recommendation. From this list an officer will determine the provisions that need to be applied in each instance. Generally it would only be the conditions relating to noise attenuation and lots abutting public open space that would be added or deleted depending on the location of the particular lots.

Modifications submitted include:

Existing provision	Councillor submitted modification	Action
Delegated authority to Executive Manager Planning and Regulatory Services and Senior Planner.	Delegated authority only be to Executive Managers Planning and Regulatory Services and Strategic Community Planning and not to Senior Planner	Accept modification
The delegation applies to all Detailed Area Plans that are submitted to the Shire for approval as a result of a	These provisions apply only to lots designated as cottage lots and which include rear lanes.	Not accepted the delegation should apply to all detailed area plans. The Executive Managers will use discretion

Existing provision	Councillor submitted modification	Action
requirement of a condition of subdivision approval		when exercising the delegated authority and will determine when a particular detailed area plan needs to go up to Council for determination.
Parapet walls permitted on some boundaries.	Comment - Parapet walls mean no eaves - we do not want this.	Parapet walls do not contain any openings (windows) so eaves are not necessary to protect the walls or any openings.
10. Garages shall be a maximum two-car width only (maximum 6m external width). 11. An alternative garage location may be approved along the adjacent rear laneway of Lots (insert Lot number) subject to design.	Delete	Not accepted – garages wider than 6m generally have an adverse impact on the streetscape due to providing a solid wall of garages along a rear lane or other street frontage (ie some of these lots are only 10 metres wide). Alternative garage locations will not cause any issues except on end/corner lots so it is not considered appropriate to delete this provision.
13. Each house shall have a driveway and crossover completed prior to occupation of the house. 14. Maximum width of crossover shall be 6m.	11. Garages can be on boundary and flush kerbs can be made on lanes.	Change not accepted. Having flush kerbing all along the rear streets could cause drainage problems with water possibly flowing off roads and into properties and garages. The proposed change also conflicts with the minimum 1 metre setback required for garages from rear boundaries. This setback is necessary to enable an adequate turning radii for vehicles from the rear lanes into the garages.
a) Design shall incorporate opening reductions of limiting the size of openings / windows facades facing South Western Highway.	Delete "South Western" and replace with "(insert name)"	Accepted
1. Planning approval is not required for the construction of a dwelling on any lot within the area covered by the Detailed Area Plan (including lots with a land area less than 350	Insert the words "but a building licence is required," after the words "Planning approval is not required"	Accepted.

Existing provision	Councillor submitted modification	Action
square metres) except where variations to the provisions of the Detailed Area Plan are sought.		

Conclusion

Officers would assess each submitted Detailed Area Plan to determine which provisions would be applied in each instance. In some cases specific provisions would not be applied to a DAP.

Voting Requirements: Normal

Officer Recommended Resolution

PS-24 DETAILED AREA PLANS

Council delegates authority to approve Detailed Area Plans under clause 5.18.5 to the Executive Manager Planning and Regulatory Services and the Executive Manager Strategic Community Planning subject to the following standard provisions (where appropriate) being imposed on such plans:

Officer to delete provisions which do not apply to the particular circumstances of a Detailed Area Plan.

R-CODING

1. The Residential Design Code applying to these lots is (insert R Code).

SCHEME AND RESIDENTIAL DESIGN CODE VARIATIONS

2. The Scheme and Residential Design Codes are varied as described in these notations.
3. The requirements of the Scheme and Residential Design Codes shall be satisfied in all other matters however.

DESIGN ELEMENTS

4. The following matters apply to the development of lots affected by the Detailed Area Plan:
 - a) All houses and garages must be constructed within the nominated building envelope;
 - b) At least one major opening to an indoor living area is to be installed on the northern elevation of a dwelling in order to maximise solar orientation;
 - c) Houses are required to suitably address all adjacent street frontages (excluding rear laneways) as indicated.

ELEVATIONS, OUTDOOR LIVING AREAS AND POSTAL ADDRESSES

5. Houses shall have one or more major openings to a habitable room and an outdoor living area facing the public open space.
6. The postal and street address is to be the street at the front of the dwelling and not the rear laneway.
7. Access for utilities is to be from the street frontages of the lots only.

SETBACKS

8. Setbacks for development shall be in accordance with the following:
 - Rear setback: Minimum 1.5m setback for house.
 - Minimum 1m setback for garage.
 - Front setback:
 - Primary Street - minimum 4m setback
 - Secondary Street – minimum 1.5m.
 - Averaging of setback is not permitted.
 - Side setback:
 - Nil setback for garage to side boundary.
 - Parapet walls may be developed along the southern side boundaries of Lots (insert Lot numbers)
 - Parapet walls may be developed along both side boundaries of Lots (insert Lot numbers)
 - Minimum 2 metre solar setback along northern side boundaries.
 - Second storey setbacks to be in accordance with the Residential Design Codes.

GARAGES, VEHICULAR ACCESS & DRIVEWAYS

9. Garages shall be developed and accessed from the adjacent rear lanes only.
10. Garages shall be a maximum two-car width only (maximum 6m external width).
11. An alternative garage location may be approved along the adjacent rear laneway of Lots (insert Lot number) subject to design.
12. All vehicle access is to be from the rear laneway at all times.
13. Each house shall have a driveway and crossover completed prior to occupation of the house.
14. Maximum width of crossover shall be 6m.
15. All driveways and crossovers shall be brick paved or asphalt sealed or other suitable materials to the satisfaction of the Shire.

FENCING

16. Fencing within street setback areas (including rear laneways) and lot boundaries abutting public open space shall be designed and constructed in accordance with clause 3.2.5A5 of the Residential Design Codes (open feature fencing);
17. Fencing of boundaries between lots is to be installed in accordance with the following standard:
 - a) All side boundary fencing back from behind the building line is to be 1.8m high and fully installed prior to occupation of the dwelling.

OUTBUILDINGS

18. A storeroom of 4m² floor area, shall be integrated into the dwelling (ie under the same roof) and constructed of the same materials. This room shall only be accessible from outside the dwelling.
19. No additional sheds or outbuildings are permitted on lots.

WASHING LINES & RUBBISH BINS

20. Clothes lines and rubbish bin storage must be screened from view of the street and public open space area by masonry walls or other methods of construction to match the materials used for the dwelling and with a height of 1.8 metres.
21. A paved bin pad is to be provided inside the lot abutting the boundary to the rear laneway for pickup of bins by waste disposal contractors.

NOISE ATTENUATION FOR LOTS ADJACENT TO MAJOR ROADS

22. Dwellings constructed on the subject lots shall be designed to comply with Australian Standard AS2107-2000 "Acoustics – Recommended Design Levels Reverberation Times for Building Interiors" and the Noise Levels of 45dB(A) Living and 40dB(A) Sleeping:
- a) Design shall incorporate opening reductions of limiting the size of openings/windows facades facing (insert name) Highway.
 - b) Bedrooms shall be placed in the parts of the house furthest away from (insert name) Highway.
 - c) All external walls shall be constructed of double brick.
 - d) All eaves shall be enclosed.
 - e) All roof materials shall be either clay or concrete tiles.
 - f) All glazing shall be 6mm thick laminated except on those facades faces 180 degrees away from (insert name) Highway.
 - g) All external doors shall be of solid core construction with seals.
 - h) All plasterboard in ceilings shall be 10mm thick with 50mm thick 12Kg/m² glass fibre blanket between ceiling joists.

AIR CONDITIONING/COOLING UNITS & SOLAR HOT WATER SYSTEMS

23. Air conditioning/cooling units must be of similar colour to the roof and must not protrude above any roof ridgelines or gables. Units are not to be visible from the adjacent front street or public open space areas and must be positioned to prevent noise impacts in accordance with the Department of Environment's 'Installers Guide to Air Conditioner Noise' Publication;
24. Solar hot water systems must be integrated with the design of the roof, and where visible from the adjacent front street or public open space areas be a split system with the tank installed at ground level or out of public view.

NOTIFICATION TO PROSPECTIVE PURCHASERS

25. The developer is required to give prospective purchasers a complete copy of all the requirements of this Detailed Area Plan prior to Offer and Acceptance being made.

Advice Note:

1. Planning approval is not required, but a Building Licence is required, for the construction of a dwelling on any lot within the area covered by the Detailed Area Plan (including lots with a land area less than 350 square metres) except where variations to the provisions of the Detailed Area Plan are sought.

SD041/10/06 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Kirkpatrick seconded Cr Price

That item SD041/10/06 be deferred to the November Sustainable Development Committee meeting to allow a study tour to be organised with Councillors, of similar developments in the Perth metropolitan region.

CARRIED 10/0

Committee Note: The Officer Recommended Resolution was changed to allow for clarification of some of the Detailed Area Plan provisions and to allow for a study tour.

SD042/10/06 LOCAL STRUCTURE PLAN – LOTS 6 & 27 ABERNETHY ROAD, BYFORD (A1364/04)		
Proponent:	The Planning Group Pty Ltd	In Brief To consider a Local Structure Plan for Lots 6 and 27 Abernethy Road, Byford. It is recommended that Council defer consideration of the Local Structure Plan until traffic and retail modeling has been undertaken. Once these changes are made that the Local Structure Plan be advertised for public comment.
Owner:	Coralsea Investments Pty Ltd	
Officer:	Ross Montgomery – Acting Executive Manager Strategic Community Planning	
Signatures Author:		
Senior Officer:		
Date of Report	22 September 2006	
Previously	Not applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 28 August 2006
 Advertised: To be undertaken
 Submissions: Not applicable
 Lot Area: 16.6ha
 L.A Zoning: Urban Development
 MRS Zoning: Urban Deferred and Urban
 Byford Structure Plan: Yes
 Rural Strategy Policy Area: NA
 Rural Strategy Overlay: NA
 Municipal Inventory: NA
 Townscape/Heritage Precinct: NA
 Bush Forever: NA
 Date of Inspection: Various

Background

The applicant has submitted a Local Structure Plan (LSP) for the subject land in Byford.

The subdivisional design and layout for this land needs to reconcile a multi-use drainage corridor, a buffer zone to the equestrian area and the town centre and the Abernethy Road District Distributor T2 road linking this site to the new Byford Town Centre.

The Structure Plan generally accords with the Byford District Structure Plan (BDSP2006) which was recently adopted by the Shire for purposes of community discussion.

The applicant has been liaising with the Shire officers to resolve matters of urban design, infrastructure provision, drainage and interface with surrounding lots. Prior to the LSP being advertised there will need to be a minor redesign and technical assessment by Shire officers of the drainage proposal.

A copy of the local structure plan is with the attachments marked SD042.1/10/06.

Sustainability Statement

Effect on Environment: Land is zoned for Urban Development – Multi use corridors will ensure adequate water quality and quantity to accord with the Byford Urban Stormwater Strategy.

Economic Viability: Local Structure Plan seeks to maximise lot yield and to implement urban development to accord with the Byford Structure Plan.

Economic Benefits: Some local employment during construction (possible) and an increase in the number of rateable households.

Social – Quality of Life: Good urban design as per Byford Structure Plan.

Statutory Environment: Advertising is required in accordance with Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.

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

Financial Implications: Local Structure Plan fee required to be paid.

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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

Strategies:

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

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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

Community Consultation:

Required: Yes, as per Town Planning Scheme No. 2

Comment:

The previous Byford District Structure Plan (BSP2005) has been reviewed following the completion of traffic modelling, commercial studies and urban design work by consultants. The submitted LSP did not conform to the BSP 2005 because it proposes R30 density lots and this was not consistent with the R20 contained in that plan.

This proposal generally accords with the framework outlined in the BDSP2006 and some of the ideas included in the BDSP2006 may offer greater opportunities for development yield and sustainable urban design.

In this site, the zoning proposed by the district structure plan is increased from R20 to R20-25. This change represents a potential increase in the number of lots provided there is a demonstration that the design meets Shire urban sustainability measures. In particular the Shire seeks to achieve greater opportunity for passive solar access and energy efficiency.

To this end the majority of lots (90%+) should be oriented to achieve good passive design and solar access.

Some aspects of the LSP are well considered. The landscape and streetscape components are sound and set some good design foundations which could be applied throughout Byford. The applicant claims that 94% of the lots achieve good solar access. This measure is disputed and Shire assessment rates there being only 61% of lots with good opportunity for passive solar design. This matter could be readily addressed and the Shire is prepared to accept that simple lots and road redesign will improve this indicator.

In terms of sustainable urban design the following matters require some revision prior to the plan being advertised for public comment:-

- a) Lot orientation to be revised so that a majority of the lots (85%+) have long-axis orientation in an east-west axis.
- b) Roads are revised to incorporate in-ground drainage swales. Layout to be modified to permit greater permeability to multiple use corridor and to improve visual access to this natural green corridor.
- c) Inclusion of some explanatory text about water sensitive urban design and implementation.
- d) Staging plan to defer creation of lots immediately fronting the multiple use corridor until MUC has been established and capacity to contain water quantity throughout the site has been demonstrated on-site.
- e) Drainage plan and implementation strategy has been assessed as adequate by the Shire.
- f) Changes to be made to the report are as per the ***attachment marked SD042.2/10/06.***

In the case of this LSP it is necessary to defer the advertisement until a redesign has been achieved to address the above issues. Shire officers have met with the planning consultants to discuss the need to revise the LSP prior to advertisement. They have indicated a willingness to consider some improvements to the plan to achieve a higher sustainability rating and to improve some of the urban design aspects.

On this basis it is recommended that the LSP be approved for advertisement once a revised plan has been submitted to Council which addresses the above criteria and is to the satisfaction of the Executive Manager Planning and Regulatory Services.

Voting Requirements:

Normal

SD042/10/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Murphy seconded Cr Scott

The Shire considers the request to advertise the Local Structure Plan for Lots 6 and 27 Abernethy Road, Byford for public comment and:

1. Advises the applicant that the Local Structure Plan will be advertised once the following modifications are made to the plan and supporting documentation to the satisfaction of the Executive Manager Planning and Regulatory Services:
 - a) Lot orientation to be revised so that a majority of the lots (85%+) have long-axis orientation in an east-west axis.
 - b) Roads are revised to incorporate in-ground drainage swales. Layout to be modified to permit greater permeability to multiple use corridor and to improve visual access to this natural green corridor.
 - c) Inclusion of some explanatory text about water sensitive urban design and implementation.
 - d) Staging plan to defer creation of lots immediately fronting the multiple use corridor until MUC has been established and capacity to contain water quantity throughout the site has been demonstrated on-site.
 - e) Drainage plan and implementation strategy has been assessed as adequate by the Shire.
 - f) Road reserves shall have a minimum width of 15 metres, however roads with water sensitive urban design treatments shall be of sufficient width to accommodate bio retention swales.
 - g) Changes to be made to the report are as per the *attachment marked SD042.2/10/06*.
2. Subject to the payment of the Local Structure Plan fee, the Executive Manager Planning and Regulatory Services be authorised to assess and decide as to the suitability of the revisions made to the Local Structure Plan prior to advancing the Plan to advertisement for public comment.
3. A Landscape Management Plan shall be prepared by the developer for the public open space areas including the multiple use corridor prior to the final adoption of the Local Structure Plan by Council. The public open space area (multiple use corridor) shall be ceded free of cost to Council and the Landscape Master Plan shall be implemented by the developer during Stage 1 of development.
4. An Environmental Management Plan shall be prepared by the developer to ensure that subdivisional works are conducted to minimise on site and off site environmental impacts including sand, dust, noise, vibration, litter control and water management and mitigation measures prior to finalisation of the Local Structure Plan by the Shire.
5. A Traffic Management Plan shall be prepared by the developer to ensure that construction traffic is appropriately managed during the subdivisional works to reduce impacts on the local road network and improve road safety.
6. No trees or vegetation are to be removed from the property without the prior written consent of the Council in accordance with the requirements of Town Planning Scheme No. 2.

CARRIED 10/0

Council Note: The Committee Recommended resolution was changed by adding the words prior to finalisation of the Local Structure Plan by the Shire as a point of clarification. The Presiding Member advised that this was a minor amendment .

The Executive Manager Strategic Community Planning left the meeting at 8.04pm and returned at 8.04pm

SD043/10/06 PROPOSED OVERSIZE ANCILLARY ACCOMMODATION - LOT 605 HOLMES ROAD, OAKFORD (P06574/02)		
Proponent:	Samuel Pipponen	In Brief Application for construction on the above property of Ancillary Accommodation that exceeds the maximum floor area specified under Building Policy 1 "Ancillary Accommodation and Rural Workers Dwellings". Floor area of 100m ² proposed. It is recommended that the application be approved.
Owner:	As Above	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	5 October 2006	
Previously	NA	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 1 September 2006
 Advertised: NA
 Submissions: NA
 Lot Area: 2.08 ha
 L.A Zoning: Rural
 MRS Zoning: Rural
 Byford Structure Plan: NA
 Rural Strategy Policy Area: Rural Living B
 Rural Strategy Overlay: NA
 Municipal Inventory: NA
 Townscape/Heritage Precinct: NA
 Bush Forever: NA

Background

The subject site is located on Holmes Road in Oakford. The property has been created as a result of a recent subdivision of the original parent property, Lot 24 Holmes Road, into two 2ha lots. The front block has been retained by the original owner, with the rear lot sold to the applicant.

An application has been submitted for the construction of a self-contained ancillary accommodation with a floor area of 100m² under the same roof line of the proposed dwelling. The ancillary accommodation will consist of a bedroom with ensuite, study, meals, living and kitchen area. As the accommodation will be under the same roof line, the residence and accommodation will be constructed out of the same materials and located within the designated building envelope.

The ancillary accommodation exceeds the 60m² maximum floor area specified for such accommodation in Council's Building Policy BP1. Therefore, this component of the application is required to be determined by the Council.

A copy of the site, floor and elevation plans are with attachments marked SD043.1/10/06.

Sustainability Statement

Effect on Environment: The proposed development will have little impact on the environment as it will be fully contained within the approved building envelope. At the time of subdivision, the building envelope was located in a position away from existing vegetation on site.

Resource Implications: The open plan living area of the ancillary accommodation will face north with a shallow verandah along the front that will block the summer sun but still allow sun into these living areas during the other months.

Use of Local, renewable or recycled Resources: The materials used to construct the ancillary accommodation dwelling are extremely low-maintenance (brick walls and colorbond roof) and minimise the use of natural resources.

Statutory Environment: Town Planning Scheme No.2

Policy/Work Procedure Implications:

Building Policy 1 “Ancillary Accommodation and Rural Workers Dwellings”.

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:

3. Retain seniors and youth within the community.
4. Respect diversity within the community.

4. Governance

Objective 3: Compliance to necessary legislation

Strategy:

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

Community Consultation:

Required: No

Comment:

Building Policy BP1 “Ancillary Accommodation and Rural Workers Dwellings” contains the following provisions relating to Ancillary Accommodation:

1. Minimum floor area 40 square metres.
2. Maximum floor area 60 square metres (or otherwise approved by Council).
3. Exterior finish to be constructed in same or similar materials to the main dwelling.
4. Main dwelling must be constructed prior to the ancillary accommodation.
5. Ancillary Accommodation to be either under the same roof line as the main dwelling or located within 10 metres of the main dwelling and linked by a covered walkway.
6. On lots larger than 4,000 square metres the ancillary accommodation may have a separate effluent disposal system.

With regard to the current proposal, areas of compliance/non-compliance with the above provisions are discussed below:

Minimum Floor Area
Complies.

Maximum Floor Area

The proposed dwelling exceeds the maximum floor area provided by the policy by 40m². In support of the requested variation the following comments are made:

1. The ancillary accommodation will be less than half the size of the main dwelling thereby maintaining its predominance;
2. The ancillary accommodation, although exceeding the maximum floor area contained in Policy BP1 by 40m², is modest in size.
3. The ancillary accommodation is located under the same roof line as the proposed dwelling. As such, the accommodation will merely look as though it is part of the house.
4. The ancillary accommodation will be constructed out of the same materials as the dwelling blending in with the environment.

Exterior Finish to be similar to existing buildings on the site

The ancillary accommodation is to be constructed of brick and colourbond the same as the proposed residence.

Main Dwelling to be constructed prior to ancillary accommodation

As the ancillary accommodation is part of the proposed dwelling, it will be built at the same time.

Ancillary Accommodation to be under roofline of main dwelling or be located within 10 metres of the main dwelling and linked by a covered walkway

The ancillary accommodation will be located under the same roof line of the dwelling.

Effluent Disposal System

The ancillary accommodation will be connected to the same system as the rest of the house. As the dwelling and accommodation will be built at the same time, an adequately sized system can be installed.

It is recommended that the application be approved subject to the standard conditions normally applied to applications for ancillary accommodation including:

1. Occupation of the dwelling restricted to relatives; and
2. A notification being placed on certificate of title for the land regarding the occupation restrictions applicable to the ancillary accommodation; and

Voting Requirements: Normal

SD043/10/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Brown seconded Cr Price

The application for the construction of Ancillary Accommodation on Lot 605 Holmes Road, Oakford be approved subject to the following conditions:

1. Any occupier of the ancillary accommodation shall be a member of the family of the occupier of the main dwelling.
2. A notification under Section 70A of the Transfer of Land Act is to be prepared by the Shire's Solicitors in a form acceptable to the Department of Land Information and lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot, prior to the issue of a Building Licence. This notification is to be sufficient to alert prospective landowners of the use restrictions of the ancillary accommodation as stipulated under Condition 1 of this approval. All costs associated with the fulfilment of this condition shall be met by the landowner.
3. A building licence is required to be obtained prior to the commencement of any development (including earthworks).
4. The specific approval of the Department of Health is required for effluent disposal prior to the commencement of development. Applications for effluent disposal apparatus are required to be submitted to the Council's Health Services and will then be forwarded on to the Department of Health.

5. The ancillary accommodation is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant legislation.
6. All driveway surfaces are to be constructed of a suitable material such as paving, road base, or coarse gravel to limit the generation of dust and sediments entering nearby creeks and drainage lines.
7. No direct discharge of stormwater into watercourses or drainage lines.
8. All stormwater runoff from roofs and hardstand areas to be disposed of on site.
9. Only materials identified in the schedule of colours, materials and finishes attached to and forming part of this approval, are to be used in the construction of the Single House and ancillary accommodation unless the prior written approval of the Shire is obtained.

CARRIED 10/0

SD047/10/06 INITIATION OF SCHEME AMENDMENT TO REZONE LOTS 102 - 106 RUDALL STREET / ARNOLD ROAD, SERPENTINE (A0779)		
Proponent:	Gray & Lewis Land Use Planners	In Brief Request for Council to initiate a Scheme Amendment to rezone Lots 102-106 Rudall Street from "Rural" to "Urban Development" in accordance with the current "Urban" zoning of the land under the Metropolitan Region Scheme. It is recommended that the rezoning not be initiated.
Owner:	M Spagnolo	
Officer:	Meredith Kenny - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	7 October 2006	
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:	14 June 2006
Advertised:	Not Applicable at this stage
Submissions:	N/A
Lot Area:	8 hectares approximately
L.A Zoning:	Rural
MRS Zoning:	Urban
Rural Strategy Policy Area:	Town and Village Urban
Rural Strategy Overlay:	Nil
Municipal Inventory:	Nil
Townscape/Heritage Precinct:	N/A
Bush Forever:	Nil
Date of Inspection:	3 October 2006

Background

The subject land is located within the Serpentine townsite. The land is parkland cleared and has been used for intensive grazing purposes for many years.

Lots 102-106 Rudall Street is zoned Urban under the Metropolitan Region Scheme (MRS). The applicant has written to the Council requesting that the land be rezoned to Urban Development in order to bring the Shire Town Planning scheme No. 2 into conformity with the MRS. The proponent states that there is no intention to develop the land at this stage,

simply a desire to see the local authority Town Planning Scheme zoning brought into conformity with the urban status the land has under the MRS.

Sustainability Statement

Effect on Environment: The land is to be classified as Priority 3 under the proposed Karnup Dandalup Underground Water Pollution Control Area (UWPCA) by the Department of Environment and Conservation (DEC). Priority 3 (P3) status is the lowest level of protection in a UWPCA. The DEC advises that residential development of the land at densities lower than 1 hectare would require connection to deep sewerage unless exemptions were to apply under the Government Sewerage Policy.

Resource Implications: Not known.

Use of Local, renewable or recycled Resources: Not applicable to the rezoning stage of development.

Economic Viability: There is a shortage of Urban zoned land in the Serpentine townsite for residential development.

Social – Quality of Life, Environmental Responsibility and Social Diversity: There is a shortage of available land for any type of further urban or peri-urban development in the Serpentine area as supplies of both Residential and Rural Living land are almost exhausted. The addition of further Urban Development zoned land in the Serpentine area will eventually enable an increase in population, which has a positive flow on effect for existing businesses and services such as schools, shops and sporting groups.

The eventual availability of Urban land will provide for diversity in the Serpentine community as only Rural Living and Farmlet style developments have occurred in the area in the last 10 years. Urban land will enable smaller lot sizes and therefore provide smaller more manageable properties for older people in the area wishing to downsize and will also provide an entry point for younger homeowners.

Statutory Environment:

Planning and Development Act 2005
Town Planning Regulations 1967
Town Planning Scheme No.2

Policy/Work Procedure Implications:

Nil

Financial Implications:

Proponent will be responsible for all advertising costs and will be required to pay a rezoning fee to the Shire.

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:

3. Retain seniors and youth within the community.
4. Respect diversity within the community.

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

Strategies:

3. Design and develop clustered neighbourhoods in order to minimise car dependency.

3. Economic

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

No community consultation has been carried out to date. However, if initiated, the Scheme Amendment will require advertising for a period of not less than 42 days in accordance with the Planning and Development Act 2005 and the Town Planning Regulations 1967.

Comment:

Under Section 124 of the Planning and Development Act 2005 a Region Planning Scheme (such as the Metropolitan Region Scheme) prevails if the Local Planning Scheme is inconsistent with the Region Planning Scheme. Section 124(2) of the Planning and Development Act 2005 requires the local government to resolve within 90 days of the coming into effect of any amendment of the Region Scheme to prepare a scheme amendment to bring the Local Planning Scheme into conformity with the Region Planning Scheme. The subject land has been zoned Urban under the MRS for several years. Accordingly, the Town Planning Scheme No. 2 is currently at variance with the MRS and the Council needs to take action to correct this anomaly.

Previous requests submitted to the Shire to rezone the land to Residential under the Town Planning Scheme have failed to be initiated. This has mainly occurred because the Serpentine townsite and surrounding area is identified under the Shire's Rural Strategy as an area requiring structure planning before further development can occur. Under the Shire's Forward Financial Plan preparation of a structure plan for this district has been scheduled for the 2008/2009 financial year.

The current request to initiate a Scheme Amendment to rezone the land to Urban Development is consistent with both the MRS and the Shire's Rural Strategy. Accordingly, it is recommended that a scheme amendment be initiated to rezone Lot 102-106 Rudall Street to Urban Development zone.

There are sufficient provisions existing in Town Planning Scheme No. 2 in relation to the Urban Development zone to ensure that development of the land for urban purposes could not occur until the required structure plan has been prepared and adopted by the Council and endorsed by the Western Australian Planning Commission (WAPC). In this regard clause 5.17 of Town Planning Scheme states that development within the Urban Development zone will be facilitated by means of establishment of Structure Plans to ensure that development takes place in conformity with those Plans;

Statutory Procedures for initiation of Scheme Amendments

The procedural requirements for initiating Scheme Amendments are provided within the Planning and Development Act 2005 and the Town Planning Regulations 1967. At this stage of the amendment it is the provisions relating to referral to the Environmental Protection Authority (EPA) for assessment and advertising of the Scheme Amendment.

Generally the EPA, upon receiving a scheme amendment such as this one, advise that they do not need to assess the Scheme Amendment in detail and in that case it is possible for the Council to commence advertising of the amendment as soon as the EPA advice of "Not Assessed" is received. However, given that the subject land is within the area designated for the future Karnup-Dandalup Underground Water Pollution Control Area the EPA may require formal environmental assessment of the amendment prior to advertising

commencing. This may also mean that the Council has to formally seek "Consent to Advertise" from the WAPC before proceeding with advertisement of the amendment.

Conclusion

After carefully considering the proposal, concerns are raised about the potential impacts on the Shire if the land is rezoned. Upon rezoning, the landowner may then seek approval from the Council and WAPC to approve a Local Structure Plan and/or subdivide the land.

It is considered premature to support any subdivision of this land (or adjoining properties) until the Shire has completed the Serpentine Structure Plan. This process will identify the key environmental issues (groundwater, drainage), servicing issues (stormwater drainage, sewerage or on site effluent disposal, power, water, gas, telecommunications, planning issues/lot sizes, public transport, POS, neighbourhood design principles, education/community and employment opportunities).

It is recommended that the WAPC be advised that Council does not support the proposal for the reasons outlined in this report.

It is noted that under the planning legislation, the WAPC may decide to formally direct the Shire to amend its Town Planning Scheme to reflect the MRS.

Voting Requirements: Normal

SD047/10/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price seconded Cr Kirkpatrick

- 1. The applicant be advised that Council is not prepared to initiate an amendment for this land under the Town Planning Scheme due to the absence of a Structure Plan for the Serpentine townsite and numerous unresolved environmental, servicing and planning issues for this land, as outlined in the Officers report.**
- 2. The Western Australian Planning Commission be advised of Council's decision.**

CARRIED 10/0

Council Note: Prior to Councillors considering the Committee/Officer Recommended Resolution the Presiding Member advised that the proponent had requested via the Acting Chief Executive Officer that this item be deferred.

CGAM007/10/06 REQUEST TO WAIVE LEGAL FEES ASSOCIATED WITH THE PREPARATION OF THE LEASE FOR MUNDIJONG ARTS & CRAFTS GROUP (RS0181-01)		
Proponent:	Mundijong Arts & Crafts Group Inc	In Brief That Council waive the costs of the Legal fees associated with the preparation of the Lease Agreement.
Owner:	Shire of Serpentine Jarrahdale	
Officer:	Darren Long Director Corporate Services	
Signatures Author:		
Senior Officer:		
Date of Report	10/10/06	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.	
Delegation	Council	

Background

The Mundijong Arts & Craft Group Inc has written to Council for the consideration of Council to waive the Legal Fees associated with the preparation of the Lease.

A copy of the letter of request is with attachments marked [CGAM007/10/06 \(IN06/11763\)](#).

The Mundijong Arts & Craft Group Inc has been operating in our community for several years and is an organization totally operated by volunteers. The group encourages the members of the local community to experience their creative talents in a relaxed and social atmosphere.

They have had several new members this year and as the community grows they envisage that membership will increase. The Mundijong Arts & Craft Group Inc believes that the facility will be an important meeting place for both old and new residents of the community.

The costs associated with the administration of the group are increasing and funding is becoming an issue.

The increase in the public liability insurance figure has doubled as per the lease document and the Mundijong Arts & Craft Group believe they will find it difficult to meet the costs of the insurance premium.

As previously arranged the Lessor (Serpentine Jarrahdale Shire) has been responsible for the water consumption, electricity, maintenance & repair of the premises.

We are currently awaiting the return of execution copies of their lease, from our Solicitor, which will provide The Mundijong Arts & Craft Group with a further five year term at a rental of one (1) peppercorn per annum.

Sustainability Statement

Effect on Environment and Resource Implications:

Waiver of the legal costs associated with the preparation of the lease will allow the Mundijong Arts & Crafts Group to invest the funds they have available in activities that encourages the members to explore their creativity.

Social – Quality of Life:

The group provides opportunities for the members of the Serpentine Jarrahdale Shire to experience their creative talents in a social and relaxed atmosphere. It also encourages relationships amongst members of the local community who meet because of a common interest being Arts & Crafts.

Social and Environmental Responsibility:

The Mundijong Arts & Crafts Group provides a local facility for members of the community to be involved in Art & Crafts.

Social Diversity:

The Mundijong Arts & Crafts Groups Inc provides a service for the residents within our community and encourages a relaxed social meeting place for a diverse range of people.

Statutory Environment:

Local Government Act 1995.

Section 6.12. Power to defer, grant discounts, waive or write off debts

- (1) *Subject to subsection (2) and any other written law, a local government may -*
- (a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;*
- (b) *waive or grant concessions in relation to any amount of money; or*
- (c) *write off any amount of money,*

which is owed to the local government.

**** Absolute majority required.***

Financial Implications:

The estimated costs for the preparation of the Lease Agreement are \$700.00 to \$800.00. This figure has not been finalised due to the execution copies of the Lease not yet being issued.

Strategic Implications:

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.

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

Strategies:

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

Objective 3: High level of social commitment

Strategies:

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

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:

1. Enhance economic futures for Shire communities.

4 Governance

Strategies:

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.

Comment:

The Mundijong Arts & Craft Group Inc is a volunteer organization that allows members of our community to pursue their creative interests in a relaxed and social atmosphere. By waiving the fees associated with the preparation of the Lease Agreement it will allow the funds they currently have available to be utilized for Arts and Craft activities. It will also provide the group with the opportunity to fund the Public Liability Insurance costs that have just recently doubled (as per our Lease Agreement) and any other costs associated with the running of the Group.

Voting Requirements:

ABSOLUTE MAJORITY

CGAM007/10/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Star seconded Cr Murphy

That Council:

1. Waive the costs of the legal fees associated with the preparation of the Lease Agreement.
2. Advise the Mundijong Arts & Craft Group Inc of this decision.

CARRIED 10/0 ABSOLUTE MAJORITY

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Council Note: Item OCM014/10/06 was considered after SD045/10/06.

OCM014/10/06	REQUEST FOR RECONSIDERATION OF PLANNING CONDITION – GRACEFORD HOSTEL – LOT108 (#18) TURNER ROAD, BYFORD (P01301/02)	
Proponent:	Scott Hambley	In Brief An application for extensions to the Graceford Hostel was considered by Council in April 2006. Formal Council Planning approval was issued in May 2006. One of the conditions of approval required the preparation of a revised Environmental Management Plan to the satisfaction of the Executive Manager Community Strategic Planning. This condition was required as a result of comments received on the proposal following assessment by the Environmental Protection Authority. The applicant has advised that they do not wish to submit a revised EMP and have requested that Council reconsider this condition.
Owner:	WA Baptist Hospital and Homes Trust Inc.	
Officer:	Michael Taylforth – A/Environmental Coordinator	
Signatures Author:		
Senior Officer:	Ross Montgomery – Executive Manager Strategic Community Planning	
Date of Report	16 October 2006	
Previously	SD125/04/06 – April 2006	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

COUNCIL DECISION

Moved Cr Price seconded Cr Star that the order of business be changed so that item OCM016/10/06 be considered after CGAM007/10/06 to allow the confidential item to be the last item for consideration by Council.

CARRIED 10/0

OCM016/10/06	INFORMATION REPORT	
Proponent	Acting Chief Executive Officer	In Brief Information Report for the month of October, 2006.
Officer	S Langmair – PA to the Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	19 th October, 2006	
Previously		
Disclosure of Interest		
Delegation	Council	

OCM016.1/10/06 **COMMON SEAL REGISTER REPORT – SEPTEMBER, 2006 (A1128)**

The Common Seal Register Report for the month of September, 2006 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the attachments marked OCM016.1/10/06 (E02/5614)

OCM016.2/10/06 **USE OF DELEGATION REPORT (A0039-02)**

The Chief Executive Officer exercised the following delegations during the month of September, 2006:

AF-3 – Authorised Persons – functions and Positions fulfilment, Act and Regulations and Local Laws

Approval to appoint Fire Control Officers (Memorandum E06/4530)

OCM016.3/10/06 **POLICY FORUM – October, 2006 (A0429/05)**

The following items were discussed at the October, 2006 Policy Forum:

ITEMS FOR PRELIMINARY DISCUSSION	
1.	Water Sensitive Urban Design Local Planning Policy
2.	Local Planning Policy – Sea containers & Other similar Relocatable Storage Containers
3.	Positive Ageing in the Peel
4.	Community Facilities & Services Plan – Monthly Update
5.	Change of Office Opening hours from 8:30am - 5:00pm to 8:30am-4:30pm
6.	Request by Colleen Rankin to use the Byford District Structure Plan image on the front cover of her book
7.	Conflict of Interest Scenarios – “Wearing two hats – dual roles as public officer”

OCM016.4/10/06 **FRAMEWORK FOR THE STATE INFRASTRUCTURE STRATEGY – GREEN PAPER (A0108-02)**

In the attachments marked OCM016.4/10/06 (IN06/11383) is a letter from the Deputy Premier advising that a Green Paper on the Framework for the State Infrastructure Strategy is available on the State Government website and inviting submissions to the issues raised within the framework document. The closing date for submissions is 15th December, 2006.

OCM016.5/10/06 **WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – PEEL ZONE MEETING MINUTES SEPTEMBER 2006 (A1164)**

The minutes of the WALGA Peel Zone Meeting held on 28th September, 2006 are in the attachments marked OCM016.5/10/06 (IN06/11752).

OCM016.6/10/06 **WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – SOUTH EAST METROPOLITAN ZONE MEETING MINUTES – SEPTEMBER, 2006 (A1164)**

The minutes of the WALGA South East Metropolitan Zone Meeting held on 27th September, 2006 are in the attachments marked OCM016.6/10/06 (IN06/11759).

OCM016/10/06 COUNCIL DECISION/Officers Recommended Resolution

Moved Cr Star seconded Cr Brown

1. The Information Report to 20th October, 2006 is received.

CARRIED 10/0

Cr Wigg declared a financial interest in item OCM015/10/06 VALUATION REPORT FOR LOTS 87 AND 88 MUNDIJONG ROAD, MUNDIJONG as he is a Board Member of the SJ Grammar School. As he is aware of the nature of the report Cr Wigg requested that he is able to participate in the discussion on this item. The Presiding Member advised that if Cr Wigg remains present when this item is voted on that he will be unable to vote.

OCM015/10/06 CONFIDENTIAL ITEM VALUATION REPORT FOR LOTS 87 AND 88 MUNDIJONG ROAD, MUNDIJONG (A1118)		
Proponent:	Serpentine Jarrahdale Shire	In Brief 1. That Council close the meeting to members of the public, in accordance with Section 5.23 2 (c) of the Local Government Act 1995, as the matter is of a confidential nature. 2. That Council: i. Endorse the Valuation Report for Lots 87 and 88 Mundijong, Mundijong as provided by Australian Property Consultants. ii. Authorise the release of the Valuation Report to the Serpentine Jarrahdale Grammar School Board for the purposes of commencing negotiations relating to the purchase of Lots 87 and 88 Mundijong Road, Mundijong. iii. Authorise the Acting Chief Executive Officer to conduct negotiations with the Serpentine Jarrahdale Grammar School Board representatives regarding a purchase price for the subject land, should the Board express an interest in pursuing the purchase of Lots 87 and 88 Mundijong Road, Mundijong.
Owner:	Serpentine Jarrahdale Shire	
Officer:	Acting Chief Executive Officer – Darren Long	
Signatures Author:		
Senior Officer:		
Date of Report	20 th October 2006	
Previously	OCM01/07/06	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

OCM015/10/06 Officer Recommendation

1. That Council close the meeting to members of the public, in accordance with Section 5.23 2 (c) of the Local Government Act 1995, as the matter is of a confidential nature.
2. That Council:
 - i. Endorse the Valuation Report for Lots 87 and 88 Mundijong, Mundijong as provided by Australian Property Consultants.
 - ii. Authorise the release of the Valuation Report to the Serpentine Jarrahdale Grammar School Board for the purposes of commencing negotiations relating to the purchase of Lots 87 and 88 Mundijong Road, Mundijong.
 - iii. Authorise the Acting Chief Executive Officer to conduct negotiations with the Serpentine Jarrahdale Grammar School Board representatives regarding a purchase price for the subject land, should the Board express an interest in pursuing the purchase of Lots 87 and 88 Mundijong Road, Mundijong.

OCM015a/10/06 COUNCIL DECISION

Moved Cr Murphy seconded Cr Scott

That Council close the meeting to members of the public, in accordance with Section 5.23 2 (c) of the Local Government Act 1995, as the matter is of a confidential nature.

CARRIED 10/0

COUNCIL DECISION

Moved Cr Price seconded Cr Geurds

To suspend standing orders 9.5, 9.6 and 10.7.

CARRIED 10/0

Cr Wigg left the meeting at 8.19pm.

COUNCIL DECISION

Moved Cr Star seconded Cr Price

That Cr Wigg be able to remain in the Chambers whilst this item is being discussed as Cr Wigg will have valuable information to contribute to the debate on this item and his interest is of a particular nature.

CARRIED 9/0

Cr Wigg was not in the Chamber and did not vote.

Cr Wigg returned to the meeting at 8.24pm.

COUNCIL DECISION

Moved Cr Price seconded Cr Kirkpatrick

To reinstate standing orders 9.5, 9.6 and 10.7.

CARRIED 10/0

Cr Wigg left the meeting at 9.01pm

OCM015b/10/06 COUNCIL DECISION

Moved Cr Price seconded Cr Kirkpatrick

That Council:

- i. Receive the Valuation Report for Lots 87 and 88 Mundijong, Mundijong as provided by Australian Property Consultants.**
- ii. Authorise the release of the Valuation Report to the Serpentine Jarrahdale Grammar School Board for the purposes of commencing negotiations relating to the purchase of Lots 87 and 88 Mundijong Road, Mundijong.**
- iii. Delegated Authority to the Acting Chief Executive Officer to conduct negotiations with the Serpentine Jarrahdale Grammar School Board representatives regarding the purchase price and terms and conditions for the subject land, should the Board express an interest in pursuing the purchase of Lots 87 and 88 Mundijong Road, Mundijong.**

CARRIED 9/0

COUNCIL DECISION

Moved Cr Price seconded Cr Star

That Council reopen the meeting to members of the public at 9.03pm.

CARRIED 9/0

Cr Wigg was not in the Chambers and did not vote.

Cr Wigg returned to the meeting at 9.03pm

9. CHIEF EXECUTIVE OFFICER'S REPORT

Item OCM016/10/06 was considered after CGAM007/10/06.

OCM016/10/06		INFORMATION REPORT
Proponent	Acting Chief Executive Officer	In Brief Information Report for the month of October, 2006.
Officer	S Langmair – PA to the Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	19 th October, 2006	
Previously		
Disclosure of Interest		
Delegation	Council	

10. URGENT BUSINESS:

Nil

11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

Nil

12. CLOSURE:

There being no further business the Presiding Member closed the meeting at 9.03pm.

13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

SD036/10/06 BUILDING INFORMATION REPORT		
Proponent:	N/A	In Brief Information report
Owner:	N/A	
Officer:	Jason Robertson - Principal Building Surveyor	
Signatures Author:		
Senior Officer:		
Date of Report	03.10.06	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM051/06/04	

SD036/10/06 COMMITTEE DECISION/Officer Recommended Resolution

**That Council accepts the September 2006 Building Information Report.
CARRIED 7/0**

SD037/10/06 HEALTH INFORMATION REPORT		
Proponent:	N/A	In Brief Information report
Owner:	N/A	
Officer:	Tony Turner - Principal Environmental Health Officer	
Signatures Author:		
Senior Officer:		
Date of Report	5.10.06	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM051/06/04	

SD037/10/06 COMMITTEE DECISION/Officer Recommended Resolution

**That Council accepts the Health Information Report for August 2006.
CARRIED 7/0**

SD044/10/06 PROPOSED SHED OUTSIDE BUILDING ENVELOPE - LOT 604 BRUNS DRIVE, DARLING DOWNS (P06032/03)		
Proponent	B Richardson	In Brief Application for planning approval to construct a shed outside the building envelope on the above property. An objection has been received from an adjoining neighbour. Approval is recommended subject to standard conditions and conditions addressing the neighbours issues.
Owner	As above	
Officer	M Kenny - Senior Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	6 October 2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report has a declared interest.	
Delegation	Committee – in accordance with resolution SM046/05/04	

SD044/10/06 COMMITTEE DECISION/Officer Recommended Resolution:

The application for approval to commence development of a 162m² shed and attached carport on Lot 604 Bruns Drive, Darling Downs be approved subject to the following conditions:

1. The shed is to be located a minimum of 7.5 metres from the southern boundary.
2. All existing trees to be retained unless otherwise approved in writing by the Council.
3. Two rows of native shrubs and trees are to be planted between the southern side of the shed and the southern boundary of the lot to the satisfaction of the Shire.
4. An amended site plan addressing the requirements of conditions 1 and 3 above and detailing the types, height and densities of shrubs and trees to be planted on the southern side of the shed is to be submitted to Building Services prior to the issue of a Building Licence.
5. The landscaping detailed on the amended site plan detailed above is to be planted by 31 December 2006 and is to be maintained thereafter to the satisfaction of the Shire.
6. The shed is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain or other such setbacks as required by relevant Legislation for other types of effluent disposal systems. Please contact Council's Health Services for setbacks and requirements to other systems.
7. All driveway surfaces are to be constructed of a suitable material such as paving, road base, or coarse gravel to limit the generation of dust and sediments entering nearby creeks and drainage lines.
8. All stormwater to be disposed of within the property and direct disposal of stormwater onto the road or neighbouring properties is prohibited. Driveways and paved areas should be graded to direct flow of stormwater onto lawns or landscaped areas.
9. A building licence is to be obtained prior to commencement of development.
10. The shed is not to be used for any commercial or industrial business (including Home Business) or the parking of any Commercial Vehicles unless with the prior written approval of the Shire.

Advice Note:

1. In relation to condition 3, Council encourages planting of trees endemic to the area on the property.

CARRIED 7/0

Committee Note: The Officer Recommended Resolution was changed by adding an advice note advising that Council encourages planting of trees endemic to the area on the property. The Presiding Member advised that this was a minor amendment which did not alter the intent of the Officer Recommended Resolution.

SD046/10/06 RETROSPECTIVE APPLICATION FOR PLANNING APPROVAL FOR FILLING OF EXISTING GRAVEL PIT – LOT 59 (99) BARGE DRIVE, BYFORD (P04189/03)		
Proponent:	Gavin Klanjscek	In Brief The applicant seeks retrospective planning approval for the filling of an existing gravel pit on the subject property. It is recommended that the application be conditionally approved.
Owner:	As Above	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	6 October 2006	
Previously	NA	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM046/05/04	

SD046/10/06 COMMITTEE DECISION/Officer Recommended Resolution:

A. Subject to no valid objections received from the Department of Conservation and Land Management in the opinion of the Executive Manager Planning and Regulatory Services and in accordance with clause 6.8 of Council's Town Planning Scheme No.2, the application for retrospective planning approval for the filling of an existing gravel pit on Lot 55 (#99) Barge Drive, Byford be approved subject to the following conditions:

1. Development to be in accordance with the approved plans attached to and forming part of this approval.
2. Areas hatched in red on the approved plans are excluded from this approval and any works within this area is not permitted.
3. Within 30 days of the date of this approval, the following plans are to be submitted to the satisfaction of the Executive Manager Planning & Regulatory Services and the Director of Engineering:
 - a) Dust Management Plan;
 - b) Revegetation and Landscape Plan; and
 - c) Stormwater Management Plan.
4. The proponent shall ensure that all loads entering or leaving Lot 55 Barge Drive, Byford sand, soil, clay or other particulate resources likely to blow around, are enclosed or completely covered by a secured tarpaulin or are treated in an alternative manner to suppress dust and prevent dust nuisance to the satisfaction of the Executive Manager Planning & Regulatory Services.
5. A Geotechnical report detailing the composition and compaction requirements of the fill to be submitted to the satisfaction of the Executive Manager Planning and Regulatory Services and the Director of Engineering. This plan is to be implemented in its entirety to the satisfaction of the Shire.
6. Only clean fill shall be used on site in accordance with relevant Department of Environment Guidelines. Compaction and stabilisation must be carried out to the satisfaction of the Director Engineering.

7. A stormwater management plan shall be prepared such that all storm water is appropriately contained on-site, to the satisfaction of the Director Engineering. Erosion shall be controlled so as not to result in sand runoff into adjoining properties.
8. Site works and construction noise levels shall be in accordance with the provisions of the Environmental Protection Act (Noise) Regulations 1997.
9. Any damage caused to the road and waste material deposited on the local road system by the proponent shall be repaired immediately to the satisfaction of the Director Engineering.
10. No clearing of vegetation is permitted except within the area approved fill area.
11. No burning of cleared vegetation shall be permitted.
12. All development in accordance with the approved plan shall only occur between the hours of 7am and 6pm Monday to Saturday only, excluding public holidays and Sundays.
13. A structural engineers report certifying that the fill and all embankments have been constructed to the appropriate standard to retain the fill and to withstand failure, particularly those embankments at dams or at the downstream end of the site is to be submitted to the Shire for approval.
14. All exposed batters to be stabilised and vegetated to the Shire's satisfaction.

B. The Executive Manager Planning and Regulatory Services be authorised to include any conditions on the approval as deemed necessary by Department of Conservation and Land Management.

CARRIED 7/0

Committee Note: The Officer Recommended Resolution was changed by removing numbers 1 and 2 from Part B and moving them to conditions 13 and 14 in Part A. The Presiding Member advised that this was a minor amendment which did not alter the intent of the Officer Recommended Resolution.

SD038/10/06 COMMUNITY SPORT & RECREATION FACILITIES FUND (CSRFF) (A0141-02)		
Proponent:	Lightweight Motorcycle Club	In Brief To support the funding application submitted under the Community Sport and Recreation Facilities Fund.
Owner:	Not applicable	
Officer:	Carole McKee, Community Development Coordinator	
Signatures Author:		
Senior Officer:		
Date of Report	9 October 2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM046/05/04	

SD038/10/06 COMMITTEE DECISION/Officer Recommended Resolution:

Council endorses the following rankings for Community Sport and Recreation Facilities Fund application for 2006/2007:

Organi- sation	Project	Estimated Project Cost \$	CSRFF Grant Sought	Applicant \$	Other \$	Level of Support	Council Priority Ranking
Lightweight Motorcycle Club	Additional water tank and safety fencing for minimising dust and maximising safety at Hendley Park	\$10,490	\$2,286	\$7,544	\$660 (donated materials & voluntary labour)	High (well planned/ & needed by municipality)	1

Advice Note:

1. Planning approval for the proposed works is required from Council as part of the Shire planning approval process. A condition of approval will be imposed that staff engage with the applicants to install an environmental message bulletin and on site signage during events reminding patrons of environmental impacts of off road vehicles in sensitive bushland areas.

CARRIED 7/0

SD048/10/06 PLANNING INFORMATION REPORT		
Proponent	Executive Manager Planning & Regulatory Services	In Brief Information Report.
Officer	Lisa Fletcher - Support Officer Planning & Regulatory Services	
Signatures – Author:		
Senior Officer:		
Date of Report	3 October 2006	
Previously		
Disclosure of Interest		
Delegation	Committee – in accordance with resolution SM046/05/04	

SD048/10/06 COMMITTEE DECISION/Officer Recommended Resolution

The Planning Information Report to 12 October 2006 be received.
CARRIED 7/0

CGAM001/10/06 REQUEST FOR FORMAL ACCESS TO COCKBURN LOCATION 871 NETTLETON ROAD, KARRAKUP		
Proponent	Mr Hugh Smith	In Brief An application has been made by Mr Hugh Smith, owner of Cockburn Location 871, for Council to consider the creation of a gazetted road reserve and construction of an access to service his allotment which is enveloped by State Forest.
Officer	Nick Juricev Manager Engineering	
Signatures - Author:		
Senior Officer:		
Date of Report	5 October 2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

CGAM001/10/06 COMMITTEE DECISION/Officer Recommended Resolution:

The applicant, Mr Hugh Smith, be advised that:

1. Council does not support the creation of a dedicated road reserve through the State Forest to service one property being Cockburn Location 871 Nettleton Road, Karrakup.
2. Council supports the creation of a Right of Way or equivalent through the State Forest to service Cockburn Location 871 Nettleton Road, Karrakup.
3. All costs associated with the survey, design, construction of the access track and crossover, and creation of the Right of Way being at the expense of the applicant.
4. The access track and cross-over at Nettleton Road will require approval by Council.
5. All future maintenance of the Right of Way, access track, and cross-over at Nettleton Road being at the expense of the applicant.
6. The Department of Environment and Conservation be advised of Council's decision in regards to the access to service Cockburn Location 871 Nettleton Road, Karrakup.

CARRIED 7/0

CGAM002/10/06 PALCON GROUP - OVERSIZE VEHICLE APPLICATION TO SERVICE LOT 12 BIRD ROAD, OLDBURY		
Proponent:	Palcon Group	In Brief An application has been made by the Palcon Group for Council consent to use long vehicle (road trains) to cart approximately 3000 tonnes of Timber Product from South Western Highway along Watkins Road, Mundijong Road, King Road, Jackson Road and Bird Road to Lot 12 Bird Road, Oldbury.
Owner:	Not Applicable	
Officer:	Nick Juricev Manager Engineering	
Signatures Author:		
Senior Officer:		
Date of Report:	5 October 2006	
Previously:		
Disclosure of Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.	
Delegation:	Committee in accordance with resolution SM051/06/04	

CGAM002/10/06 COMMITTEE DECISION/Officer Recommended Resolution:

- 1. Council does not endorse the use of oversize vehicles (B-doubles or Road Trains up to 27.5m in length) by the Palcon Group to cart approximately 3000 tonnes of jarrah logs (timber product) from South Western Highway to Lot 12 Bird Road, via Watkins Road and Mundijong Road (between the South Western Highway and Lightbody Road) Jackson Road and Bird Road Oldbury.**
- 2. Council endorses the use of “As of Right” vehicles only to cart approximately 3000 tonnes of timber from South Western Highway to Lot 12 Bird Road, Oldbury subject to the following conditions:**
 - Heavy vehicle speeds on Watkins Road to not exceed 60km/h;**
 - Heavy vehicle speeds on Jackson Road to not exceed 60km/h;**
 - Heavy vehicle speeds on Bird Road to not exceed 60-km/h;**
 - Heavy vehicles are to operate during daylight hours (6am to 6pm) only between Monday to Saturday;**
 - Heavy vehicles are not to operate during school bus travel times and the haulage operators will be required to liaise with School bus companies with respect to school bus times on all roads identified for use.;**
 - The maintenance and upgrade of Jackson Road and Bird Road to facilitate heavy vehicle operations during the identified haulage period of November 2006 to May 2007 will be the responsibility and cost of the proponent;**
 - A traffic management plan being prepared by the proponent and approved by the Shire prior to the commencement of haulage operations.**
 - No haulage is permitted after May 2007 unless first approved by the Council.**
 - Following haulage operations, where damage has resulted to the road pavements in Jackson Road and Bird Road, such damage shall be rectified at the applicants expense.**
- 3. Main Roads WA to be advised in writing of the Council’s decision to the use of oversize vehicles (B-Doubles and Road Trains up to 27.5m in length) by the Palcon Group on Jackson Road and Bird Road.**

Advice Note: The South Western Highway and Thomas Road are approved B-Double and Road Train routes.

Mundijong Road between Lightbody Road and King Road, is able to be utilised by B-Doubles and Road Trains.

CARRIED 7/0

CGAM003/10/06 TENDER NUMBER 012/2006-07 SUPPLY OF TWO GREEN WASTE COLLECTIONS NOVEMBER 2006 AND APRIL 2007 (A1137/05)		
Proponent:	Serpentine Jarrahdale Shire	In Brief Council is requested to endorse the recommendation to appoint a contractor to fulfil the requirements of the Green Waste Collection Contract for the 2006/2007 financial year.
Owner:	Not Applicable	
Officer:	Melissa Traill-Nash – Engineering Technical Officer	
Signatures Author:		
Senior Officer:	Nick Juricev – Manager Engineering	
Date of Report	4 th October 2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

CGAM003/10/06 COMMITTEE DECISION/Officer Recommended Resolution:

That Council accepts the Tender submitted by WA Recycling Service in accordance with Tender 012/2006-07 for the Supply Of Two Green Waste Collections for November 2006 and April 2007 respectively at the following rates (GST Inclusive);

Company	November 2006 Estimated Quantity 150 Tonnes (GST inc)	November 2006 Tonnage rate over and above 150 Tonnes (GST inc)	April 2007 Estimated Quantity 150 Tonnes (GST inc)	April 2007 Tonnage rate over and above 150 Tonnes (GST inc)
WA Recycling Services	\$22,275.00	\$110.00 per/tonne	\$22,275.00	\$110.00 per/tonne

CARRIED 7/0

CGAM004/10/06			TENDER NUMBER 013/2006 WIN & STOCKPILE 30,000 TONNES OF FERRICRETE SCRIVENER RD GRAVEL RESERVE (RS0091/02)		
Proponent		Serpentine Jarrahdale Shire		<div>In Brief</div> <div>Council is requested to accept the offer for the Winning and Stockpiling of 30,000 tonnes of Ferricrete at Council's Scrivener Rd Gravel Pit, Serpentine.</div>	
Officer		Melissa Traill-Nash – Engineering Technical Officer			
Signatures Author:					
Senior Officer:		Nick Juricev – Manager Engineering			
Date of Report		4 th October 2006			
Previously					
Disclosure of Interest		No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act			
Delegation		Committee in accordance with resolution SM051/06/04			

CGAM004/10/06 COMMITTEE DECISION/Officer Recommended Resolution

That Council accepts the Tender submitted by B & J Catalano in accordance with Tender 013/2006 for the Winning & Stockpiling of 30,000 Tonnes of Ferricrete at Scrivener Road Gravel Reserve at the following rates (GST Inclusive):

Tenderer	ITEM	Rate/tonne (Inc GST)	TOTAL COST (inc GST)
B & J CATALANO PTY LTD	Ferricrete	\$7.70	\$231,000.00
	Dayworks D10 Dozer – additional pit rehabilitation	\$308.00	

CARRIED 7/0

CGAM005/10/06 REQUEST TO GRANT THE FARMLAND RATES CONCESSION TO ASSESSMENT A398226 (P06031)		
Proponent:	Mr W J Marron.	In Brief That Council consider granting the farmland rates concession to Assessment A398226, Lot 5076 Thomas Road, Oakford for the 2006/2007 rating year.
Owner:	Shire of Serpentine Jarrahdale	
Officer:	Darren Long Director Corporate Services	
Signatures Author:		
Senior Officer:		
Date of Report	23/09/06	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.	
Delegation	Committee in accordance with resolution SM051/06/04	

CGAM005/10/06 COMMITTEE DECISION/Officer Recommended Resolution:

That Council is prepared to respectively grant the 31% farmland rates concession to Mr W J Marron for Assessment A398226 for the 2006/2007 rating period due to the fact that the applicant had a legitimate reason for his lateness of his application, as he was seriously ill.

CARRIED 7/0

Committee Note: The Officer Recommended Resolution was altered to read as above to include the reason Council was prepared to approve it and to not set precedence. The Presiding Member felt that the changed wording did not alter the intention of the resolution.

CGAM006/10/06		PROPOSAL TO ACQUIRE PORTION OF LOT 58 THOMAS ROAD (P05373)
Proponent	Cr K Murphy	In Brief That the Director Corporate Services be authorised to commence discussions and negotiations with the owner of Lot 58 Thomas Road in relation to purchasing 130m ² of land to allow for the construction of a section of multi-use trail and connect it to the existing trail along the northern side of Thomas Road.
Officer	Darren Long – Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	9 October 2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.	
Delegation	Committee in accordance with resolution SM046/05/04	

CGAM006/10/06 COMMITTEE DECISION/Officer Recommended Resolution

That Council authorise the Director Corporate Services to conduct discussions and negotiations with the landowners of Lot 58 Thomas Road to ascertain their interests in disposing of 130m² from Lot 58.
CARRIED 7/0

CGAM008/10/06		DARLING 200 RALLY – PROPOSAL TO USE JARRAHDAL E HERITAGE PARK AS A SERVICE PARK (P05576/44)
Proponent:	Light Car Club of WA (Inc)	In Brief Council is requested to give consent to Light Car Club of WA for use of part of Jarrahdale Heritage Park for a service park for the Darling 200 Rally.
Owner:	Shire of Serpentine Jarrahdale	
Officer:	Casey Mihovilovich – Manager Finance Services	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

CGAM008/10/06 COMMITTEE DECISION/Officer Recommended Resolution:

- Council enters into a licence agreement with the Light Car Club of WA for the use of Lot 814 Jarrahdale Road (Jarrahdale Heritage Park) by the organisers of the Darling 200 Rally as a service park on the 25th November 2006 for Darling 200 Rally.**
- A licence fee of \$220 (GST inclusive) be charged and provided to Serpentine Jarrahdale Landcare to use in the verge tree planting program to offset carbon emissions.**
- A bond of \$2,000 be lodged by the LCCWA prior to the events staging.**

4. The applicant be advised that where food is to be prepared, handled and sold at the event that appropriate discussions will need to be held with Councils Environmental Health Team regarding food hygiene compliance requirements.
 5. The Chief Executive Officer and Shire President be authorised to sign the licence document attached with this report and marked **CGAM08.3/10/06**.
- CARRIED 5/2**

CGAM009/10/06 MONTHLY FINANCIAL REPORT – AUGUST 2006 (A0924/06)		
Proponent:	Local Government Act 1995	In Brief To receive the Monthly Financial Report as at 31 August 2006
Owner:		
Officer:	Casey Mihovilovich – Manager Finance Services	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995	
Delegation	Committee in accordance with resolution SM051/05/04	

CGAM009/10/06 COMMITTEE DECISION/Officer Recommended Resolution:

Council receives the Monthly Financial Report, as at 31 August 2006, in accordance with Section 6.4 of the Local Government Act 1995.
CARRIED 7/0

CGAM010/10/06 MONTHLY FINANCIAL REPORT – SEPTEMBER 2006 (A0924/06)		
Proponent:	Local Government Act 1995	In Brief To receive the Monthly Financial Report as at 30 September 2006
Owner:		
Officer:	Casey Mihovilovich – Manager Finance Services	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995	
Delegation	Committee in accordance with resolution SM051/05/04	

CGAM010/10/06 COMMITTEE DECISION/Officer Recommended Resolution:

Council receives the Monthly Financial Report, as at 30 September 2006, in accordance with Section 6.4 of the Local Government Act 1995.
CARRIED 7/0

CGAM011/10/06 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent:	Director Corporate Services	In Brief To confirm the creditor payments made during September 2006
Owner:	N/A	
Officer:	Tracy Mladenovic – Assistant Accountant	
Signatures Author:		
Senior Officer:		
Date of Report	3 rd October 2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

CGAM011/10/06 COMMITTEE DECISION/Officer Recommended Resolution:

Council notes the payments authorised under delegated authority and detailed in the list of invoices for the month of August, presented to the Corporate Governance & Asset Services Committee and to Council, per the summaries set out above include Creditors yet to be paid and in accordance with the Local Government (Financial Management) Regulations 1996.

CARRIED 7/0

CGAM012/10/06 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the sundry debtor balances as at 31 August 2006
Owner:	Not Applicable	
Officer:	Megan Mateljan – Finance Officer - Debtors	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

CGAM012/10/06 COMMITTEE DECISION/Officer Recommended Resolution:

That Council receive and note the report on Sundry Debtor Outstanding Accounts as at 30th September 2006.

CARRIED 7/0

CGAM013/10/06 RATE DEBTORS REPORT (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the rates report as at 30 th September 2006
Owner:	Not Applicable	
Officer:	V Tapp – Finance Officer - Rates	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

CGAM013/10/06 COMMITTEE DECISION/Officer Recommended Resolution:

That Council receive and note the report on the Rate Debtors accounts as at 30th September 2006.
CARRIED 7/0

CGAM014/10/06 INFORMATION REPORT		
Proponent:	Director Corporate Services	In Brief To receive the information report to 30 th September 2006
Owner:	Not Applicable	
Officer:	Various	
Signatures Author:		
Senior Officer:		
Date of Report	8 th September, 2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

CGAM014/10/06 COMMITTEE DECISION/Officer Recommended Resolution:

The information report to 8th September, 2006 to be received.
CARRIED 7/0