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NOTE:

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

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET MUNDIJONG ON MONDAY 23RD SEPTEMBER, 2002. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.00PM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

1. ATTENDANCES & APOLOGIES

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

APOLOGIES:

IN ATTENDANCE:

Mr D Price Chief Executive Officer
Mr R Harris Director Asset Services
Mr A Watson Director Sustainable Development
Mr G Dougall Director Corporate Services
Mrs S Langmair Minute Secretary

GALLERY: 4

2. PUBLIC QUESTION TIME

Mr Ewald

- Q Mr Ewald requested planning advice in relation to a strata subdivision application dating back to 1998.
- A The Chief Executive Officer invited Mr Ewald to discuss this matter after the meeting with himself and the Director Sustainable Development.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

RESPONSE TO A QUESTION RAISED BY MRS NIELD, LOT 1 BOOMERANG ROAD, OLDBURY, TAKEN ON NOTICE AT THE ORDINARY COUNCIL MEETING ON MONDAY, 22 JULY 2002

- Q Relates to Lot 12 Bird Road and Lot 1 Jackson Road and to the Environmental Protection Authority stating on 15 August 1999 that the construction for the proposal of Lot 12 and Lot 1 Jackson Road involved the construction of the waste water treatment plant and it said or other form of onsite waste water treatment or disposal system approval is required to be gained from the Executive Director of Public Health via the local authority, I would like to ask if you required that at that time in 1997?
- A The waste water from toilets and other buildings on site is connected for final disposal to a Biocycle system. The Biocycle system is an approved waste water disposal method by the Executive Director of Public Health.

- Q Regarding comments by W Rider regarding wetlands on Lot 1 Jackson Road, can it be explained why the water level on the bush in that bushplan that was referred to is totally dry when the same bushplan 68 on Lot 2 Bird Road has half a metre of water on it? It's inappropriate to drain that important wetland.
- A The Presiding Member advised that this question would be taken on notice, although it may be difficult to answer given rainfall and lots of other factors with very complex hydrology in some areas.
- A The hydrology of wetlands is a complex issue on which Council relies on Government agencies for advice through the referral of development applications. Questions in relation to this matter should be made direct to the Water and Rivers Commission and/or the Bush Forever Unit of the Department for planning and Infrastructure.

QUESTION RAISED BY MR P. NIELD AT ORDINARY COUNCIL MEETING OF 26 AUGUST, 2002

The following question was asked and response given by the Chief Executive officer at the same meeting.

Paul Nield, Lot 1 Boomerang Road, Oldbury

Q Regarding officers dishonest evidence/statement, words to the effect of "not aware of environmental concerns at McLeans site to creditors meeting".

A The Chief Executive Officer requested from Mr Nield a copy of the minutes of the Creditors meeting that he was referring to. The Chief Executive Officer also advised that both himself and the Director Corporate Services had drawn the Administrators attention to McLeans landfill operations at the only meeting of creditors they attended.

Failing Mr Nield providing a copy of the minutes he referred to at the Ordinary Council Meeting of the 26 August 2002 as requested, the Chief Executive Officer has obtained a copy of the minutes referred to from Clout and Associates. The following is an extract taken from minutes of the first meeting of creditors of McLean Recycling Industries Pty Ltd (Administrators appointed) held at the offices of Clout and Associates on the 21 June 2002 at 11:00am referred to by Mr Nield and it is provided to ensure the Council record remains accurate.

"Mr Nilant asked representatives of the Shire of Serpentine-Jarrahdale Council present at the meeting whether they had any environmental concerns regarding the company's operations at its premises. Both representatives (CEO & DCS) referred to the Company's previous landfill operations and noted that the Company had exceeded its approval landfill capacity. They noted that the Company's application for retrospective approval of landfill is currently being assessed and that aside from that issue they were not aware of any other environmental concerns".

RESPONSE TO QUESTION AT AUGUST OCM FROM MR PAUL NIELD – WATER BORES

- Q When were McLean's monitoring bores constructed and how many?
- A No bores have been constructed that Council is aware of.

4. STATEMENTS, PETITIONS, MEMORIALS & DEPUTATIONS

5. ANNOUNCEMENTS BY PRESIDING MEMBER

I was very fortunate to be able to attend the World Summit on Sustainable Development as one of the two Australian International Council for Local Environmental Initiatives (ICLEI) delegates. This was at my own cost with assistance from Western Australian Local Government Association (WALGA). I will be making further reports to Council. Suffice to say that National Government's delegates did convey a sense of urgency for action as they strove to reach agreement on a Plan of Implementation for Agenda 21. Local Government held a parallel session, (the largest of the major groups) with over 700 delegates. From the case studies presented it was clear that there had been considerable implementation already by local government. I was also not at all unhappy with what we had achieved in Serpentine Jarrahdale in our small way. The Earth Charter was very much on the Agenda. There were commitments to action with targets and timelines in areas of water, agriculture, health, energy and biodiversity, although the proposed target for renewables was not agreed to, there was a commitment towards increasing its use - "with a sense of urgency". Over 220 partnerships were also announced between nations and between groups. If any community groups would like me to share knowledge on this experience I am very willing.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Council Meeting 26th August, 2002

COUNCIL DECISION

Moved Cr Hoyer seconded Cr Richards
That the minutes of the Ordinary Council Meeting held on 26th August 2002 be confirmed.
CARRIED 10/0

7. REPORTS OF COMMITTEES & OFFICERS

7.1 Corporate Services Committee Meeting – 9th September, 2002

COUNCIL DECISION

Moved Cr Simpson seconded Cr Scott
That the minutes of the Corporate Services Committee Meeting held on 9th September, 2002 be received.
CARRIED 10/0

C032/09/02 REVIEW OF MODEL CODE OF CONDUCT (A0120)			
Proponent	WA Local Government Association	<u>In Brief</u> Return of survey forwarded by Western Australia Local Government Association seeking input into the review of the model code of conduct.	
Officer	G R Dougall – Director Corporate Services		
Signatures - Author:			
Senior Officer:			
Date of Report	02/09/02		
Previously			
Disclosure of Interest			
Delegation	Council		

Background

In 1996 the Western Australian Local Government Association (then WAMA) distributed a model code of conduct document to assist local governments introduce one of the new requirements of the new Local Government Act 1995. It is also a requirement of the Act that local governments review their code of conduct within twelve months of each ordinary election day. Council has complied with this requirement.

Western Australia Local Government Association is now undertaking a review of the model and has established a working group to progress this review. The review process will operate under the following terms of reference;

1. To seek information on codes of conduct adopted by local government, together with specific information pertaining to operational effectiveness.
2. To examine issues relating to compliance approaches utilised within local government, and relative successes.
3. To examine model codes of conduct in operation within local government, both nationally and internationally.
4. To look at models of best practice in other government spheres, professional bodies and the private sector.

To consider models of enforceability for codes of conduct.

Comments

A survey has been distributed by Western Australia Local Government Association seeking local government feedback on the current operational effectiveness of the current model. ***A copy of this survey and the Code of Conduct is included with the attachments and marked C032.1/09/02 and C032.2/09/02 respectively.***

The survey can be completed on meeting day. The code of conduct used by this Council is based on the model provided by Western Australia Local Government Association and is generally considered to be working well.

It is anticipated that regular updates on the review will be forwarded to Council, when received they will be placed in the information report to keep Councillors informed.

Statutory Environment: Section 5.103 of the Local Government Act 1995.

Policy Implications: No policy implications

Financial Implications: No financial implications

Strategic Implications: No strategic implications

Community Consultation: No community consultation required

Voting Requirements: Normal

COUNCIL DECISION EN BLOC RESOLUTION 01/09

Moved Cr Richards seconded Cr Simpson

That Council adopts en bloc the recommendations of the Corporate Services Committee of the 9th September 2002 in items C032/09/02 and C037/09/02.

CARRIED 10/0

CRC032 COUNCIL DECISION/Committee/Officer Recommended Resolution

The responses to the Western Australian Local Government Association Code of Conduct Survey be forwarded to the Working Group for their information.

CARRIED BY EN BLOC RESOLUTION 01/09

C037/09/02 RATE DEBTORS REPORT (A0917)		
Proponent	Director Corporate Services	<u>In Brief</u> To receive the rates report as at 31 August 2002.
Officer	Evan Parker – Senior Rates Officer	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
Delegation	Council	

Preamble

To receive the overall position of rates and rubbish charges as at 31 August 2002.

Background

Nil

Comments

2002/2003			2001/2002		
	RATES \$	RUBBISH \$		RATES \$	RUBBISH \$
Outstanding 30 June 2002	\$457,676.38	\$33,107.33	Outstanding 30 June 2001	\$354,800.21	\$30,007.78
Levied 2002/2003 - 1 July	\$3,815,125.20	\$632,884.00	Levied 2001/2002 - 1 July	\$3,589,066.26	\$584,724.77
Bushfire Levy	\$280,320.00		Bushfire Levy	\$278,280.00	
Interim Rates	\$0.00		Interim Rates	\$31,990.80	
2002/2003 Penalties	\$0.00		2001/2002 Penalties	\$57,066.00	
Receipts	(\$263,940.50)	(\$45,096.93)	Receipts	(\$3,547,102.04)	(\$585,635.15)
Fire Levy Received	(\$21,374.00)		Fire Levy Received	(\$270,471.00)	
Less Deferred Pensions	(\$35,953.85)		Less Deferred Pensions	(\$35,953.85)	
	\$4,231,853.20	\$620,894.40		\$457,676.38	\$29,097.42

Collection percentages were 6.18% for rates, 6.77% for rubbish charges and 7.6% for bushfire.

Collection percentages were 87.95% for rates, 95.26% for rubbish charges and 97.2% for bushfire.

<u>Statutory Requirement:</u>	No Statutory Requirement
<u>Policy Implications:</u>	No Policy Implications
<u>Budget Implications:</u>	No Budget Implications
<u>Strategic Plan Implications:</u>	No Strategic Implications
<u>Community Consultation:</u>	Community Consultation is not required
<u>Voting Requirements:</u>	Normal

CRC037 COUNCIL DECISION/Committee/Officer Recommended Resolution

Council receive and note the report the Rate Debtors accounts as at 31 August 2002.
CARRIED BY EN BLOC RESOLUTION 01/09

Note: There was a change to the rates report to show the inclusion of the bushfire levy.

7.2 Asset Services – 9th September, 2002

COUNCIL DECISION

Moved Cr Kirkpatrick seconded Cr Needham
That the minutes of the Asset Services Committee Meeting held on 9th September, 2002 be received.
CARRIED 10/0

AS011/09/02 SPEED ZONE REVIEW KINGSBURY DRIVE (R0177-02)		
Proponent	Main Roads WA	In Brief Main Roads seek Council concurrence with proposed alterations to speed zones on Kingsbury Drive between South Western Highway and Scarp Road (east). Concurrence is recommended.
Officer	Robert Harris Director Asset Services	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
Delegation	Council	

Background

In response to a claim that poor signage contributed to any incident on Kingsbury Drive approximately 1.2km east of South Western Highway and road safety audits undertaken in conjunction with the Bristle extractive industry license renewal application, Main Roads undertook a review of speed zones on Kingsbury Drive between South Western Highway and Scarp Road (east).

Based upon the assessment carried out, Main Roads propose to alter the existing 80km/hr limit on this section and to impose a 70km/hr speed zone with a 40km/hr truck zone to the section.

Main Roads seek Council concurrence with the proposed speed zone alteration.

Warning sign requirements in the area will also be reviewed by Main Roads as part of the speed zone alterations.

A copy of correspondence from Main Roads relating to the matter is with the attachments at AS011/09/02.

Comments

The proposed speed zones (general and truck traffic) are considered justifiable and consistent with the requirements and Australian traffic standards used by Main Roads.

It should be noted that the magistrate dealing with the Bristile appeal against Council's decision not to renew the Bristile extractive industry license ordered the license be granted with a condition that vehicles travelling to and from the clay extractive site operate at a maximum speed of 30km/hr on Kingsbury Drive. Main Roads have been advised of this decision, and consider their proposed 40km/hr speed limit for trucks to be more appropriate for truck traffic. At 30km/hr issues of vehicles overtaking slow moving trucks in unsafe locations arise. This does not mean Bristile cartage vehicles can travel at 40km/hr as the condition imposed on these vehicles remains a 30km/hr limit. Policing and enforcement of the 30km/hr limit is, however, an issue as such a condition is beyond the jurisdiction of Main Roads and Police, and outside the capacity of the Council as the authority required to ensure compliance.

Given the content of road safety audits carried out on Kingsbury Drive for both Bristile and Council raise issues of safety which are somewhat compensated for by reduced travel speeds it is entirely appropriate that Council concur with the advice and recommendation of Main Roads on the most appropriate speed zoning.

Sustainability Statement

Reduced speed limits lower the dynamic loadings on road pavements improving road life and sustainability. Reduced risks to other road users and reduced fuel consumption further increase sustainability.

Statutory Environment: Road Traffic Act and Regulations

Policy Implications: No effect on current policy

Financial Implications: No direct financial implications.
Increased truck traffic on Kingsbury Drive will necessitate expenditure to retain a satisfactory trafficable road. This would be exacerbated without implementing the reduced speed zones.

Strategic Plan Implications: Consistent with Councils road safety and traffic management strategies.

Community Consultation: Not required.

Voting Requirement: Normal

Officer Recommended Resolution

Main Roads be advised that Council concurs with the proposed speed zoning of 70km/hr for general traffic and 40km/hr for trucks on Kingsbury Drive between South Western Highway and Scarp Road (east).

COUNCIL DECISION EN BLOC RESOLUTION 02/09

Moved Cr Kirkpatrick seconded Cr Wigg

That Council adopts en bloc the recommendations of the Asset Services Committee of the 9th September 2002 in items AS011/09/02, AS013/09/02, AS014/09/02 and AS015/09/02.

CARRIED 10/0

CRAS011 COMMITTEE DECISION/Committee Recommended Resolution

1. Main Roads be advised that Council concurs with the proposed speed zoning of 70km/hr for general traffic and 40km/hr for trucks on Kingsbury Drive between South Western Highway and Scarp Road (east).
2. Officers pursue avenues of upgrading Kingsbury Drive between South Western Highway and Scarp Road in consultation with the Buddhinyana Monastery to address deficiencies including pursuing funding opportunities from the State Government, Bristle and other stakeholders.

CARRIED BY EN BLOC RESOLUTION 02/09

Note: Part 2 of the resolution was added to the Officer Recommendation to set in progress actions to address identified improvement needs on Kingsbury Drive.

AS013/09/02 TONKIN HIGHWAY/MUNDIJONG ROAD EXTENSION (A0471-03)		
Proponent	Director Asset Services	In Brief A request that State Government expedite the construction of the Tonkin Highway Extension (Mundijong Road Extension) between Mundijong Road and South Western Highway is recommended.
Officer	Robert Harris Director Asset Services	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
Delegation	Council	

Background

The incumbent State Government prior to the 2001 election made commitments that the Tonkin Highway Extension would be developed from Mills Road, Martin, to Armadale Road, by 2004 and to Mundijong Road by 2006.

Main Roads has proceeded with construction preliminaries based upon funding allocations for construction to Armadale Road by 2004 and Thomas Road by 2006. There is no funding provision in Main Roads current forward program for construction south of Thomas Road.

Since construction of the Kwinana Freeway Extension to Thomas Road there has been an increasing traffic desire line between the freeway extension and South Western Highway. This includes a number of enquiries about the potential use of Mundijong Road – Watkins Road as a general permit vehicle route connecting the two roads. Enquirers have been advised Council would not consent to permit vehicles using this route as a through connection.

Comments

Watkins Road and Mundijong Road are presently used by significant light vehicles and “as of right” commercial traffic as a connection between the coastal corridor and South Western Highway. In addition the route is used by livestock permit vehicles with an origin or destination at holding yards along Mundijong Road.

The route brings traffic through residential precincts along Watkins Road with many property accesses and local traffic connections. Watkins Road is in a generally poor condition and early road pavement rehabilitation and/or reconstruction will be required as a consequence of the commercial traffic volumes. In addition the Watkins Road – South Western Highway entry and section of highway between Watkins Road and Jarrahdale Road has poor sight distances for slow moving turning traffic. Upgrading of this section of the highway to improve the safety of turning movements would be costly as the road is on a substantially raised embankment and the road section occupies the whole of the reservation.

Other than livestock permit vehicles with a Mundijong road origin or destination, permit vehicles moving between the South Western Highway and coast use Thomas Road – Anketell Road. This puts additional heavy vehicles through the centre of Byford township, and requires permit vehicles to make right turn movements from Thomas Road onto South Western Highway via an undesirable approach grade intersection.

These issues will be substantially addressed when the Tonkin Highway Extension is developed through to South Western Highway south of Mundijong Road, but in the interim the current issues will continue and be exacerbated with traffic growth. As there is no current timeline for the Tonkin Highway Extension south of Thomas Road it can reasonably be expected a doubling of traffic (8 to 10 year forecast) with attendant issues of increased risk and nuisance will arise.

As it is probable the Tonkin Highway southern extension is beyond ten years away it may be advantageous for Council to promote and advocate the early development of the southern end of the project from Mundijong Road to South Western Highway to restrict traffic on Watkins Road to local traffic only, allowing through traffic including permit vehicles to use Mundijong Road (including extension) from the South Western Highway to Kwinana Freeway. This also provides benefits of removing some of the heavy traffic passing through Byford and from South Western Highway intersections at Thomas Road and Watkins Roads. Benefits would also be gained from reducing the heavy vehicle role of Thomas Road and Anketell Road as these roads will experience significantly increasing light vehicle traffic from expected urban development in the Byford area.

Accordingly, it is considered appropriate that Council make representations to the State Government, Department for Planning and Infrastructure and Main Roads Western Australia for the early development of the Tonkin Highway Extension (Mundijong Road Extension) between South Western Highway and Mundijong Road, ahead of construction of the Tonkin Highway Extension between Thomas Road and Mundijong Road.

A copy of the drawings setting out the location of the relevant section of road are with attachments marked AS013/09/02.

Sustainability Statement

The proposed road construction works would facilitate the transfer of traffic to more appropriate routes with reduced social impact, reduced transport costs, reduced road deterioration and improved road safety.

Statutory Environment:

Local Government Act
Motor Vehicle Act and Regulations

Policy Implications:

Nil

Financial Implications:

Potential reduction in Council road maintenance costs

Strategic Implications:

Accords with Council strategic objectives of developing and effective transport network.

Community Consultation:

Not required at this stage.

The proposed alignment has been subject of Main Roads consultation and further consultation would occur in the design and construction stages.

Voting Requirements: Normal

CRAS013 COUNCIL DECISION/Committee/Officer Recommended Resolution

Council requests the State Government expedite the program for construction of the Tonkin Highway extension between Mundijong Road and South Western Highway to enable the transfer of traffic between South Western Highway and the coastal area and Kwinana Freeway to a more effective route, enhancing safety and removing traffic from residential zones.

CARRIED BY EN BLOC RESOLUTION 02/09

AS014/09/02 SOUTHERN LINK ROAD CONSULTATIVE GROUP REPRESENTATIVES (A0473-04)		
Proponent	WA Local Government Association	In Brief Council is asked to nominate two representatives to join the Southern Link Road Consultative Group established to examine the Southern Link Road concept.
Officer	Robert Harris Director Asset Services	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
Delegation	Council	

Background

The Western Australian Local Government Association hosted a forum on the Southern Link Road concept at Williams on 30th May 2002. The outcome of the forum was a call for the Association to convene a representative group of local government nominees to work with the Department for Planning and Infrastructure on examining the road concept.

The forum outcome was considered at the WALGA State Council meeting on 7th August 2002 when it resolved:-

1. "That the outcomes of the Southern Link Road Forum held in Williams on the 30 May 2002 be noted."
2. "That the proposal for the establishment of a representative Consultative Group comprising representatives of the Association, Central Country Zone, Great Eastern Zone, Great Southern Zone, Peel Zone, Shire of Serpentine-Jarrahdale, City of Armadale and the Department for Planning and Infrastructure to examine the Southern Link Road concept be endorsed."

Council is now requested to nominate two representatives to the Consultative Group.

A copy of the correspondence from Western Australian Local Government Association (WALGA) on the matter is with attachments marked AS014/09/02.

Comments

The role of the Consultative Group is not intended to be a working party to progress and support the development of a Southern Link Road, rather it is intended to ensure local government input to the relevant issues and concerns to be considered in determining the need for a Southern Link Road.

The Consultative Group will be a reference point for the Department of Planning and Infrastructure to liaise with in its proposed review of the concept. The formation of the Group arises from initial concerns from country local governments that the concept was being jeopardised by metropolitan local governments not being prepared to accept heavy vehicle routes which are considered to potentially offer major transport cost savings to rural areas. The Group proposes to ensure a common understanding of all relevant issues to the concept, and to ensure a cost benefit analysis of the Southern Link Road options is fully inclusive of stakeholders and matters of relevance.

As the proposed Department for Planning and Infrastructure assessment of the Southern Link Road concept is expected to consider detailed technical issues related to transport economics and traffic reassignments to alternate options examined, as well as social, environmental and local economic issues, the Council may wish to consider nominating a Councillor representative and an Officer representative to the Consultative Group. Because of strong community interest and the political sensitivities of the Southern Link Road at both the local level and the south-east of the State, the Council may wish to nominate the Shire President as a representative.

Sustainability Statement

The role of the Consultative Group will principally be to ensure all relevant matters are considered in assessing the Southern Link Road concept to ensure triple bottom line sustainability is the basis of any outcome.

<u>Statutory Environment:</u>	Local Government Act
<u>Policy Implications:</u>	Does not conflict with Council current policy/position on the Southern Link Road.
<u>Financial Implications:</u>	Nil at this stage.
<u>Strategic Implications:</u>	Complies with Councils sustainability strategic objectives, and the development and operation of an effective transport network.
<u>Community Consultation:</u>	Regular reporting and consultation with the community on the actions and progress of the Consultative Group will be required.
<u>Voting Requirements:</u>	Normal

CRAS014 COUNCIL DECISION/Committee/Officer Recommended Resolution

Council nominates the Shire President and the Director Asset Services to the Western Australian Local Government Association Southern Link Road Consultative Group established to examine the road concept in conjunction with the Department for Planning and Infrastructure.
CARRIED BY EN BLOC RESOLUTION 02/09

AS015/09/02 INFORMATION REPORT			
Proponent	Director Asset Services		
Officer	Various	Date of Report	Various
Signatures	Author: Senior Officer		
Previously			
Disclosure of Interest			
Delegation	Council		

AS015.1/09/02 WESTERN AUSTRALIA WASTE & RECYCLE CONFERENCE (A0032)

The 2002 Waste and Recycle Conference is to be held 2-4 October 2002 at the Sheraton Perth Hotel, with the theme "Innovation and Integration: Partners in Sustainable Waste Management."

A copy of extracts from the registration brochure is with attachments marked AS015.1/09/02

AS015.2/09/02 TONKIN HWY EXTENSION COMMUNITY CONSULTATION STRATEGY (A0471-03)

On 12 June 2002, the Minister for the Environment granted environmental approval to the Tonkin Highway Extension subject to a number of commitments by the proponent (Main Roads) and several conditions.

One of the proponent commitments related to the preparation and implementation of a Community Consultation Strategy to ensure stakeholders were identified and had adequate input to the project.

A copy of the Community Consultation Strategy is with attachments marked AS015.2/09/02.

Officers from the Main Roads Project Team and the three affected Local Governments have established a Working Group to liaise during the project period. The appointment contractor and any required consultants will be expected to join the Working Group as the project proceeds. This is expected to be the major forum for local government consultation. Other community representatives and groups will be encouraged to participate through consultation groups being established by Main Roads.

AS015.3/09/02 DELEGATED AUTHORITY (A0039)

The Director Asset Services exercised the following delegated authority since the last meeting in August 2002 –

AS-22. Crossing From Public Thoroughfare to Private Land or Private Thoroughfare
Sch 9.1, cl.7(2) LG (Uniform Local Provisions) Regulations 1996 (r12)

Approval was granted to for two (2) property owner for the construction of a crossover.

AF-33 Fire Break Variations

Nil

AS-32 Cemeteries

Reservations	Nil
Burial Approvals	1
Ashes Repositories	1
Monumental Works	1
Grant of Right of Burials issued	3

AS015.4/09/02 ROADWISE (A0491/01)

A copy of the minutes of the meeting held on 1 August 2002 are with the attachments marked AS015.4/09/02.

AS015.5/09/02 STUDENT TRAVEL MUNDIJONG PRIMARY SCHOOL
(RS0137/01)

A response has been received from the Department for Planning and Infrastructure's Contracts Administration Officer regarding the extension of the school bus run.

A copy of the letter from the Department for Planning and Infrastructure is with attachments marked AS015.5/09/02

Officer Recommended Resolution

That the information report to the 30 August 2002 be received .

CRAS015 COUNCIL DECISION/Committee Recommended Resolution

1. That the information report to the 30 August 2002 be received.
 2. In relation to item AS015.1/09/02 that one Councillor registration for joint use by Councillors Murphy and Wigg be approved for attendance to the 2002 Waste and Recycle Conference to be held 2-4 October 2002 at the Sheraton Perth Hotel, with the theme "Innovation and Integration: Partners in Sustainable Waste Management."
- CARRIED BY EN BLOC RESOLUTION 02/09**

Note: The Officer Recommendation was changed to add part 2 to allow Councillor representatives to attend the conference.

7.3 Community & Recreation Development Meeting

Note: There was no Community & Recreation Development Meeting held in the month of September, 2002

7.4 Strategic Management Committee Meeting – 16th September, 2002

COUNCIL DECISION

Moved Cr Scott seconded Cr Richards

That the minutes of the Strategic Management Committee Meeting held on 16th September, 2002 be received.

CARRIED 10/0

SM011/09/02 REGIONAL TELECOMMUNICATION ENQUIRY (A0340)		
Proponent	Federal Government	In Brief
Officer	G R Dougall – Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	06/09/02	
Previously		
Disclosure of Interest		
Delegation	Council	

Background

Development Proposal

The Department of Transport and Regional Development has announced an inquiry into regional communications that will report to Senator Richard Alston, Minister for Communications, Information Technology and the Arts.

The inquiry will look at whether telecommunications services to regional, rural and remote areas of Australia are adequate and whether additional arrangements are needed to ensure further service improvements and developments in technology.

The closing date for submissions is Friday 27 September, 2002.

Comments

The terms of reference to this inquiry are;

- "1. The extent to which the Government's response to the Telecommunications Service Inquiry (TSI), other Government initiatives and further commercial developments have so far addressed the community concerns identified in the TSI Report, particularly with regard to:
 - the timely installation, repair and reliability of basic telephone services;
 - adequate mobile phone coverage at affordable prices; and
 - reliable access to the Internet,and whether ongoing delivery of the Government's response will meet the TSI concerns within a reasonable timeframe.*
- 2. The performance of Telstra, as the primary Universal Service Provider, in meeting Customer Service Guarantee (CSG) standards on the timely installation, repair and reliability of basic telephone services in regional, rural and remote Australia, compared with its performance in metropolitan markets and with overseas carriers in reasonably equivalent markets.*
- 3. Additional Government action that may be taken to remove impediments to the delivery of internet services at 64Kb/s or better and wireless-based technologies in regional, rural and remote Australia.*

4. *The current provision of legislated consumer safeguards including the Universal Service Obligation, the Customer Service Guarantee, untimed local calls and the Telecommunications Industry Ombudsman and whether further action is required to ensure these safeguards are enforced into the future.*
5. *The ongoing commitment of Telstra to a local presence (such as Telstra Country Wide) in regional, rural and remote Australia.*
6. *The most effective means by which the Government can ensure that people in regional, rural and remote Australia can share reasonably equitably - in terms of availability and cost - with residents in metropolitan Australia in the benefits of future advances in telecommunications services resulting from competition and new technologies."*

Council has recently raised issues relating to the local telecommunications infrastructure the member for Canning, Don Randall. A formal proposal to this inquiry may assist in a review of the ability to seek further improvements to the infrastructure in this area for residents and Council. Areas to be raised are the ability to achieve better internet bandwidth, mobile phone communication network coverage and the determination by Telstra that the Shire of Serpentine Jarrahdale is a semi rural area which diminishes its obligations to the area.

Some of the suggested questions proposed by the inquiry application are;

Achievements of recent initiatives and general adequacy of services

- *To what extent has the Government's TSI response, other Government initiatives and further commercial developments addressed community concerns, particularly in relation to fixed telephone, mobile telephone and Internet services?*
- *Has your community received funding support under the Networking the Nation program, and if so, how effective has this been?*
- *Do you think telecommunications services in your community have improved since 2000. Are these services now generally satisfactory in your view? Could these services be improved, and if so, how?*

Fixed telephone connections, reliability, repairs and performance

What are your views on:

- *Telstra's performance in providing timely telephone service connections?*
- *the reliability of Telstra's services?*
- *Telstra's performance in providing timely and effective repair of faults?*
- *the timely and efficient provision of interim or alternative services?*

Internet access

- *How important is access to the Internet to you now? And into the future?*
- *What concerns do you have about Internet access in your areas? What do you think about available data speeds, drop-outs or similar problems, and prices?*
- *Are there any impediments to you or people you know 'getting on' line or accessing higher speed Internet services?*
- *Do you have a view on whether higher speed Internet services are reasonably priced and/or reasonably accessible?*

Sustainability Statement

An improvement in the communications network to this area will bring benefits to residents and businesses alike. The lack of technology in the area may be an impediment to business development in the area or the ability for residents to undertake some work from home,

rather than being required to travel to their place of work every day. This provides the ability for a better living environment and may reduce the amount of traffic on our roads.

Statutory Environment: No statutory environment

Policy Implications: A draft motion has been prepared and submitted to the 2002 National General Assembly of Local Government.

Financial Implications: No financial implications

Strategic Implications: Assist in the development of 1.2, 3.1 and 3.4

Community Consultation: No required

Voting Requirements: Normal

Officer Recommended Resolution

A submission to the Department of Transport and Regional Development be forwarded on behalf of the Shire of Serpentine Jarrahdale for their Inquiry into Regional Communications highlighting the need for improved internet bandwidth, mobile communication infrastructure and review of the area being classified as semi rural by Telstra.

CRSM011 Committee Recommended Resolution

1. A submission to the Department of Transport and Regional Development be forwarded on behalf of the Shire of Serpentine Jarrahdale for their Inquiry into Regional Communications highlighting the need for improved internet bandwidth, mobile communication infrastructure and review of the area being classified as semi rural by Telstra.
2. A copy of Councils submission be provided to the Peel Development Commission, Peel Area Consultative Committee and the Federal Member for Canning.

Note: The Officer Recommended Resolution was altered to include other agencies who may be interested in obtaining a copy of Councils submission.

COUNCIL DECISION

Moved Cr Hoyer seconded Cr Needham that

1. A submission to the Department of Transport and Regional Development be forwarded on behalf of the Shire of Serpentine Jarrahdale for their Inquiry into Regional Communications highlighting the
 - a) need for improved internet bandwidth, mobile communication infrastructure and review of the area being classified as semi rural by Telstra.
 - b) need for Telecommunication service levels to be the same as the Perth Metropolitan Region or at least able to meets social and economic needs of the Peel Region.
2. A copy of Councils submission be provided to the Peel Development Commission, Peel Area Consultative Committee and the Federal Member for Canning.

CARRIED 10/0

Note: The Committee recommendation was changed to reflect the level of service Council was seeking.

SM012/09/02 STATUS REPORT – BYFORD STRUCTURE PLAN IMPLEMENTATION (A0769-07)		
Proponent	Shire of Serpentine-Jarrahdale	In Brief The purpose of this report is to provide a status update on planning for urban development in Byford.
Officer	Andrew Watson – Director Sustainable Development	
Signatures - Author:		
Senior Officer:		
Date of Report	2 September 2002	
Previously		
Disclosure of Interest		
Delegation	Council	

Background

To clarify the current status and the amount of work involved in preparing for urban development at Byford. The (East) Byford Detailed Area Plan project, included in the current budget, is just one of many projects to be carried out to allow Council to adequately control the nature and form of development at Byford. Commencement of the (East) Byford Detailed Area Plan is not necessarily the next logical step in preparing for development at Byford. And while it would be preferable to carry out a number of these steps concurrently, Council simply does not have the resources allocated to the project to be able to achieve other than sequential completion of the project.

It is also timely to provide Councillors with an update of the status of various projects being done within the broad strategic planning program pertaining to Byford urban development.

Comments

WA Planning Commission Approval of Draft Byford Structure Plan

At its meeting of 22nd January 2001 Council adopted the proposed Byford Structure Plan for referral to the WA Planning Commission for final approval.

On 18th July 2001 Council was advised that the Commission had, subject to a number of changes, adopted the proposed Byford Structure Plan as a “draft”. The use of the word draft is very important and goes too much of the confusion currently surrounding the status of the structure plan. In terms of the process set down in Town Planning Scheme No. 2 for the approval of a structure plan, there is no such thing as approval of a draft structure plan. The Planning Commission has simply given an indication, albeit a very clear one, that they will approve the structure plan, but with some significant changes.

Work Required to Allow Final Approval of the Draft Byford Structure Plan

The most significant criteria for finalisation of the Draft Byford Structure Plan is consideration by Council and the Commission “of matters arising from finalisation of the Byford Urban Water Management Strategy”.

Completion of the Water Management Strategy is significantly behind schedule, with submission of a preliminary draft report due in March 2002 and, following a two week period for consideration by Council, submission of the final report by 31st March 2002. A preliminary draft report is yet to be submitted for Council review.

In the week ending 30th August 2002 Council officers provided feedback to the principal consultant on a scope of works for the planning sub-consultant to deal with planning aspects of the project and review the proposed urban water management strategy against the principles and objectives of the draft Byford Structure Plan. This work is expected to take a

number of weeks. The consultant has been requested to submit a preliminary draft report in the interim. Given the need to assess the preliminary draft report and prepare a report for consideration by Council prior to finalisation by the consultant, referral of the Byford Urban Water Management Strategy to Council is not anticipated earlier than November 2002.

Completion of the Byford Urban Water Management Strategy is not the only outstanding matter to allow finalisation of the Draft Byford Structure Plan. Matters required to be addressed are outlined in a letter from the Planning Commission dated 18 July 2001.

A copy of the WA Planning Commissions approval of 18 July 2001 of the Draft Byford Structure Plan is with the attachments marked SM012.1/09/02.

In terms of completing the Byford Structure Plan, if there are significant alterations arising as a consequence of the Byford Urban Water Management Strategy, and at this stage all indications are that there will be, the draft structure plan will have to be readvertised for not less than 21 days (when the proposed structure plan was first advertised it was for 42 days at the direction of the Planning Commission, though in consultation with Council). It could reasonably be expected that preparation of a report dealing with submissions could take a number of months.

Notwithstanding earlier comments about concurrent progress of various components of the broader project, finalisation of the Draft Byford Structure Plan is a prerequisite to commencement of the (East) Byford Detailed Area Plan. Consequently, commencement of the project is not scheduled till the last quarter of the financial year.

Figure 1 provides a flow chart of the major components of the broad strategic planning program pertaining to Byford urban development.

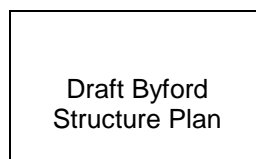
Figure 1

**Approval or
Endorsement
Requirements**

Project/Action

Timing/Notes

Endorsement by WA
Planning Commission



Adopted by Council 22nd
January 2001

Approved by WAPC 18th
July 2001

1. Consideration of
preliminary draft
report by Council.

Project commenced
September 2001.

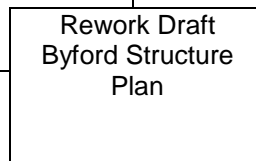
2. Referral to WAPC,
DEP, W&RC.

Preliminary draft report to
Council/agencies
November 2002

3. Adoption of final
report by Council

Consideration of final
report subject to agency
feedback (January 2003)

Consultants

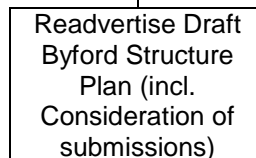
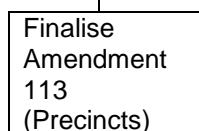


Scope of works to be
prepared upon finalisation
of Byford Urban Water
Management Strategy

Liaise with DPI if
major deviation from
adopted Draft

See PD05A-E for detailed
process

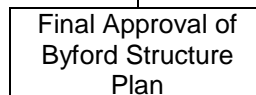
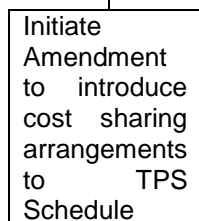
Adoption by Council
for Referral to WAPC



Min. 21 days advertising
plus consideration of
submissions/report
preparation

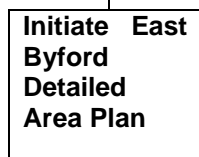
See PD05A-E for detailed
process

WA Planning
Commission



At discretion of DPI/WAPC

Council



Timeline as per brief (yet
to be prepared) est. 4-6
months

In addition to the matters outlined in Figure 1, the draft Byford Structure Plan recommends that Council prepares and adopts the following series of local planning policies to ensure that the “vision for the Byford Structure Plan eventuates to ‘on the ground’ development”:

Small lots subdivision design including:

- Access/laneways
- Orientation

Town Centre design and development guidelines including:

- Facades and materials
- Entrances
- Roof lines
- Colour
- Signage
- Access and parking
- Landscaping

Neighbourhood Centre design and development guidelines including:

- Preferred landuses
- Design issues as for Town Centre

Preferred landscaping treatment

- Landscape master plan
- Living streams/multiple use corridors

Solar access guidelines

- Orientation
- Materials
- Landscaping

Infill Development – Byford Townsite

- Public Open Space cash in lieu
- Road upgrading
- Streetscape
- Lot orientation and access

In addition to the statutory and policy framework to guide development, there is a significant amount of work involved in managing cost contribution arrangements including annual review of scheme/development costs to ensure currency and audit/reporting requirements. Development costs across the whole Structure Plan Area will run into tens of millions of dollars. These costs will be recovered from developers. If Council calculates the costs incorrectly it will be liable for any short fall.

(East) Byford Detailed Area Plan

The Draft Byford Structure Plan recognises the importance of preparing detailed area plans to “enhance, elaborate and expand on the details or provisions contained in a Structure Plan”. In this respect the Draft Byford Structure Plan goes on to state:

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

The exact study area for this project will be established by the precincts defined as part of the finalisation of the Byford Urban Water Management Strategy and final approval of the Byford Structure Plan. The study area is generally the east side of the South Western Highway from Beenyup Road to the northern and eastern extremities of the urban development area.

Local Planning Policy No.2 – Subdivision Within the Byford Structure Plan Area, as adopted on 18th June 2001, enunciates Council’s requirement that a Detailed Area Plan be prepared

for any precinct within the Byford Structure Plan Area before Council will consider any subdivision/amalgamation referral.

Clause 5.18.5.1 of Town Planning Scheme No. 2 establishes the contents of a Detailed Area Plans as follows:

“5.18.5.3 A detailed area plan may include details as to:

- (a) building envelopes;*
- (b) distribution of land uses within a lot;*
- (c) private open space;*
- (d) services;*
- (e) vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;*
- (f) the location, orientation and design of buildings and the space between buildings;*
- (g) advertising signs, lighting and fencing;*
- (h) landscaping, finished site levels and drainage;*
- (i) protection of sites of heritage, conservation or environmental significance;*
- (j) special development controls and guidelines; and*
- (k) such other information considered relevant by the local government.”*

In view of the flexibility imparted by sub clause k (above), a draft local planning policy outlining Council's requirements for detailed area plans is currently being prepared and will be presented to Council's October 2002 round of meetings.

An information note has been prepared summarising the above issues and foreshadowed timeline and process for dealing with subdivision applications.

Sustainability Statement

Does the proposal/issue enhance the environment (built and natural) or minimise environmental damage through best practice in its field?

The purpose of the Urban Development zone is to provide for the orderly planning of large areas of land in a locally integrated manner and within a regional context, whilst retaining flexibility to review planning with changing circumstances. The zone will allow for the following:

- (a) Development of functional communities consistent with orderly and proper planning and the establishment and maintenance of an appropriate level of amenity;
- (b) Variety in the range of lot sizes and dwelling types within communities, consistent with a cohesive and attractively built environment;
- (c) Provision of retail, commercial, industrial and mixed use facilities to service the needs of residents within the communities, and integration of these facilities with social and recreational services, so as to maximise convenience;
- (d) Provision of retail, commercial, business park and industrial facilities to provide local employment opportunities;
- (e) Provision of open space and recreation networks, appropriate community services, school sites and other recreational facilities;
- (f) Establishment of multiple use corridors for drainage, nutrient control and recreational purposes, in association with the development of communities based on the principles of water sensitive urban design;
- (g) Optimisation of convenience in respect of rail, road, cycleway and other transportation means, to and within the communities;

The above components will be facilitated by means of:

- (a) Establishment of Structure Plans to ensure that development takes place in conformity with those Plans;

- (b) Establishment of a mechanism to coordinate the provision of infrastructure for subdivision and development to and within the communities;
- (c) Establishment of an equitable method for the distribution, between owners within area, of the costs of nominated infrastructure components required for subdivision and development of the areas into communities; and
- (d) Provision of administrative procedures to ensure the expedient and successful execution of the above matters.

Does the proposal/issue minimise resource use, eg. Energy, land, water, soil, compared to traditional development approaches?

The Byford Structure Plan is based on the Liveable Neighbourhoods Community Code and has been adapted for local circumstances. Liveable Neighbourhoods is essentially a New Urbanist approach to urban development. Many commentators describe New Urbanism as reflecting only moderate sustainability. This is because New Urbanism does not address issues fundamental to the sustainability of cities such as transport demand management (and other behavioural issues) and nor does it address minimisation of materials and energy usage. The Byford Structure Plan does, however, represent an improvement in urban sustainability compared to traditional suburban development.

Does the proposal/issue use locally available or produced resources?

This issue is not discussed in planning work to date. Given that many of the resource inputs to urban development are what are described as basic raw materials, and being materials which have a low value but relatively high transport cost component, it would be anticipated that many such material inputs will be sourced from as close to the Structure Plan area as possible.

Will the proposal/issue be economically viable in a way that incorporates its external costs?

The external costs of land development include such things as road accident costs, air pollution, noise pollution and travelling time costs. The indirect costs of land development include such things as emergency services, general municipal services and social services such as health and education. There is relatively strong evidence that development in inner and middle areas of a city generates lower external and indirect costs than development in outer areas. This is largely a result of higher population densities, availability of existing infrastructure and the contiguous nature of development. The *Future Perth* project makes the following comments about the cost subsidisation of urban development:

“Most Australian cities exist within a strong development culture which presses for expansion of urban areas on a subsidized basis. This practice does not allow for the internalisation of environmental and social costs into property prices and values and, accordingly, these costs must be borne by the community.”

Is the proposal/issue designed to be socially and environmentally responsible through building up the community and enabling full participation in its implementation?

Urban development at Byford is still in the planning stage. There has been significant community consultation through the 1994 Green Towns Study and preparation of the Draft Byford Structure Plan itself. To a lesser extent opportunity for community consultation was also provided when Amendment No. 69 to Town Planning Scheme No. 2 was prepared and prior to this when alterations to the Metropolitan Region Scheme were put in place in 1996 for the Byford and Mundijong urban cells. Going forward, the community of Byford will be given the opportunity to participate in the preparation of a Detailed Area Plan for the existing Byford town site. For the proposed greenfield's components of the Byford Structure Plan, enabling full participation in its implementation is more problematic because the future community of Byford (west of the highway) hasn't yet made the decision to live in the area.

Does the proposal/issue disadvantage any social groups?

Planning for Byford as represented by work carried out to date does not inherently disadvantage any social group.

Two of the stated purposes of the Urban Development zone are to allow for:

- Variety in the range of lot sizes and dwelling types within communities, consistent with a cohesive and attractively built environment
- Provision of open space and recreation networks, appropriate community services, school sites and other recreational facilities

These requirements inherently provide for opportunities for minority groups not necessarily provided within the existing town of Byford. Given that the Byford Structure Plan covers a substantial development area, and the level of the plan detail is therefore necessarily broad, it is anticipated that detailed area plans and a suite of Council policies that necessarily accompany urban development will impact on this issue.

Does the proposal/issue create long term employment or economic benefit to current and future residents of the shire?

Two of the stated purposes of the Urban Development zone are to allow for:

- Provision of retail, commercial, industrial and mixed use facilities to service the needs of residents within the communities, and integration of these facilities with social and recreational services, so as to maximise convenience; and
- Provision of retail, commercial, business park and industrial facilities to provide local employment opportunities.

The Byford Structure Plan addresses these issues in accordance with current policy and practice. It is not anticipated that a substantial reduction in journeys to work outside the Shire will result from implementation of the Byford Structure Plan. However, full implementation of the structure plan relies on provision of electric rail to Byford. This will result in a modal shift away from private motor vehicles. Thereby increasing the sustainability of Byford.

Statutory Environment:

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

Policy Implications:

Draft Byford Structure Plan
Byford Urban Water Management Strategy Working Papers
(East) Byford Detailed Area Plan project

Financial Implications:

The preparation of a Detailed Area Plan for the existing Byford townsite is budgeted for the 2002/2003 financial year. An amount of \$30,000 is included within PPP525.

Final payment for the Byford Urban Water Management Strategy is budgeted for the 2002/2003 financial year. An amount of \$5525 is included within PPP525.

Finalisation of the Draft Byford Structure Plan is budgeted for the 2002/2003 financial year. An amount of \$10,000 is included within PPP525.

Strategic Implications:

The specific issue of provision of subdivision within Byford relates to strategy 1.2 of Key Result Area People and Community in Council's Strategic Plan which is:

“Plan and develop towns based on compatible mixed uses, local employment opportunities, and walkable neighbourhoods clustered in order to minimise car dependency.”

Community Consultation:

In accordance with Council's Community Consultation Framework and statutory requirements.

Voting Requirements:

Normal

CRSM012 COUNCIL DECISION/Committee/Officer Recommended Resolution

Moved Cr Richards seconded Cr Scott that Council notes the status report on the strategic planning program in preparation for Byford urban development.
CARRIED 10/0

SM016/09/02 ARMADALE REDEVELOPMENT AUTHORITY (A0436-05)		
Proponent	Shire of Serpentine – Jarrahdale	In Brief
Officer	David Price – Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	16/9/02	
Previously		
Disclosure of Interest		
Delegation	Council	

Discussion

Members of the Armadale Redevelopment Authority Board including Gerry Gaunlett, Kay Hallahan, Tony Buti, Linton Reynolds and Henry Zelones entered the meeting at 9.35am.

The Armadale Redevelopment Authority “the Authority” comprises of six members in total and was formed approximately six months ago. Its primary function is to enhance the economic and social development of Armadale.

The Authority's area of responsibility has been separated into six specific areas of responsibility (under the Act) being the CBD of Armadale, south Armadale, Armadale industrial area, Forrestdale Business Park and Champion Lakes. There is also a CALM owned site in the foothills and another TAFE site on Lake Road.

The first six months has mainly involved setting up procedures and protocol. A Service Agreement has also been established with Landcorp who provide the staffing. Office space has now been secured.

The Authority is looking at a redevelopment scheme with the City of Armadale, in lieu of the Council's Town Planning Scheme. This is a conceptual plan which will fit in with what is already existing. It is currently undergoing a transition stage in terms of handing over responsibilities from the City of Armadale to the Redevelopment Authority and won't be fully functional for another 6 - 12 months.

The Authority is trying to hasten the redevelopment of the Armadale rail station precinct of which funds have been allocated from the State Government for this project.

There has been considerable enthusiasm and co-operation from the City of Armadale and people the Authority have been in contact with to date. There is a great expectation for the Authority to revitalise Armadale.

There was discussion relating to the Tonkin Highway extension which is an important infrastructure component of the project. Priorities are for the rail station precinct and the Champion Lakes facility to begin next year.

There was discussion as to how the Authority can influence electrical rail coming to Byford.

There was also discussion relating to telecommunications/broadband services coming to the eastern suburbs and power supplies.

COUNCIL DECISION

Moved Cr Needham seconded Cr Price

The Chief Executive Officer to write a letter of thanks to the Armadale Redevelopment Authority for their presentation to Strategic Management Committee.

CARRIED 10/0

SM017/09/02 BUNBURY WELLINGTON ECONOMIC ALLIANCE, HARVEST HIGHWAY PROJECT (A0168)		
Proponent	Shire of Serpentine-Jarrahdale	In Brief
Officer	David Price – Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	16/9/02	
Previously		
Disclosure of Interest		
Delegation	Council	

Discussion

Mr Peter Reading (Vice-Chairman, Harvest Highway Steering Committee) and Ms Shelley Pike (Chief Executive Officer of Bunbury Wellington Economic Alliance/Chairman, Harvest Highway Steering Committee) entered the meeting at 10.25am.

This project is a partnership between six local government authorities. The project is based on the Harvest Highway from Byford down to the Shire of Manjimup (Walpole). The project received its official funding through Dairy RAP, from the Department of Transport and Regional Services for a 12 month project, however this is dependant also on local government contributions.

The aim of the project is to work towards facilitating a 3% increase in visitor numbers along the South Western Highway. This will be done through developing a range of promotional and marketing strategies.

Training programs for people who work in tourist associated industries will be developed to enable them to become familiar with what happens at other tourist places along the Highway.

The long term goal of this project is to foster employment growth and establish primary products for the tourist trade.

Various slides were shown of:

- Figures of driver habits – routes along the coast as opposed to inland. Coastal towns are far more visited. Need to raise awareness of the Harvest Highway and the fresh produce available
- Product needs to be identified, develop initial awareness and measure progress
- Who can we develop partnerships with, sourcing funding and sponsorship
- Consultation with communities based on Business Plan
- Budget
- Marketing initiatives

Each area along the highway has something different to offer ie Serpentine-Jarrahdale has its equestrian focus.

The project is aiming at complementing work already being done in the Peel Region. There are major strategies happening in this area now and it needs to be determined where this project will fit in.

COUNCIL DECISION

Moved Cr Scott seconded Cr Hoyer

The Chief Executive Officer to write a letter of thanks to Ms Pike for the Harvest Highway presentation to the Strategic Management Committee.

CARRIED 10/0

SM013/09/02 REMOVAL OF WATER CATCHMENT RESERVATION – JARRAHDAL HERITAGE PARK (A0797)		
Proponent	Shire of Serpentine - Jarrahdale	In Brief Council to consider the proposed application to the Department of Planning and Infrastructure for changes to Metropolitan Region Scheme in the South East Districts Omnibus Amendment No.6.
Officer	Carlie Eldridge - Sustainable Development Project Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	4 September 2002	
Previously		
Disclosure of Interest		
Delegation	Council	

Background

Council received notification from the Department of Planning and Infrastructure (DPI) that proposals are being assembled for consideration for inclusion in the next Omnibus amendment to the Metropolitan Region Scheme (MRS) for the South East Districts of the Perth Metropolitan Region.

The Shire currently owns land in Jarrahdale that forms part of the Jarrahdale Heritage Park site that is planned for future residential development. This land is part location 663. Currently this land, under the MRS, is covered by Water Catchments Reservation and is partly zoned rural. Under these zonings development is restricted.

The change to the MRS is a requirement of the brief for the Jarrahdale Heritage Park Management Plan as set out in section 4.1.4:

“Prepare a draft Town Planning Scheme and Metropolitan Region Scheme amendment to address existing zoning issues over the Park. “

Comments

Attached is a letter (and attachment) from the planning consultants for the Jarrahdale Heritage Park Management Plan marked SM013.1/09/02 & SM013.2/09/02 outlining the scope of the proposed amendments to the Metropolitan Region Scheme that they will be submitting on behalf of the Shire to the South East Districts Omnibus Amendment No. 6. The letter will form the basis of a submission to the DPI.

A map of the current and proposed zonings is with the attachments marked SM013.3/09/02.

The timing of submissions necessitates in principle approval of Council prior to a proposal being fully developed.

Sustainability Statement

The development of the Jarrahdale Heritage Park and the associated residential development will contribute greatly to creating a sustainable future for the town of Jarrahdale and also contribute to the sustainability of the Shires residents and businesses.

The residential development of Location 663, Jarrahdale will provide finance for part of the creation of the Jarrahdale Heritage Park. The Heritage Park will provide a resource for the local and regional community that will improve the quality of life through the provision of outdoor recreational spaces that allow for a variety of uses, through the opportunity for tourism and other business enterprises and through recognition and representation of the past history of the town.

The community has been engaged in shaping the future of the Jarrahdale Heritage Park including the residential development through community consultation in the preparation of both the Conservation Plan and the Management Plan for the site. The community will be engaged in the ongoing development and implementation of the Heritage Park.

The residential development will be based on sustainable development principles and will respond to the environmental needs of the area. In the future development of guidelines for the residential development resource use will be addressed, including energy, water, materials and land use. In regards to the water quality, which the Water Reserves Catchment aims to protect, the residential area will be designed integrating water sensitive urban design principles to achieve optimal water quality entering the local water stream.

The creation of the Heritage Park and the residential area provides the opportunity for the development of new businesses to support both the new residents and the visitors to the park and the town, which will provide long -term employment, and economic benefit to the Jarrahdale.

Statutory Environment:

Metropolitan Region Scheme Act

Policy Implications:

Adoption of the proposed changes to the MRS by the Department of Planning and Infrastructure allows for the future residential development of Shire owned land, Location 663, Jarrahdale.

Financial Implications:

Council currently has a loan for this land and changes to the MRS allow for the Shire to capitalise on this investment through residential development.

Strategic Implications:

Strategy 1.2 of Council's Strategic Plan states "Plan and develop towns based on compatible mixed uses, local employment opportunities, and walkable neighbourhoods clustered in order to minimise car dependency." The land subject to the proposed rezoning is planned for residential purposes, which will be based on ESD principles and will relate to the Heritage Park, which is planned to provide local employment opportunities.

Strategy 3.4 of Council's Strategic Plan states "Create a new economic future for Jarrahdale." The Jarrahdale Heritage Park and associated future residential area will go a long way in achieving this strategy.

Community Consultation:

The community has been consulted in the preparation of the management plan and this application to have the MRS amended is part of the management plan brief.

Voting Requirements:

Normal

COUNCIL DECISION EN BLOC RESOLUTION 03/09

Moved Cr Price seconded Cr Richards

That Council adopts en bloc the recommendations of the Strategic Management Committee of the 16th September 2002 in items SM013/09/02 and SM015/09/02.

CARRIED 10/0

CRSM013 COUNCIL DECISION/Committee/Officer Recommended Resolution

Submission be made to the Department of Planning and Infrastructure in the Proposed South East Districts Omnibus Amendment No.6 in regards to Council owned land in the Jarrahdale Heritage Park having the Water Reserves catchment lifted and Part Location 663 having the zoning changed from Rural to Urban to allow for future residential development as generally outlined in the proposal at Attachment SM013.2/09/02.

CARRIED BY EN BLOC RESOLUTION 03/09

SM015/09/02 INFORMATION REPORT		
Proponent	Chief Executive Officer	In Brief Information Report.
Officer	D.E Price – Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	2 September 2002	
Previously		
Disclosure of Interest		
Delegation	Council	

SM015.1/09/02 COMMON SEAL REGISTER REPORT – AUGUST 2002 (A1128)

The Common Seal Register Report for the month of August 2002 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the attachments marked SM015.1/09/02.

SM015.2/09/02 CITY OF ROCKINGHAM – STRATEGIC PLAN 2002-2006 (A0943)

The Strategic Plan 2002-2006 for the City of Rockingham is located in the Councillors Lounge.

SM015.3/09/02 SWAN TAFE CONCEPT PLAN (A1026)

The Concept Plan for Swan TAFE that will come into effect from January 2003 is located in the Councillors Library. Swan TAFE is the result of an amalgamation between the Midland and South East Metropolitan Colleges of TAFE and the Balga Campus of the West Coast College of TAFE and was announced by the Minister for Consumer and Employment Protection and Training in April 2001.

SM015.4/09/02 LOCAL ECONOMIC DEVELOPMENT UNIT COMMITTEE – 23 AUGUST 2002 (A0436-05)

The minutes of the Local Economic Development Unit (LEDU) meeting held on Friday 23rd August, 2002 are with the attachments marked SM015.4/09/02.

SM015.5/09/02 PEEL ECONOMIC DEVELOPMENT UNIT (PEDU) (A0839-06)

The minutes of the Peel Economic Development Unit (Working Group) meeting held on 8th August 2002 and the (Executive Group) minutes on 4th July 2002 are with the attachments marked SM015.5/09/02.

CRSM015 COUNCIL DECISION/Committee/Officer Recommended Resolution

The Information Report to 9 September 2002 be received.
CARRIED BY EN BLOC RESOLUTION 03/09

SM014/09/02 SUBDIVISION PROPOSAL FOR THE FORMER WOOD LOT (LOT 813), CORNER JARRAHDAL ROAD & KINGSBURY DRIVE, JARRAHDAL (P05576)		
Proponent	Shire of Serpentine-Jarrahdale	In Brief Council to endorse a subdivision proposal for the former Millars (Bunnings) wood lot for submission to the WA Planning Commission for approval.
Officer	Director Sustainable Development	
Signatures - Author:		
Senior Officer:		
Date of Report	5 August 2002	
Previously	Not applicable	
Disclosure of Interest		
Delegation	Council	

Owner: Shire of Serpentine-Jarrahdale
 Owner's Address: 6 Paterson Street, Mundijong
 Applicant: Not applicable
 Applicant's Address: Not applicable
 Date of Receipt: Not applicable
 Advertised: Not applicable
 Submissions: Not applicable
 Lot Area: 2.0104 hectares
 L.A Zoning: Special Use – Historic Precinct
 MRS Zoning: Urban
 Byford Structure Plan: Not applicable
 Rural Strategy Policy Area: Currently part State Forest and part Town and Village Urban. Recommended all Town and Village Urban as part of 2001 Rural Strategy Review.
 Rural Strategy Overlay: Landscape Protection Policy Overlay
 Bush Forever: Not applicable
 Date of Inspection: 10th June 2002

Background

At its meeting of September 28th 1999 Council considered and adopted for advertising a Business for a major land transaction, being purchase of land now referred to in part as the Jarrahdale Heritage Park. Council resolved:

“Council Decision

Moved Cr. Price seconded Cr. Kirkpatrick:

- 1. That the draft business plan be advertised for public submissions for a period of six weeks as required under s.3.59 of the Local Government Act 1995.*
 - 2. That the Chief Executive Officer presents to Bunnings Council's proposal to purchase the parcel of land consisting of Lot 282 and portion of Lot 663 as highlighted in the attached plan. The proposal is subject to the prescribed advertising period being dealt with and Council's endorsement by absolute majority of the purchase.*
 - 3. That the CEO of the National Trust is advised of these proceedings and that he is encouraged to engage in dialogue with Bunnings and the Shire with the view to expedite the transfer of the remaining land to the National rust.*
 - 4. That Council will take a socially responsible approach as to how and when any of the dwellings are sold.*
 - 5. That an informal valuation of those existing dwellings be obtained.*
- CARRIED 8/0 by absolute majority”**

At the close of advertising no submissions had been received. Council reconsidered the business plan and proposed land purchase on 22nd November 2002 and resolved:

“Council Decision

Moved Cr. Kirkpatrick seconded Cr. Price:

1. *The CEO be given delegated authority to finalise the purchase of lot 663 and portion of lot 282.*
2. *The CEO and Shire President be authorised to sign and seal all documents relating to the purchase.*
3. *The CEO and President be authorised to proceed with all functions relating to the subdivision and subsequent excision of land relating to lot 282.*
4. *The CEO and Shire President be authorised to proceed with subdividing and advertising for sale (as per market appraisal) cottages contained in the parcel of land when appropriate, and that all attempts be made to allow existing tenants to purchase respective properties.*
5. *The CEO and Shire President be authorised to seek grants aimed at assisting with the development of the land and buildings contained on the purchased land.*
6. *That funds obtained from the sale of the cottages be used firstly to eliminate the debt associated with the purchase of the land after which any proceeds will be used to secure grants for developing the land.*

CARRIED 9/1 by absolute majority

Cr. Fimmano voted against the motion.”

On 30th June 2000 Part Loc. 663 and Lot 801 transferred to Council’s ownership.

Since purchase of the subject land the Chief Executive Officer has provided Council with annual update reports on the Heritage Park Project (in addition to specific issue reports considered by Council from time to time, e.g. conservation plan, management plan consultancy, rental of cottages etc.).

The only matter arising from these update reports directly consequential to the implementation of the business plan was from Council’s meeting of 31 July 2002 wherein it was resolved, among other things:

4. *That prior to point 4 of Council decision of 22 November 1999 being acted upon, Council must approve a concept plan and associated actions for the Jarrahdale Heritage Park (the national rust and Council land).*

In respect of this resolution, the delay on acting on part 4 of Council’s resolution of 22nd November 1999, viz., *“The CEO and Shire President be authorised to proceed with subdividing and advertising for sale (as per market appraisal) cottages contained in the parcel of land when appropriate, and that all attempts be made to allow existing tenants to purchase respective properties.”* is taken to refer to the sale of lots rather than subdivision as a precursor to sale (which has been in part effected).

Comments

The adopted business plan is quite broad in its approach to repayment of the loan taken out for the purchase of the Jarrahdale land. The business plan “anticipates selling some or all of the existing timber dwellings located on the land to service the loan” projecting cash flow as “11 dwellings x \$70,000 = \$840,000”. The business plan goes on, however, to cover development for sale of the remainder of the land as follows:

Council at some stage will consider subdividing the remaining 24 hectares (approximately) over a period of time. At this stage the time frame for further development is uncertain but, for the benefit of providing an indication of what the very least in revenue that could be expected, the following is provided.

Taking into account that between 10% and 20% will be taken up by infrastructure and public open space (say 4 hectares), the remaining area could yield a conservative total of 20 (twenty) blocks of 1 hectare average. At approximately \$40,000 net per block, Council would recover a net sum of \$800,000.00. These are based on today's prices. Subdivision costs are estimated at approximately \$30,000 per block.

Given the broad scope of the original business plan it is not considered necessary to prepare a further business plan for development and subdivision of the wood lot. An officer of the Department of Local Government and Councils Auditors have confirmed this view.

In June 2001 Council received subdivision approval for six (6) lots on Millars Road (containing existing cottages and severance of the former Bunnings wood lot on the south east corner of Jarrahdale Road and Kingsbury Drive. The WA Planning Commission excluded the five (5) cottages and vacant block (between cottages) on Staff Street from the approval.

Titles to the wood lot and Millars Road cottages were issued in July 2002. ***A copy of Deposited Plan 28555 is with the attachment SM014.1/09/02.*** This report relates to Lot 813 on Deposited Plan 28555 (the wood lot).

The Jarrahdale Heritage Park Management Plan process includes the wood lot. In light of the need to generate some revenue from the Jarrahdale Heritage Park assets, the 2002/2003 budget includes subdivision and development of the wood lot. Consequently, development of the wood lot is effectively excised from the management plan process and will progress largely ahead of the management plan process.

Dykstra and Associates were commissioned to report on subdivision options for the site. Six options were investigated ranging from conventional cul-de-sac with 15 lots in the range of 800 to 1300 square metres, through eight (8) strata lots of 400 square metres each nestled in a single common lot, to combinations of rural living sized lots of 2000 – 4000 square metres.

The consultant was requested to further develop a combination of the options discussed to provide a conventional layout with seven (7) lots of 2207 – 3863 square metres without the requirement for additional road works.

A copy of the consultants report, incorporating development layout and costings is provided at attachment SM014.2/09/02.

The option of a lesser number of larger lots was selected to minimise clearing of what, with the exception of the north western corner, is a reasonably heavily vegetated jarrah regrowth block. It is anticipated that building envelopes can be identified which minimise the clearing required on each proposed block.

Cost estimates provided by the consultant are described as conservative. It is anticipated that significant savings can be generated by project managing the works in-house.

The subject land is located within the Special Use – Historic Precinct zone and the development of a house requires planning approval. On this basis, it is proposed to develop a local planning policy dealing with sustainable building design and construction issues. While the subdivision design itself is conventional, the opportunity to trial sustainable building design guidelines on a small scale prior to wider application throughout the Shire is beneficial.

Sustainability Statement

Does the proposal/issue enhance the environment (built and natural) or minimise environmental damage through best practice in its field?

The proposal is conventional low density residential development and will inherently result in an alteration of the environment. Identification of building envelopes and controls on development through the planning process will minimise environmental damage.

Does the proposal/issue minimise resource use, eg. Energy, land, water, soil, compared to traditional development approaches?

The proposal is best described as conventional peri-urban development and consequently results in no inherent minimisation of resource use. Part 4 of the Officer Recommended Resolution provides for the preparation of a local planning policy introducing sustainable building design and construction guidelines for Lot 813 Jarrahdale Road. This element of the proposed development should result in an alteration of resource use relative to traditional building development within the Shire.

Does the proposal/issue use locally available or produced resources?

Minimal resources (other than land) are required for the proposed subdivision. Council Policy CSP2 Buy Local Policy applies to the purchase of goods and services required for the development.

Will the proposal/issue be economically viable in a way that incorporates its external costs?

The external costs of land development include such things as road accident costs, air pollution, noise pollution and travelling time costs. The indirect costs of land development include such things as emergency services, general municipal services and social services such as health and education. There is relatively strong evidence that development in inner and middle areas of a city generates lower external and indirect costs than development in outer areas. This is largely a result of higher population densities, availability of existing infrastructure and the contiguous nature of development. The *Future Perth* project makes the following comments about the cost subsidisation of urban development:

“Most Australian cities exist within a strong development culture which presses for expansion of urban areas on a subsidized basis. This practice does not allow for the internalisation of environmental and social costs into property prices and values and, accordingly, these costs must be borne by the community.”

Is the proposal/issue designed to be socially and environmentally responsible through building up the community and enabling full participation in its implementation?

The initial business plan for a major land transaction was advertised for public comment in 1999. Subdivision of the Jarrahdale Heritage Park was flagged at that time. Subdivision of the wood lot was not included in recent community workshops for the Jarrahdale Heritage Park Management Plan.

Does the proposal/issue disadvantage any social groups?

Low density residential development away from public transport may result in reduced mobility for certain groups within society such as youth, the elderly and disabled persons.

Does the proposal/issue create long term employment or economic benefit to current and future residents of the shire?

The creation of additional lots adjacent the existing Jarrahdale townsite allows for managed increase in the population of the town. In this way, some increase in the viability of existing services could be reasonably anticipated. The proposal will not result in any direct long term employment.

Statutory Environment:

Town Planning and Development Act 1928, Town Planning Scheme No. 2, Local Government Act 1995

Policy Implications:

Jarrahdale Townscape Plan.

Financial Implications:

The objective of the proposal is to generate revenue to offset loan obligations arising from the purchase of the land.

JHP736 JHP Wood Lot Subdivision provides \$50,000 for development costs offset by \$200,000 income from sale of lots. Development costs have now been estimated at approx. \$209 000 offset by approx. \$445,000 from sale of lots. The net impact of debt reduction is as budgeted.

Strategic Implications:

This proposal to lodge a subdivision application for the wood lot relates to strategies 1.2 and 1.6 of Key Result Area People and Community, strategies 2.1, 2.2, 2.3 and 2.4 of Key Result Area Environmental, and strategy 3.4 of Key Result Area Economic Development in Council's Strategic Plan which are:

- "1.2 Plan and develop towns based on compatible mixed uses, local employment opportunities, and walkable neighbourhoods clustered in order to minimise car dependency.*
- 1.6 Maintain the heritage character of the Shire and protect built and natural heritage for economic and cultural benefits.*
- 2.1 Encourage best practise environmental management.*
- 2.2 Make best practise environmental management a foundation of Shire business.*
- 2.3 Work with the community to develop the Towns with Heart program.*
- 2.4 Ensure all actions of Council consider reduction of greenhouse gas emissions.*
- 3.4 Create a new economic future for Jarrahdale."*

Community Consultation:

Not applicable

Voting Requirements:

Normal

Officer Recommended Resolution

1. The Chief Executive Officer is authorised to submit a subdivision application with the WA Planning Commission to subdivide the wood lot (Lot 813 Jarrahdale Road) into seven (7) lots ranging from approximately 2207 square metres to 3863 square metres.
2. Council upon receipt of subdivision approval, endorses development of the wood lot subdivision for sale as described in the feasibility study by Dykstra and Associates at attachment SM014.2/09/02.
3. Council seeks quotations and marketing proposals from suitably qualified real estate professionals for disposal of the wood lot subdivision in accordance with section 3.58 of the Local Government Act 1995 and delegated authority be granted to the Chief Executive Officer to appoint marketing agents upon consideration of marketing proposals in consultation with the Executive Team.
4. Council prepares a local planning policy introducing sustainable building design and construction guidelines for Lot 813 Jarrahdale Road.

CRSM014 Committee Recommended Resolution

1. The Chief Executive Officer is authorised to submit a subdivision application with the WA Planning Commission to subdivide the wood lot (Lot 813 Jarrahdale Road) into seven (7) lots ranging from approximately 2207 square metres to 3863 square metres.
2. Council upon receipt of subdivision approval, endorses development of the wood lot subdivision for sale as described in the feasibility study by Dykstra and Associates at attachment SM014.2/09/02.
3. Council seeks quotations and marketing proposals from suitably qualified real estate professionals for disposal of the wood lot subdivision in accordance with section 3.58 of the Local Government Act 1995 and delegated authority be granted to the Chief Executive Officer to appoint marketing agents upon consideration of marketing proposals in consultation with the Executive Team.
4. Council prepares a local planning policy introducing sustainable building design and construction guidelines for Lot 813 Jarrahdale Road.
5. Community consultation in respect of the proposed woodlot subdivision be carried out upon receipt of a formal subdivision referral from the WA Planning Commission.

Note: The Officer Recommended Resolution was amended to take a staged approach to development in order to properly engage the community.

COUNCIL DECISION

Moved Cr Price seconded Cr Hoyer that

1. The Chief Executive Officer is authorised to submit a subdivision application with the WA Planning Commission to subdivide the wood lot (Lot 813 Jarrahdale Road) into seven (7) lots ranging from approximately 2207 square metres to 3863 square metres as described in the feasibility study by Dykstra and Associates at attachment SM014.2/09/02.
2. Council seeks quotations and marketing proposals from suitably qualified real estate professionals for disposal of the wood lot subdivision in accordance with section 3.58 of the Local Government Act 1995 and delegated authority be granted to the Chief Executive Officer to appoint marketing agents upon consideration of marketing proposals in consultation with the Executive Team.
3. Council prepares a local planning policy introducing sustainable building design and construction guidelines for Lot 813 Jarrahdale Road.
4. Community consultation in respect of the proposed woodlot subdivision be carried out upon receipt of a formal subdivision referral from the WA Planning Commission.

CARRIED 10/0

Note: The reason the Committee Recommended Resolution was changed was to allow for consultation as described in Point 4 before Council's final endorsement.

7.5 Planning Development & Environment Meeting – 16th September, 2002

COUNCIL DECISION

Moved Cr Price seconded Cr Hoyer

That the minutes of the Planning Development & Environment Committee Meeting held on 16th September, 2002 be received.

CARRIED 10/0

B08/09/02 PROPOSED NOTICE TO REMOVE BUILDING FROM SITE – LOT 2 SOUTH WESTERN HIGHWAY, BYFORD (P00804)		
Proponent	Shire of Serpentine-Jarrahdale	<u>In Brief</u>
Officer	Wayne Chant - Principal Building Surveyor	Council is requested to consider a report on the state of the service station building on Lot 2 South Western Highway, Byford.
Signatures - Author:		
Senior Officer:		It is recommended that Council serve notice in accordance with Section 408 of the Local Government (Miscellaneous Provisions) Act 1960 requiring the owner to take the building down.
Date of Report	03.09.02	
Previously	B07/08/02	
Disclosure of Interest		
Delegation	Council	

Owner:	Tan Thong Kie
Owner's Address:	51b Longham Street, Nedlands
Applicant:	N/A
Applicant's Address:	N/A
Date of Receipt:	N/A
Advertised:	Owner requested to resolve the matter of the dilapidated building by letters dated 15.02.02 and 01.08.02
Submissions:	Letter from owner dated 25.04.02 requesting Council stay any action to have the building removed as the owner is negotiating with potential tenants
Lot Area:	4054 m ²
L.A Zoning:	Urban Development
MRS Zoning:	Urban
Byford Structure Plan:	Residential Base Code R20
Rural Strategy Policy Area:	Town and Village Urban Policy Area
Rural Strategy Overlay:	N/A
Municipal Inventory:	N/A
Townscape/Heritage Precinct:	N/A
Bush Forever:	N/A
Date of Inspection:	03.09.02

Background

Previously Council has expressed concern regarding the dilapidated state of the disused service station building on Lot 2 South Western Highway, Byford. At the Planning Development and Environment Committee Meeting held 19 August 2002, Council was advised, via Information Report B07/08/02, that a Notice would be served on the owner of the old service station building situated at the corner of Thomas Road and South Western Highway, Byford. The Notice was to require the removal of the building.

The owner of the site had been contacted by letter back in February of this year and responded with a request that he be given time to negotiate new tenants into the building. No formal proposals have been submitted and the building remains empty. A development

approval was issued in November 2000 for redevelopment of the site. This redevelopment required demolition of the existing building.

Following discussions with Council's Solicitors during the drafting of the Notice, it has been determined that a report be submitted for Council consideration identifying the current state of the building in question.

If Council forms the opinion that the building is a neglected building in accordance with the definition contained within Section 407 of the Local Government (Miscellaneous Provisions) Act 1960, then a Notice may be served under Section 408 of the Local Government (Miscellaneous Provisions) Act 1960 requiring the owner of Lot 2 to pull down the building.

Comments

For the purposes of Section 407 of the Local Government (Miscellaneous Provisions) Act 1960 a neglected building means:

A building which is ruinous, or so dilapidated as to be unfit for use or occupation, or which is from neglect or otherwise in a structural condition prejudicial to property in, or to inhabitants of, the neighbourhood in which it is situated.

The Principal Building Surveyor conducted an inspection of the building on 3 September and the following was noted:

The building in question is a steel/timber frame single storey structure clad with fibro cement sheeting and with a metal deck roof. The age of the building has been estimated at 40 years. The building has a retail area at the northern end adjacent to a mechanical workshop.

Defects noted during the inspection conducted from the road reserve outside the perimeter fence were -

- All glass panes within the shop front have been broken
- Several wall sheets have been broken
- Roof sheeting is missing allowing rain to enter the building
- The prefabricated toilet block at the rear of the building has been removed
- All in ground fuel storage tanks have been removed
- Fuel bowsers have been removed
- The building is no longer secure and all internal linings appear to have been extensively damaged

Judging from the approximate age of the building, it is highly likely that the wall sheeting contains asbestos fibres.

Due to the holes in the building envelope, the building may become pressurised during periods of high winds and this could result in the dislodging of further roof sheets. Given the location of the building at the intersection of two major arterial roads, any dislodged roof sheets may present a considerable traffic hazard.

On the basis of the defects identified and potential damage that may result from flying debris, it is recommended that Council form the opinion that the building is a neglected building as defined in Section 407 of the Local Government (Miscellaneous Provisions) Act 1960, and a Section 408 Notice be served on the owner of Lot 2 requiring the building to be pulled down.

Photographs of the neglected building are with the attachments marked B08/09/02.

Sustainability Statement

N/A

<u>Statutory Environment:</u>	Local Government (Miscellaneous Provisions) Act 1960 Section 407 and 408 Neglected and Dilapidated Buildings
<u>Policy Implications:</u>	N/A
<u>Financial Implications:</u>	Possible legal costs if owner does not comply with Notice requisitions
<u>Strategic Implications:</u>	N/A
<u>Community Consultation:</u>	N/A
<u>Voting Requirements:</u>	Normal

Officer Recommended Resolution

That Council form the opinion that the disused service station building on Lot 2 South Western Highway, Byford is a neglected building as defined in Section 407 of the Local Government (Miscellaneous Provisions) Act 1960, and a Section 408 Notice be served on the owner of Lot 2 requiring the building to be pulled down.

CRB08 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Richards seconded Cr Simpson that this item be deferred for consideration when the request is received to extend the existing planning permit for redevelopment of the site.
CARRIED 10/0

Note: The Officer's Recommended Resolution was changed following the comments made by Mr Ching during question time.

PLANNING

P153/09/02 PROPOSED KENNELS – LOT 19 TUART ROAD, OAKFORD (P00076)		
Proponent	Peter Sayer	In Brief It is recommended that the proposal for a kennel establishment for 26 dogs on the subject property be conditionally approved.
Officer	Lilia Palermo - Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	03/09/02	
Previously		
Disclosure of Interest		
Delegation	Council	

Owner:	PU Zhao Chan Si Pty Ltd
Owner's Address:	136 Tuart Road, Oakford
Applicant:	Peter Sayer
Applicant's Address:	Cliffside Rise, Ballajura 6066
Date of Receipt:	5 th August 2002
Advertised:	to adjoining landowners, CALM and Ministry for Planning and Infrastructure
Submissions:	seven objections received
Lot Area:	4.1430 ha
L.A Zoning:	Rural
MRS Zoning:	Rural
Byford Structure Plan:	N/A
Rural Strategy Policy Area:	Rural
Rural Strategy Overlay:	Peel - Harvey Catchment

Municipal Inventory: N/A
Townscape/Heritage Precinct: N/A
Bush Forever: N/A
Date of Inspection: 27th August 2002

Background

Letter accompanying the application states the following:

“My intentions are to breed and rear greyhounds. My wife and I have been involved in the greyhound industry for more than 10 years now, I have spoken to the neighbors closest to the property and they have given me their approval. As far as noise impact goes to neighboring properties don’t see this problem, as the greyhound is a very placid animal and spends a lot of time resting, Form 1 has been signed by the owners as this application is a condition of sale on the property, I think with the extensive plans to the future this will add a well needed appearance lift to this property. The kennel sizes I have applied for are slightly smaller than shire regulations but the greyhounds are let out 5 to 6 times a day for relief and exercise and the sizes shown are well above average for greyhounds. Greyhounds WA can verify this if needed.

A copy of the site plan and a plan of the kennels is with the attachments marked P153.1/09/02.

Comments

Town Planning Scheme No 2

The subject land is zoned Rural under the Town Planning Scheme No.2 (TPS No.2).

The subject property is zoned Rural under the Town Planning Scheme No. 2. (TPS No. 2) Kennels is a “SA” use in the zoning table in the TPS No. 2.

The purpose of the Rural Zone as identified in the TPS No. 2 is to allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme area.

Clause 5.10.2. of the Scheme states the following in regards to assessing Kennel applications in the Rural Zone:

“Where the Council grants approval to a Kennels use, the following provisions shall apply:

- a) The approval shall be personal to the applicant and shall not be transferred to or assigned to by any other person;*
- b) The approval shall not run with the land in respect of which it was granted;*
- c) The person to whom approval is given by the Council to carry on Kennels use shall not carry on that use at any premises other than the land in respect of which the Council’s approval is granted; and*
- d) If a kennel use has been carried on with the approval of the Council and if in the opinion of the Council such use is causing a nuisance or annoyance to owners or occupiers of land in the neighborhood, the Council may withdraw its approval and after such withdrawal, no person shall upon the subject land carry on a kennel use unless a further approval to do so is granted by the Council.”*

The proposal has been advertised to affected neighboring property owners. There were seven objections received.

The following concerns were expressed in the submissions:

- Noise from the proposed kennels will affect the amenity of the Rural area

- There are a large number of dogs proposed to be kept on the property. The size and the location of the property is not suitable for such a proposal;
- The subject property is abutting a regional park. Kennel proposal has a potential to create a negative impact on the vegetation of the surrounding area
- Kennel proposals should be located in kennel zone
- Location of the kennel facility on the subject property would contribute to increase of offensive odours and flies in the local area
- The proponent can increase the number of dogs in the future above the numbers approved by Council

The Shire of Serpentine-Jarrahdale does not have a designated Kennel zone. The Rural zone is the only zone where kennels might be approved at Council's discretion.

The Environmental Protection Authority Draft Policy No. 3 – "Policies, Guidelines and Criteria for Environmental Impact Assessment. Industrial – Residential Buffer Areas (Separation Distances)" states that a recommended buffer for kennels is 500m. The nearest residence is approximately 100m away from the proposed site for kennels.

Although a proposal such as this would be more suitable for a larger size rural property where the recommended EPA buffer distance for kennels could be achieved and the adverse effects on the existing and possible future residences would be minimized, it also should be taken into account that the proposal complies with the requirements of Dog Act 1976 and also with the Council's Local Law Relating to Dogs.

In regards to concerns expressed by the neighboring property owners about the possibility of increase in offensive odours and flies due to the proposed development, appropriate conditions are recommended to be included as part of the approval, which would address the above mentioned issues. The kennel establishment would be required to comply with the Health Local Law 1999 Part 6 – Keeping of Animals and also Shire of Serpentine-Jarrahdale Local Law relating to Dogs.

The provisions of the Health Local Law and Local Law Relating to Dogs require the owner or occupier of premises where the animals are kept to maintain the structures in a clean condition. The following is stated in Part 6 – Keeping of Animals, Division 1 – General provisions:

"Cleanliness

An owner or occupier of premises in which any animal or bird is kept shall-

- a) keep the premises free from excrement, filth, food waste and all other matter which is or likely to become offensive or injurious to health or attract rats or other vectors of disease;*
- b) when so directed by the Environmental Health Officer, clean and disinfect the premises; and*
- c) keep the premises, so far as possible, free from flies or other vectors of disease by spraying with a residual insecticide or other effective means."*

There was also a concern expressed in one of the submissions that the applicant would be able to increase the number of dogs in the future. The kennel license and the Form 2 approval, if granted, would limit the applicant to 26 dogs as specified in the application. The applicant would not be able to increase the number of dogs kept on the property without Council's approval.

The residents of the local area expressed concerns in regards to noise from dogs on the subject property, which would affect the amenity of the area. There are some conditions recommended to be included as conditions of approval, which are aimed at reducing possible negative impact on the local residents due to noise from the proposed kennel establishment. Although there is a considerable number of established trees and shrubs on

the subject property, it is recommended that the applicant carries out screen planting along all the property boundaries, which would ensure that the proposed kennel establishment is sufficiently screened from the adjoining properties.

It is also recommended that a general Nuisance condition be placed as condition of approval, which states the following:

“The use is not to cause injury to or prejudicially affect the amenity of the neighborhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, vapour, steam, soot, ash, dust, grit, oil liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding on or the land on which the business is conducted.”

Council may withdraw or cancel the kennel Establishment license for the failure to comply with the conditions of approval and substantial breach of the Dog Act 1976.

Government Agency Comments

The proposal was referred to Department for Planning and Infrastructure (DPI) and Department of Conservation and Land Management (CALM) for comments. The subject property is abutting a Metropolitan Region Scheme Reserve owned by DPI. Council didn't receive any comments from the Government agencies by the closing date of the advertising period. It is recommended that the application for establishment of kennels on the subject property be conditionally approved, subject to no objections from the government departments.

Local Dog Act 1976 and Local Law Relating to Dogs

Part IV of the Local Law – Regulation of Dog Kennels states the following:

“Clause 19 - Council shall not permit the establishment or maintenance of an approved kennel establishment in any area if in the opinion of Council such a kennel would adversely affect the environment, be a nuisance to or in any way be detrimental or prejudicial to other residents.”

It is recommended that the application for 26 dogs Kennel establishment be approved. The application is in accordance with the intent of the Rural zone and complies with Council's Local Law Relating to Dogs.

Council's Local Law relating to Dogs requires the facility to be at least 9 metres from the boundary of another property and at least 18 metres from the nearest dwelling. The proposal complies with these requirements. As shown on the site plan submitted by the applicant there is a 10m setback from the adjoining properties boundaries and there are 18 metres distance from the existing shed (proposed to be used as part of the kennel establishment) to the existing house.

All issues raised in the objections to the proposal are addressed by the Dog Act 1976 as amended and Council's Local Law Relating to Dogs. Additional conditions are recommended to be imposed on the kennel establishment to further address local residents concerns.

Environment

A site inspection of this property was conducted by the Council's Environmental Officer. The exact locations of dog runs have not been pegged out because the property is not owned by the proponent at this stage. However, the proposed runs were paced out and possible impacts on vegetation were considered.

The property has been used as a nursery in the past. A good deal of debris has been left behind, some Australian plants which are not native to the area have been planted and

some grasses, Victorian Tea tree and pig face are growing as weeds. The site visit provided a useful opportunity to discuss the environmental values of remnant vegetation on the block and opportunities to revegetate areas to enhance wildlife habitat through additional planting and transplantation.

The block has several trees (greater than 4 metres). Most have been planted and are not remnant but the proponent would like to keep them. There are two portions of the block which have some remnant ground cover including small grass trees. The protection of these two areas can be maintained outside the kennel run developments proposed (as long as the runs described on site are the same as those on the formal proposal).

From an environmental point of view, the proposed kennel is unlikely pose a significant environmental risk if the appropriate conditions, aimed at protecting the existing vegetation, are included as part of the Planning Approval.

Conclusion

It is recommended that the application for establishment of Kennels be conditionally approved. Appropriate measures can be taken in order to reduce any possible negative impact on the properties in the area. Special conditions recommended to be placed as conditions of the Form 2 approval address the concerns expressed in the submissions received during the advertising period.

The application is in accordance with the intent of the Rural zone and complies with Council's Local Law Relating to Dogs.

A site inspection was carried out by the Council's Environmental Officer and appropriate conditions were recommended in order to ensure protection of existing native vegetation from any potential negative impact due to the proposed development. Environmental Conditions were included as part of Officer's recommendations.

Sustainability Statement

Does the proposal/issue enhance the environment (built and natural) or minimise environmental damage through best practice in its field?

Not applicable.

Does the proposal/issue minimise resource use, eg. Energy, land, water, soil, compared to traditional development approaches?

Not applicable.

Does the proposal/issue use locally available or produced resources?

Not applicable.

Will the proposal/issue be economically viable in a way that incorporates its external costs?

Not applicable.

Is the proposal/issue designed to be socially and environmentally responsible through building up the community and enabling full participation in its implementation?

All the adjoining property owners and affected government departments were advised of the proposal and asked for submissions. All the submissions received by the closing date of the advertising period were addressed in the report.

Does the proposal/issue disadvantage any social groups?

There were concerns expressed in some of the submissions from the adjoining property owners that the proposal would affect the rural lifestyle of the residents in the area and has a potential to impact on the natural environment in the locality. All the issues raised were carefully considered and addressed by placing the appropriate conditions as part of the Officer Recommended Resolution.

Does the proposal/issue create long-term employment or economic benefit to current and future residents of the shire?

The proposal to establish 26 dog kennels on the subject property would potentially create a business opportunity and economic benefit for the applicant who is a prospective resident in the Shire.

Statutory Environment:

Town Planning and Development Act 1928
Shire of Serpentine – Jarrahdale Town Planning Scheme No 2.
Dog Act 1976 as amended
Council's Local Law Relating to Dogs

Policy Implications:

Environmental Protection Authority Draft Policy
Industrial – Residential Buffer Areas (Separation Distances)

Financial Implications:

There are no direct implications to Council arising from this application.

Strategic Implications:

This proposal to establish kennels and stables on the subject property relates to strategy 2.1 of the Environment key Result Area in Council's Strategic Plan, which is:
"Encourage best practice environmental management."

Community Consultation:

Advertised to affected property owners, Department for Planning and Infrastructure and CALM

Voting Requirements:

Normal

Officer Recommended Resolution

Subject to no objection being received from the Department for Planning and Infrastructure to the proposal, the application to establish kennels for 26 dogs on Lot 19 Tuart Road, Oakford in accordance with the application received on 5th August 2002, be approved subject to the following conditions:

1. Compliance with Council's Local Law Relating to Dogs
2. Compliance with the provisions of the Dog Act 1976 as amended
3. Compliance with the Health Local Law 1999 Part 6 – Keeping of Animals
4. Fencing to be installed by the applicant and to comply with the following requirements:
 - a) At least 450mm underground and affixed to the concrete slab
 - b) Self closing and locking gates
 - c) Fence to be at least 1.8, metres high
5. Screen planting to be carried around the development in accordance with Council's Landscape and Revegetation Policy No. 4.
6. Landscaping to be implemented by 31 August 2003 and from thereon suitably maintained to Council's satisfaction.
7. All property boundary fences are to be installed, prior to construction of kennels in order to contain dogs within the property boundary.
8. Applicant to comply with the following environmental requirements:

- a) Applicant to fence off Native vegetation at the eastern end of the block and the northern and central area that includes grass trees.
 - b) Small native ground cover plants within areas to be developed as dog runs be transplanted into the two fenced native vegetation restoration areas.
 - c) Additional local native plants be established along the northern and southern sides of the block using a minimum of 250 stems placed a minimum of 3 meters apart.
 - d) The proponent provide a detailed scaled diagram of the kennel proposal that includes the buildings, runs, vegetation to be retained and restored and proposed areas to be revegetated for Council's approval prior to commencement of development
 - e) Trees within dog runs be protected by fencing and a buffer of absorbent material like straw, which is regularly replaced.
 - f) The grass within dog runs is to be maintained at a minimum of 75% cover.
 - g) All solid waste material including unused dog feed, straw from around trees and waste bedding be removed off site and disposed of at an approved facility;
 - h) All liquid waste (other than urine within grassed runs) is to be disposed off in an approved septic system.
9. The use is not to cause injury to or prejudicially affect the amenity of the neighborhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, vapour, steam, soot, ash, dust, grit, oil liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding on or the land on which the business is conducted.

Advice Notes:

1. In accordance with Clause 5.10.2 of Town Planning Scheme No. 2, Council may cancel or withdraw the Kennel Establishment licence for failure to comply with the above conditions of approval or substantial breach of the Dog Act 1976 as amended.
2. The proponent seeks advice from the Landcare Centre regarding bush restoration and grass maintenance in dog runs.
3. The proponent seeks advise from Council's Environmental Officer in regards to condition 8 (a-h) – Environmental Requirements.

CRP153 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Murphy seconded Cr Scott that the application to establish kennels for 26 dogs on Lot 19 Tuart Road, Oakford in accordance with the application received on 5th August 2002, be refused for the following reasons:-

1. The property is too small.
2. The requirement as to a 500 metre buffer distance cannot be satisfied.
3. Potential noise.
4. Seven objections have been received from adjoining landowners.

CARRIED 10/0

Note: The Officer Recommended Resolution was changed to reflect the significant community opposition to the proposal.

P150/09/02 PROPOSED TWO LOT SUBDIVISION – LOT 705 WALTERS ROAD, BYFORD (S119557)		
Proponent	Brook and Marsh Pty Ltd	In Brief It is recommended that the proposal to subdivide the subject lot into two lots is not supported by Council.
Officer	Lilia Palermo – Planning Officer & Andrew Watson – Director Sustainable Development	
Signatures - Author:		
Senior Officer:		
Date of Report	29 th August 2002	
Previously		
Disclosure of Interest		
Delegation	Council	

Owner: J. Griffiths
Owner's Address: 75 Walters Road, Byford
Applicant: Brook and Marsh Pty Ltd
Licensed Surveyors
Applicant's Address: PO Box 91, Gosnells
Date of Receipt: 10 July 2002
Advertised: N/A
Submissions: N/A
Lot Area: 2026 m2
L.A Zoning: Urban Development
MRS Zoning: Urban
Byford Structure Plan: Residential Base R20
Rural Strategy Policy Area: N/A
Rural Strategy Overlay: N/A
Municipal Inventory: N/A
Townscape/Heritage Precinct: N/A
Bush Forever: N/A
Date of Inspection: 24th July 2002

Background

Subdivision application 117522 was refused by the WA Planning Commission on 26 March 2002 for the following reasons:

- “1. The proposed subdivision does not satisfy the objective for co-ordinated planning and development of the Byford Urban Cell as detailed in the Commission's South East Corridor Structure Plan (June 1996).
2. The subject and surrounding land requires comprehensive planning in accordance with the requirements of the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 (including public open space, interface with adjoining lots, drainage design and management, infrastructure contributions, co-ordination of subdivision/development with other land parcels in the general locality and subsequent appropriate lot sizes and design) and approval to the subdivision would be premature and prejudice the overall planning for the area.
3. Approval to the subdivision would set an undesirable precedent for the further subdivision of adjoining land within the “Urban Development” zone without the appropriate comprehensive planning and allocation of specific land use zones via an approved structure plan in accordance with Clause 5.17 and 5.18.6 of the Shire of Serpentine-Jarrahdale Town planning Scheme No. 2.”

In addition, the Commission provided the following advice note to Council:-

- “1. The Commission has noted that the subject land is located in an area which has fragmented ownership, where most subdivision will be on a small scale, and that

individual landowners may not be in a position to prepare a detailed area plan for a precinct, or portion of a precinct, where this is warranted. The Shire may therefore wish to prepare these plans for the Byford townsite where this is warranted by the present lot configuration, to ensure that subdivision/development proceeds in accordance with its expectations.”

Councillors Hoyer, Simpson, Scott and the Director Sustainable Development met with the applicant in April 2002 to discuss a way to progress the application. Given that the main issues outstanding relate to the Byford Urban Water Management study, it was suggested that the applicant may wish to resubmit the application after Council had adopted the Urban Water Management Strategy. In this way Council could, if it were of a mind, provide the WA Planning Commission with a suitable condition of approval. Bearing in mind here, that Council is precluded by clause 5.18.1.1 of Town Planning Scheme No. 2 from supporting a subdivision in the absence of a finally approved structure plan.

The applicant was advised that consideration of the Urban Water Management Strategy was not anticipated earlier than September 2002.

The applicant resubmitted the application in early July 2002.

Note: This course of action does not satisfy the Commissions advice note to Council of 26 March 2002 of which the applicant is aware.

A copy of the subdivision referral is with the attachments marked P150.1/09/02.

Comments

It is proposed to subdivide the subject land into two lots 1022 m² and 1004m². There is an existing house and a shed on one of the lots.

Town Planning Scheme No 2

The subject land is zoned Urban Development under the Town Planning Scheme No.2 (TPS No.2)

Clause 5.18.1.1 of the TPS No.2 states the following:

“The local Government requires a Structure Plan for a Development Area, or for any particular part or parts of a Development Area, before recommending subdivision or approving development of land within the Development Area.”

A detailed area plan for the precinct (which includes the land subject of this application) has not yet been prepared. It is considered premature to comment on a subdivision within the Urban Development Zone in the absence of an Endorsed Detailed Area Plan.

The proposed subdivision is therefore not in accordance with the provisions of the TPS No. 2.

Draft Byford Structure Plan

The subject property is located within the area identified as Base Residential R 20 on the draft Byford Structure Plan. Potentially this allows for the subdivision of blocks down to an average lot size of 500m² and minimum lot area of 450m²

There is a local park identified directly across the road from this proposed subdivision on the draft Byford Structure Plan.

Local Planning Policy No. 2 – Subdivision Within The Byford Structure Plan Area

Local Planning Policy No.2 (LP No. 2) outlines Council's position on subdivision within the Byford Structure Plan Area.

The following is stated in the LPP No.2:

"Where Council receives a referral from the Western Australian Planning Commission or a request from developers or owners of a property within the Byford Structure Plan Area for subdivision within the Byford Structure Plan Area the following shall apply:

- 1. The Council will not consider any application for subdivision in the Byford Structure Plan area unless a Detailed Area Plan is carried out for the precinct/s that the subject lot falls within.*
- 2. The Council will only consider subdivision of lots within the Byford Structure Plan without Detailed Area Plans being previously carried out for the precinct, if they are those five lots zoned 'Rural Living A' fronting Larsen Road on the northern side".*

As there is no Detailed Area Plan prepared for the subject area at the present time, the proposal to subdivide Lot 705 Walters Road, Byford is considered to be contrary to the provisions of the Local Planning Policy No.2.

Sustainability Statement

Does the proposal/issue enhance the environment (built and natural) or minimise environmental damage through best practice in its field?

The purpose of the Urban Development zone is to provide for the orderly and proper planning of the area included as part of the Structure Plan. The proposal to subdivide the subject property within the Urban development Zone in the absence of Detailed Area Plan for the locality has a potential to impact on the future integrated planning for the local area.

Does the proposal/issue minimise resource use, eg. Energy, land, water, soil, compared to traditional development approaches?

Not applicable.

Does the proposal/issue use locally available or produced resources?

Not applicable.

Will the proposal/issue be economically viable in a way that incorporates its external costs?

Not applicable.

Is the proposal/issue designed to be socially and environmentally responsible through building up the community and enabling full participation in its implementation?

Does the proposal/issue disadvantage any social groups?

The proposal to subdivide land within the Byford Structure Plan area prior to Detailed Area Plan for the locality being prepared has a potential to impact on the future provision of open space and recreation networks, appropriate community services, school sites and other facilities, which can affect future communities in the subject area.

Does the proposal/issue create long-term employment or economic benefit to current and future residents of the shire?

Proposed subdivision would be of economic benefit to the owner of the subject site, who is a resident in the Shire, although it may impact on the future ability of the owners of created two lots to subdivide in accordance with the Byford Structure Plan base residential R20 zoning.

Statutory Environment:

Town Planning and Development Act 1928
Town Planning Scheme No.2

Policy Implications:

Local Planning Policy No.2 – “Subdivision Within the Byford Structure Planning Area”

Financial Implications:

Nil

Strategic Implications:

Draft Byford Structure Plan

Community Consultation:

Not Applicable

Voting Requirements:

Normal

Officer Recommended Resolution

The WA Planning Commission be advised that Council does not support the application to subdivide Lot 705 Walters Road, Byford in accordance with the referral dated 5th July 2002, for the following reasons:

1. The proposal is not in accordance with Clause 5.18.1.1 of Council's Town Planning Scheme No. 2 in which a Structure Plan for a Development Area is required before Council can recommend subdivision of land within the Development Area.
2. Subdivision of the subject land is premature until planning issues (including agreement to an overall road pattern, the allocation of land for recreation and other public uses, provision of essential infrastructure such as drainage and effluent disposal and equitable arrangements for developer contributions) are resolved, via a suitable structure plan for the development of Byford town site.
3. Proposed subdivision of the subject land would create an undesirable precedent for the further subdivision of the undeveloped superblocks in the immediate area, which is not appropriate in the absence of structure planning referred to above.
4. Common Infrastructure costings have yet to be determined by Council for the Byford Structure Plan area.

CRP150 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Hoyer seconded Cr Scott that

A. The WA Planning Commission is advised that Council cannot support the application to subdivide Lot 705 Walters Road, Byford in accordance with the referral dated 5th July 2002, for the following reason:

1. Council is constrained by Clause 5.18.1.1. of Council's Town Planning Scheme No. 2 in which a Structure Plan for a Development Area is required before Council can recommend subdivision of land within the Development Area.

B. The WA Planning Commission is advised that with respect to the application to subdivide Lot 705 Walters Road, Byford in accordance with the referral dated 5th July 2002:

1. It is not considered that subdivision of the subject land will adversely affect agreement to an overall road pattern, the allocation of land for recreation and other public uses or provision of essential infrastructure such as effluent disposal as the surrounding area is predominantly developed and the subject land is connected to reticulated sewerage.
2. It is not considered that subdivision of the subject land would create an undesirable precedent for the further subdivision of the undeveloped superblocks in the immediate area as the surrounding area is predominantly developed and / or not connected to reticulated sewerage.
3. Common infrastructure costings have yet to be determined by Council for the Byford Structure Plan area and equitable arrangements for developer contributions are still to be resolved, via a suitable structure plan for the development of the Byford town site and the completion of the Byford Urban Storm Water Strategy. In the event of an approval prior to the creation of a Development Contribution Plan the Owner must make other arrangements satisfactory to the Council with respect to the Owner's contribution towards the provision of Infrastructure in the Development Contribution area.

CARRIED 10/0

Note: The Officer Recommended Resolution was altered to reflect the conditions under which Council would be prepared to see the subdivision proceed.

P138/09/02 TRACKS AND TRAILS CONFERENCE – OCTOBER 2002 (A0494)		
Proponent	Councillor Price	In Brief Councillor Price requests Council endorsement to attend the Second Australian Tracks AND Trails Conference “Making Tracks 2002” to be held in Mandurah in October 2002
Officer	Carole McKee - Community Development Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	5 September 2002	
Previously	Not applicable	
Disclosure of Interest		
Delegation	Council	

Comments

Councillor Price has indicated that he would like to attend the Second Australian Tracks and Trails Conference “Making Tracks 2002” to be held in Mandurah in October 2002.

A copy of the conference outline is in the Councillors Lounge Library for information.

In accordance with Council’s Councillor Training Policy training which costs over \$500 needs to be referred to a Committee of Council for approval.

Given the fact that there are several evening functions Cr Price has requested that approval also be sought to book overnight accommodation for two nights.

Sustainability Statement

The conference will address sustainable trail development through the creation better communication networks, as well as addressing international best practice trail development and promotion.

Statutory Environment:

Nil

Policy Implications:

Council’s Councillor Training Policy is referenced

Financial Implications:

\$865 from MOC 509. Funds are available, approval is sought due to amount being over \$500

Strategic Implications:

Attending the Tracks and Trails Conference for 2002 relates to strategy 3.2 of Economic Development Key Result Area in Council’s Strategic Plan which is: Develop the tourist potential of the natural attractions of the shire.

Community Consultation:

The conference is, in itself, a regional and state community consultation process.

Voting Requirements:

Normal

Officer Recommended Resolution

Councillor Price’s request to attend, and be accommodated for two nights at, the Second Australian Tracks and Trails Conference “Making Tracks 2002” to be held in Mandurah on 13 – 16 October 2002, be endorsed.

COUNCIL DECISION – EN BLOC RESOLUTION 04/09

Moved Cr Hoyer seconded Cr Simpson that Council adoptions en bloc the recommendations of the Planning Development and Environment Committee of the 16th September 2002 in items P138/09/02, P142/09/02 and P143/09/02.
CARRIED 10/0

CRP138 COUNCIL DECISION/Committee Recommended Resolution

That Councillor Price and Murphy's request to attend, and be accommodated for two nights (Cr Murphy does not require accommodation) at, the Second Australian Tracks and Trails Conference "Making Tracks 2002" to be held in Mandurah on 13 – 16 October 2002, be endorsed.

CARRIED BY EN BLOC RESOLUTION 04/09

Note: The Officer Recommended Resolution was altered to allow Cr Murphy to attend the Tracks & Trails Conference.

P142/09/02 AMENDMENT TO RETROSPECTIVE DEVELOPMENT APPROVAL – INERT LANDFILLING – LOT 12 BIRD ROAD, OLDBURY (P00098, P05586/01)		
Proponent	Mitchell Goff & Associates	In Brief Applicant requests an extension of time until 20 October 2002 in order to fulfil and address specific conditions of planning approval for inert landfilling on Lot 12 Bird Road, Oldbury. It is recommended that an amendment to the development approval be granted.
Officer	David Spencer – Senior Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	27 August 2002	
Previously		
Disclosure of Interest		
Delegation	Council	

Owner:	McLean Recycling Industries
Owner's Address:	26 Bird Road, Oldbury
Applicant:	Mitchell Goff & Associates
Applicant's Address:	PO Box 104, West Perth 6872
Date of Receipt:	20 August 2002
Advertised:	Not applicable
Submissions:	Not applicable
Lot Area:	14.15 hectares
L.A Zoning:	Rural
MRS Zoning:	Rural
Byford Structure Plan:	Not applicable
Rural Strategy Policy Area:	Rural
Rural Strategy Overlay:	Not applicable
Municipal Inventory:	Not applicable
Townscape/	
Heritage Precinct:	Not applicable
Bush Forever:	Portion of Lot 1 adjoining Lot 12 classifies for protection
Date of Inspection:	Not applicable

Background

Council at its meeting held 22 July 2002 considered the application for retrospective development approval for inert landfilling on Lot 12 Bird Road, Oldbury, where it was

resolved to approve the proposal subject to the imposition of 24 conditions. More specifically, Conditions 13, 18, 20 and 23 required the following conditions to be completed by 30 or 31 August 2002:

- “13. A post closure management plan is to be submitted to the Shire and the Department of Environmental Protection by August 30th 2002.*
- 18. A bond or bank guarantee sufficient for an independent body to implement the post closure management plan in the event of failure of the owner to fulfil this condition is to be submitted to the Shire prior to 30th August 2002. The calculation of the amount of the bond or bank guarantee is to be presented for approval by Council prior to the lodgement of the bond or bank guarantee.*
- 20. The applicant is required to lodge and progress an amalgamation of Lot 12 Bird Road and Lot 1 Jackson Road prior to August 30th 2002.*
- 23. That a final grading and landscape plan and program be submitted for Council approval by 31 August 2002.”*

Additionally, Condition 17 of the said development approval states that:

“The owner shall install two monitoring bores on the property prior to 1st August 2002 for the purpose of sampling groundwater. One bore is to be installed on the eastern side of the lot. The second bore is to be installed on the western side of the lot. Both bores are to be within the lot boundary.”

Comments

Council is in receipt of a written request from Mitchell Goff and Associates to extend the period of time in which to satisfy certain conditions of the planning approval. A copy of this request is reproduced below:

“McLean Recycling Industries has been placed in receivership, but has now recovered and is currently trading. This has delayed completion of the items listed for completion by 30 August 2002. Therefore, it is requested that an extension until mid-October be granted in order for the client to address the outstanding issues.

Due to the limited timeframes involved, your expedient consideration of this matter would be most appreciated.”

The proponent has also requested re-consideration for an extension of time of Condition 17 of the planning approval.

It is the opinion of Council's Senior Planner that the request put forward by the proponent is reasonable and not unrealistic. Extending the period of time in which to satisfy the conditions of development approval is therefore warranted and supported.

In view of the above, it is recommended that Conditions 13, 17, 18, 20 and 23 be amended to require completion of the said conditions by 20 October 2002.

Sustainability Statement

Does the proposal/issue enhance the environment (built and natural) or minimise environmental damage through best practice in its field?

Submission of Environmental Management Plans by the proponent addresses ways of reducing and managing on-site and off-site environmental impacts such as noise, dust, groundwater run-off control, hours of operation, etc.

Does the proposal/issue minimise resource use, eg. Energy, land, water, soil, compared to traditional development approaches?

The two (2) Environmental Management Plans submitted to Council address issues of resource minimisation on the subject property.

Does the proposal/issue use locally available or produced resources?

In June 1999, Council approved a sawmill addition and development of six (6) timber drying kilns on the subject land.

Will the proposal/issue be economically viable in a way that incorporates its external costs?

McLean Recycling Industries was recently placed in receivership but is currently trading.

Is the proposal/issue designed to be socially and environmentally responsible through building up the community and enabling full participation in its implementation?

Nearby landowners have been previously notified directly in writing and invited to comment on proposal. Key government agencies were also invited to lodge comments in relation to the proposed development.

Does the proposal/issue disadvantage any social groups?

It is considered that social and community groups within the Oldbury locality and wider area will not be adversely impacted by the proposed alterations to conditions of development approval.

Does the proposal/issue create long term employment or economic benefit to current and future residents of the shire?

The existing development on the subject land has the potential of creating employment for people in the short and medium term.

Statutory Environment:

Town Planning and Development Act 1928 (as amended)
Town Planning Scheme No. 2

Policy Implications:

DEP Code of Practice 'Draft Code of Practice for Inert Landfilling Operations' (1997)

Financial Implications:

Lodgement of a bond or bank guarantee to Council will be required. This will be sufficient for an independent body to implement the post closure management plan in the event of failure of the owner to fulfill conditions of approval.

Strategic Implications:

Key Result Area 2.1 of the Shire's Strategic Plan (2001-2005) is pertinent to the development proposal, which states:

"Encourage best practise environmental management."

Community Consultation:

Not applicable

Voting Requirements:

Normal

Officer Recommended Resolution

- A. An amendment to Council's retrospective development approval for the placement of inert landfill in excess of 1.3 metres on Lot 12 Bird Road, Oldbury, dated 30 July 2002 be granted, by modifying Conditions 13, 17, 18, 20 and 23 to read as follows:

13. A post closure management plan is to be submitted to the Shire and the Department of Environmental Protection by October 20th 2002.
 17. The owner shall install two monitoring bores on the property prior to 20 October 2002 for the purpose of sampling groundwater. One bore is to be installed on the eastern side of the lot. The second bore is to be installed on the western side of the lot. Both bores are to be within the lot boundary.
 18. A bond or bank guarantee sufficient for an independent body to implement the post closure management plan in the event of failure of the owner to fulfill this condition is to be submitted to the Shire prior to 20th October 2002. The calculation of the amount of the bond or bank guarantee is to be presented for approval by Council prior to the lodgement of the bond or bank guarantee.
 20. The applicant is required to lodge and progress an amalgamation of Lot 12 Bird Road and Lot 1 Jackson Road prior to October 20th 2002.
 23. That a final grading and landscape plan and program be submitted for Council approval by 20 October 2002.
- B. The Chief Executive Officer be granted delegated authority to initiate legal proceedings for non-compliance with conditions of development approval without further reference to Council.

Advice Note:

1. No further extension will be granted and full compliance with all conditions must be achieved by the dates specified. If necessary, legal action to enforce compliance may be instigated without further reference.

CRP142 COUNCIL DECISION/Committee Recommended Resolution

- A. An amendment to Council's retrospective development approval for the placement of inert landfill in excess of 1.3 metres on Lot 12 Bird Road, Oldbury, dated 30 July 2002 be granted, by modifying Conditions 13, 18, 20 and 23 to read as follows:

13. A post closure management plan is to be submitted to the Shire and the Department of Environmental Protection by October 20th 2002.
18. A bond or bank guarantee sufficient for an independent body to implement the post closure management plan in the event of failure of the owner to fulfill this condition is to be submitted to the Shire prior to 20th October 2002. The calculation of the amount of the bond or bank guarantee is to be presented for approval by Council prior to the lodgement of the bond or bank guarantee.
20. The applicant is required to lodge and progress an amalgamation of Lot 12 Bird Road and Lot 1 Jackson Road prior to October 20th 2002.
23. That a final grading and landscape plan and program be submitted for Council approval by 20 October 2002.

- B. The Chief Executive Officer be granted delegated authority to initiate legal proceedings for non-compliance with conditions of development approval without further reference to Council.

Advice Note:

1. No further extension will be granted and full compliance with all conditions must be achieved by the dates specified. If necessary, legal action to enforce compliance may be instigated without further reference.

CARRIED BY EN BLOC RESOLUTION 04/09

Note: The Officer Recommended Resolution was altered by deleting reference to condition 17 which is the subject of an appeal.

P143/09/02 AMENDMENT TO RETROSPECTIVE DEVELOPMENT APPROVAL – PLACEMENT OF INERT LANDFILL – LOT 1 JACKSON ROAD, OLDBURY (P00098, P05586/01)		
Proponent	Mitchell Goff & Associates	In Brief Applicant requests an extension of time until 20 October 2002 in order to fulfil and address specific conditions of planning approval on Lot 1 Jackson Road, Oldbury. It is recommended that an amendment to the development approval be granted.
Officer	David Spencer – Senior Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	27 August 2002	
Previously		
Disclosure of Interest		
Delegation	Council	

Owner: McLean Recycling Industries
Owner's Address: 26 Bird Road, Oldbury
Applicant: Mitchell Goff & Associates
Applicant's Address: PO Box 104, West Perth
Date of Receipt: 20 August 2002
Advertised: Not applicable
Submissions: Not applicable
Lot Area: 12.39 hectares
L.A Zoning: Rural
MRS Zoning: Rural
Byford Structure Plan: Not applicable
Rural Strategy Policy Area: Rural
Rural Strategy Overlay: Not applicable
Municipal Inventory: Not applicable
Townscape/
Heritage Precinct: Not applicable
Bush Forever: Portion of site classified for protection
Date of Inspection: Not applicable

Background

Council at its meeting held 22 July 2002 considered the application for development approval for inert landfilling on Lot 1 Jackson Road, Oldbury, where it was resolved to approve the proposal subject to the imposition of 24 conditions. More specifically, Conditions 13, 18, 20 and 23 required the following conditions to be completed by 30 or 31 August 2002:

- “13. A post closure management plan is to be submitted to the Shire and the Department of Environmental Protection by August 30th 2002.
- 18. A bond or bank guarantee sufficient for an independent body to implement the post closure management plan in the event of failure of the owner to fulfill this condition is to be submitted to the Shire prior to 30th August 2002. The calculation of the amount of the bond or bank guarantee is to be presented for approval by Council prior to the lodgement of the bond or bank guarantee.
- 20. The applicant is required to lodge and progress an amalgamation of Lot 12 Bird Road and Lot 1 Jackson Road prior to August 30th 2002.
- 23. That a final grading and landscape plan and program be submitted for Council approval by 31 August 2002.”

Additionally, Condition 17 of the said development approval states that:

“The owner shall install two monitoring bores on the property prior to 1st August 2002 for the purpose of sampling groundwater. One bore is to be installed on the eastern side of the lot. The second bore is to be installed on the western side of the lot. Both bores are to be within the lot boundary.”

Comments

Council is in receipt of a written request from Mitchell Goff and Associates to extend the period of time in which to satisfy certain conditions of the planning approval. A copy of this request is reproduced below:

“McLean Recycling Industries has been placed in receivership, but has now recovered and is currently trading. This has delayed completion of the items listed for completion by 30 August 2002. Therefore, it is requested that an extension until mid-October be granted in order for the client to address the outstanding issues.

Due to the limited timeframes involved, your expedient consideration of this matter would be most appreciated.”

The proponent has also requested re-consideration for an extension of time of Condition 17 of the planning approval.

It is the opinion of Council’s Senior Planner that the request put forward by the proponent is reasonable and not unrealistic. Extending the period of time in which to satisfy the conditions of development approval is therefore warranted and supported.

In view of the above, it is recommended that Conditions 13, 17, 18, 20 and 23 be amended to require completion of the said conditions by 20 October 2002.

Sustainability Statement

Does the proposal/issue enhance the environment (built and natural) or minimise environmental damage through best practice in its field?

Submission of Environmental Management Plans by the proponent addresses ways of reducing and managing on-site and off-site environmental impacts such as noise, dust, groundwater run-off control, hours of operation, etc.

Does the proposal/issue minimise resource use, eg. Energy, land, water, soil, compared to traditional development approaches?

The two (2) Environmental Management Plans submitted to Council address issues of resource minimisation on the subject property.

Does the proposal/issue use locally available or produced resources?

In June 1999, Council approved a sawmill addition and development of six (6) timber drying kilns on the subject land.

Will the proposal/issue be economically viable in a way that incorporates its external costs?

McLean Recycling Industries was recently placed in receivership but has now recovered and is currently trading.

Is the proposal/issue designed to be socially and environmentally responsible through building up the community and enabling full participation in its implementation?

Nearby landowners have been previously notified directly in writing and invited to comment on proposal. Key government agencies were also invited to lodge comments in relation to the proposed development.

Does the proposal/issue disadvantage any social groups?

It is considered that social and community groups within the Oldbury locality and wider area will not be adversely impacted by the proposed alteration of conditions of development approval.

Does the proposal/issue create long term employment or economic benefit to current and future residents of the shire?

The existing development on the subject land has the potential of creating employment for people in the short and medium term.

Statutory Environment: Town Planning and Development Act 1928 (as amended)
Town Planning Scheme No. 2

Policy Implications: DEP Code of Practice 'Draft Code of Practice for Inert Landfilling Operations' (1997)

Financial Implications: Applicant will be required to lodge a bond or bank guarantee to Council. This will be sufficient for an independent body to implement the post closure management plan in the event of failure of the owner to fulfill conditions of approval.

Strategic Implications: Key Result Area 2.1 of the Shire's Strategic Plan (2001-2005) is relevant to the development, which states:

"Encourage best practise environmental management."

Community Consultation: Not applicable

Voting Requirements: Normal

Officer Recommended Resolution

A. An amendment to Council's retrospective development approval for the placement of inert landfill in excess of 1.3 metres on Lot 1 Jackson Road, Oldbury, dated 30 July 2002 be granted, by modifying Conditions 13, 17, 18, 20 and 23 to read as follows:

13. A post closure management plan is to be submitted to the Shire and the Department of Environmental Protection by October 20th 2002.
17. The owner shall install two monitoring bores on the property prior to 20 October 2002 for the purpose of sampling groundwater. One bore is to be installed on the eastern side of the lot. The second bore is to be installed on the western side of the lot. Both bores are to be within the lot boundary.
18. A bond or bank guarantee sufficient for an independent body to implement the post closure management plan in the event of failure of the owner to fulfill this condition is to be submitted to the Shire prior to 20th October 2002. The calculation of the amount of the bond or bank guarantee is to be presented for approval by Council prior to the lodgement of the bond or bank guarantee.
20. The applicant is required to lodge and progress an amalgamation of Lot 12 Bird Road and Lot 1 Jackson Road prior to October 20th 2002.

23. That a final grading and landscape plan and program be submitted for Council approval by 20 October 2002.
- B. The Chief Executive Officer be granted delegated authority to initiate legal proceedings for non-compliance with conditions of development approval without further reference to Council.

Advice Note:

1. No further extension will be granted and full compliance with all conditions must be achieved by the dates specified. If necessary, legal action to enforce compliance may be instigated without further reference.

CRP143 COUNCIL DECISION/Committee Recommended Resolution

- A. An amendment to Council's retrospective development approval for the placement of inert landfill in excess of 1.3 metres on Lot 1 Jackson Road, Oldbury, dated 30 July 2002 be granted, by modifying Conditions 13, 18, 20 and 23 to read as follows:

13. A post closure management plan is to be submitted to the Shire and the Department of Environmental Protection by October 20th 2002.
18. A bond or bank guarantee sufficient for an independent body to implement the post closure management plan in the event of failure of the owner to fulfill this condition is to be submitted to the Shire prior to 20th October 2002. The calculation of the amount of the bond or bank guarantee is to be presented for approval by Council prior to the lodgement of the bond or bank guarantee.
20. The applicant is required to lodge and progress an amalgamation of Lot 12 Bird Road and Lot 1 Jackson Road prior to October 20th 2002.
23. That a final grading and landscape plan and program be submitted for Council approval by 20 October 2002.

- B. The Chief Executive Officer be granted delegated authority to initiate legal proceedings for non-compliance with conditions of development approval without further reference to Council.

Advice Note:

1. No further extension will be granted and full compliance with all conditions must be achieved by the dates specified. If necessary, legal action to enforce compliance may be instigated without further reference.

CARRIED BY EN BLOC RESOLUTION 04/09

Note: The Officer Recommended Resolution was altered by deleting reference to condition 17 which is the subject of an appeal.

P144/09/02 RETROSPECTIVE DEVELOPMENT APPROVAL – CARETAKERS' RESIDENCE – LOT 394 JARRAH ROAD, SERPENTINE (P01790)		
Proponent	M Cornhill	In Brief Application is for erection of a caretakers' dwelling at Lot 394 Jarrah Road, Serpentine. It is recommended that the proposal be approved subject to conditions.
Officer	David Spencer – Senior Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	30 August 2002	
Previously	P137/08/02	
Disclosure of Interest		
Delegation	Council	

Owner: M Cornhill
Owner's Address: 471 Jarrah Road , Hopeland
Applicant: As above
Applicant's Address: As above
Date of Receipt: 9 August 2002
Advertised: Yes. Advertising period concludes 16 September 2002
Submissions: None at the time this report was prepared
Lot Area: 46.32 hectares
L.A Zoning: Rural
MRS Zoning: Rural
Byford Structure Plan: Not applicable
Rural Strategy Policy Area: Rural
Rural Strategy Overlay: Not applicable
Municipal Inventory: Not applicable
Townscape/
Heritage Precinct: Not applicable
Bush Forever: Not applicable
Date of Inspection: 19 August 2002

Background

Council has considered numerous applications for development and subdivision on the subject land. At its meeting held 18 February 2002 Council considered an application for a proposed light industrial use. The proposal was approved subject to the imposition of 15 conditions.

The following information was previously supplied by the applicant. It essentially summarises the history of events of the property.

"In the mid 1980's Mr Cornhill has developed a small section of the land, around the northern residence, as a light industrial business for his family. Council has issued Building Licences for a number of buildings on the property including approvals for residences, sheds, workshop and toilet block.

Originally the business started by working for local farmers in terms of fabricating gates and farm sheds. It has grown from then and now represents a substantial local business.

In February 2001 Mr Cornhill applied to the WA Planning Commission for approval to subdivide the property creating two lots of about 8ha and 38ha. The smaller lot was intended to contain the northern most residence and the light industrial business. The Commission refused the application for standard reasons associated with the viability of rural small farming activities.

Mr Cornhill chose to appeal to the Town Planning Appeal Tribunal and in September 2001 his case was heard. The Tribunal did not uphold the appeal for the subdivision but its

findings and through comments of the Chairman it was clear that the current Light Industrial uses being conducted on the site were not challenged. Evidence was submitted that Council had issued certain licences for a variety of buildings all associated with the light industrial uses. At the hearing there was no question to suggest that Council has ever questioned the operations of the business from the property.

Within the transcript of the Tribunal's findings the Chairman addressed the matter of the business activities on site and in two separate occasions is quoted as follows:

But I am saying that it would be unlikely, given the fact that the business has been operating that long with valid licences, that this Tribunal would do anything other than approve it.

It appears, however, that although there is no planning approval for the industrial use there is power in the Scheme to allow unauthorised existing development or retrospective approval for development, and it is clear that this Tribunal would be likely to approve such an application if for some reason it was refused by the Shire. Accordingly it places little weight on the possible illegality of the land use.

The light industrial business is located adjacent to the northern most residence and in terms of buildings and land area comprises about 3.2ha. Besides the buildings the owner uses an area of land for machinery and equipment storage as well as open land for fabrication of sheds and other matters. In total the area to be used for the business could be accommodated on approximately 3.2ha of land.

The exact area can be defined by fencing. Light industrial uses would then be contained to that area."

Lot 394 currently contains three (3) separate dwellings. Two (2) of the existing dwellings presently have building licences, however, the transportable residence on the property is unapproved.

A copy of the site plan is with the attachments marked P144.1/09/02.

A notice was served on the owner of the subject lot in November 1996 requiring the removal of the unapproved transportable residence. Since the serving of this notice, the Town Planning Tribunal considered an appeal against a subdivision refusal on the same lot. This appeal was declined, however, in making his judgment, it was resolved that the Shire has the ability to approve the existing light industrial use on Lot 394. A development application for the light industrial use was subsequently lodged and approved by Council earlier this year. This approval enabled the owner of Lot 394 to pursue a development approval for a caretakers dwelling (being the existing transportable building on the subject land), which is subject to the current application before Council for consideration.

Amendment No. 107

Currently, multiple residences on Rural properties are being used as an argument to subdivide rural zoned properties. The amendment to restrict multiple residences on Rural land except in certain circumstances will prevent use of this argument for further subdivision of viable agricultural land in close proximity to the Perth central area. This will prevent opportunities for subdivision which may reduce the capacity of the land to support various extensive agricultural pursuits.

Scheme Requirements

The applicant has lodged a development application requesting retrospective approval for the construction of a caretakers' residence.

Clause 6.8 of the Town Planning Scheme states:

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

6.8.2 Development which was lawfully commenced shall not be rendered lawful by the occurrence of any subsequent event except the granting of planning approval and the continuation of the development unlawfully commenced shall be deemed to be lawful development upon the granting of planning approval.”

This clause allows Council to approve a development retrospectively if it complies with the provisions of the Town Planning Scheme. The proposed development is seen to comply with the provisions of the Scheme.

Comments

Rural Strategy

The subject property is within the Rural Policy Area under the Rural Strategy. The Rural Strategy lists Industry (Heavy, Light, Noxious) as undesirable land uses in the Rural Policy Area.

One of the main objectives of the Rural Policy Area is to retain and maintain the productive capacity of land and agricultural enterprise.

Statement of Planning Policy No. 11 (SPP 11)

Clause 5.2.2 (iv) of the SPP No.11 states:

“Provision in the town planning scheme to allow more than one dwelling on a lot in the “Priority Agriculture” zone will not be supported unless the additional dwelling(s) provides-

- a) accommodation for workers employed for agricultural and intensive agricultural activities on that holding; and*
- b) the dwelling should generally be clustered in one location, to avoid future subdivision pressures and minimise constraints on adjoining land uses; and*
- c) all services to the dwellings from the lot boundary (including access roads) are shared where practicable.”*

Since the recent gazettal of Statement of Planning Policy No.11 – Agricultural and Rural Land Use Planning by the Western Australian Planning Commission on the 12 March 2002, Council has initiated an amendment to it's Scheme regarding multiple residences in a rural zone.

This proposed amendment will make the following significant changes to Council's stance on multiple residences in a rural zone:

“1. For lots having an area greater than four hectares in the Rural Zone, an application for more than one dwelling on a lot in the “Rural Zone” will not be supported unless the additional dwelling(s) provides -

- a) accommodation for workers employed for agricultural and intensive agricultural activities on that holding in accordance with Council's definition for “Rural Workers Dwelling”; and*
- b) the dwellings should generally be clustered in one location, to avoid future subdivision pressure and minimise constraints on adjoining uses; and*
- c) all services to the dwellings from the lot boundary (including access roads) are shared where practicable.”*

The definition of a “Rural Workers Dwelling” in Council's Scheme means a dwelling:

- “a) which is on land upon which there is already erected a dwelling and which is occupied by persons engaged in occupation of any of the following uses on that same lot: Cottage Industry; Feedlot; Fish Farming; Horticultural Pursuit; Pig Farming; Poultry Farming; Rural Industry or Rural Use; and
- b) which can also accommodate family members involved in the operation of the agricultural enterprise on that land.”

Development Proposal

The applicant has submitted the following information in support of the proposal:

“The dwelling concerned is to be used for family, employee caretaker residence. It is coloured mist green, gyprock internally on steel structure”

No other information was submitted with the application justifying the proposal.

Conclusion

The light industrial use has been carried out on the subject land for approximately 15 years. There were no objections to the proposal at the time this report was written. Any submissions received within the advertising period will be presented at the Committee meeting.

It is considered that the proposal complies with the provisions of the Town Planning Scheme, Rural Strategy and SPP No. 11. It is therefore recommended that the proposal be conditionally approved.

Sustainability Statement

Does the proposal/issue enhance the environment (built and natural) or minimise environmental damage through best practice in its field?

The owner uses adjacent open land to store machinery and equipment as well as fabricated works. This must be preserved in order to provide a working area and buffer from the rural land.

Does the proposal/issue minimise resource use, eg. Energy, land, water, soil, compared to traditional development approaches?

Proposal will result in the accommodation of a worker on-site thus reducing potential travel costs and dependence upon a motor vehicle.

Does the proposal/issue use locally available or produced resources?

The caretakers' residence has already been constructed.

Will the proposal/issue be economically viable in a way that incorporates its external costs?

Not applicable.

Is the proposal/issue designed to be socially and environmentally responsible through building up the community and enabling full participation in its implementation?

The proposal was advertised to nearby and abutting landowners for comment.

Does the proposal/issue disadvantage any social groups?

It is considered that the proposal will not disadvantage any social groups in the immediate or nearby locality.

Does the proposal/issue create long term employment or economic benefit to current and future residents of the shire?

The business employs about 16 people who in the main work off-site. At times the business has employed up to 30 people who have worked in a variety of country locations.

Statutory Environment: Town Planning and Development Act 1928 (as amended)
Town Planning Scheme No. 2
Scheme Amendment No. 127 to TPS 2

Policy Implications: Rural Strategy 1994 (as amended)
Statement of Planning Policy No. 11

Financial Implications: There are no direct financial implications to Council arising from this proposal.

Strategic Implications: Strategy 1.5 of Council's Strategic Plan (2001-2005) is pertinent to the proposal. It states:

"Maintain the heritage character of the Shire and protect built and natural heritage for economic and cultural benefits."

Community Consultation: Proposal advertised for 21 days to nearby and affected landowners. No submissions were received at the time this report was prepared.

Voting Requirements: Normal

COUNCIL DECISION – EN BLOC RESOLUTION 05/09

Moved Cr Hoyer seconded Cr Scott that Council adoptions en bloc the recommendations of the Planning Development and Environment Committee of the 16th September 2002 in items P1144/09/02, P148/09/02, P151/09/02 and P154/09/02.
CARRIED 10/0

CRP144 COUNCIL DECISION/Committee/Officer Recommended Resolution

Pursuant to Clause 6.8.1 of Town Planning Scheme No. 2, Council grant retrospective planning approval to construct a caretakers' dwelling at Lot 394 Jarrah Road, Serpentine, subject to the following conditions:

1. Building approval to be obtained for the caretakers' dwelling from Council's Building Service and the Department of Local Government.
2. Separate effluent disposal system to service the dwelling to be provided to the specifications of the Department of Health WA.
3. Preparation and execution of a legal agreement with Council for the undertaking to register on the Certificate of Title for the subject lot that the caretakers' dwelling shall be restricted to workers and/or members of the occupier of the main dwelling on the land for the existing light industrial use.
4. That all legal costs incurred relative to the above condition to be met by the applicant.

Advice Note:

1. In relation to Condition 3 of this approval, a Notification under Section 70A of the Transfer of Land Act 1893 must be registered over the Certificate of Title to the land the subject of the proposed development prior to building approval being granted to notify owners and prospective purchasers of the land that restrictions apply to the

use of the caretakers' dwelling. The Section 70A Notification shall be prepared by the Shire's solicitors (currently McLeods) to the satisfaction of the Shire of Serpentine-Jarrahdale and all costs of and incidental to the preparation of and registration of the Section 70A Notification including the Shire's solicitors' costs shall be met by the applicant or the owner of the land.

CARRIED BY EN BLOC RESOLUTION NO 05/09

P148/09/02 EXPENDITURE OF TOWNSCAPE FUNDS - INSTALLATION OF PUBLIC TOILET FACILITIES IN THE MUNDIJONG LINEAR PARK (RS0181) & CONSTRUCTION OF A TOWN ENTRY STATEMENT NORTH OF BYFORD (R0001-03)		
Proponent	Mundijong Heritage Group & Byford Townscape Committee	In Brief To consider a request to allocate Townscape funds to the construction of public toilet facilities in the Mundijong Linear Park
Officer	Andrew Watson – Director Sustainable Development	
Signatures - Author:		To consider a request to allocate Townscape funds to the construction of an entry statement at Byford.
Senior Officer:		
Date of Report	2 September 2002	
Previously	Not applicable	
Disclosure of Interest		
Delegation	Council	

Background

Mundijong Heritage Group

The Mundijong Heritage Group considered the ongoing development of the Mundijong Linear Park at its August meeting. In light of the increasing attractiveness of the Linear Park with the provision of covered seating and playground equipment, the Mundijong Heritage Group has identified the provision of public toilet facilities as the next major component of development of the park.

The Mundijong Heritage Group requests that Council makes application in the next round of Regional Development Grants for the construction of a toilet with Council's contribution being allocated from PPG900 Townscape Works.

A kit toilet similar to that recently installed at the Serpentine cemetery has been proposed by the Mundijong Heritage Group as it is similar in design and scale to the "carriage" design of the covered seating units in the Linear Park. An exact location for the proposed facility has not been identified.

Byford Townscape Committee

The Byford Townscape Committee requests that Council underwrites a 50% contribution towards construction of a town entry statement for Byford. The Byford Progress Association Inc will make an application in the next round of Regional Development Grants for the other 50% (Total \$10,000). Council's contribution being allocated from PPG900 Townscape Works.

Comments

Mundijong Linear Park Public Toilets

The kit style toilet installed at Serpentine cost approximately \$20,000 including new septic tank. The facility provides one male and one female toilet and meets disabled access requirements.

Existing toilet facilities are located behind the Mundijong Library adjacent the Council Administration building. The Mundijong Heritage Group asserts that this facility is not located sufficiently close to picnic and play areas in the Linear Park to be used. Anecdotal evidence supports this view.

The provision of new additional public toilet facilities will necessitate additional cleaning and maintenance costs that have not been incorporated into Council's 2002/2003 budget or the five year building maintenance program. Costs in the order of \$5 000 per annum, excluding and major vandalism incident, can be expected. The question must also be asked about the appropriateness of maintaining the existing facilities adjacent to the library in addition to any new facilities in the Linear Park.

Of most concern about the ongoing development of the Linear Park is the lack of detailed design documentation. While development to date has occurred generally in accordance with the Linear Park community art project, concept plans developed as part of the project are inadequate to guide design detail. The level of development that has already occurred necessitates full design documentation of the project prior to further development of the park. Funds are available in PPG799 – Townscape Planning for design documentation at the Linear Park.

Byford Town Entry Statement

Construction of a town entry statement is incorporated in the recommendations of the Byford Townscape Plan.

At its meeting of 16th October 2001 the Byford Townscape Committee resolved:

"Moved Richard Lane, seconded Cr Scott that the Byford logo and entry statement (copy attached) be referred to Council for endorsement."

The concept for the town entry, and a separate Byford logo (used on stationary for the War Memorial opening), was designed by a member of the Byford Townscape Committee. The author of the concept and logo subsequently advised that consent to use the concept and logo was withheld and would only be granted if a commission for detailed design were awarded. Consequently it was not possible to endorse the Byford logo and entry statement as requested by the Byford Townscape Committee.

The Byford Townscape Committee met again on 31st August 2002. The Committee has adopted the following list of priorities for implementation in the current, and subsequent years:

- Entry statements
- Bollards
- Median Strip planting
- Cardup Siding Layby (planting and tables and chairs)
- Redesign of car park
- Lighting around hall
- Art/Sculpture for War Memorial
- Bus Shelters

These priorities are not understood to be in any priority order.

The Townscape Committee is currently having designs and quotations prepared for installation of an entry statement in the Thomas Road Information Bay.

PPG900 Townscape Works

In terms of funding for the project from *PPG900 Townscape Works* (see Financial Implications below) it is relevant that of the budget available this financial year, only \$28,000 was allocated to particular projects as part of the budget process, leaving \$42,000 available to distribution to other townscape works. As yet no process has been adopted by Council for allocation of the balance.

There are completed townscape plans for Byford and Jarrahdale, within the context of which informed decisions could be made about the allocation of additional funds for townscape works. The Jarrahdale Heritage Park Management Plan process will also inform decisions about townscape in Jarrahdale. Detailed design of Jarrahdale Road as a part of intersection works is separately budgeted this financial year. There are no specific townscape plans for Serpentine or Mundijong, though design guidelines for Paterson Street are currently being prepared.

There are active townscape groups in Byford, Mundijong and Jarrahdale. Interest in the formation of a town committee of sorts in Serpentine has influenced Council's decision to stage the pilot community forums meeting in Serpentine this year. With the exception of the Byford Townscape Committee, which has given some thought to prioritising townscape works, none of the other townscape committees has submitted a list of priority works to Council for consideration and adoption. In the absence of adopted schedules of townscape works, Council may wish to consider a request for submissions from the various townscape committees for priority works for 2002/2003 in a similar fashion to those made and considered in respect of the Community Funding Program. This process should not be seen as setting a precedent for future years, with budget allocations to be made by Council based on an adopted schedule of projects prepared in consultation with the various townscape/town committees or through the community forums project (as appropriate).

Sustainability Statement

Does the proposal/issue enhance the environment (built and natural) or minimise environmental damage through best practice in its field?

Council's townscape improvement initiative is a key component of the Agenda 21 Towns With Heart project. The initiative is designed to produce interesting vibrant town environments to facilitate social exchange and improve the economic vitality of the major towns and settlements in the Shire.

Does the proposal/issue minimise resource use, eg. Energy, land, water, soil, compared to traditional development approaches?

Council's townscape improvement initiative relies on making the best use of existing land resources within town and village centres.

The embedded energy costs of resource use in the townscape improvement initiative is not an area to which specific consideration has been given.

Does the proposal/issue use locally available or produced resources?

Council's commitment to townscape improvements has been a focus to date for the Local Agenda 21 Towns with Heart Project. The initiative has seen a multiplier effect, particularly in Byford and Mundijong, through the involvement of community volunteers.

Where possible, material inputs to various townscape improvement works have been sourced locally in accordance with CSWP16 – Guidelines for the Purchase of Goods and Services.

Will the proposal/issue be economically viable in a way that incorporates its external costs?

The external costs of land development include such things as road accident costs, air pollution, noise pollution and travelling time costs. The indirect costs of land development include such things as emergency services, general municipal services and social services such as health and education. By creating more vibrant, safe and friendly town and village centres, the townscape improvements initiative seeks to improve the sustainability of urban settlements in the Shire.

Is the proposal/issue designed to be socially and environmentally responsible through building up the community and enabling full participation in its implementation?

Council's commitment to townscape improvements has been a focus to date for the Local Agenda 21 Towns with Heart Project. The initiative has seen a multiplier effect, particularly in Byford and Mundijong, through the involvement of community volunteers.

Does the proposal/issue disadvantage any social groups?

If submissions are sought from the various townscape/town committees for townscape priorities for 2002/2003 any potential disadvantage to any particular group is minimised

Does the proposal/issue create long term employment or economic benefit to current and future residents of the shire?

By creating more vibrant, safe and friendly town and village centres, the townscape improvements initiative seeks to improve the sustainability of urban settlements in the Shire. This will occur over time as demand and supply for locally provided goods and services increases.

Statutory Environment:

Local Government Act 1995 (as amended)

Policy Implications:

Council has appointed Taylor Burrell to prepare design guidelines for Paterson Street in the form of a local planning policy. This project is still in an early stage, and while not a detailed design for public land adjoining Paterson Street, is likely to influence the proposal.

Byford Townscape Plan

Financial Implications:

The proposal has an impact on budgeted income or expenditure in the current and future years.

PPG900 Townscape Works contains an allocation of \$70,000 in 2002/2003. This funding is set aside for townscape works in all towns. The only firm allocations approved as part of the budget notes are installation of two new bus shelters at Byford, installation of previously purchased bollards and a water fountain at Byford Town Square (both complete) and upgrading of the cattle yards in the Linear Park in association with Rotary

PPG Townscape Planning contains an allocation of \$20 000 in 2002/2003.

Strategic Implications:

The proposals construct toilet facilities in the Mundijong Linear Park and a town entry statement north of Byford relate to strategies 1.1, 1.5 and 1.6 of Key Result Area People and Community, strategy 2.3 of Key Result Area Environmental and strategy 3.2 of Key Result

Area Economic Development in Council's Strategic Plan which are:

- 1.1 Establish a strategy for community facilities and needs as population milestones are met
- 1.5 Strengthen community groups and promote meaningful community input into Council decision.
- 1.6 Maintain the heritage character of the Shire and protect built and natural heritage for economic and cultural benefits.
- 2.3 Work with the community to develop the Towns with Heart program.
- 3.2 Develop the tourist potential of the natural attractions of the shire.

Community Consultation:

Community consultation was carried out as part of the community art project for the Linear Park in 1999/2000. Concept plans for the Linear Park included a public toilet.

Community consultation was carried out as part of the adoption of the Byford Townscape plan. These plans included town entry statements.

Voting Requirements:

Normal

Officer Recommended Resolution

- 1. Council allocates 50% of the cost of construction of a new public toilet in the Mundijong Linear Park from PPG900 Townscape Works, up to \$10,000, subject to grant funding being attracted for the remaining 50%.
- 2. Expressions of interest for the detailed design and documentation of the Mundijong Linear Park be sought with funds of up to \$10,000 allocated from PPG799 Townscape Works.
- 3. Subject to successful application for grant funds, construction of a new public toilet in the Mundijong Linear Park not commence until the completion of the detailed design and documentation of the Mundijong Linear Park project in accordance with part 2 of this Officer Recommended Resolution.
- 4. Council endorses the Byford Progress Association Inc. making a grant application to the Regional Development Grants program for construction of a town entry statement north of Byford subject to it complying with the SSJ Communication and Marketing Guide and subject to the concurrence of Main Roads WA.
- 5. Council allocates 50% of the cost of construction of a town entry statement for Byford from PPG900 Townscape Works, up to \$5,000, subject to grant funding being attracted by the Byford Progress Association Inc for the remaining 50%.
- 6. The Byford Progress Association Inc. be requested to submit any designs for town entry statements to Council for approval prior to construction.
- 7. Council advises the Mundijong Heritage Group and Byford Progress Association Inc. of its decision.
- 8. Council seeks submissions from the various townscape committees for proposals for townscape works for 2002/2003 up to the total value of \$27,000 with a recommendation on the allocation of these funds to be presented to Council by the Planning Development and Environment Committee.

CRP148 COUNCIL DECISION/Committee Recommended Resolution

1. Council allocates 50% of the cost of construction of a new public toilet in the Mundijong Linear Park from PPG900 Townscape Works, up to \$10,000, subject to grant funding being attracted for the remaining 50%.
 2. Expressions of interest for the detailed design and documentation of the Mundijong Linear Park be sought with funds of up to \$10,000 allocated from PPG799 Townscape Works.
 3. Subject to successful application for grant funds, construction of a new public toilet in the Mundijong Linear Park not commence until the completion of the detailed design and documentation of the Mundijong Linear Park project in accordance with part 2 of this Officer Recommended Resolution.
 4. Council endorses the Byford Progress Association Inc. making a grant application to the Regional Development Grants program for construction of a town entry statement north of Byford subject to it complying with the SSJ Communication and Marketing Guide and subject to the concurrence of Main Roads WA.
 5. Council allocates 50% of the cost of construction of town entry statement(s) for Byford from PPG900 Townscape Works, up to \$5,000, subject to grant funding being attracted by the Byford Progress Association Inc for the remaining 50%.
 6. The Byford Progress Association Inc. be requested to submit any designs for town entry statements to Council for approval prior to construction.
 7. Council advises the Mundijong Heritage Group and Byford Progress Association Inc. of its decision.
 8. The Jarrahdale Townscape Committee be reconvened.
- CARRIED BY EN BLOC RESOLUTION NO 05/09**

Note: The Officer Recommended Resolution was altered by deleting condition 8 and adding a new condition 8 (refer P154/09/02).

Note: Minor correction to point 5 changed to statement(s).

P151/09/02 PROPOSED AMENDMENT NO. 108 – REZONING FROM “RURAL” TO “FARMLET” – PT LOT 2 KARGOTICH ROAD, MUNDIJONG		
Proponent	Gray & Lewis Planning Consultants	In Brief The purpose of this report is to re-consider initiating a rezoning of Pt Lot 2 Kargotich Road, Mundijong, from “Rural” to “Farmlet”, to facilitate creation of 32 lots of minimum size of 4 ha. It is recommended that the amendment be initiated.
Officer	David Spencer – Senior Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	15 August 2002	
Previously		
Disclosure of Interest		
Delegation	Council	

Owner:	Mundijong Nominees Pty Ltd
Owner's Address:	Lot 6 Scott Road, Mundijong
Applicant:	Gray & Lewis Planning Consultants
Applicant's Address:	Suite 3, 2 Hardy Street, South Perth
Date of Receipt:	10 November 1999
Advertised:	Amendment not yet initiated.
Submissions:	Not applicable.
Lot Area:	151.29 hectares
L.A Zoning:	Rural
MRS Zoning:	Rural
Byford Structure Plan:	Not applicable
Rural Strategy Policy Area:	Rural Policy Area

Rural Strategy Overlay:	Not applicable
Municipal Inventory:	Not applicable
Townscape/	
Heritage Precinct:	Not applicable
Bush Forever:	Not applicable
Date of Inspection:	14 August 2002

Background

Council at its meeting held 25 March 2002 considered the rezoning application and resolved the following:

“CRP122 COUNCIL DECISION

Moved Cr Murphy seconded Cr Kirkpatrick that Council defers assessment of proposed Amendment No. 108 to Town Planning Scheme No. 2 and the applicant be requested to address the following:-

- 1. Retention of vegetation in the Leipold Road reserve without the need for battle axe lots at the northern end of the land.*
- 2. Extension of construction of internal subdivisional road east through to boundary of the subject land to provide future connectivity to adjoining land (Lot 3).*
- 3. Nomination of revegetation areas (local species) on subdivision guide plan at the rate of 25% on each proposed lot at 600 stems per hectare and planted prior to clearance of subdivision in accordance with Council's Guidelines for Nutrient Management. In accordance with the guidelines, revegetation is also required in drainage corridors and basins, public reserves and road sides.*
- 4. Strategic firebreak arrangements/emergency access ways and provisions with respect to static water supply and fire management issues are to be provided to the satisfaction/specification of Council as a part of the fire management plan which is to be completed prior to subdivision clearance;*
- 5. A minor realignment of Sparkman Road Reserve is required to protect existing remnant vegetation.*
- 6. A multiple use path to be depicted on the Subdivision Guide Plan must service the rear of all lots with the preferred location of access being off the road and not adjacent to the road reserve due to:-*
 - Conflict with other road users*
 - Safety of trail users*
- 7. Alternative effluent disposal systems are required capable of phosphorus retention.*
- 8. Potable water supply shall be provided by roof collection and storage of not less than 90 000 litre capacity.*
- 9. Building envelopes and effluent disposal locations to be identified by survey and to be located to minimise clearing of vegetation to the satisfaction of the local authority.*
- 10. Inclusion of Lots 6 and 9 Scott Road in the amendment.*

CARRIED 9/0

Note: The Committee Recommended Resolution was altered in Point 4 by removing reference to the officer.”

Council Officers have met with the applicant on numerous occasions in an attempt to resolve issues of concern held by the Shire in respect to the design of the Subdivision Guide Plan. These issues are discussed in more detail within the Comments section of this report.

A copy of the accompanying Subdivision Guide Plan is with the attachments marked P151.1/09/02.

Comments

The applicant has amended the Subdivision Guide Plan and Scheme Amendment documents in order to address the above issues contained within Council's resolution. The applicant has also provided written information in support of the Amendment. The following comments are made in respect to the applicants supporting information:

1. The remnant vegetation in Leipold Road reserve is proposed to be retained by leaving the road unconstructed. The reserve may also function as a drainage corridor.

A cul-de-sac is proposed to provide access to Lots 4 and 5 (as opposed to the battle-axe configuration). It is also proposed to link the two cul-de-sacs with a ten metre wide emergency access/multiple use trail.

2. Extension of the internal subdivision road through to the boundary of proposed Lot 3 has been provided, although the applicant has shifted the internal road further to the south for reasons relating to the multiple use trail connections as discussed below.
3. The applicant has placed a notation in respect to the nomination of revegetation areas at the rate of 25% on each proposed lot at 600 stems per hectare, on the Subdivision Guide Plan. The specific revegetation areas on each lot and planting within multiple use corridors may be shown on a more detailed Landscape Plan and Schedule of Landscaping that will be prepared at the subdivision application stage.

Notwithstanding the above, the applicant will need to include an additional notation on the subdivision guide plan stating that nomination of revegetation areas shall be in accordance with Council's Guidelines for Nutrient Management. Further, in accordance with the guidelines, revegetation is also required in drainage corridors and basins, public reserves and road sides.

4. The requirement relating to the preparation of a Fire Management Plan at the subdivision stage has been included in the Special Provisions (No. 6) for this Amendment.
5. Applicant proposes to shift the southern entry road approximately 250 metres to the north, opposite the existing drainage culvert outfall under Kargotich Road. Further to this, Sparkman Road may remain unconstructed with remnant vegetation retained. A multiple use trail could meander within Sparkman Road reserve.

Relative to the above, the multi-use trail should be extended from Sparkman Road to the first internal subdivisional road. This will mean that the southern-most cul-de-sac will need to be extended in a southerly direction to Sparkman Road. This would enable a future road connection to the lots located to the south of the amendment area.

6. A multiple use path has been provided at the rear of the majority of lots where practicable. In areas where it is not feasible or considered desirable to locate a multi-use path at the rear of lots (such as those properties backing onto Kargotich Road and under power transmission lines), the applicant has located the multi-use path at the front of the lot, within a wider 25 metre road reserve.
7. The requirement relating to alternative effluent disposal systems has been incorporated into the Special Provisions (No. 2) for Amendment No. 108.
8. The requirement relating to the provision of a potable water supply by roof collection and storage of not less than 90,000 litre capacity is a standard provision of TPS 2 under clause 5.13 in respect to the Farmlet zone. Therefore, it is considered unnecessary to duplicate this requirement as a Special Provision.

9. The requirement for building envelopes have been nominated on the Subdivision Guide Plan in areas that will require minimal clearing. The building envelopes and effluent disposal areas will be identified by survey at the subdivision stage.

In addition to the above, a notation will need to be included on the subdivision guide plan stating that the location of building envelopes is nominal and shall be used as a guide only and is subject to further survey at the subdivision stage.

10. Lot 6 and Lot 9 Scott Road have been incorporated into the Amendment area.

11. The Scheme Amendment number has been altered to reflect No. 108.

Conclusion

Amendment No. 108 proposes to rezone the subject land from 'Rural' to 'Farmlet' zone, with the creation of 32 lots with a minimum size of 4 hectares.

The Amendment proposal was included for support in Council's Rural Strategy review and the land capability study concludes that the subject land is capable of being subdivided into lots of 2 and 4 hectares.

It is considered that the applicant has adequately addressed outstanding issues mentioned within this report. The Amendment is therefore recommended for initiation by Council.

Sustainability Statement

Does the proposal/issue enhance the environment (built and natural) or minimise environmental damage through best practice in its field?

Closure of Leipold Road will ensure that existing remnant vegetation is retained.

Change in land use on the subject land from cattle grazing to 'Farmlet' is likely to reduce the level of phosphorous leaving the site.

The Rural Strategy states that the Farmlet Policy Area provides a transitional zone between urban and rural areas where environmental values and their management become a focus and where a role may be performed in controlling drainage and removing nutrients exported from urban areas 'off-site'.

Does the proposal/issue minimise resource use, eg. Energy, land, water, soil, compared to traditional development approaches?

Land within the amendment application area may be drained utilising existing drainage lines with the incorporation of appropriate detention basins.

Does the proposal/issue use locally available or produced resources?

Yes. Revegetation of subject land will utilise locally native species.
The future construction of dwellings and buildings to be placed within future proposed lots.

Will the proposal/issue be economically viable in a way that incorporates its external costs?

Not applicable.

Is the proposal/issue designed to be socially and environmentally responsible through building up the community and enabling full participation in its implementation?

The local and wider community will be advised of the Amendment proposal if rezoning is initiated by Council. Landowners potentially affected by the proposal will be invited to lodge a submission to the Shire.

Does the proposal/issue disadvantage any social groups?

It is considered that social groups will not be adversely impacted by the proposed amendment.

Does the proposal/issue create long term employment or economic benefit to current and future residents of the shire?

The future keeping of horses on the subject land may create opportunities for employment for people associated with the equine industry.

Statutory Environment: Town Planning and Development Act 1928 (as amended)
Town Planning Scheme No. 2

Policy Implications: Rural Strategy 1994 (as amended)

Financial Implications: Nil.

Strategic Implications: The Amendment proposal represents expansion of the Farmlet Policy Area west of the Mundijong townsite.

Strategy 2.1 of the Shire's Strategic Plan (2001-2005) states:

"Encourage best practice environmental management."

Community Consultation: Public and government agency consultation will be conducted if the Amendment is initiated by Council.

Voting Requirements: Normal

Officer Recommended Resolution

Council, pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) resolves to initiate an amendment to the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 by rezoning Pt Lot 2 Kargotich Road, Mundijong, from "Rural" to "Farmlet" zone subject to:

A. The following modifications being effected to the subdivision guide plan:

1. Deletion of one (1) building envelope from proposed Lot 9;
2. A notation to be included on the subdivision guide plan stating that the location of building envelopes is nominal and shall be used as a guide only and is subject to further survey at the subdivision stage;
3. An additional notation to be included on the subdivision guide plan stating that nomination of revegetation areas shall be in accordance with Council's Guidelines for Nutrient Management. Further, in accordance with the guidelines, revegetation is also required in drainage corridors and basins, public reserves and road sides;
4. The southern-most cul-de-sac to be extended in a southerly direction to Sparkman Road. This would enable a future road connection to the lots located to the south of the amendment area;
5. Relative to 4 above, the multi-use trail is to be extended from Sparkman Road to the first internal subdivisional road;

6. The multi-use trail to be extended along the entire length of Scott Road within the amendment area.
- B. The consultant preparing formal scheme amendment maps with the amendment to include the following Special Provisions and any other deemed appropriate by Council:
1. Within the Rural Living A zone the following land uses are permitted, or are permitted at the discretion of the Council.

Use classes permitted (P)
Single House
Public Recreation
Public Utility

Discretionary Uses (AA)
Ancillary Accommodation
Home Occupation
Rural Use/Intensive Agriculture
Stables

All other uses are prohibited.

In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management contained in the Shire of Serpentine-Jarrahdale Rural Strategy shall only permit such uses when it is satisfied following consultation with Government agencies that the land use does not involve excessive nutrient application or clearing of land.
 2. No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste water treatment system as approved by the Health Department of WA with an adequate phosphorous retention capacity, as determined by the Department of Environmental Protection, and with the base of the system or the modified irrigation area being the required distance above the highest known water table.
 3. No indigenous vegetation and trees shall be destroyed or cleared except, but subject to the developer of the estate/landowner obtaining the prior consent of the Council in writing, where such vegetation is dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems, driveways and/or to accommodate the discretionary uses identified under Provision 1.
 4. The subdivider shall, in accordance with the endorsed Subdivision Guide Plan and the Schedule of Landscaping for this estate plant indigenous trees and shrubs of a species and at a density and distribution to the satisfaction of the Council prior to the transfer of a lot(s) to a new owner.
 5. The subdivider shall either maintain the trees and shrubs planted until the land is sold, or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the Council.
 6. The subdivider shall prepare and implement a Fire Management Plan that identifies and implements the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary, to the specification and satisfaction of the local authority and the Bush Fires Board of WA.
 7. Notwithstanding the obligations of the subdivider under Clause 5.13.7e of the Scheme the subdivider shall drain the land and provide detention areas in accordance with a Drainage Concept Plan provided prior to the commencement of the on-ground-works. Those easements and reserves

- required by Council or Water Corporation shall be provided to the Council or Water Corporation at the time of subdivision to provide for the ongoing maintenance of the drainage system components.
8. At the time of the building application for each lot a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained, and proposals for tree planting and maintenance.
 9. The keeping of horses, sheep, goats, cattle or other grazing animals, where permitted, shall be subject to the prior, written approval of Council. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture WA for the application pasture types. Vegetation planted by the developer, and remnant vegetation must be fenced from grazing livestock in order to protect vegetation.
 10. Notwithstanding the controls specified by Provision 1, development and use of the land is subject to the provisions of the Water Authority of Western Australia By-Laws applying to underground water supply and pollution control.

CRP151 COUNCIL DECISION/Committee Recommended Resolution

That item P151/09/02 be deferred as the applicant was not in attendance for his delegation.
CARRIED BY EN BLOC RESOLUTION NO 05/09

Note: The Officer Recommended Resolution was altered to reflect the non-attendance of the applicant who had organised a delegation to explain the proposal.

P154/09/02 PROPOSED RAISED PLATFORMS AT MUNDIJONG AND SERPENTINE RAILWAY STATIONS (A0922 & RS0181)		
Proponent	Western Australian Government Railways Commission.	In Brief Council is requested to consider funding platform shelters at the proposed raised platforms at Mundijong and Serpentine Railway Stations.
Officer	Andrew Watson – Director Sustainable Development	
Signatures - Author:		
Senior Officer:		
Date of Report	13 September 2002	
Previously	B03/07/02	
Disclosure of Interest		
Delegation	Council	

Owner:	WAGR
Owner's Address:	Westrail Centre, East Perth
Applicant:	WAGR
Applicant's Address:	Westrail Centre, East Perth
Date of Receipt:	12 September 2002
Advertised:	Not advertised
Submissions:	Nil
Lot Area:	N/A
L.A Zoning:	Railways
MRS Zoning:	Railways
Byford Structure Plan:	N/A
Rural Strategy Policy Area:	N/A
Rural Strategy Overlay:	N/A
Bush Forever:	N/A
Date of Inspection:	N/A

Background

Note: This report should be read in conjunction with P148/09/02 elsewhere on this agenda.

At its meeting of 15th July Council's Planning Development and Environment Committee considered a report on a proposal to construct high level platforms and Mundijong and Serpentine Railway Stations. Committee, under delegated authority of Council resolved:

*"Moved Cr Star seconded Cr Price that Council requests WAGR give consideration to the provision of shelters and lighting to the proposed raised platforms at Mundijong and Serpentine Railway Stations, as previously agreed to, and car parking areas and landscaping also be included as part of the station upgrades.
CARRIED 5/0"*

Comments

By way of correspondence dated 10th September 2002 The WA Government Railways Commission advises that the provision of platform shelters is outside the scope of proposed works. The Commission is simply providing raised platforms to meet their obligations under disability discrimination legislation. The Commission advises, however, that if Council is prepared to fund platform shelters, the Commission is prepared to alter the size of the platforms accordingly.

The provision of platform shelters has been a significant issue among the communities of Mundijong and particularly Serpentine for many years. Council will recall discussing this matter with representatives of Westrail's Country Passenger Service on numerous occasions over the last five years. The provision of shelters was, however, abandoned by Westrail in favour of the need to comply with disabled access obligations. The provision of shelters will be of benefit to the residents of the Shire and will make a positive contribution to the Mundijong Linear Park project and streetscape enhancement works at Serpentine.

Council is currently installing kit bus shelters adapted to provide space for persons with mobility constraints at Byford as part of the townscape project and with the benefit of matching grant funds. Installation of a similar structure at Serpentine and Mundijong Railway Stations would cost approximately \$10,000 each. A slightly larger structure, dimensioned more appropriately than a bus shelter (Brunswick style rather than Bathurst style used for bus shelters) is proposed. Modification for wheel chair access would also be provided.

A copy of the proposed platform shelters are with the attachments marked P154.1/09/02.

Sustainability Statement

Does the proposal/issue enhance the environment (built and natural) or minimise environmental damage through best practice in its field?

Council's townscape improvement initiative is a key component of the Agenda 21 Towns With Heart project. The initiative is designed to produce interesting vibrant town environments to facilitate social exchange and improve the economic vitality of the major towns and settlements in the Shire.

Does the proposal/issue minimise resource use, eg. Energy, land, water, soil, compared to traditional development approaches?

Council's townscape improvement initiative relies on making the best use of existing land resources within town and village centres. The provision of platform shelters in conjunction with upgrade of the Serpentine and Mundijong platforms will enhance public transport opportunities for residents of the Shire.

Does the proposal/issue use locally available or produced resources?

Council's commitment to townscape improvements has been a focus to date for the Local Agenda 21 Towns with Heart Project. The initiative has seen a multiplier effect through the involvement of community volunteers.

Where possible, material inputs to various townscape improvement works have been sourced locally in accordance with CSWP16 – Guidelines for the Purchase of Goods and Services.

Will the proposal/issue be economically viable in a way that incorporates its external costs?

The proposal does not internalise all costs, otherwise funding for shelters would not be sought from Council. Public transport traditionally relies on cross subsidisation from other revenue sources but provides significant environmental and social advantages over car dependence.

The proposal if supported represents a partnership with State Government to provide facilities for the community which would otherwise not be available.

Is the proposal/issue designed to be socially and environmentally responsible through building up the community and enabling full participation in its implementation?

The enhancement of public transport opportunities in the Shire is an on-going theme of community participation in Council's strategic planning process.

Does the proposal/issue disadvantage any social groups?

The provision of disabled access to trains and covered shelter at platforms advantages all public transport users.

Does the proposal/issue create long term employment or economic benefit to current and future residents of the shire?

By creating more vibrant, safe and friendly town and village centres, the townscape improvements initiative seeks to improve the sustainability of urban settlements in the Shire. This will occur over time as demand and supply for locally provided goods and services increases. The provision of platform shelters will contribute to the overall improvement of town and village centres.

Statutory Environment:

No formal building approval is required as the Crown is exempt from the provisions of the Local Government (Miscellaneous Provisions) Act 1960.

Policy Implications:

Council's Easy Access Committee has been pursuing the upgrade of several railway stations within the Shire.

Council has appointed Taylor Burrell to prepare design guidelines for Paterson Street in the form of a local planning policy. This project is still in an early stage, and while not a detailed design for public land adjoining Paterson Street, is likely to influence the proposal.

Financial Implications:

The proposal has an impact on budgeted expenditure in the current and future years.

PPG900 Townscape Works contains an allocation of \$70,000 in 2002/2003. This funding is set aside for townscape works in all towns. The only firm allocations approved as part of the budget notes are installation of

two new bus shelters at Byford, installation of previously purchased bollards and a water fountain at Byford Town Square (both complete) and upgrading of the cattle yards in the Linear Park in association with Rotary.

Report P148/09/02 on this agenda recommends the allocation of additional funds from PPG900 and sets out a strategy for allocation of the balance of \$27,000 via submissions from the Shires various town committees, viz. recommendation 8 as follows:

“Council seeks submissions from the various townscape committees for proposals for townscape works for 2002/2003 up to the total value of \$27,000 with a recommendation on the allocation of these funds to be presented to Council by the Planning Development and Environment Committee.”

If Council allocates funds (approximately \$20,000) for the installation of platform shelters, the monies available for allocation by way of officer recommendation 8 of P148/09/02 is reduced to approximately \$7,000 in 2002/2003.

Strategic Implications:

Key Result Area 3 – Infrastructure: the installation of raised platforms at the Mundijong and Serpentine Railway Stations will encourage people to utilise public transport.

Community Consultation:

Feedback via Council's Easy Access Committee

Voting Requirements:

Normal

Officer Recommended Resolution

Council allocates up to \$20,000 from PPG900 Townscape Works for the construction of platform shelters at Mundijong and Serpentine railway stations as part of the Western Australian Government Railways Commission's installation of raised platforms.

CRP154 COUNCIL DECISION/Committee Recommended Resolution

1. Council allocates up to \$20,000 from PPG900 Townscape Works for the construction of platform shelters at Mundijong and Serpentine railway stations as part of the Western Australian Government Railways Commission's installation of raised platforms.
2. Council seeks a meeting with Westrail representatives to discuss opening up of the parking area near the platform at Mundijong railway station.
3. Council allocates \$7 000 from PPG900 for roadside planting on Jarrahdale Road leading into the townsite.

CARRIED BY EN BLOC RESOLUTION NO 05/09

Note: the Officer Recommended Resolution was altered by allocating the balance of PPG900 to Jarrahadale Road landscaping and to convene a meeting with Westrail.

8. MOTION OF WHICH NOTICE HAS BEEN GIVEN

9. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING:

Moved Cr Price seconded Cr Simpson
That item C039/09/02 be dealt with as an item of new business of an urgent nature
CARRIED 10/0

C039/09/02 RANGERS AFTER HOURS SERVICE (RS0117)		
Proponent	Cr John Kirkpatrick	In Brief
Officer		
Signatures - Author:		
Senior Officer:		
Date of Report	23 September 2002	
Previously		
Disclosure of Interest		
Delegation	Council	

COUNCIL DECISION

Moved Cr Kirkpatrick seconded Cr Price
Senior Ranger B Owston be commended for his action over the weekend at Gooralong Park regarding vandals. Council requests that, if it is feasible, follow up action over the next few weeks be considered.
CARRIED 10/0

9.1 INCLUDING CHIEF EXECUTIVE OFFICER/OFFICER REPORTS

9.2 COUNCILLORS QUESTIONS

10. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY

10.1 Corporate Services

C030/09/02 BANKING SERVICE REVIEW (A0562)		
Proponent	Director Corporate Services	In Brief To continue liasing with Council's current bank for improved banking costs and allow suitable time for the establishment of a community bank prior to calling tenders for banking services.
Officer	G.R. Dougall – Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	28/08/02	
Previously		
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM049/05/01/ SM065/05/02	

CRC030 COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Murphy seconded Cr Wigg:
Director Corporate Services continue to monitor the banking market and negotiate with Council's current bank for improved banking costs until a suitable time to call tenders for its banking services.
CARRIED 5/0

C031/08/02 SERPENTINE CAMPING CENTRE – DONATION (P00406)		
Proponent	Serpentine Camping Centre	<u>In Brief</u> Provide a donation of \$500.00 to the Serpentine Camping Centre.
Officer	G R Dougall – Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	02/09/02	
Previously		
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM065/05/02	

CRC031 COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Kirkpatrick seconded Cr Wigg:

Council donate \$500.00 to the Serpentine Camping Centre subject to suitable acknowledgement for the Shire to be approved by the Director Corporate Services.

CARRIED 5/0

C033/09/02 KEYSBROOK RESERVE 34318 (RS0002)		
Proponent	WA Government Railways Commission	<u>In Brief</u> Provide support to the WA Government Railways for boundary adjustment of the old Keysbrook Tip Reserve
Officer	G.R. Dougall – Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	02/09/02	
Previously	C129/05/02	
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM065/05/02	

CRC033 COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Kirkpatrick seconded Cr Wigg:

Council supports the adjustment of boundaries for Reserve 34318 to allow the excision of the communication mast anchor erected by Western Australian Government Railways without any financial costs to the Shire of Serpentine-Jarrahdale.

CARRIED 5/0

C034/09/02 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent	Director Corporate Services	In Brief To confirm the creditor payments made during August 2002.
Officer	P.I. Igglesden – Finance Officer	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM049/05/01/ SM065/05/02	

CRC034 COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Hoyer seconded Cr Kirkpatrick:

Council notes the payments authorised and made by the Chief Executive Officer, exercising his delegated authority and detailed in the list of invoices for the month of July and August, presented to the Corporate Services Committee and to Council, per the summaries set out above include Creditors yet to be paid and in accordance with the Local Government (Financial Management) Regulations 1996.

CARRIED 5/0

C035/09/02 DEBTOR ACCOUNTS WITH A BALANCE IN EXCESS OF \$1,000 (A0917)		
Proponent	Director Corporate Services	In Brief To receive the statement of debtors over \$1,000 as at 31 August 2002
Officer	P.I. Igglesden – Finance Officer	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM049/05/01/ SM065/05/02	

CRC035 COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Hoyer seconded Cr Murphy:

Council receive and note the report on Debtors accounts with a balance in excess of \$1,000 outstanding for 90 days or greater as at 2 September 2002.

CARRIED 5/0

C036/09/02 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)		
Proponent	Director Corporate Services	<u>In Brief</u> To receive the sundry debtor balances as at 31 August 2002.
Officer	P.I. Igglesden – Finance Officer	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM049/05/01/ SM065/05/02	

CRC036 COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Kirkpatrick seconded Cr Murphy:
Council receive and note the report on Sundry Debtor Outstanding Accounts as at 2 September 2002.
CARRIED 5/0

C038/09/02 INFORMATION REPORT		
Proponent	Director Corporate Services	<u>In Brief</u> To receive the Information Report to August 2002.
Officer	Various	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM049/05/01/ SM065/05/02	

CRC038 COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Kirkpatrick seconded Cr Hoyer:
The information report to 2 September 2002 be received.
CARRIED 5/0

10.2 Asset Services

AS012/09/02 REVIEW OF STATE MAXIMUM ROAD SPEED LIMIT (A0468)		
Proponent	WA Road Safety Council	Brief The WA Road Safety Council is seeking Council comments on the current 110km/hr maximum (default) speed limit. It is recommended the current limit be supported.
Officer	Robert Harris Director Asset Services	
Signatures - Author:		
Senior Officer:	Robert Harris	
Date of Report	22/09/02	
Previously		
Disclosure of Interest		
Delegation	Committee in accordance with resolution SM065/05/02	

CRAS012 COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Richards seconded Cr Simpson the Road Safety Council's Speed Management Taskforce be advised that;

1. Council concurs with the retention of the existing 110km/hr default rural speed limit at this time.
2. Council considers a campaign of community education and understanding of the meaning of the default speed limit as the responsibility of the driver to determine a speed limit for the prevailing conditions enabling safe travel would be appropriate in enhancing road safety in default zones.

CARRIED 4/0

10.3 Building Services

B09/08/02 INFORMATION REPORT		
Proponent	N/A	<u>In Brief</u> Information report
Officer	Wayne Chant - Principal Building Surveyor	
Signatures - Author:		
Senior Officer:		
Date of Report	06.09.02	
Previously		
Disclosure of Interest		
Delegation	Committee – in accordance with resolution SM065/05/02	

COMMITTEE DECISION/Officer Recommended Resolution

Moved Cr Star seconded Cr Hoyer that Council accepts the August 2002 Information Report.
CARRIED 5/0

10.4 Health Services

H03/09/02 INFORMATION REPORT		
Proponent	N/A	<u>In Brief</u> Information report
Officer	Joanne Abbiss	
Signatures - Author:		
Senior Officer:		
Date of Report	09.09.02	
Previously		
Disclosure of Interest		
Delegation	Committee – in accordance with resolution SM065/05/02	

Officer Recommended Resolution

- 1 That Council accepts the information report for August 2002.
- 2 That the Shire of Serpentine-Jarrahdale advises the Department of Health that their proposed position in relation to the questions raised in the discussion paper regarding the effect of new food legislation on local laws is as follows:
 - (i) It would be advisable that the WA Department of Health repeals all eating house local laws simultaneously. However, this should only occur when all affected local governments are satisfied that the intended provisions of the Public Health (Food & Related Matters) Bill and Food Safety Standards provide them with the flexibility and security of determining and retaining the fees that will apply to food premises within their municipality.
 - (ii) It is agreed that logistically it would be easier if the reference to Health (Food Hygiene) Regulations 1993 in other local health laws be individually amended by local governments to reflect the new legislation. However, this is a time-consuming process for local governments which also involves advertising costs. Consideration should be given to what resources the Department of Health could provide to ease the cost burden as well as provide technical assistance to local government.

COMMITTEE DECISION

Moved Cr Star seconded Cr Price

- 1 That Council accepts the information report for August 2002.
- 2 That the Shire of Serpentine-Jarrahdale advises the Department of Health that their proposed position in relation to the questions raised in the discussion paper regarding the effect of new food legislation on local laws is as follows:
 - (iii) It would be advisable that the WA Department of Health repeals all eating house local laws simultaneously. However, this should only occur when all affected local governments are satisfied that the intended provisions of the Public Health (Food & Related Matters) Bill and Food Safety Standards provide them with the flexibility and security of determining and retaining the fees that will apply to food premises within their municipality.
 - (iv) It is agreed that logistically it would be easier if the reference to Health (Food Hygiene) Regulations 1993 in other local health laws be individually amended by local governments to reflect the new legislation. However, this is a time-consuming process for local governments which also involves advertising costs. Consideration

should be given to what resources the Department of Health could provide to ease the cost burden as well as provide technical assistance to local government.

- 3 That a letter be written to the Department of Agriculture asking what further action is going to be taken on Genetic Modification Free Zones, given the obvious concerns raised in the submissions and the need to exercise the precautionary principle, and requesting that adequate time be given for Councils to consult with their Committees before responding.

CARRIED 5/0

Note: The Presiding Member was of the opinion that no significant change was made to the Officer Recommended Resolution

10.5 Planning Development & Environment

E006/09/02 INFORMATION REPORT		
Proponent	Environmental Officer	In Brief Information Report.
Officer	Dr Sue Osborne – Environmental Officer	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
Delegation	Committee In Accordance With Resolution SM049/05/01/SM065/05/02	

CRE006 Committee Decision/Officer Recommended Resolution

Moved Cr Price, seconded Cr Murphy that the Information Report to 9 September 2002 be received.

CARRIED 5/0

P139/09/02 EQUINE ENDURANCE RIDERS (RS0015)		
Proponent	Serpentine Jarrahdale Endurance Riders	In Brief Written support is sought for consent to use and improve sections of the Jarrahdale Oval Reserve as a home base for the Serpentine Jarrahdale Equine Endurance Riders activities, in particular the lighting of a section, which is the subject of a proposed regional funding application.
Officer	Carole McKee - Community Development Officer	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
Delegation	Committee In Accordance With Resolution SM049/05/01/SM065/05/02	

CRP139 Committee Decision/Officer Recommended Resolution

Moved Cr Star, seconded Cr Hoyer that

1. Council gives consent to the Serpentine-Jarrahdale Equine Endurance Riders to use a section adjacent to the Jarrahdale Oval Reserve as their home base, and to make improvements, subject to Council approval and in line with Council's Strategic Plan, Recreation Planning Report and a Reserve management planning process.

2. Serpentine Jarrahdale Equine Endurance Riders be informed that the development of such usage will lead to an expectation from Council that an equitable contribution from the group be agreed on that represents the level of use and value to the group.
3. Council provides a letter of support to the Serpentine Jarrahdale Equine Endurance Riders, giving consent to the group to use and improve sections of the Jarrahdale Oval Reserve as a home base for activities, and in particular develop lighting of one section, the details and location of which to be determined through a reserve management planning process.

CARRIED 5/0

P140/09/02 PROPOSED RIDING FACILITY FOR THE DISABLED (BYFORD TROTTING COMPLEX) – LOT 37 BINSHAW AVENUE, BYFORD (P04293)		
Proponent	Shirley Kortenoeven	In Brief Application seeks planning approval for a riding facility for the disabled at Lot 37 Binshaw Avenue, Byford. It is recommended that approval be granted subject to conditions.
Officer	David Spencer – Senior Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	20 August 2002	
Previously	Not applicable	
Disclosure of Interest		
Delegation	Committee In Accordance With Resolution SM049/05/01/SM065/05/02	

Officer Recommended Resolution

Council approves the application for additions (office and tack room, horse arena and round yard for use as a riding school), to the Byford Trotting Complex at Lot 37 Binshaw Avenue, Byford, subject to the following conditions:

1. A building licence is to be obtained for proposed structures prior to the commencement of development.
2. All materials used for the horse stalls and buildings are to be of a non-reflective nature.
3. Compliance with the schedule of materials, colours and finishes submitted with the application for construction of the proposed office-tack room building.
4. Applicant to submit a Stock Management Plan for approval by Council. The Management Plan shall address issues such as dust, flies, vermin, removal of horse manure, etc.
5. No clearing of native trees on the subject land as part of this planning application.
6. Access to buildings for people with disabilities is to be provided in accordance with BCA AND AS1428.1-1998. Detailed drawings are to be submitted with the Building Licence application identifying means of access from carparking areas to the entrance of the building and throughout the building.
7. Sanitary conveniences are to be provided in accordance with the Building Code of Australia, Table F2.3/2.4 and AS1428.1.
8. The proposed office and tack room, horse arena and round yard being setback a minimum of 10.0 metres from Briggs Road.
9. No more than eight (8) horses in association with the Riding School to be kept on the property at any one time.
10. The riding hours for the Riding for the Disabled facility being restricted from the hours of 9.00am to 4.00pm Monday to Friday, 8.00am to 12.00 noon on Saturdays, with no riding on Sundays. Volunteers may enter the subject lot from 7.00am. Hours not to be extended without separate written consent of Council.
11. The applicant shall provide sufficient parking space for all vehicles and trailers attending the subject site. No on site parking shall occur on the road verge.
12. Lodgement of a detailed Landscape/Revegetation Plan for the development site in accordance with Council's Planning Policy PS03 – Landscaping and Revegetation.

- Revegetation is to be carried out along the western boundary of the property abutting Briggs Road prior to 30 September 2003.
13. Application is to be made to Council's Health Services for approval for the provision of effluent disposal on the site.
 14. Riding lessons other than those for the Riding for the Disabled and volunteers of the property are not to be carried out on-site.
 15. All manure and feed receptacles are to be in accordance with Division 2 – Keeping of Large Animals Section 67 of Council's Health Local Laws 1999.
 16. Dust is to be controlled on the arena via a sprinkler system. No dust is to leave the property from the arena at any time.
 17. The use is not to cause injury to or prejudicially affect the amenity of the neighbourhood including (but not limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, vapour, steam, soot, ash, dust, grit, oil liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding on or the land on which the business is conducted.

CRP140 Committee Decision

Moved Cr Star, seconded Cr Price that Council approves the application for additions (office and tack room, horse arena and round yard for use as a riding school), to the Byford Trotting Complex at Lot 37 Binshaw Avenue, Byford, subject to the following conditions:

1. A building licence is to be obtained for proposed structures prior to the commencement of development.
2. All materials used for the horse stalls and buildings are to be of a non-reflective nature.
3. Compliance with the schedule of materials, colours and finishes submitted with the application for construction of the proposed office-tack room building.
4. Applicant to submit a Stock Management Plan for approval by Council. The Management Plan shall address issues such as dust, flies, vermin, removal of horse manure, etc.
5. No clearing of native trees on the subject land as part of this planning application.
6. Access to buildings for people with disabilities is to be provided in accordance with BCA AND AS1428.1-1998. Detailed drawings are to be submitted with the Building Licence application identifying means of access from carparking areas to the entrance of the building and throughout the building.
7. Sanitary conveniences are to be provided in accordance with the Building Code of Australia, Table F2.3/2.4 and AS1428.1.
8. The proposed office and tack room, horse arena and round yard being setback a minimum of 10.0 metres from Briggs Road.
9. No more than eight (8) horses in association with the Riding School to be stabled on the property at any one time.
10. The riding hours for the Riding for the Disabled facility being restricted from the hours of 9.00am to 4.00pm Monday to Friday, 8.00am to 12.00 noon on Saturdays, with no riding on Sundays. Volunteers may enter the subject lot from 7.00am. Hours not to be extended without separate written consent of Council.
11. The applicant shall provide sufficient parking space for all vehicles and trailers attending the subject site. No on site parking shall occur on the road verge.
12. Lodgement of a detailed Landscape/Revegetation Plan for the development site in accordance with Council's Planning Policy PS03 – Landscaping and Revegetation. Revegetation is to be carried out along the western boundary of the property abutting Briggs Road prior to 30 September 2003.
13. Application is to be made to Council's Health Services for approval for the provision of effluent disposal on the site.
14. Riding lessons other than those for the Riding for the Disabled and volunteers of the property are not to be carried out on-site.
15. All manure and feed receptacles are to be in accordance with Division 2 – Keeping of Large Animals Section 67 of Council's Health Local Laws 1999.
16. No dust is to leave the property from the arena at any time.

17. The use is not to cause injury to or prejudicially affect the amenity of the neighbourhood including (but not limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, vapour, steam, soot, ash, dust, grit, oil liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding on or the land on which the business is conducted.

CARRIED 5/0

Note: The Officer Recommended Resolution was amended by deleting the requirement for sprinklers in condition 16 and replacing “kept” with “stabled” in condition 9. The Presiding Officer did not consider that these amendments substantially altered the Officer Recommended Resolution.

P141/09/02 PROPOSED TRUCK DEPOT – LOT 55 FEAST ROAD, SERPENTINE (P02323)		
Proponent	K Costello	In Brief Application is for the parking of 2 commercial vehicles on the subject lot. It is recommended that Council approve the parking of one commercial vehicle only on the subject land subject to conditions.
Officer	Michael Davis – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	21/08/2002	
Previously	Not applicable	
Disclosure of Interest		
Delegation	Committee In Accordance With Resolution SM049/05/01/SM065/05/02	

CRP141 Committee Decision/Officer Recommended Resolution

Moved Cr Hoyer, seconded Cr Star that Council approves an application dated the 28th June 2002 for the parking of one commercial vehicle only on Lot 55 Feast Road, Serpentine subject to the following conditions:

- The use is not to cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, vapour, steam, soot, ash, dust, grit, oil liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding on or the land on which the business is conducted.
- The applicant is to provide and maintain a sealed crossover from Feast Road onto the property.
- The applicant shall provide an asphalt overlay on Feast Road over the full width of the existing sealed surface to protect the seal from the turning action of the trucks to the satisfaction of Council.
- Council approves the application for the parking of one (1) commercial vehicle on the subject land only.
- Applicant to submit a Waste Management Plan to Council within 28 days from the date of this approval addressing storage, use, and disposal of but not limited to oils, coolants, fuel, flammable liquids, detergents, cleaning solvents.

Advice Note:

- Applicant is advised that they must comply at all times with the Environmental Protection (Noise) Regulations 1997.

CARRIED 5/0

P145/09/02 PROPOSED CHANGE OF USE FROM RESIDENTIAL TO OFFICE - LOT 105 SOUTH WESTERN HIGHWAY (P01632)		
Proponent	J P & H P Hoey	In Brief Council to consider as an application for refurbishment of the existing residence on South Western Highway within the Urban Development zone to accommodate offices. It is recommended that the application be refused.
Officer	Lilia Palermo - Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	3 June 2002	
Previously		
Disclosure of Interest		
Delegation	Committee In Accordance With Resolution SM049/05/01/SM065/05/02	

CRP145 Committee Decision/Officer Recommended Resolution

Moved Cr Hoyer, seconded Cr Price that

A. In accordance with Clause 5.18.7.3 of Town Planning Scheme No. 2, Council determines that the application to change Lot 105 South Western Highway, Byford will have an adverse impact on:-

- i) the orderly and proper planning for; and
- ii) the health, amenity, safety and convenience of the future occupants of, the Byford Structure Plan area.

B. Council refuses the application for change of use from Residential to Office in accordance with the application dated 16th May 2002 for the following reasons:

1. The subject land is located within the Residential Base R20 zone designated on the Draft Byford Structure Plan, where the proposed office use is not in accordance with the intent of the zone.
2. Proposed development is not in accordance with the requirements of the State Planning Policy No.9 – Metropolitan Centres Policy.
3. Proposed development has the potential to have an adverse effect on:
 - The orderly and proper planning of the residential area;
 - The health, amenity, safety or convenience of the existing and future occupants.

CARRIED 5/0

P146/09/02 PROPOSED HOME BUSINESS, CUSTOM MOTOR CYCLE BUILDING - LOT 15 SOLDIERS ROAD, CARDUP (P01491)		
Proponent	Richard Holmes	In Brief It is an application for a home business, It is recommended to be conditionally approved.
Officer	Lilia Palermo – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	24 July 2002	
Previously		
Disclosure of Interest		
Delegation	Committee In Accordance With Resolution SM049/05/01/SM065/05/02	

CRP146 Committee Decision/Officer Recommended Resolution

Moved Cr Hoyer, seconded Cr Star that it is recommended that the application for a Custom Motor Cycle Building Home business, in accordance with the application dated 21 May 2002, be approved subject to the following conditions:

1. Compliance with the definition of home business under Council's Town Planning Scheme, business to occupy an area no greater than 50m²;
2. Hours of operation to be limited to 9am to 5.00pm Monday to Friday inclusive;
3. Compliance with the Environment Protection (Noise) Regulations 1997;
4. All materials associated with the use are to be stored within the shed;
5. The use is not to cause injury to or prejudicially affect the amenity of the neighborhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, vapour, steam, soot, ash, dust, grit, oil liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding on or the land on which the business is conducted.
6. The proponent is to dispose of all waste or wash water and containers associated with the operations of the business at an appropriate facility. No on site disposal is to occur.

Advice Note:

1. Any signage on the property would be subject to a separate application for Planning Approval in accordance with the Local Planning Policy No. 5 "Control of Advertisements"

CARRIED 5/0

P147/09/02 DRAFT LOCAL PLANNING POLICY NO.10 – MCNEIL GROVE DESIGN GUIDELINES (A1129)		
Proponent	Shire of Serpentine-Jarrahdale	In Brief Council to consider initiating a Local Planning Policy introducing design guidelines for the McNeil Grove precinct within the Jarrahdale Townscape Precinct. It is recommended that Council advertises the draft Local Planning Policy No.10 McNeil Grove Design Guidelines for public comment.
Officer	Andrew Watson – Director Sustainable Development	
Signatures - Author:		
Senior Officer:		
Date of Report	29 July 2002	
Previously	Not applicable	
Disclosure of Interest		
Delegation	Committee In Accordance With Resolution SM049/05/01/SM065/05/02	

CRP147 Committee Decision/Officer Recommended Resolution

Moved Cr Hoyer, seconded Cr Star that

1. Council, pursuant to Part 9 of the Shire of Serpentine-Jarrahdale Town Planning Scheme No.2 resolves to advertise the Draft Local Planning Policy No.10 McNeil Grove Design Guidelines for public comment as follows:

LPP10 DRAFT LOCAL PLANNING POLICY NO.10 – Mc NEIL GROVE DESIGN GUIDELINES

1.0 APPLICATION

The McNeil Grove Design Guidelines apply to Lots 113 - 132 McNeil Grove, Jarrahdale (inclusive) (the policy area).

These Design Guidelines are prepared to assist Council dealing with development within the McNeil Grove locality which forms part of the Jarrahdale Townscape Policy Precinct as established by clause 5.16 – *Jarrahdale Heritage and Townscape Policy Precincts* of Town Planning Scheme No. 2. Where appropriate the Residential Planning Codes (1991) apply.

These Design Guidelines are intended to create a continuous residential streetscape of uniform character and indicate the desired form and nature of development.

The development control provisions of these guidelines will be given full regard by Council and any development application to depart from these provisions will require full and substantial justification and approval of the Council.

2.0 OBJECTIVES

2.1 Primary Objective

The following primary objective for the Jarrahdale Heritage and Townscape Policy Precincts is included in Town Planning Scheme No. 2:

Council's objective, recognising the Precincts' historic and townscape significance, is to ensure retention of the character of the Precincts as a whole and the buildings within the Precincts.

2.2 Secondary Objectives

The following secondary objectives for the Jarrahdale Heritage and Townscape Policy Precincts are included in Town Planning Scheme No. 2:

- a) To retain the historic timber town characteristics (1870-1910)
- b) To reserve, protect and enhance buildings, structures and physical features which have been identified as having cultural heritage significance in terms of aesthetic, historic, scientific or social factors
- c) To preserve the form and design of existing buildings and facades, and encourage restoration
- d) To provide control over signs and ancillary design features to ensure compatibility with the historic theme
- e) To generally follow the Jarrahdale Townscape Study 1991 (Hocking & Associates) recommendations when considering applications for tourism and related facilities

3.0 DEVELOPMENT CONTROL

3.1 Development Requiring Council Approval

Development within the policy area requires the written planning consent of Council. Development for the purposes of this policy includes, but is not necessarily limited to, the following:-

- a) Demolition or removal of buildings
- b) Works which affect the external appearance of a building
- c) Construction of additions and outbuildings
- d) Erection of a fence or a wall
- e) Development of new buildings
- f) Significant landscaping

3.2 Information to be lodged with planning application

A planning application must be lodged for all developments, including dwellings and outbuildings, in the policy area. The following additional information must be lodged with your planning application:

- A planting schedule detailing the provision of landscaping. Council's PS03 – Landscape and Revegetation Policy may be of assistance when gathering this information;
- A schedule outlining colours and finishes of external materials and detailed written information addressing those issues raised in 3.3 and 3.4 below.

3.3 Matters Required to be Considered By Council Arising From Town Planning Scheme No. 2

When considering applications for development in the Jarrahdale Townscape policy Precinct, Town Planning Scheme No. 2 requires that Council shall take into account the following:

- a) A building on a lot abutting the Heritage Precinct shall demonstrate architectural design detail which reflects the scale, style and spatial arrangements of existing buildings in the Heritage Precinct;
- b) Existing vegetation and natural land form feature should be retained to the fullest extent possible. Replanting of local native vegetation is to be encouraged;
- c) Use of earthy colours and materials of low reflective quality for walls and roofs is to be encouraged;
- d) Site disturbance should be minimised. Cut and fill should be discouraged;

- e) Utilisation of solar energy is to be encouraged. Improvements in thermal comfort and reduced cooling and heating costs can occur through careful orientation and siting of buildings achieved by design of windows, verandahs and material choice; and
- f) Fencing – shaped post and rail, with or without cyclone mesh wire, or timber pickets is recommended.

3.4 Additional Matters to be Considered By Council

3.4.1 Setbacks

- a) All dwellings should be set back at the front boundary in line with adjoining dwellings or where there are none, then the front setback shall comply with the R12.5 setback requirements in the Residential Planning Codes.
- b) Secondary street setbacks to a dwelling shall be no less than three metres from the street alignment.

3.4.2 Alterations and Additions

- a) Additions and alterations should be carried out in sympathy with the character, scale, form and material of timber workers cottages.
- b) Attention should be given to retaining the integrity of existing dwellings, particularly the front façade, by siting additions to the side or rear and taking into account the shape and heights of windows, roof pitches and verandah details

3.4.3 Roofs

- a) Roofing of existing dwellings should comprise metal deck sheeting at pitches of 22 to 45 degrees and follow simple rectangular shapes with gable ends. Verandahs may have a minimum pitch of 10 degrees.
- b) Second storey roof lines should not dominate the street frontage of buildings.
- c) Roof materials may include concrete or clay tiles, colorbond or slate. Zincalume or finished steel is not permitted.

3.4.4 Verandahs/Window Canopies

- a) Most existing building feature verandahs and window canopies should use the same materials and the same pitch as the main roof.
- b) Existing front verandahs should not be enclosed, except with temporary sunshade, windbreak or woven materials.

3.4.5 Windows and Doors

- a) Windows and doors, particularly those that face the street, should maintain a simple rectangular and vertical configuration in accordance with the traditional style of the timber workers cottages.
- b) Where timber is not used, the surrounds should be appropriately coloured.
- c) Front doors and windows should address the main street or facades should be designed so that there are no large expanses of blank walls facing the main street.

3.4.6 Front Fences

- a) Fencing in front of the building line should be both low (0.8m to 1.1m) and open and be constructed of open timber picket or post and rail fencing.
- b) Secondary street fencing shall conform with the above requirements.

3.4.7 Sheds/Outbuildings

- a) Outbuildings should be set back behind the main building and, in all instances, be behind the building line and, as far as possible, screened from the main street frontage.
- b) The use of materials, colour and design for compatibility with the main building will be encouraged.
- c) Attached garages and carports should be sympathetic to the design of the main building, particularly in terms of roof pitch, height and use of materials and should not be located forward of the building line.

3.4.8 Materials

- a) Preference will be given to the use of framed and timber clad construction of the like. Where masonry is used the predominant colours should be of a brown or red hue. Note: Masonry includes brickwork face or rendered, rammed earth and stone.

3.4.9 Colour

- a) Where timber is to be painted, the predominant colours should be in a range between a tan or brown, through to green. White may also be used.
- b) Accent colours may be white, or close analogous colours, or complimentary colours to the predominant colour.
- c) Roof colours should be ochres, mute greens and reds, light grey/green, olive.

3.4.10 Signage

- a) Signage within the Precinct areas is controlled/regulated under Local Planning Policy No.5 – *Control of Advertisements*.

3.4.11 Sustainable Timber Products

- a) Council encourages the use of timber products produced from sustainably managed forests in preference to rainforest or old growth native forests.

3.4.12 Solar Orientation

- a) Where possible house design should be oriented to receive the maximum amount of northern winter sun whilst at the same time preserving the solar access to adjoining properties.
- b) Attention should be given to the orientation of windows to capture prevailing breezes and to provide shade with devices such as awnings, eaves or pergolas, or with deciduous trees where appropriate

3.4.13 Solar Collectors

Preference is given to solar collectors being located so as not to be visible from the street. However, it is recognised that in order to obtain the most effective orientation for a collector, this may not always be possible. Where a solar collector is visible from the street, the storage tank should be located so as not to be visible from the street.

3.4.14 TV Antennas, Satellite Dishes and Radio Masts

TV antennas are to be located within the roof space wherever reception permits. If this is not possible antennas should be located where they are not visible from the street. Satellite dishes and radio masts require planning approval of Council and should be located where they can be adequately screened.

3.5 Notice Procedure

Council will notify all landowners to which this Local Planning Policy applies of any development application received for works on any land to which the policy applies in accordance with Clause 6.3.1(a) of Town Planning Scheme No. 2.

4.0 VARIATION IN STANDARDS

Consideration may be granted to variation of standards where it can be demonstrated to Council's satisfaction by way of a comprehensive written statement outlining how the proposal meets the objectives of these guidelines.

2. Council grants delegated authority to the Chief Executive Officer to approve/refuse developments subject to Local Planning Policy No.10 McNeil Grove Design Guidelines after taking into account the provisions of the policy.

CARRIED 5/0

P149/09/02 SUBDIVISION WITHIN THE BYFORD STRUCTURE PLAN AREA (A0975)		
Proponent	Shire of Serpentine-Jarrahdale	In Brief To review Local Planning Policy No. 2 – Subdivision Within the Byford Structure Plan Area It is recommended that Council advertises revised Local Planning Policy No.2 – Subdivision Within the Byford Structure Plan Area for public comment.
Officer	Andrew Watson – Director Sustainable Development	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously	P152/06/01	
Disclosure of Interest		
Delegation	Committee In Accordance With Resolution SM049/05/01/SM065/05/02	

CRP149 Committee Decision/Officer Recommended Resolution

Moved Cr Star, seconded Cr Hoyer that Council, pursuant to Part 9 of the Shire of Serpentine-Jarrahdale Town Planning Scheme No.2 resolves to advertise the revised Local Planning Policy No.2 – Subdivision Within the Byford Structure Plan Area as follows for public comment:

LPP2 SUBDIVISION WITHIN THE BYFORD STRUCTURE PLAN AREA (A0975)

Adopted 18 June 2001

Revised (Date to be inserted)

Policy Objective

To outline Council's position on subdivision within the Byford Structure Plan Area.

Background

Subdivision/Amalgamation Referrals

The Western Australian Planning Commission is the consent authority for subdivision/amalgamation referrals. Section 24 of the *Town Planning and Development Act 1928* (as amended) (the Act) provides the Commission with the discretion to refer applications for subdivision/amalgamation to any local authority, Government Department or public body where the Commission is of the view that the application will have an impact on the powers or functions of that authority, department or body.

Town Planning Scheme No. 2

Clause 5.18.1.1 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 provides:

5.18.1.1 The local government requires a Structure Plan for a Development Area, or for any particular part or parts of a Development Area, before recommending subdivision or approving development of land within the Development Area.

This clause has the effect of prohibiting Council from dealing with referrals of subdivision/amalgamation from the WA Planning Commission for land within the Urban Development zone. Council is obliged to recommend to the Commission that such applications be refused until such time as a Structure Plan is approved.

Draft Byford Structure Plan

At its meeting of 22nd January 2001 Council adopted the proposed Byford Structure Plan for referral to the WA Planning Commission for final approval.

On 18th July 2001 Council was advised that the Planning Commission had, subject to a number of changes, adopted the proposed Byford Structure Plan as a "draft". In terms of the process set down in Town Planning Scheme No. 2 for the approval of a structure plan, there is no such thing as approval of a "draft" structure plan. The Planning Commission has simply given an indication, albeit a very clear one, that they will approve the proposed Byford Structure Plan, but with some significant changes.

The most significant criteria for finalisation of the Draft Byford Structure Plan is consideration, by Council and the Commission, "of matters arising from finalisation of the Byford Urban Water Management Strategy".

Byford Urban Water Management Strategy

Council has appointed PPK Infrastructure and Environmental to prepare an urban water management strategy for the Byford urban development area. This is in recognition of the significant constraint drainage is likely to have on development across the whole Byford urban area. The nature of the drainage issue, which relates to the nature of the site, requires an integrated solution across the whole area, rather than being left to subdividers to deal with on a subdivision by subdivision basis.

Detailed Area Plans

Clause 5.18.5.1(a) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 provides:

- “5.18.5.1(a) (i) *The local government or the Commission may, by notice in writing, require a person to prepare and submit to the local government a detailed area plan within the time specified in the notice.*
- (ii) *A person may prepare and submit to the local government a detailed area plan.”*

Clause 5.18.5.1 goes on to establish the requirements for Detailed Area Plans.

The Draft Byford Structure Plan recognises the importance of preparing detailed area plans to “enhance, elaborate and expand on the details or provisions contained in a Structure Plan”. In this respect the Draft Byford Structure Plan goes on to state:

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

Local Planning Policy No.2 – Subdivision Within the Byford Structure Plan Area, as adopted on 18th June 2001, enunciates Council’s requirement that a Detailed Area Plan be prepared for any precinct within the Byford Structure Plan Area before Council will consider any subdivision/amalgamation referral.

Preparation of a Detailed Area Plan is the responsibility of landowners within each precinct identified in the Draft Byford Structure Plan. Council however, recognises that given the fragmented ownership within the existing Byford town site, it is unlikely that any landowner/owners will obtain sufficient benefit to warrant preparation of a Detailed Area Plan. Consequently, Council has budgeted to prepare a Detailed Area Plan for the existing Byford town site in the 2002/2003 financial year.

The WA Planning Commission has supported Council’s view that detailed area plans are required prior to subdivision in Byford (including the existing town site) in making the following comments in relation to a revised subdivision plan within the Structure Plan Area (WAPC115582):

“.....additional detailed studies and arrangements for service infrastructure will be put in place once the draft Byford Structure plan has been finalised. Any further more intensive subdivision will require connection to reticulated sewerage, consistency with detailed area plans, and contributions for infrastructure as required for each particular Precinct identified by the Structure Plan.”

The Policy

1. Clause 5.18.1.1 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 requires that a Structure Plan be finalised for the Byford Urban Development Area prior to recommending subdivision/amalgamation applications in response to referrals from the WA Planning Commission.
2. Council will not recommend support to the WA Planning Commission for any subdivision proposal within the Byford Structure Plan area unless a Detailed Area Plan has been prepared for the particular precinct identified by the Byford Structure Plan in which the land the subject of a subdivision/amalgamation referral is located.
3. The Draft Byford Structure Plan includes a number of areas identified as “Rural Residential”. This Policy does not apply to an area identified as “Rural Residential” in the Draft Byford Structure Plan provided that a planning scheme amendment has been progressed in respect of such land to remove it from the Urban Development zone and consequently, the Byford Structure Plan Area.

Attachment 1 shows the Byford Structure Plan Area (To be inserted).

Attachment 2 shows the proposed precincts within the Byford Structure Plan (subject to finalisation of drainage catchments as part of the Byford Urban Water Management Strategy) (To be inserted).
CARRIED 5/0

P152/09/02 INFORMATION REPORT			
Proponent	Director Sustainable Development		In Brief Information Report.
Officer	Lisa Fletcher – Support Officer Sustainable Development		
Signatures - Author:			
Senior Officer:			
Date of Report			
Previously			
Disclosure of Interest			
Delegation	Committee In Accordance With Resolution SM049/05/01/SM065/05/02		

CRP152 Committee Decision/Officer Recommended Resolution

Moved Cr Star, seconded Cr Price that the Information Report to 6 September 2002 be received.
CARRIED 5/0

P155/09/02 REQUIREMENTS FOR DETAILED AREA PLANS (A1133)			
Proponent	Shire of Serpentine-Jarrahdale		In Brief Council to consider initiating a Local Planning Policy relating to the requirements for Detailed Area Plans. It is recommended that Council advertises draft Local Planning Policy No.12 – Requirements for Detailed Area Plans.
Officer	Andrew Watson – Director Sustainable Development		
Signatures - Author:			
Senior Officer:			
Date of Report	6 September 2002		
Previously	Not applicable		
Disclosure of Interest			
Delegation	Committee In Accordance With Resolution SM049/05/01/SM065/05/02		

CRP155 Committee Decision/Officer Recommended Resolution

Moved Cr Star, seconded Cr Price that Council, pursuant to Part 9 of the Shire of Serpentine-Jarrahdale Town Planning Scheme No.2 resolves to advertise the draft Local Planning Policy No.12 – Requirements for Detailed Area Plans as follows for public comment:

LPP12 REQUIREMENTS FOR DETAILED AREA PLANS

Adopted (Date to be inserted)

Policy Objective

To outline Council's requirements for the preparation of Detailed Area Plans

Background

Structure Plan Required Before Consideration of a Detailed Area Plan

Clause 5.18.1.1 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 provides:

“5.18.1.1 The local government requires a Structure Plan for a Development Area, or for any particular part or parts of a Development Area, before recommending subdivision or approving development of land within the Development Area.”

This clause has the effect of prohibiting Council for dealing with referrals of subdivision/amalgamation from the WA Planning Commission by recommending to the Commission that they be approved until such time as a Structure Plan is approved.

Finalisation of a Structure Plan for a Development Area is a prerequisite for Council approval of a Detailed Area Plan.

Detailed Area Plans

Clause 5.18.5.1(a) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 provides:

“5.18.5.1(a) (i) The local government or the Commission may, by notice in writing, require a person to prepare and submit to the local government a detailed area plan within the time specified in the notice.

(ii) A person may prepare and submit to the local government a detailed area plan.”

The Draft Byford Structure Plan recognises the importance of preparing detailed area plans to “enhance, elaborate and expand on the details or provisions contained in a Structure Plan”. In this respect the Draft Byford Structure Plan goes on to state:

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

Local Planning Policy No.2 – Subdivision Within the Byford Structure Plan Area, as adopted on 18th June 2001, enunciates Council's requirement that a Detailed Area Plan be prepared for any precinct within the Byford Structure Plan Area before Council will consider any subdivision/amalgamation referral.

Preparation of a Detailed Area Plan is the responsibility of landowners within each precinct identified in the Draft Byford Structure Plan. Council however, recognises that given the fragmented ownership within the existing Byford town site, it is unlikely that any landowner/owners will obtain sufficient benefit to warrant preparation of a Detailed Area Plan. Consequently, Council has budgeted to prepare a Detailed Area Plan for the existing Byford town site in the 2002/2003 financial year.

The WA Planning Commission has supported Council's view that detailed area plans are required prior to subdivision in Byford (including the existing town site) in making the following comments in relation to a revised subdivision plan within the Structure Plan Area (WAPC115582):

“.....additional detailed studies and arrangements for service infrastructure will be put in place once the draft Byford Structure plan has been finalised. Any further more intensive subdivision will require connection to reticulated sewerage, consistency with detailed area plans, and contributions for infrastructure as required for each particular Precinct identified by the Structure Plan.”

Policy Statement

1. Clause 5.18.5.1(a) of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 allows Council to require that a Detailed Area Plan be finalised for any precinct within the Byford Structure Plan Area before Council will consider any subdivision/amalgamation referrals from the WA Planning Commission.
2. Council will not recommend support to the WA Planning Commission for any subdivision proposal within the Byford Structure Plan area unless a Detailed Area Plan has been prepared for the particular precinct identified by the Byford Structure Plan in which the land the subject of a subdivision/amalgamation referral is located.
3. Clause 5.18.5.3 of the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 sets out the matters which a detailed area plan may include details. Clause 5.18.5.3 also allows Council to require that a detailed area plan includes “such other information considered relevant by the local government”.
4. Council requires any detailed area plan submitted to it for approval, or required by Notice to be submitted to it for approval, to address/include details and provisions in relation to the following matters:
 - a) a vision statement for the whole of the precinct;
 - b) a statement of objectives for the whole of the precinct;
 - c) detailed site analysis;
 - d) a landscape master plan for public land throughout the whole of the precinct including:
 - finished site levels;
 - a drainage and nutrient management strategy complying with Council’s adopted Urban Water Management Strategy for the Development Area;
 - integrated cycle and pedestrian paths linked to regional network;
 - domain interface between public/private domain/streetscapes (eg fences, setbacks. Allows for the future character of the precinct to be assessed);
 - community safety (active street frontages, lighting etc.);
 - e) building envelopes;
 - f) distribution of land uses within a lot;
 - g) private open space including provisions relating to solar passive landscaping;
 - h) services;
 - i) vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;
 - j) the location, orientation and design of buildings and the space between buildings;
 - k) advertising signs, lighting and fencing;
 - l) protection of sites of heritage, conservation or environmental significance where appropriate;
 - m) development controls and guidelines relating to matters including:
 - use of energy efficient building materials and other energy efficiency measures;
 - solar orientation;
 - use of minimum R2 roof insulation;
 - use 4 or 5 star solar hot water systems rated for flexibility;
 - use of AAA rated plumbing fittings and fixtures;
 - water reuse or water tanks for irrigation;
 - n) a waste management strategy to minimise construction waste to landfill;
 - o) any other sustainability initiatives that an applicant wants to put forward for Council consideration.

CARRIED 5/0

11. CLOSE

There being no further business the meeting closed at 7.41pm

I certify that these minutes were confirmed at the
ordinary council meeting held on 28th October, 2002

.....
Presiding Member

.....
Date