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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, 24TH AUGUST 2009. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.01PM AND WELCOMED COUNCILLORS, STAFF AND THE MEMBER OF THE GALLERY.

1. ATTENDANCE & APOLOGIES:

IN ATTENDANCE:

COUNCILLORS: DL Needham Presiding Member
M Harris
WJ Kirkpatrick
K Murphy
C Buttfield
MJ Geurds
JE Price
S Twine
E Brown
C Randall

OFFICERS: Ms J Abbiss Chief Executive Officer
Mr A Hart Director Corporate Services
Mrs S van Aswegen Director Strategic Community Planning
Mr B Gleeson Director Development Services
Mr R Gorbunow Director Engineering
Mrs C McKee Manager Community Development
Mr L Tressler Community Planning Officer (from 7.04pm)
Mrs L Fletcher Minute Secretary

APOLOGIES: Nil

GALLERY: 1

2. PUBLIC QUESTION TIME:

Sandra Hawkins – Chairperson for the Byford Scarp Residents Association Inc

Further question in relation to Lot 116 Coulterhand Circle, Byford

The questions relate to the Council meeting of 23 March 2009:

“Q1. *It is correct to assume that each Councillor is elected to serve on Council by the electorate?*

A1. *Councillors are elected by eligible voters within their Ward.*

Q2. *It is correct that those Councillors duly elected are on Council to represent the views of the electorate?*

A2. *The role of a councillor is defined by the Local Government Act 1995.*

Q3. *Why is it that the views clearly and unanimously expressed by the people are ignored and overridden to satisfy some serving Councillors?*

A3. *Councillors are required to make decisions in the best interests of electors, ratepayers and residents of the entire district. This may, at times, be different to the views of some members of the community.*

Q4. *It is appropriate to continue to try to establish a new facility in Bush Forever and River Foreshore Reserve as registered in the Bush Forever Protection Area BFS271? (plan 3.1888 also provided)*

A4. *Council is yet to determine whether the existing building will be considered as part of the feasibility study for a community facility within Byford by the Scarp.”*

I have to question what does Council mean by ‘the entire community’. Does it mean the entire community of the residents on the land locked estate at Byford by the Scarp? Or does it mean the entire community of Byford township or does it mean the entire Shire of Serpentine Jarrahdale?

The Chief Executive Officer advised that this reference was to Councillors roles under the Local Government Act. Even if the Councillors are from a particular ward they have to represent the best interests of the whole district ie Serpentine Jarrahdale Shire.

Community Planning Officer entered the meeting at 7.04pm.

To any of the above your answer may be applicable. But the Residents Association is only concerned with the land locked Byford by the Scarp Estate.

To reiterate we are unanimous on the move to demolish the building and improve the natural parkland.

Which now brings me to the next question, ‘has Council made a decision on the future of the building?’

If not why not? And if yes why have we not been consulted as promised by Council previously?

The Chief Executive Officer advised that there has not been a decision of Council on the building as yet as this has not been brought before Council at this time. Officers would have to be conferred with to determine the anticipated time that this could occur.

2.1 Response To Previous Public Questions Taken On Notice

Nil

3. **PUBLIC STATEMENT TIME:**

Sandra Hawkins – Chairperson for the Byford Scarp Residents Association Inc

Would like to thank Council with the assistance that has been given by the Shire Council to our association in obtaining the diversion of the school bus service to come into the Scarp Estate. This was put in place to ensure the safe pick up and drop off of the children so they did not have to wait on the edge of the very busy South Western Highway. This situation will not be present from 30 August. Our sincere thanks to you.

4. **PETITIONS & DEPUTATIONS:**

Nil

5. **PRESIDENT’S REPORT:**

Nil

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Cr Geurds declared a proximity interest in item SD018/08/09 as he resides near the Byford Trotting Complex.

Cr Harris declared an interest of impartiality in item SD021/08/09 as she is a member of the Byford Fire Brigade with the brother of the proponent. The proponent and his family also use her chiropractic services. Cr Harris advised that this will not affect the way in which she votes on this matter.

7. RECEIPTS OF MINUTES OR REPORTS AND CONSIDERATION FOR RECOMMENDATIONS:

7.1 Ordinary Council Meeting – 27 July 2009

Moved Cr Buttfield, seconded Cr Harris

The *attached (E09/4790)* minutes of the Ordinary Council Meeting held on 27 July 2009 be confirmed with the following amendments:

Rewording of the second paragraph on Page 6:

..... on a submission made regarding the festival. The Shire President stated that since then a member of the Keysbrook community in a conversation with her had connected the two issues.

Inclusion of the following questions asked by Cr Kirkpatrick relating to item SD003/07/09:

Q. Would that committee have a degree of input into the employment of that person?

A. The Chief Executive Officer advised that no they would not.

Q. Would that officer have a degree of autonomy to act quickly?

A. The Chief Executive Officer advised that the officer would have the degree of autonomy that was delegated to them.

CARRIED 10/0

REPORTS OF COMMITTEES:

SD019/08/09 RETROSPECTIVE APPLICATION FOR PLANNING APPROVAL FOR GENERAL INDUSTRY (STEEL FABRICATION) – LEASE AREA LOT 3621 RICHARDSON STREET, SERPENTINE (P02675/02)		
Proponent:	Dykstra Planning	<p>In Brief</p> <p>To provide a recommendation to the Western Australian Planning Commission in regard to the retrospective planning application for General Industry (Steel Fabrication) on lease area Lot 3621 Richardson Street, Serpentine.</p> <p>It is recommended that Council defer its consideration of the application, pending further investigation into potential noise issues, prior to providing a recommendation to the Western Australian Planning Commission.</p>
Owner:	Public Transport Authority of Western Australia (Lessor) & Steel Kit Homes (Lessee)	
Author:	Michael Daymond – Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	21 July 2009	
Previously	SD003/07/08	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 25 February 2009
 L.A Zoning: Railways Reservation
 MRS Zoning: Railways Reservation

Background

History

Steel Kit Homes have occupied land known as the Serpentine Railway Reserve (Richardson Street, Serpentine) since 1990. They have leased the land from the Public Transport Authority of Western Australia (PTA). Steel Kit Homes still holds a valid lease with the PTA for a further 8 years until 2016.

Records show that a ‘Mixed Produce Store’ was approved under the Metropolitan Region Scheme (MRS) by the Metropolitan Region Planning Authority on 3 July 1981 and a subsequent approval for a steel shed located on the same parcel of land was issued by the same authority on 10 September 1981. Two Building Permits were also issued in 1981. These are the only records that the Shire holds in respect to any use or development on the land occupied by Steel Kit Homes.

Based on Shire records, it would appear as though Steel Kit Homes are currently operating at the site without a current planning approval. Planning approval is required to be issued by the Western Australian Planning Commission (WAPC) under the MRS prior to the commencement of any development or use of the land.

A copy of the location plan is with attachments marked SD019.1/08/09.

Previous Council Resolution

At the Ordinary Council Meeting of 28 July 2008, an item was presented to Council regarding the current situation of the property and requesting that Council enter into a Legal Agreement with the operator to allow the business to remain operating on the land for a set period of time. The amount of time agreed to by Council was between eighteen (18) to twenty four (24) months.

A copy of the previous Council resolution is with attachments marked SD019.2/08/09.

The legal agreement, as required by the resolution, has not yet been entered into by the proponent despite numerous requests by the Shire's officers.

Current Application

A retrospective application for planning approval for the existing General Industry (Steel Fabrication) has since been submitted on behalf of the owner and is the subject of this report. The Shire is required to provide a recommendation to the WAPC, which will in turn formally determine the application.

Sustainability Statement

Effect on Environment: Existing vegetation on site has not been impacted upon by this business to date. Significant storm water runoff would occur from the roofs of the sheds and the hardstand area.

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

Economic Benefits: The proposal does have economic benefits for the Shire by providing locally based employment and use of local services such as fuel.

Social – Quality of Life: Residents of the surrounding area are being exposed to levels of noise in excess of the permitted levels.

Statutory Environment:

Planning and Development Act 2005
Town Planning Scheme No. 2 (TPS 2)
Environmental Protection (Noise) Regulations 1997
(Regulations)
Metropolitan Region Scheme (MRS)

The subject land is reserved as 'Railways' under the MRS and as such the determination of the application is required by the WAPC.

Policy/Work Procedure Implications:

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

Financial Implications:

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

Strategic Implications:

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

1. People and Community

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

Strategies:

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

2. Environment

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

Strategies:

6. Value, protect and develop biodiversity.

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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

Strategies:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation

There is no statutory requirement under the MRS for public comment to be sought prior to a local government providing its recommendation on a development application to the WAPC. It is also not accepted practice in Western Australia that local governments advertise for public comment proposals that are to be determined by the WAPC. The determination process is controlled by the WAPC and not the Shire.

Previous Submissions

Although the current application for retrospective approval was not referred for public comment, letters of both support and objection have been received by the Shire in the past. In the context of the current application, it is considered that these submissions be noted. A summary of these previous submissions are detailed below.

Summary of Support

Since July 2007, the Shire has received two (2) letters and a 284 signature petition supporting the continued operation of Steel Kit Homes. The reasons for the support are as follows:

- The threat of closure of the business means a threat to the jobs of those employed;
- It has been reported that those neighbours nearest the operation have advised that there are no issues with Steel Kit Homes and that the company are held in the highest regard and are a great asset to the area;
- Steel Kit Homes have has operated from the site for 20 years, currently employ 26 local residents and provide valuable apprentices for many local youth;
- The operation injects a lot of money into the local economy;
- As nearby residents, we hardly hear any noise from the operation; and
- Businesses like this are needed in Serpentine.

Summary of Objection

Since March 2008, the Shire has received three (3) letters and a 17 signature petition opposing the continued operation of Steel Kit Homes. The reasons for the objection are as follows:

- The operation is producing excessive noise on a daily basis which is very difficult to live with;
- There continues to be unwarranted noise pollution from the site with the constant clanging, banging and grinding of steel 6 and a half days a week;
- The noise is affecting the resident's quality of life;

- Steel Kit Homes are continuing to affect the amenity of the area by virtue of noise, vibration, smell and fumes.

It is relevant to consider the above submissions as part of the assessment of the application by Council.

Comment

PROPOSAL

Site Layout

The development site plan depicts the layout of the existing land use for which approval is being sought. Succinctly, the application seeks to formalise the existing use of the land, which comprises:

- Two (2) sheds of approximately 350m² and 720m² respectively;
- A site office;
- Outdoor storage;
- Hard stand areas; and
- Constructed access from Richardson Street.

Staff parking is currently accommodated adjacent to the subject land within the Richardson Street road reserve.

A copy of the development plans are with attachments marked SD019.3/08/09.

Site Operations

As part of the application to Council, the applicant provides the following information in respect to the operation of the business:

“Steel Kit Homes manufactures steel wall frames, steel roof trusses and associated steel products for both the mining and residential sectors. Steel is delivered to the site, normally as 1 tonne steel coils, following which time it is rolled into channels and cut to required lengths using the roller in shed 1. The lengths of steel are then welded and finished using drop saws and grinders within sheds 2 and 3. All fabrication and assembly occurs within the sheds. Completed products are then stored in the outdoor storage areas before being transported off site”.

Hours of Operation

The business proposes to continue operating between the hours of 6:00am and 6:00pm Monday to Friday, and 7:00am to 4:00pm on Saturday in order to satisfy commercial contracts.

Employment

Steel Kit Homes currently employs approximately thirty-six (36) staff, approximately 80% of which live locally. Accordingly, Steel Kit Homes is perhaps the largest single employer of residents within the Serpentine town site. The applicant states that the discontinuation of the business in its current location would result in significantly reduced local employment opportunities.

STATUTORY FRAMEWORK

TPS 2

The application is not being determined under TPS 2 but rather the MRS; as such the provisions of TPS 2 do not apply. For comparative purposes only, the existing use of the land for Steel Fabrication is considered to fall within the definition of either 'Industry-General' or 'Industry Light' depending on the impacts that the use has on the surrounding locality. Under the scheme, 'Industry Light' is defined as:

"Industry Light - means an industry:

- (i) *in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products."*

It is considered that the application does not fall within the definition of 'Industry Light' due to the noise impacts on the surrounding residents, as is detailed later in this report. Therefore, it is deemed that the proposed use fits the 'Industry General' definition which caters for uses that produce noise emissions and has the potential to impact on the surrounding locality. 'Industry General' is defined as:

"Industry General - means an industry other than a cottage, extractive, hazardous, light, noxious, rural or service industry."

It is important to note that the application is not being determined under TPS 2 and as such the permissibility of uses is not determined under TPS 2 but rather the MRS.

Council is encouraged to have regard to the objectives of TPS 2 in providing its recommendation to the WAPC. The objectives of TPS 2 include:

- (a) *to secure the amenity, health, safety and convenience of the inhabitants of the District:*

Based on the information provided by the applicant, specifically in respect of noise impacts, the use of the land is likely to compromise the amenity of the inhabitants of the District.

MRS & WAPC Determination

Any works within the 'Railways' reservation under the MRS requires a determination by the WAPC, unless the works are specifically exempted. Under Section 30 (1) of the MRS, the WAPC in determining applications is to have due regard to "the purpose for which the land is zoned or reserved under the Scheme, the orderly and proper planning of the locality and the preservation of the amenities of the locality"

The WAPC may refuse its approval or may grant its approval subject to such conditions if any as it may deem fit.

The application has been referred to the WAPC with the WAPC currently awaiting a recommendation from Council before determining the application

It is important to note that Council is required to consider the application on its merits and based on the information provided by the applicant. Compliance issues past, present or possibly in the future are not relevant considerations in determining the application.

Draft State Planning Policy 4.1 – State Industrial Buffer

The WAPC's draft SPP 4.1 is intended to replace the earlier *Statement of Planning Policy 4.1 State Industrial Buffer Policy* which was gazetted on 5 May 1997. The objectives of the draft policy are to:

- Avoid conflict between industry and sensitive land uses;
- Protect industry from encroachment by those land uses that would be sensitive to impacts and adversely impact the efficient operations;
- Provide for the development of industry in a way that maximises amenity, minimises environmental and health impacts and takes account of risk to nearby sensitive land uses; and
- Promote compatible uses in areas affected by off-site impacts of industry.

The draft policy states that proposals that satisfy the recommended buffer distances within the *Guidance for the Assessment of Environmental Factors No.3 – Separation distances between industrial and sensitive land uses* document are deemed to comply with the objectives of the draft policy. The recommended buffer distance for 'Metal Fabrication' to any sensitive land use, such as residential development, is between 500 and 1000 metres depending on the size of the operation. However, a majority of the Serpentine town site falls within a 500m radius of the existing Steel Kit Homes operation.

It is therefore considered that the existing operation does not currently comply with the objectives as detailed within the draft SPP 4.1 in relation to minimising adverse impacts on adjoining properties. It may be possible for the applicant to minimise these impacts through the incorporation of additional noise mitigation measures.

Local Planning Policy No.23 – Serpentine Planning Framework

Local Planning Policy No. 23 (LPP23) was adopted by Council on the 22 June 2009 for the purpose of public consultation. The main objective of the policy is to guide the orderly and proper planning for the Serpentine Urban Development Area. Although the subject site, within the MRS 'Railways' reservation, falls outside of the Urban Development Area, it is still important to consider the proposal in the context of the future development of the town site.

The future District Structure Plan (DSP) for Serpentine will provide district level guidance for a defined area that is to be used as a basis for more detailed planning in the form of a Local Structure Plan (LSP). One of the aspects of the DSP is to provide guidance on the future land use distribution throughout the town site. This land use distribution may include land for industrial purposes.

If Council is of the opinion that the existing operation is beneficial to the town site, with specific regard to employment generation, then there is a possibility to recommend that the use be granted a time limited approval, say for a 5 year period. The purpose of a time limited approval will be to give assurance to the operator that they can continue operating within the Serpentine area for a set period whilst work towards the DSP progresses. At the time of expiration of the time limited approval, the DSP may have identified suitable industrial land within the town site that can be used by Steel Kit Homes for their purposes. However, the identification of any industrial land within the DSP process is not guaranteed and needs to be considered in terms of the impacts that the continued operation of Steel Kit Homes will have on the area.

Noise Impacts

The WAPC (on the advice of relevant authorities) is to have due regard to the preservation of the amenities of the locality; noise impacts are a relevant consideration.

A copy of the noise assessment report is with attachments marked SD019.4/08/09.

A noise assessment was prepared by Lloyd George Acoustics. Noise measurements were taken by the consultant at three locations on Richardson Street. Two of the sites were on the verge, in front of houses facing Steel Kit Homes (the subject site) and the third was at the rear of a lot in Richardson Street, representing the lots that front Maxwell Street, but have the backyards facing the subject site. These sample locations are reasonably representative of the dwellings that will likely be impacted by noise from the subject site.

The report provides the results of the measurements taken over a 15 minute period at these locations, including a 10dB penalty for the impulsive characteristics of the noise. The results show that the residents of these dwellings could be exposed to noise levels of up to 21dB(A) above permitted levels. The report also provides noise levels for a 4-hour assessment period, by extrapolating the results from the 15-minute measurements taken. From the extrapolated results, the representative dwellings would receive noise levels up to 9dB(A) above the permitted levels. These exceedances are based on 'day time' permitted levels.

It is noted in the report that the noise levels received by dwellings fronting Maxwell Street are approximately 7dB(A) less than those received by dwellings on Richardson Street. It is also noted that this predicted reduction could be even lower, as the measured site was a vacant lot and most of the dwellings on Maxwell Street would likely receive some noise shielding from the dwellings on Richardson Street.

On behalf of the applicant, the consultant has recommended several noise mitigation measures to further reduce the levels of noise, however points out that even with these measures in place, compliance with the Environmental Protection (Noise) Regulations 1997 (the Regulations) is unlikely. The suggested mitigation measures are:

- Keeping the doors on the eastern side of the sheds closed and providing new openings for access, preferably on the western side;
- Insulating the walls and roof; and
- Building a 2.4-3m high barrier, constructed of a solid material with no gaps or cracks.

As indicated above, the consultant has concluded that compliance is unlikely to be achieved, however has indicated that the recommended mitigation measures may be sufficient to reduce the noise to a level that is satisfactory to neighbouring residents. This statement is made in relation to the measured L_{A90} noise levels, considered to be background noise levels for the area.

Whilst it is acknowledged that the extrapolation of the 15-minute sample into a 4-hour assessment period is an acceptable use of the noise measurements, it is stated in the report that the noise emission from the subject site is 'intermittent and variable'. This suggests that the pattern of noise emission from the subject site over four hours is unlikely to be representative in a 15-minute sample and this use of the data may not be completely accurate. With this regard, a longer sample period may have provided a more accurate representation of the noise emissions from this site.

The range of exceedance, up to 21dB(A) to up to 9dB(A), are based on 'daytime' permitted levels (7am-7pm, Monday to Saturday) and the proposed operating hours, as indicated by the applicant, are 6am-6pm Monday to Friday, 7am-4pm Saturday and occasional trading on Sundays and Public Holidays. With these proposed hours of operation, the exceedances could be up to 10dB higher, as the permitted levels are lower outside of the 'day time' period and on Sundays and public holidays.

The noise consultant has recommended three noise mitigation measures to assist in reducing the noise levels received by the dwellings surrounding the subject site. The consultant, however, does not advise by how much these measures will reduce the levels. In addition, the consultant states that even with these measures in place, it is unlikely compliance with the Regulations will be achieved.

A longer, more representative sample period for noise measurement, noise contours and the predicted noise reduction achieved by mitigation measures would provide more information on the noise levels received by the affected dwellings. A more detailed assessment would allow the noise impacts from the subject site to be more fully understood. In the situation where further assessment demonstrated that the exceedance above the Regulations was lower than in the current noise assessment, the applicant may be provided with further options under the Regulations.

Under the Regulations, where a person considers they cannot reasonably or practicably comply or a proposal will not be reasonably or practicably capable of complying, they may apply to the Minister for approval to exceed or vary from the standards. If the applicant can demonstrate that all possible measures have been taken to limit the noise levels from the premises, an application under regulation 17 of the Regulations would be appropriate.

The process for this application is a public process and the application will be referred from the Minister, through the Environmental Protection Authority, to noise officers at the Department of Environment and Conservation for assessment. This process can be lengthy and there is no guarantee that approval would be granted. If approval was granted, the Minister may apply conditions to the approval and/or may approve the proposal with a specified time period. Whilst this option will have additional financial implications for the applicant, it is very unlikely that the current noise assessment will be acceptable for consideration under regulation 17.

Noise is a relevant consideration in determining whether the amenity of the area for inhabitants would be compromised. Based on the information available, the proposed use of the land would result in the amenity of the area being compromised and in turn be in conflict with the objectives of TPS 2. However it may be possible for the applicant to minimise these impacts through the incorporation of additional noise mitigation measures.

Environmental Impacts

The subject site is located within a mapped Environmentally Sensitive Area (ESA). This status is attributed by the fact that it contains land designated as buffer zones for 6 separate Threatened Ecological Communities (TEC). It also contains an area mapped as Bush Forever Site No.375 and is situated in close proximity to mapped Conservation Category Wetlands. Due to the retrospective nature of the application, damage done to existing vegetation on site is probably no longer an issue. In addition, the vegetation within the site is predominantly planted species or weeds. The concern in this assessment is to prevent any off site impacts onto any neighbouring land that has the ESA status. This can be assured through appropriate conditions of approval.

Options for Council

The following options are available to Council in respect to this proposal. The likely impacts of each option are also detailed.

	Options	Officer Comment	Impacts of Decision
a)	Recommend refusal to the WAPC	<ul style="list-style-type: none"> ▪ A recommendation for refusal may be warranted given that the proposal is unlikely to comply with the Regulations. ▪ Applicant has not been provided with an opportunity to address the noise issues as detailed within the noise assessment. ▪ A determination on the application will be made by the WAPC. 	<ul style="list-style-type: none"> ▪ Loss of jobs for 36 staff, most of whom live locally. ▪ Possible negative economic effect on other business within the town site. ▪ Operation is likely to have to relocate to another Shire due to lack of industrial land available in SJ.
b)	Recommend approval to the WAPC	<ul style="list-style-type: none"> ▪ A recommendation for approval is not supported at this stage given the noise impacts that the existing use has on the surrounding locality, as detailed within the noise assessment. ▪ A determination on the application will be made by the WAPC. 	<ul style="list-style-type: none"> ▪ Continued noise impacts on surrounding properties. ▪ Retention of jobs and associated economic benefits within the town.

c)	Recommend a time limited approval to the WAPC	<ul style="list-style-type: none"> ▪ A recommendation for a time limited approval is not supported as there is no guarantee that the Serpentine DSP will have progressed substantially enough to provide an alternative location for the operator. ▪ A time limited approval does not address any of the issues identified in this report as it merely extends the problem. 	<ul style="list-style-type: none"> ▪ Continued noise impacts on surrounding properties in the short and medium term. ▪ If alternate land cannot be found, the operation is likely to have to relocate to another Shire due to lack of industrial land available in SJ.
d)	Recommended that a consideration on the application be deferred to allow for the preparation of additional noise documentation	<ul style="list-style-type: none"> ▪ The noise assessment, as submitted, provides possible measures to reduce the noise impacts on the surrounding area. These measures can be further investigated by the applicant. ▪ Provides the applicant with an opportunity to address the areas of concern prior to the application being formally considered by Council ▪ WAPC will be advised that the Shire is working with the applicant to progress the application. ▪ This is the option recommended to Council. 	<ul style="list-style-type: none"> ▪ Continued noise impacts on surrounding properties in the short term.

The officer recommendation with respect to this application is (d) above, in that a consideration on the application be deferred to allow for the preparation of additional noise documentation for assessment by Council.

Conclusion

During the past 12 months, the Serpentine community have expressed both their support and objection towards the existing operation at Steel Kit Homes. The main adverse impacts felt by nearby land owners has been in relation to the noise impacts as a result of the fabrication of the steel products on site. Based on the information that has been provided to date, the current General Industry (Steel Fabrication) operation on lease area Lot 3621 Richardson Street, Serpentine is unlikely to comply with the permitted levels under regulation 8 of the Regulations.

The noise assessment does provide a number of mitigation measures that could be utilised to reduce the noise impacts on the surrounding community. Although it is considered that even with these mitigation measures in place that the proposal is still unlikely to be able to comply, the applicant should at least be provided with the opportunity to investigate these and possible additional measures further with the intent to provide a revised noise assessment to Council.

Putting the noise issues to one side, the existing operation of Steel Kit Homes provides employment for 36 staff, contributes to the economic vitality of the Serpentine Townsite and therefore in many ways can be seen as contributing positively to the area. If the noise issues can be adequately addressed to the satisfaction of Council, there is no reason why the existing operation cannot continue into the future.

Based on the above reasons, it is recommended that the Council defer its consideration of the application to allow for the preparation of additional noise documentation by the proponent.

Voting Requirements: Simple Majority

SD019/08/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price, seconded Cr Harris

That Council:

1. Invite the proponent to submit additional information in relation to the noise assessment within 90 days of this decision.
2. Defer consideration of the application for retrospective planning approval for General Industry (Steel Fabrication) on lease area Lot 3621 Richardson Street, Serpentine so that outstanding matters relating to the noise assessment can be addressed.
3. That the Western Australian Planning Commission be advised of Council's decision and requested not to make a determination on the proposal until such time as Council has had the opportunity to make a recommendation based on the revised noise information.

CARRIED 10/0

SD021/08/09 PROPOSED AMENDMENT TO SUBDIVISION GUIDE PLAN FOR LOT 24 BEENYUP ROAD, BYFORD (P02131/01)		
Proponent:	Vanguard Planning	In Brief Request for Council to support an amendment to the Subdivision Guide Plan for Lot 24 Beenyup Road, Byford. The purpose of the amendment is to increase the number of lots permitted from 3 to 6. It is recommended that the proposed amendment not be supported.
Owner:	J & P Wieske	
Author:	Michael Daymond – Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	23 July 2009	
Previously	SD040/10/08 SD063/11/05	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 9 February 2009
 Advertised: Yes
 Submissions: Yes
 Lot Area: 6.3359 hectares
 L.A Zoning: Special Use Zone – Landscape Protection
 MRS Zoning: Rural
 Rural Strategy Policy Area: Conservation - Private
 Rural Strategy Overlay: Landscape Protection
 Bush Forever: Abuts Darling Range Regional Park

Background

Amendment 137

At the Ordinary Council Meeting held on 28 November 2005, Council resolved to grant final approval to Amendment 137 to rezone the subject land from Rural to Special Use Zone –

Landscape Protection. The Minister for Planning and Infrastructure granted final approval for the amendment on 22 May 2006.

The Council approved the amendment on the proviso that the number of lots shown on the Subdivision Guide Plan (SGP) be reduced from six to three. The reason for the required reduction in the number of lots was due to the gradient and levels on the site as it would not be possible for the existing Water Corporation reticulated water supply to service the six proposed lots. A continuous water supply could not be guaranteed unless the existing water supply system was upgraded.

Scheme Provisions

Upon gazettal of the amendment, a number of special provisions were inserted into Appendix 2 of Council's Town Planning Scheme No.2 (TPS2). The provisions relate to the development and use of the land.

A copy of the Special Provisions for Lot 24 Beenyup Road are with attachments marked SD021.1/08/09.

Subdivision Guide Plan

The SGP endorsed by Council on 28 November 2005, progressed in parallel with Amendment 137. It is this SGP that is proposed to be modified.

A location plan and copy of the adopted SGP is with attachments marked SD021.2/08/09.

Proposed Modified SGP – October 2008

At the Ordinary Council Meeting held on 27 October 2008, Council considered a modified SGP for Lot 24 Beenyup Road which proposed to increase the number of lots permitted from 3 to 7. The officer recommendation to Council was that the revised plan not be supported for the following reasons:

The modified SGP for Lot 24 should not be adopted for the following reasons:

- 1. Increasing the number of lots to 7 will result in a significant loss of existing remnant native vegetation from the lot compared to the three lot proposal contained in the adopted SGP.*
- 2. The amended Subdivision Guide Plan shows a reduced area of the lot being set aside for the Priority Conservation Area compared to the adopted guide plan.*
- 3. The 7 battleaxe legs, combined driveway to the seven lots will reduce the ability for screening vegetation along the western boundary to be retained and enhanced.*
- 4. The increased loss of remnant native vegetation is contrary to the objectives of the Landscape Protection Policy contained in Town Planning Scheme No. 2 (TPS 2).*
- 5. The Water Corporation cannot guarantee a reticulated water supply can be provided or maintained to Lots 4-7.*
- 6. The applicant has not provided adequate justification for allowing Lots less than 2 hectares in area without connection to the Water Corporation's reticulated water supply.*
- 7. Increased development including more buildings/dwellings will significantly increase the fire risk to the area. The area already has a high risk rating for fires and this proposal is contrary to good orderly planning.*

At the Ordinary Council Meeting, the applicant requested that the item be deferred to enable the submission of additional information to support their proposal. The applicant believed that some of the information in the report to Council was inaccurate and therefore requested an opportunity to address these issues prior to a determination being made by Council. The request to defer the item was supported with the following resolution being passed:

“SD040/10/08 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Harris, seconded Cr Brown

That item SD040/10/08 be deferred until a future Committee meeting to allow for additional information to be provided by Officers as a result of a request from the proponent.

CARRIED 10/0

Committee Note: The Officer Recommended Resolution was changed to defer the item to allow for additional information to be provided to Officers for presentation to Council.”

A copy of the modified SGP considered by Council in October 2008 is with attachments marked SD021.3/08/09.

Proposed Revised Modified SGP – February 2009 (plan dated 23 January 2009)

In February 2009, a further revised modified SGP was lodged with Council with accompanying documentation to address the issues raised at the October 2008 Council meeting. Under the revised modified SGP, the number of lots has been reduced from 7 to 6, which is an increase in 3 lots from the original SGP. Other changes under the revised modified SGP relate to:

- Lot layout;
- The location of building envelopes;
- Access arrangements; and
- Delineation of the Priority Conservation Area.

Each of these issues will be addressed in this report. Accordingly, the revised modified SGP is now presented to Council for determination.

A copy of the proposed modified SGP is with attachments marked SD021.4/08/09.

Sustainability Statement

Effect on Environment: It is considered that the increase in the number of lots from 3 to 6 may result in the removal of a significant amount of additional vegetation, given that a 100 metre hazard separation zone is required for fire management purposes. Lot 3 is heavily vegetated and thus the removal of vegetation will mainly be confined to this lot. This loss of vegetation may be compensated by the revegetation requirements under special provision 12 of the scheme. The building envelopes on lot 4 and 5 may be modified to avoid all vegetation on site. Some vegetation will also be removed from the proposed shared driveway. However, as the 6.0 metre wide shared driveway is narrower than the 16.0 metre wide adjoining battleaxe legs under the previous plans, less vegetation along the access way will be required to be removed.

Resource Implications: The Water Corporation's reticulated water supply system extends to Lot 24 however due to the topography of the site a guaranteed water supply will only be available to lots 1 to 3. Lots 4 to 6 will have to rely on tank or bore water.

Social – Quality of Life: The proposed increase in lots will effectively double the number of vehicle movements along the access way off Beenyup Road. This is likely to impact on surrounding properties, especially those that directly back onto the subject property. However, it is considered that this can be addressed through the installation of suitable screening along the western property boundary to the satisfaction of Council.

Statutory Environment:

TPS.2
Rural Strategy 1994

Policy/Work Procedure

Implications: Local Planning Policy (LPP) 8 – Landscape Protection Policy
WAPC Policy DC 3.4 Subdivision of Rural Land
SPP2.5 Agricultural and Rural Land Use Planning
Planning for Bush Fire Protection

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

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

2. Environment

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

Strategies:

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

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

Strategy:

1. Implement known best practice sustainable natural resource management.

External Government Agency Comments

Environmental Protection Authority (EPA)

During the original Scheme Amendment Process, the Amendment was referred to the EPA under section 48A of the Environmental Protection Act. The EPA provided the following advice with regard to the scheme amendment which is relevant to the proposed amendment to the SGP:

“Remnant Vegetation

It is noted that the building envelopes as shown on the Subdivision Guide Plan (Figure 3) are suitably located away from areas of remnant vegetation designated as the “Priority Conservation Area” abutting the Parks and Recreation Reserve to the east. While the proposed scheme provisions relating to the retention of remnant vegetation in the “Priority Conservation Area” are supported, it should be noted that all other native vegetation should be preserved so far as practicable after clearing for site works and services to accommodate the proposed rural-residential development.

No vegetation should be cleared within any allotment except for the purposes of:

- *compliance with the requirements of the Bush Fires Act 1954 (as amended)*
- *clearing within the agreed building envelope for a reasonable area of the construction of an approved dwelling or outbuilding;*
- *to construct a vehicular access as approved by the Council; and*
- *for any other reason where specific written approval has first been obtained from the Council.*

Accordingly, it is recommended that a scheme provision be incorporated into the amendment documentation advising that the clearing of native vegetation is prohibited, unless the clearing is authorized by a clearing permit obtained from the Department of Environment, or is of a kind that is exempt in accordance with Schedule 6 or regulation 5 (Clearing of Native Vegetation Regulations) of the Environmental Protection Act 1986.”

Service Authority Comments

Comments were sought from relevant service authorities on the modified SGP that was presented to Council in 2008. The revised modified SGP was not re-referred to these agencies for comment, as it was considered that the reduction in the number of lots from 7 to 6 and the slight modifications to the plan would not affect the provision of infrastructure to the property. The following comments were therefore provided in relation to the October 2008 modified SGP.

Water Corporation

The following comments on the modified SGP from October 2008 were provided:

“Water Supply

The lot is not covered by the Corporations existing water scheme planning. The existing water supply scheme is not able to serve the entire lot, as the land rises beyond which adequate pressure can be guaranteed. Portions of proposed lots 1 to 3 are the only areas that can be served with water supply.

To serve the entire development area the developer may be required to fund new works or the upgrading of existing works and protection of those works. Land or easements being ceded free of cost to the Water Corporation may also be required.

Wastewater

Reticulated wastewater would be available for the development of this area by extension, from the existing planned scheme, at the developers cost should this be required.

Drainage

The lot is within the Drainage Catchment for the Mundijong Drainage District. According to State Planning Policy 2.9 Water Resources and Planning Bulletin 61 Urban Water Management, a Local Water Management Strategy (LWMS) is required at subdivision stage. LWMS includes drainage and water efficiency components.

General

The information provided above is subject to review and may change depending on the timing of the development. If the development has not proceeded within the next 6 months, the developer is required to contact the Corporation in writing to confirm if the information is still valid.”

Officer Comment

The statement that portions of proposed lots 1 to 3 are the only areas that can be served with water supply is still relevant. Under the new plan, these 3 lots are still the only lots that can be serviced by reticulated water, with lots 4 to 6 utilising an alternative water supply. The issue regarding the provision of water will be discussed later in this report.

Department of Water

The following comments on the modified SGP from October 2008 were provided:

- *No development is to occur within 30m of the Oakland's Creek.*
- *The proponent is advised to refer to the DoW's Water Quality Protection Note: Wastewater Treatment - Onsite Domestic Systems for information regarding onsite effluent disposal systems.*

The modified SGP from October 2008 indicated that there would be a drainage basin constructed within Lot 1 which would be located closer than 30 metres to Oakland's Creek

and therefore would require relocation. Under the revised modified SGP, the drainage basin has not been depicted as its location and size would be determined when a Local Water Management Strategy is prepared for the whole of Lot 24 Beenyup Road at the time of subdivision.

Westnet Energy (Gas)

In response to the modified SGP from October 2008, Westnet Energy advised that they had no objection to the modified plan. They advised that reticulated gas mains currently extend to this end of Beenyup Road but did not comment on whether a reticulated gas supply could be provided to the proposed lots.

Community Consultation

The October 2008 modified SGP was referred to surrounding landowners for comment, with 4 letters of objection and 1 letter of support received.

The revised modified SGP was also referred to the same landowners for comment, with only 1 letter of concern being received. It is noted that one of the previous objectors and the current letter of concern are from the same property.

As the previous submissions presented to Council in October 2008 are still considered relevant, these will be summarized below together with the additional submission from October 2009.

Submissions – Modified SGP October 2008

Affected Property	Summary of Submission	Officer's Comment	Action
A211240	<p>Supported the modified guide plan conditionally.</p> <p>The property should be subdivided into 6 lots rather than 7 as the proposed building envelope is too close to the boundaries. Reducing the lots by one would also provide a better outcome for Lot 5, allowing a more regular boundary and greater separation of existing buildings from the side boundary.</p> <p>A buffer should be provided along the western boundary to allow for vegetation screening between the driveways and the existing lots to the west for privacy and to reduce the visual impact of the development on those adjoining lots.</p>	<p>Comments noted.</p> <p>The revised modified SGP showing the potential creation of 6 lots and modifications to the building envelopes has addressed this issue.</p> <p>It is agreed that there is a need for some form of screening along the western boundary. The revised modified SGP indicates that a 5m wide strip of vegetation can be established between the rear fences of the properties facing Old Brickworks Road and the proposed single driveway that accesses the 6 lots. However the establishment of</p>	<p>If Council decide to support the proposal, suitable modifications to the revised guide plan regarding screening along the western property boundary can be included.</p>

Affected Property	Summary of Submission	Officer's Comment	Action
	<p>Lots smaller than 2 hectares are supported as future owners will be more likely to be able to manage them (ie weed management). Lot 24 has no value as a rural lot.</p>	<p>additional vegetation is likely to pose an increased fire risk and is not supported by the Shire's Fire and Emergency Services Department.</p> <p>Comment noted.</p>	
<p>A211220</p>	<p>Objected to the proposal.</p> <p>Any development on this lot, no matter how well planned, will impact on the natural landscape of the area and any damage done will be irreversible.</p> <p>The construction of the battleaxe driveway will mean they effectively will have a road reserve at both the front and rear of their property and this will have an adverse effect on their lifestyle both in terms of privacy and security.</p>	<p>Comments noted.</p> <p>Partially agree. The location of the building envelopes on the revised modified SGP has the potential to result in the removal of a significant amount of revegetation on lot 3, and the removal of small areas of vegetation on lots 4, 5 and 6. However, modifications to the shape and location of the envelopes on lots 5 and 6 during the subdivision stage may be able to avoid this vegetation. Further, additional clearing may be required to ensure compliance with the 100m separation zone for buildings as required under the 'Planning for Bush Fire Protection' document.</p> <p>The 7 adjoining battleaxe driveways have been replaced by a single 6 metre wide driveway on the revised modified SGP. This 6m wide driveway is setback approximately 5m from the western property boundary, which is also the rear boundary of those lots that face Old Brickworks Road. Even though the 5m separation is proposed, the properties facing Old Brickworks Road are still likely to experience the effect of having vehicle traffic at both the front (old Brickworks Road) and the rear (western</p>	<p>The impacts on adjoining properties is a valid consideration and is included within the officer recommended resolution.</p>

Affected Property	Summary of Submission	Officer's Comment	Action
	<p>The continual change by the landowner in the number of lots from 6 to 3 to 7 has been confusing.</p> <p>The latest proposal does not include a vegetation / landscape buffer which was a requirement in previous plans. If any development was ever to be approved by Council, we believe this should be a priority.</p>	<p>boundary of L24) of them.</p> <p>Comment noted.</p> <p>The revised modified SGP indicates that a vegetation buffer is proposed between the western boundary and the 6m wide driveway. However, this buffer is not supported. In addition, existing scheme provision 12 for this lot requires revegetation to be undertaken to the satisfaction of the Council at the time of subdivision. All landscaping requirements would be addressed at the subdivision stage.</p>	
A211218	<p>Objected to the proposal for the following reasons:</p> <p>They bought their property based on advice from a Council Officer in 1998 that the adjoining rural property would not be rezoned or developed.</p>	<p>Since the original Rural Strategy was adopted in 1994, Lot 24 has been identified as being within the Conservation policy area. At that time Lot 24 was part of a larger land parcel. However, the majority of the site was excised for exclusion in the Darling Range Regional Park. The balance of the original lot (which comprises the subject land) had a lesser conservation value than the part included in the regional park. The balance lot was also intended to provide a transition between the more intense Special Residential development in the Old Brickworks Road area and the Regional Park. There is not a preclusion to development or subdivision inherent in the Conservation Policy area. Instead it is intended that incentives be provided to landowners of such lots to better enable them to manage and</p>	<p>Comments noted but no change to the officer resolution is recommended.</p>

Affected Property	Summary of Submission	Officer's Comment	Action
	<p>This development if approved in the current form will put them in the unusual position of having a road at both the front and rear of their property. This will increase noise levels and affect the outlook onto the hills behind them.</p> <p>If the application to rezone is successful then they request they be consulted on the type of vegetation to be planted in the vegetation buffer between their property and the proposed new road. They do not want excessively tall trees used in this area.</p> <p>They express concern that noisy trail bikes will use the new road and the new properties.</p> <p>Will the strategic fire break from the southern end of the new road to the southern boundary eventually provide a through Road to Crossing View if the adjoining Lots 129 & 128 are developed in the future. This would cause them to be affected by through traffic.</p> <p>They were not aware that the Council had approved the 3</p>	<p>conserve the flora and fauna values.</p> <p>Refer above comment (Submission A211220).</p> <p>Vegetative screening along the boundary is not supported by the Shire's Fire and Emergency Services department. The type of screening to be established along the western boundary, between the properties on Old Brickworks Road and the proposed driveway would need to comply with LPP8 whilst at the same time ensuring that the fire risk is not increased. If vegetation is to be used, then the range and density of planting will be determined by Shire Environmental officers at the time of subdivision and has not in the past involved discussions with adjoining landowners.</p> <p>The strategic fire breaks are for fire control and emergency access only and are generally gated to prevent public access.</p> <p>The plan does not include any connections to the land to the south for traffic (Lots 128 and 129).</p> <p>Submitters were advised in</p>	

Affected Property	Summary of Submission	Officer's Comment	Action
	lot guide plan previously adopted. They only recall the original 6 lot guide plan.	writing in 2006 that the Council adopted a modified guide plan at the time of final adoption of Amendment 137.	
A211235	Objects to the proximity of the building envelope for Lot 7 to the rear of his property. Requests that this envelope be relocated.	The revised modified SGP has removed lot 7 from the plan. In addition, the envelope on proposed lot 6 is located 35.0m and 11.0m from the western and southern boundary respectively. Therefore, it is considered that this issue has been addressed.	Comments noted but no change to the officer resolution is recommended.
A211224	<p>The submitter has two issues, relating to privacy and increased traffic and noise, that he would like addressed by the Shire in regards to amended guide plan:</p> <p><u>Issue 1 – Privacy</u> Currently my house is built in an envelope that is on the rear of my block, all of the bathrooms toilets etc are located to the rear of the house, and this runs perpendicular to the driveway to the current house on Lot 24. Already this is an issue where the occupants of Lot 24 can see directly into my yard and house when driving up and down the driveway, which is an issue for myself and my family. Now that this submission has been tabled for an increase in dwellings on lot 24 then the problem is magnified somewhat.</p> <p>Mitigation: Realistically I feel the only solution to this would be a full blind off fence. I feel that plants cannot alone address this issue satisfactorily they would be supplementary to a fence. A quality, sightly and well positioned - suitably elevated fence would serve</p>	<p>Comments noted.</p> <p>The submitter's concerns about the impact on his privacy and noise as a result of more vehicles that could use the driveway behind his house each day are noted. The impacts from traffic are more applicable to the vehicles accessing lots 4, 5 and 6. However, the erection of solid fencing is not supported as it would be inconsistent with LPP8. In addition, the installation of a landscape buffer is not supported due to the increased fire risk that it would pose. A suitable screen, to the satisfaction of Council, would need to be erected to help minimise impacts on adjoining properties.</p> <p>Due to Lot 24 Beenyup Road being situated higher than the submitter's property, some form of screening is considered appropriate in this instance. However, the</p>	If Council decide to support the proposal, suitable modifications to the revised guide plan regarding screening along the western property boundary can be included.

Affected Property	Summary of Submission	Officer's Comment	Action
	<p>not only privacy issues, but also to blind out the houses that will now be, where native bush once was.</p> <p><u>Issue 2 - Increased Traffic & Noise</u> Due to the location of my house and its very close proximity to the current drive way and the proposed drive way, the increase in traffic from the current dwelling to several more dwellings would be considerable, particularly in Lots 1, 2 and 3.</p> <p>Mitigation: I believe that again to alleviate noise and increased traffic a suitable fence is the only workable solution.</p>	<p>screening established would need to comply with LPP8 whilst at the same time ensuring that the fire risk is not increased.</p>	

Submission – Revised Modified SGP February 2009

Affected Property	Summary of Submission	Officer's Comment	Action
A211224	<p>The submitter raised the following concerns and questions:</p> <p>I would like to state that I am not opposed to this proposal nor do I wish to create unnecessary problems for the developer or Council in the decision making process. However, I feel that there are a few issues yet to be resolved.</p> <p><u>Fire Control</u> I cannot see adequate fire measures in place, especially given the proximity of surrounding native vegetation. All of the houses that back onto Lot 24 Beenyup Road are at some risk and appropriate measures should be taken to minimise this risk. The proposed 5m strip of vegetation along the western boundary is likely to increase fuel for a fire.</p>	<p>Comments noted.</p> <p>As per the previous plan, the only fire prevention measure shown on the revised modified SGP is the strategic firebreak around the northern, eastern and southern boundaries of the property. It is noted that special provision 4 for this property within the scheme does require the preparation of a Fire Management Plan (FMP) at the time of subdivision. However, Council officers have requested that a FMP be provided upfront to demonstrate that a 6 lot development can comply with the requirements under the 'Planning for Bush Fire Protection' document.</p>	<p>If Council decide to support the proposal, suitable modifications to the revised guide plan regarding screening along the western property boundary can be included.</p>

Affected Property	Summary of Submission	Officer's Comment	Action
	<p>On the revised modified SGP, there are plans for a strategic firebreak and a single hydrant outlet at the end of Beenyup Road. In this regard, is this sufficient given what has recently happened in Victoria?</p> <p>If the driveway is 5m from the fence line, with a vegetation buffer, how much room is left for an adequate firebreak and drainage control?</p> <p>Can I have access from the rear of my property to the new driveway within the development for the purpose of an emergency access way?</p> <p><u>Noise, Security & Privacy</u></p> <p>Currently, there is regular traffic movement along the driveway at the rear of my property, with visibility from this lot into my backyard, bedrooms and bathroom. This will increase under the current proposal with particular regard to lots 4 to 6.</p> <p>I agree that a vegetation buffer will reduce some of the noise and privacy issues to a certain degree and may be suitable for other surrounding landowners further down the hill away from the proposed driveway and building envelopes. However, as my house is very close to my rear boundary, a vegetation buffer will</p>	<p>For the purpose of the revised SGP, the Shire's Fire and Emergency Services department has advised that the information provided to date is not satisfactory in terms of fire management. A FMP needs to be provided upfront to demonstrate that a 6 lot development can comply with the requirements under the 'Planning for Bush Fire Protection' document.</p> <p>If the vegetation is established there will not be any room for a firebreak but there may be space for drainage control. This would be addressed through the Drainage Management Plan.</p> <p>Access from the submitter's lot to the proposed driveway would be a separate agreement between the landowners and is not a matter for Council.</p> <p>The submitter's concerns about the impact on his privacy and noise as a result of more vehicles that could use the driveway behind his house each day are noted. The impacts from traffic are more applicable to the vehicles accessing lots 4, 5 and 6. However, the erection of solid fencing is not supported as it would be inconsistent with LPP8.</p> <p>Due to Lot 24 Beenyup Road being situated higher than the</p>	

Affected Property	Summary of Submission	Officer's Comment	Action
	<p>not be sufficient in our case, especially as the applicant states that the envelopes will be moved as far down the hill as possible, towards the western boundary of Lot 24.</p> <p>I understand that for this area the applicable fencing type is post and rail/wire, however I would request that a more adequate fence, such as colorbond or something with a full screening quality, be permitted to increase our privacy and security.</p> <p><u>Other Issues</u> The revised modified proposal states that "the private driveway shall be shared by the land owners via a reciprocal right of access agreement". What does this mean and can we be included in this agreement?</p> <p>Did the previous owners of the surrounding properties have objections to the subdivision and why?</p> <p>Will it be underground power or powerlines?</p> <p>Could my property be subdivided?</p>	<p>submitter's property, some form of screening is considered appropriate in this instance. However, the screening established would need to comply with LPP8 whilst at the same time ensuring that the fire risk is not increased.</p> <p>This is an agreement between the owners of the 6 lots giving each owner legal access to use the 6m common driveway. Any access by the submitter would be subject to a separate agreement between the landowners and is not a matter for Council.</p> <p>When Amendment 137 was advertised for comment, objections from surrounding landowners were received. The objections related mainly to issues associated with traffic, noise and vegetation impacts.</p> <p>The lots may be serviced by underground power, however the exact requirement will be determined by Western Power and the subdivider.</p> <p>The Byford Structure Plan indicates that the Rural-Residential land on the far east of the structure plan, north of Nettleton, should be retained in its current form as a buffer to the</p>	

Affected Property	Summary of Submission	Officer's Comment	Action
		adjoining regional parks.	

Comment

Proposed Modified SGP

At the October 2008 Ordinary Council Meeting, a decision on the proposed modified SGP was deferred at the request of the applicant to enable additional information to be submitted to address the concerns that had been raised in the officer's report. The concerns, and subsequent recommended reasons for refusal, related primarily to the following issues:

- Impacts on existing vegetation;
- Delineation of the Priority Conservation Area;
- Access & vehicle movements;
- Water supply & Fire Management; and
- Lot layout & size.

The applicant has attempted to address these issues in the current proposed new SGP.

Proposed Revised Modified SGP – February 2009

Each of the issues raised previously by Council staff will be detailed below.

The first section summarises the subject issue. The second section provides the associated response from the applicant as to how this issue has been addressed under the revised modified SGP. The third section then provides comment as to whether the revised modified SGP has satisfactorily resolved the issue.

Impacts on Existing Vegetation & Scenic Value

Officer Comment - October 2008 SGP

- Increasing the number of lots to 7 will result in a significant loss of existing remnant native vegetation from the lot compared to the 3 lot proposal contained in the adopted SGP.
- This is due to the inability to locate building envelopes outside areas containing existing vegetation, the increased clearing requirements that would be imposed on the development as a whole as a result of implementing necessary fire protection measures and an increase in the number of driveways.
- The increased loss of remnant native vegetation would also be inconsistent with the objectives of LPP8 and may impact on the scenic value of the scarp.

Applicant's response

Do not agree.

- *The original SGP also located building envelopes in areas that contained some existing vegetation.*
- *The amount of vegetation that could potentially be removed as a result of the additional building envelopes is not significant.*
- *Revegetation will more than make up for any existing vegetation that is removed.*
- *There is no additional clearing required for fire protection measures, as a strategic firebreak already runs around the entire perimeter of the site.*
- *As mentioned above, there is no increase in the number of driveways; there is only one driveway, which shall be shared.*

Several measures are being taken to reduce the visual impact of the development, and improve the scenic value of the scarp:

- *The existing house and associated outbuildings, etc will be removed and replaced with a building envelope that is located further down the hill on Lot 5: this also has the effect of making the boundary line between Lots 4 & 5 neater and more regular.*
- *All building envelopes have been moved as far as possible down the hill.*
- *Special provisions within the Scheme require the revegetation of these sites to the Shire's satisfaction, which would create additional screening and improve the scenic value of the scarp.*
- *All structures are required to have low visual impact.*
- *All structures are required to have a finish that complies with the Shire's Landscape Protection Policy.*

Officer's Comment - February 2009 SGP

- The amount of vegetation located within the building envelopes on lots 1, 2, 4, 5 and 6 is considered to be relatively minimal. The majority of the vegetation that will be impacted upon by the building envelope is located on lot 3.
- It is considered that the only significant loss of vegetation may be within the proposed building envelope on lot 3. This loss of vegetation can be compensated by the revegetation requirements under special provision 12 of the scheme for this lot.
- Although the envelopes shown on the revised SGP are uniform (30m x 30m), the envelopes can be any shape. Therefore, the envelopes on lots 1, 4 and 5 can be modified to avoid all vegetation on site. This change to the envelopes would be addressed during the subdivision stage as stated within special provision 6 for this lot, as the envelopes shown on the SGP should be indicative only.
- The fire management requirement that a low fuel zone is to be established around all development may result in the removal of additional vegetation outside of the building envelopes. However, the establishment of a low fuel zone is also required under the current 3 lot SGP which may also result in the removal of additional vegetation.
- However, under the requirements within the 'Planning for Bush Fire Protection' document, a hazard separation zone of 100 metres for buildings is required. The requirements for this separation zone may also result in the removal of additional vegetation across all 6 lots. However, without the preparation of an FMP upfront to demonstrate that the 6 lot development can comply with this document, then the exact impact on the existing vegetation cannot be determined.
- Some vegetation will also be removed from the proposed shared driveway. However, as the 6.0 metre wide shared driveway is narrower than the 16.0 metre wide adjoining battleaxe legs under the previous plans, less vegetation along the access way will be required to be removed.
- The protection of vegetation under the revised modified SGP may be addressed in two ways. Firstly, the indicative building envelopes shown on the SGP will enable Council staff to place the envelopes in the most appropriate position during the subdivision clearance stage to minimise impacts on vegetation. Secondly, as this land is zoned 'Special Use', all development requires planning approval from Council. The most appropriate placement of development will also be addressed during the development application stage. Envelopes are not shown on the current 3 lot SGP, therefore this two layered control is currently not available.

ISSUE: PARTIALLY RESOLVED

Delineation of the Priority Conservation Area

Officer Comment - October 2008 SGP

- The amended SGP shows a reduced area of the lot being set aside for the Priority Conservation Area compared to the adopted guide plan.

Applicant's response

- *Agreed and as a result the plan has been modified so that the Priority Conservation Area is the same as on the original (2006) Subdivision Guide Plan.*

Officer's Comment - February 2009 SGP

- SGP has been modified correctly, therefore issue has been resolved.

ISSUE: RESOLVED

Access & Vehicle Movements

Officer Comment - October 2008 SGP

- The resultant width of the 7 adjoining battleaxe legs will reduce the ability for screening vegetation along the western boundary to be retained and enhanced.

Applicant's response

The SGP has been modified as follows:

- *Although each lot has its own gazetted road frontage to Beenyup Road, there is only one driveway, which is a private driveway that shall be shared by the landowners via the mechanism of a reciprocal access agreement.*
- *The area subject to the reciprocal access agreement extends up to the main portion of Lot 6, as shown on the Subdivision Guide Plan.*
- *The single driveway would be approximately 5.5 to 6 metres wide and would be setback at least 5 metres from the rear fences of the lots fronting Old Brickworks Road.*
- *This setback would allow for the planting of vegetation between the driveway and the fence line, which would provide separation and a buffer between vehicles and the rear fences.*
- *With the new proposal, even though there will be more cars, as the drive is now 5 metres away, behind vegetation, residents will actually not see any more cars and the noise will be drastically reduced, hence making it an improvement on the current situation.*
- *The number of proposed lots has been reduced. At most, each of the six lots would generate 8 vehicle movements per day - so the maximum number of vehicle movements along the private driveway per day would be only 48.*
- *Because the existing subdivision guide plan provides for 3 lots, the maximum amount of additional traffic movements is 24 per day. This is a negligible amount of traffic over a 24-hour period, which has little potential to impact adjoining properties given the amount of separation and buffer that is proposed.*
- *It should also be noted that the number of vehicle movements would lessen the further you are from Beenyup Road, as the number of vehicles using the private driveway decreases.*

Officer's Comment - February 2009 SGP

- Under the original SGP, access to the 3 lots is shown to be via 3 adjoining battleaxe legs with a combined width of approximately 16m compared to the 6m wide shared driveway under the new proposal. In terms of the potential for screening solely based on driveway width, regardless of the type of screening that would be supported, the new proposal would be the preferred outcome.
- The proposed shared driveway would be situated approximately 5.0 metres off the western property boundary, providing some separation to the rear boundary of the adjoining Old Brickworks Road lots. Under the current adopted SGP and the revised October 2008 plan, the battleaxe legs were shown to abut this boundary. In addition, under the current access arrangements on the lot, the driveway to the single dwelling abuts the western property boundary. In terms of the potential for a separation to be

- established between the driveway and adjoining lots, the new proposal would be the preferred outcome.
- However, the additional vegetation planting along the western boundary, in between the boundary and the driveway, is not supported as this has the potential to increase the fire risk on the property.
 - The proposed width of the access at 6.0 metres is not supported by the Shire's Engineering Department. The access should be a minimum of 9.0 metres wide to allow for a 6.0m wide driveway and shoulders on either side. The increase in width of the access will reduce the buffer distance between the driveway and the western boundary.
 - The Shire's Fire and Emergency Services Department require the provision of a cul-de-sac head at the end of the access way to ensure that emergency vehicles can turn around in an emergency situation.
 - Given that vegetation screening is not supported, an additional form of screening needs to be considered in order to minimise the visual impacts of the development on adjoining properties.
 - The increase in the number of lots undoubtedly increases the number of vehicle movements along the proposed shared driveway, with the greatest impacts being felt by those lots on Old Brickworks Road closest to Beenyup Road. Essentially, the number of vehicle movements will double under the proposed plan, with the number of lots doubling from 3 to 6. To reduce the impacts that these vehicles will have on adjoining properties, suitable screening, which complies with LPP8 and does not increase the fire risk, will need to be established to the satisfaction of Council.

ISSUE: UNRESOLVED

Possible Options for Resolving Issue

- The proposed reciprocal access way being widened to a minimum width of 9.0 metres and to be shown on the proposed modified SGP. The specific construction detail regarding this access way would be addressed during the subdivision phase.
- A cul-de-sac head to be provided at the end of the access way and shown on the proposed modified SGP to ensure that emergency vehicles can turn around in an emergency situation. The minimum 1 hectare lot size can still be retained.
- Include a notation on the SGP that screening will be established along the full length of the western property boundary (approximately 380 metres) to the satisfaction of the Shire at the time of subdivision.

Water Supply

Officer Comment - October 2008 SGP

- The WAPC's Statement of Planning Policy 2.5 (SPP 2.5) includes a minimum lot size for Rural-Residential subdivisions of 1 hectare to 4 hectares depending on site conditions and constraints. The outcome of the previous assessment of Amendment 137 to TPS 2 (land capability, landscape protection) was that a minimum lot of 2 hectares and a maximum number of 3 lots were considered to be appropriate for this site.
- A mandatory requirement for the provision of scheme water for all rural-residential lots is contained in SPP 2.5 as well and also led to the requirements for a minimum lot size of 2 hectares in the case of Lot 24. The WAPC's Policy DC 3.4 was amended in February 2008 and one of the amendments allowed for the WAPC to consider alternative water supply (instead of mandatory reticulated water supply connection) for Rural-Residential lots as follows:

3.2 Water for Rural-Residential Development

When approving lots for rural-residential development (1-4 ha) the WAPC will generally require connection to a reticulated water supply where it is practical and reasonable to do so. Where it is not practical or reasonable for lots to connect to a reticulated water supply the WAPC may consider an alternative water supply. In determining whether provision of a reticulated water supply is reasonable, the WAPC

may consider the cost differential between a reticulated and alternative water supply, and the reliability of an alternative water supply.

The reliability of alternative water supplies in different localities needs to be confirmed by available models.

- The Water Corporation cannot guarantee a reticulated water supply can be provided or maintained to Lots 4-7 unless the developer funds significant infrastructure upgrades. The applicants are proposing not to provide reticulated water to all lots.
- The applicant has not provided adequate justification for allowing Lots less than 2 hectares in area without connection to the Water Corporation's reticulated water supply or any information to support the use of rainwater tanks.
- The provision of a potable water supply for 4 of the 7 lots proposed would rely entirely on the capture of stormwater from roofs. Rainfall in the Perth metropolitan area has been diminished in recent years and the amount of water that can be captured from roofs in this development would be entirely dependent on the size of the dwellings and outbuildings constructed on the lots. Therefore, in order to achieve a greater supply of water land owners may resort to building larger buildings (particularly outbuildings) in order to increase or guarantee an adequate water supply for domestic use. This then would lead to the potential for a greater adverse impact on the scenic values of the Scarp by virtue of bulkier buildings and lead to additional clearing of remnant vegetation.

Applicant's response

- *As mentioned by staff, the WAPC's DC Policy 3.4 was amended earlier this year, and it now provides for connection to an alternative water supply if the provision of a reticulated supply is not practical or reasonable.*
- *The issue of water supply has been discussed further with the Water Corporation. There are two issues that need to be addressed:*
 - *Firstly, because the site is elevated, water pressure is affected. As a result a reticulated water service cannot be guaranteed or solely relied upon in the area above the contour shown on the modified Subdivision Guide Plan. An alternative supply must be provided to those lots.*
 - *Secondly, because a private driveway is proposed and not a public road, the size of the water supply pipe is reduced from 100mm to 20mm. This further restricts the supply to only 3 lots.*
- *The reduction in yield to 6 lots has addressed this issue. Lots 1 –3 would be fully serviced by a reticulated water supply. Lots 4 – 6 would utilise an alternative supply, which as per the original Subdivision Guide Plan, is a 90,000 litre rainwater tank. These tanks are a suitable method of supplying water to three of the lots.*
- *Reducing lot size has no impact upon the suitability of rainwater tanks, as it is roof area, not lot size, which supplies the tank.*

Officer's Comment - February 2009 SGP

- The modification to the WAPC's DC Policy 3.4 now enables the creation of lots between 1 to 4 hectares in size without connection to scheme water under certain circumstances.
- The creation of lots below 2.0 hectares without scheme water was not previously permitted, contributing to one of the reasons why the current adopted SGP shows 3 lots at 2.0 hectares each.
- Due to the topography of the land, it is not reasonable to require that lots 4 to 6 under the revised modified SGP be connected to scheme water and therefore an alternative water supply, through the provision of rainwater tanks, is proposed and supported.
- The determination as to whether or not the supply of water to lots 4 to 6 is reasonable or not will ultimately be made by the WAPC.
- On advice from the Shire's Fire and Emergency Services Department, the size of the water tank on lots 4 to 6 will need to increase from 90,000 to 120,000 litres to provide enough water for fire fighting purposes.

- With respect to fire management requirements on the property, the Shire's Fire and Emergency Services Department have provided a number of comments that need to be addressed by the applicant. The comments are detailed in the 'Fire Management Issues' section below.

ISSUE: PARTIALLY RESOLVED (Pending approval by the WAPC)

Options for Resolving Issue

- The WAPC to support the provision of scheme water to lots 1 to 3 only, with lots 4 to 6 being serviced by an alternative source in the form of rain water tanks.

Fire Management

Additional comments were provided by the Shire's Fire and Emergency Services Department indicating that they have a number of concerns with the proposed revised SGP. These concerns were not explored in detail in the original report to Council in October 2008 as Officers had recommended refusal and as such have not been responded to by the applicant.

A summary of the concerns raised are detailed below:

- If the criteria of the 'Planning for Bush Fire Protection' document are to be followed, then no development should be allowed on this site.
- The proposed area is in an extreme fire risk area and should not be approved.
- A recommendation for refusal would be supported given the threat to future residents and the ramifications of likely litigation against Council, especially given the recent history in Victoria where Local Governments have been litigated against for allowing development despite severe hazards being identifiable.
- It is impossible to provide the minimum 100 metre separation zone for buildings from the extreme fire hazard (the State Forest and Priority Conservation Zone) without the wholesale removal of Priority Conservation bush both on this site and in the State Forest.
- The building envelopes and in places the Priority Conservation Zone do not provide sufficient distance from adjoining properties to allow for the required Building Protection/Hazard Separation zones.
- The main access to the battle axe lots is in excess of the recommended length and less than the minimum width required to meet safe access egress.
- There is no minimum 21m turning circle at the cul-de-sac head.
- The current depiction of the Strategic Firebreak is not feasible due to it exceeding engineering standards of a trafficable slope.
- Water supply to the site is outside of the recommended maximum unless the hydrant system is extended to the southern end of the site.
- The site slope is such that building envelopes would have between 5 to 10 metre inclines over the 30m x 30m envelope which further increases the rate of spread of a fire in the order of between 100 – 200%.
- If a fire was to driven by easterly winds the propensity for the only avenue for escape to be cut off is extremely high.
- Traversing the site is very problematic under normal conditions because of slope, soil types, granite outcrops and vegetation. The protection of 6 lots under fire storm conditions is therefore extremely difficult.
- The proposal to add a 5 metre buffer of vegetation along the western property boundary simply adds to the overall fire threat to both this site and its immediate neighbours.
- All building construction would need to meet AS3959 and have self-contained/powerd/supplied water reticulation protection systems.

The Fire and Emergency Services Department also stated that if the amended plan were to be approved, then all of the above issues would need to be engineered out. This would include:

- The inclusion of additional strategic firebreaks;
- Alternative access being provided to the site for emergency vehicles;
- Modifications to the proposed access road into the site;
- The extension of the existing mains water supply and installation of an additional hydrant;
- Modifications to the proposed building envelopes; and
- An assessment of the impacts on vegetation against the requirement for the 100 metre hazards separation zone.

In summary, it is the opinion of the Shire's Fire and Emergency Services Department that the proposed modification to the subdivision guide plan should not be supported based on the outstanding issues as detailed above.

The proposal does not adequately demonstrate that a 6 lot development can comply with the requirements as stipulated within the 'Planning for Bush Fire Protection' document. In order to support the proposal, a FMP which addresses all of the above concerns and requirements would need to be prepared prior to the revised plan being supported by Council. It is not suitable to leave the preparation of a FMP for a 6 lot development, which is located within an extreme fire risk area, to the subdivision stage.

ISSUE: UNRESOLVED

Options for Resolving Issue

- The applicant would be required to address all of the above comments, through the preparation of a FMP, to the satisfaction of the Shire.

Lot Layout & Size

Officer Comment - October 2008 SGP

- The applicant has not provided adequate justification for allowing lots less than 2 hectares in area without connection to the Water Corporation's reticulated water supply or any information to support the use of rainwater tanks.

Applicant's response

- *The minimum lot size shown on the modified Subdivision Guide Plan is now 1 hectare. It has been demonstrated in previous submissions and in this submission that the design and management measures that have been put in place ensure that a 1 hectare minimum lot size can be achieved.*
- *It is noted that there are smaller rural zoned lots within the Shire; for example, the Rural Living A zone provides for lots of between 4000m² and 1 hectare.*

Officer's Comment - February 2009 SGP

- It is considered that the applicant has now provided sufficient justification from a water provision perspective to support the proposed 1.0 hectare lots.
- However, from a fire management, vegetation management, and traffic management perspective, the issues relating to the increase in the number of lots have not been resolved.

ISSUE: UNRESOLVED

Summary of Issues

A summary of the main issues, compared between the original 2005 SGP and the proposed modified 2009 SGP, are detailed below together with an assessment of whether the overall objectives have been achieved through the revised 2009 SGP.

Issue	Current Adopted SGP 2005	Proposed revised SGP 2009	Improved outcome through revised 2009 SGP?	Other Comments	Objective
No. of lots	3	6	No	Increase in lots needs to be considered in the context of the other issues below.	To ensure that the lot sizes proposed can achieve landscape protection, landscape capability and fire management objectives. NOT ACHIEVED
Impacts on Vegetation	Development on the southern most lot would likely result in the removal of existing vegetation. The 16.0 metre wide adjoining battleaxe legs will result in the removal of additional vegetation.	The only significant loss of vegetation will be within the proposed building envelope on lot 3. The proposed 6.0m wide shared driveway will reduce the amount of vegetation removed for the purpose of vehicle access.	No (note: the provision of a FMP would help determine the exact impacts on existing vegetation.	The protection of vegetation under the revised SGP can be assured in two ways – through the location of building envelopes and the requirement for development approval on all lots. However, the 100m hazard separation zone for buildings may result in the clearing of additional vegetation.	To minimise impacts on the existing environment. NOT ACHIEVED
Revegetation	Revegetation requirements are specified under special provision 12 of the scheme for this lot.	Revegetation requirements are specified under special provision 12 of the scheme for this lot.	Neutral		To ensure adequate and suitable revegetation is undertaken on the property. ACHIEVED
Traffic Movements	It is anticipated that there will be approximately	The increase in the number of lots will effectively double the	No	Appropriate screening will need to be established along the full	To minimise the impacts that vehicle movements will have on

Issue	Current Adopted SGP 2005	Proposed revised SGP 2009	Improved outcome through revised 2009 SGP?	Other Comments	Objective
	24 vehicle movements per day combined from the 3 lots.	number of vehicles movements, with the traffic decreasing the further you are from Beenyup Road.		length of the western property boundary to minimise impacts on adjoining properties.	adjoining properties. NOT ACHIEVED
Access	Access to the 3 separate lots is via 16.0m wide adjoining battle axe legs which abut the western property boundary.	The 6.0m wide shared driveway will be located 5m off the western boundary, providing separation to adjoining properties.	Yes	Shire staff require that the shared driveway to be widened to 9.0m with an appropriate cul-de-sac head for turning vehicles.	To provide the most appropriate form of access into the development. ACHIEVED
Water Supply	The creation of lots below 2.0 hectares without scheme water was not previously permitted, contributing to one of the reasons why the current adopted SGP shows 3 lots at 2.0 hectares each.	The WAPC's DC Policy 3.4 was amended earlier this year, and it now provides for connection to an alternative water supply if the provision of a reticulated supply is not practical or reasonable. Lots 1–3 would be fully serviced by a reticulated water supply. Lots 4–6 would utilise an alternative supply (120,000 litre rainwater tank).	Neutral	The determination as to whether or not the supply of water to lots 4 to 6 is reasonable or not will ultimately be made by the WAPC.	To ensure each lot has an adequate water supply. ACHIEVED.
Fire Management	Strategic firebreaks are located along	The firebreaks as per the 2005	No	Although the requirement for the preparation	To ensure adequate fire protection

Issue	Current Adopted SGP 2005	Proposed revised SGP 2009	Improved outcome through revised 2009 SGP?	Other Comments	Objective
	the northern, eastern and southern boundaries and a portion of the western boundary.	plan are to be retained.		of a FMP is still included under the scheme within Special Provision 4 for this lot, the proposal does not adequately demonstrate that a 6 lot development can comply with the requirements as stipulated within the 'Planning for Bush Fire Protection' document.	measures are implemented through the development. NOT ACHIEVED
Impacts on adjoining land owners	Impacts predominantly relate to vehicle movements along the adjoining battle axe legs that abut the western boundary of the property.	Vehicle movements will still be the greatest impact on neighbours.	No	Appropriate screening will need to be established along the full length of the western property boundary to minimise impacts on adjoining properties.	To minimise the impacts that vehicle movements will have on adjoining properties. NOT ACHIEVED

The above table demonstrates that the issues relating to impacts on existing vegetation, fire management, traffic management and impacts on adjoining landowners have not been adequately addressed.

LPP8 – Landscape Protection Policy Area

The subject land is located within the Shire's Landscape Protection Policy area. LPP8, relating to this area contains the following objectives that are applicable to this proposal:

1. *To preserve the amenity deriving from the scenic value of the Darling Scarp;*
2. *To maintain the integrity of landscapes within the Landscape Protection Area;*
3. *To protect and enhance the landscape, scenic and townscape values through control over design, building materials and siting of development and land uses rather than prohibition of development and land use as such; and*
4. *To maintain the integrity of landscapes in the line of sight view corridor along identified scenic routes in the Shire, including but not limited to South West Highway,*

Nettleton Road, Jarrahdale Road, Admiral Road, Kingsbury Drive and both the North-South and East-West Railway lines and natural water courses.

The objectives of this policy are to be achieved by the implementation of a number of policy measures as summarised below.

1. Subdivision of land within the policy area will not be generally supported where it is likely to result in an undesirable density of development visible from the South Western Highway.
2. All development (including access roads) in the policy area shall not be permitted:
 - (a) On ridge lines or spur, bluff or knoll, escarpments, hill tops or visually exposed areas; and
 - (b) In areas having a generalised slope greater than 25 percent.
3. The development of buildings within the policy area shall:
 - (a) Require the planning consent of the Council;
 - (b) Be sited and constructed to take advantage of the topography and the vegetation to limit visual intrusion; and
 - (c) Be accompanied by such additional tree planting and landscaping as the Council considers necessary to achieve the objectives of this policy.
4. The overall tree cover of the scarp is to be maintained and enhanced by:
 - (a) The retention of the existing trees wherever possible;
 - (b) Additional tree planting being required where necessary for any development application approved within the policy area; and
 - (c) Limiting the amount of native vegetation cleared to 30 metres around buildings and should be an absolute minimum for the construction of access roads and the installation of services.

It is considered that the objectives of this policy, together with the applicable policy measures, relating to the siting of development have only partially been addressed as detailed within the 'Impacts on Existing Vegetation & Scenic Value' section above. Although the proposed building envelopes have been positioned to minimise the amount of vegetation to be cleared, the requirements under the 'Planning for Bush Fire Protection' document may require additional vegetation to be removed for fire protection purposes. The proposed building envelopes have been located on land with a slope of between 17% and 23%, thereby complying with policy measure 2(b) above.

In relation to the density of development, there are a number of outstanding issues as to why a 6 lot development in this location should not be supported. The outstanding issues have previously been discussed through the 'comment' section of this report.

Rural Strategy

The subject land is within the 'Conservation-Private Land' policy area under the Rural Strategy. With respect to the development of land within this policy area, the Rural Strategy states:

"Any development or land use proposal will be assessed on its compatibility with the conservation values present on the site and approved or rejected accordingly. The Council considers that the objectives of protection and management for conservation sites and those of development are not necessarily in conflict".

It is considered that the proposed increase in the number of lots from 3 to 6 may not impact significantly on the conservation characteristics of the site. The vegetation marked as the 'Priority Conservation Area' will be retained in its current form, with provisions already in the scheme to ensure its long term protection. However, the exact impacts on vegetation as a result of the required 100 metre hazard separation zone is still required to be determined

and would be addressed through the preparation of a FMP. The removal of vegetation outside of the conservation area that may be required for future development may be compensated by suitable revegetation works. In addition, the proposed shared access way may reduce the amount of vegetation removed compared to the three adjoining battleaxe legs as shown on the endorsed SGP.

Options Available to Council

There are two primary options that are available to Council in dealing with this proposal. The options, together with the associated officer comments, are detailed below:

	Options	Officer Comment
a)	Support the proposal.	<ul style="list-style-type: none">• The increase in the number of lots is not supported at this stage.• Although a couple of the issues flagged at the October OCM have been addressed by the applicant, the significant issues relating to vegetation impacts, traffic management, fire management and impacts on adjoining landowners have not been addressed.
b)	Not support the proposal.	<ul style="list-style-type: none">• There are too many outstanding issues to warrant an approval.• The applicant can still proceed with the development of 3 lots under the endorsed SGP.• There is no appeal right available to the applicant.

The officer recommendation with respect to this application is consistent with option (b) above. It is also recommended that an advice note be included within the officer recommendation to advise the applicant that any further proposed modifications to the guide plan will require the submission of a new application to Council together with the payment of applicable fees.

Conclusion

The proposed amendment to the endorsed SGP for Amendment 137 is not supported. The issues relating to impacts on existing vegetation, fire management, traffic management and impacts on adjoining landowners have not been adequately addressed.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

- A. The proposal to amend the adopted Subdivision Guide Plan for Lot 24 Beenyup Road, Byford be refused for the following reasons:
1. The applicant has not demonstrated that the proposal complies with the objectives of Council's Local Planning Policy No.8 *Landscape Protection* in relation to protection of existing vegetation.
 2. The applicant has not demonstrated that the proposal complies with the fire management requirements under the 'Planning for Bush Fire Protection' document.
 3. The proposal is considered detrimental to the amenity of the occupiers of adjacent properties, by reason of visual amenity impacts, noise and nuisance arising from the proposed increase in the number of lots.

- B. The submitters (including Government Agencies) being advised of the Council's decision.

Advice Note:

1. The applicant is advised that any further proposed modifications to the Subdivision Guide Plan for Lot 24 Beenyup Road, Byford will require the submission of a new application to Council together with the payment of applicable fees.

Committee Recommended Resolution:

The proposal to amend the adopted Subdivision Guide Plan for Lot 24 Beenyup Road, Byford be approved subject to the applicant preparing a Fire Management Plan that identifies and implements construction requirements relative to strategic fire breaks, water supplies and equipment and any other fire requirements that may be deemed necessary to the specification and satisfaction of the local authority, the Planning for Bushfire Protection document and the Bush Fires Act.

Committee Note: The Chief Executive Officer advised of her concern regarding the potential liability that Council may incur without being provided with the fire management information in the first instance.

SD021/08/09 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Price

- A. The proposal to amend the adopted Subdivision Guide Plan for Lot 24 Beenyup Road, Byford be refused for the following reasons:

1. The applicant has not demonstrated that the proposal complies with the objectives of Council's Local Planning Policy No.8 *Landscape Protection* in relation to protection of existing vegetation.
2. The applicant has not demonstrated that the proposal complies with the fire management requirements under the 'Planning for Bush Fire Protection' document.
3. The proposal is considered detrimental to the amenity of the occupiers of adjacent properties, by reason of visual amenity impacts, noise and nuisance arising from the proposed increase in the number of lots.

- B. The submitters (including Government Agencies) being advised of the Council's decision.

Advice Note:

1. The applicant is advised that any further proposed modifications to the Subdivision Guide Plan for Lot 24 Beenyup Road, Byford will require the submission of a new application to Council together with the payment of applicable fees.

CARRIED 8/2

SD018/08/09 PROPOSED UPGRADE TO BYFORD TROTGING COMPLEX - LOT 37 THATCHER ROAD, BYFORD (P01748)		
Proponent:	Racing and Wagering WA	In Brief A concept plan is presented to Council for the long term development and upgrade to the Byford Trotting Training Complex. It is recommended the proposal be supported in principle subject to conditions.
Owner:	Racing and Wagering WA	
Author:	C Rose – Planning Assistant	
Senior Officer:	B Gleeson – Director Development Services	
Date of Report	17 July 2009	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 19 June 2009
 Advertised: Yes
 Submissions: Yes
 Lot Area: 20.67ha
 L.A Zoning: Special Rural
 MRS Zoning: Rural
 Byford Structure Plan: Excluded
 Rural Strategy Policy Area: Residential and Stabling
 Date of Inspection: 5 June 2009

Background

Following preliminary discussions with Council's technical officers in April and May 2009, a Concept Plan has been submitted to Council seeking in principle support for an overall development of the Byford Trotting Training Complex.

Established forty years ago, the Byford Trotting Training Complex has been a pivotal venue utilised by harness trainers both from Serpentine Jarrahdale Shire and surrounding districts. The Training Complex comprises a fast work track, a slow work track, clubrooms, stalls, a horse swimming pool and associated outbuildings for various machinery and equipment. Whilst the existing facilities have been functional to the hundreds of horses over the years, Racing and Wagering Western Australia (RWVA) recently identified a need to upgrade the facilities and provide ongoing improvements that will cater for the daily use by the community.

The overall development is proposed to occur in several stages and will generally be developed under the guidance and long term strategies of RWVA relating to the racing industry which include key areas such as fostering industry opportunities, safeguarding the viability of the racing industry, addressing stakeholder security and participation and addressing animal welfare issues. Improvements to facilities around Western Australia form just one of the many components of the industry's strategy to sustaining long term economic growth.

The Concept Proposal is in keeping with the historical use of the land and is considered to be generally consistent with the current equestrian activities being undertaken. The upgrading and additional structures do not propose a major shift away from current uses on this land.

The concept plan is not a formal application for building or development approval and as such Council are being requested to provide in principle support for major upgrades to an

existing local equestrian function operating in the Byford community. This power exists under the Town Planning Scheme.

A copy of the location plan, original and revised development plan is with attachments marked SD018.1/08/09.

Sustainability Statement

Effect on Environment:

A reasonable level of site disturbance will result as works occur however, long term this will enable areas to be managed and maintained to endure continued use. Existing vegetation on site is to be retained.

In providing an opportunity to sustain patronage of the facilities this will allow for nearby residents to access the facilities without car dependency. For users outside of the locality future stages such as on course stabling may provide an opportunity for a reduction in car transport.

The development proposes opportunities for water sensitive urban design and water reuse, including additional water tanks and detention basins. This can be further enhanced under the guidance of both industry experts and technical advisers.

The existing functions have historically been mindful of dust issues and have generally addressed these without major detriment to the community. The use of water carts has increased over the years to ensure potential dust problems are dealt with prior to nuisances occurring. The majority of users of the facilities have experienced exposure to naturally occurring dust issues such as those arising from the summer easterly winds and have adequately alleviated these by the use of dust suppression vehicles.

Resource Implications:

Increased opportunities for water sensitive urban design eg stormwater tanks, swales, increased infiltration, reduced areas of lawn can be readily achieved through this proposed development. Existing natural depressions located on the inside of each track will be enhanced to contain a wetland feature.

The development will generally occur on existing cleared areas and does not propose any significant removal of vegetation.

Use of Local, Renewable or Recycled Resources:

The proposal has potential to use both locally and regionally available materials for construction of new buildings and materials required for track maintenance. Relocating an existing machinery shed to another area of the site will provide an opportunity for reuse of materials.

Economic Viability:

The future stages such as on course stabling have potential to provide a longer term reduction in transport costs by way of vehicles requiring less repetitive and frequent journeys to the complex when they can only transport one or two horses at a time.

Economic Benefits:

The ongoing development is likely to provide opportunities for local employment and facilitate ongoing economic benefit to the community by offering a venue to retain harness industry personnel in the Shire. Upgrading the facility may provide opportunities to reinstate race meetings which will provide the community with a tourist attraction and the generation of economic benefits for the community. If race meetings were to be reinstated, this could potentially have value adding benefits for local businesses.

Social – Quality of Life:

Upgrading of the complex will result in improved facilities and nurture ongoing sustainable use of the venue. This will assist with retaining trainers in the locality and foster community participation.

Statutory Environment:

Town Planning Scheme No. 2 (TPS 2)

Policy/Work Procedure Implications:

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

Financial Implications:

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

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Provide recreational opportunities.
6. Ensure a safe and secure community.

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

Strategies:

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

Objective 3: High level of social commitment

Strategies:

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

2. Environment

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

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
2. Develop partnerships with community, academia and other management agencies to implement projects in line with Shire objectives.
4. Reduce water consumption.

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

Strategies:

3. Reduce waste and improve recycling processes

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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

Strategies:

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

Objective 3: Effective management of Shire growth

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Required: Yes.

Support/Object: Three submissions received. Refer to summary below.

Affected Property	Summary of Submission	Support/ Object	Officer's Comment	Action (Condition/ Support/ Dismiss)
A214600	<p>I am strongly opposed to the planned Farrier & Gift Shop sub leases that are referred to as 1.11 on the proposed development of Byford Trotting Complex Lot 37 Thatcher Road.</p> <p>As I own and live in no. 10 Binshaw Avenue the Farrier/ Gift Shop would be 50 metres from my front door. The constant pounding of the anvil whilst shaping shoes & the stench of burning hooves whilst fitting these shoes would be intolerable.</p> <p>I came to this area, Byford/Cardup 5 years ago to live alongside and in harmony with horses & horse people and participate in the sport of harness racing. I see this area around the complex as a horse and family area. I don't want to live in a light industrial/commercial area.</p> <p>I believe any commercial development such as the farrier</p>	Object	<p>RWWA have advised they originally proposed the Farrier / Gift Shop as an incidental component however advise this will be deleted from this application to avoid any conflicting noise issues with nearby residents.</p>	Support.

Affected Property	Summary of Submission	Support/ Object	Officer's Comment	Action (Condition/ Support/ Dismiss)
	shop will significantly reduce the value of my home also. I am not opposed to the overall redevelopment of the site, just to 1.11 (Farrier/Gift Shop) as I believe it is too close to houses where people live.			
A214700	<p>The use of an existing shed as a farrier shop will create extra noise, smell and traffic. This is directly opposite homes, a farrier use is a lot more intrusive than the present work shop</p> <p>The proposal to place bitumen in the car park will have a heat effect on locals, potential area for hoons to use. This large area is big area for water to run off</p> <p>Create Short term parking area, it took many years for the previous committees of the BTTC to stop parking in this area as it was a very dangerous situation horses entering the track encountering parked cars and floats. The occasional occurrence of a loose horse running into this area has also happened especially now that a fence is in place. Checking you will find the No Parking Signs.</p> <p>Can see no advantage in having a gift shop that is away from the club rooms and will not meet planning policy on shops</p>		<p>Refer to above comments.</p> <p>Engineering technical officers have advised the use of bitumen will not generate excessive adverse heat impacts. However the car park design should be in accordance with water sensitive urban design principles and be constructed of materials that allow for infiltration on site such as permeable. Access can be controlled by locking entry / exits gates of the complex.</p> <p>The proposed short term parking areas to be used by vehicles and horses should ideally be determined at the discretion of RWWA as they have industry experience. All parking issues can form part of a more comprehensive and long term traffic management plan for the site which can be approved by Council as part of a future planning approval at this site.</p>	Support in part.
A214500	We would like to express our opinion on point 1.11, being the construction of a Farrier Shop. We object to placing it near Binshaw Avenue where you already have residents living nearby. It will bring added noise	Object	Refer above comments.	Support.

Affected Property	Summary of Submission	Support/ Object	Officer's Comment	Action (Condition/ Support/ Dismiss)
	and traffic to nearby residents.			

Comment:

The following three (3) issues were identified through the advertising of the concept proposal:

- (1) Potential noise impact from proposed farrier / gift shop;
- (2) Bitumising of the main parking area; and
- (3) Short-term parking areas.

Whilst this is not a formal development application, the applicant has advised the proposed farrier / gift shop was not a key priority in seeking formal development approval and consequently advised planning staff that this component of the development can be subsequently deleted from the proposal.

Bitumising of parking areas would upgrade existing facilities and potentially reduce dust. Engineering staff advise there is no technical evidence to support that bitumen will affect residents by way of excessive generation of heat emissions. However the car park design will be required to be in accordance with water sensitive urban design principles. Stormwater issues would be addressed and conditioned once each formal stage of planning approval development.

Formal arrangements for short-term parking areas can be addressed with the applicant as part of the overall traffic management plan relating to both local roads and future formal applications. This matter will need to be considered as part of any formal development application.

TPS 2

Under Council's TPS 2 the use can be defined as Equestrian Activity meaning "any land or buildings used for the showing, competition or training of horses and includes a riding school". The zoning table identifies an Equestrian Activity in the Special Rural zone as an 'SA' Use. An SA use is defined as follows:

'SA' means that the Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 6.3;

Section 6.5 of TPS 2 provides Council with the ability to make in principle decisions on applications for planning consent. Any decision by the Council made pursuant to Clause 6.5.1 shall not in any way bind the Council or fetter its discretion when dealing substantially with an application concerning the same development.

6.5 In Principle Decisions

6.5.1 The Council's determination on an application for planning consent under the Scheme shall for all intents and purposes be an in principle decision, and shall not in any way be taken as an approval or an authority to commence any development in those cases where:

- (a) *an applicant stipulates that his application for planning consent is made in principle or uses other words indicating that intention and the Council makes a determination thereon; or*
- (b) *the Council upon receiving an application for planning consent other than as set out in Clause 6.1.1 makes a decision thereon, but issues its decision otherwise than by the form referred to in Clause 6.4.4.*

- 6.5.2 *Any decision by the Council made pursuant to Clause 6.5.1 shall not in any way bind the Council or fetter its discretion when dealing substantially with an application concerning the same development.*

Options

There are primarily two options available to Council in considering the proposal, as follows:

1. to grant in principle support for the proposed development, with or without providing advice on technical matters to the applicant,
2. to refuse to grant in principle support for the proposed development.

Conclusion

As an overall proposal, Officers are of the opinion that the proposal has merit and is consistent with the provisions and objectives of TPS 2. The proposal is generally in keeping with the long term historical use of the venue and will now provide an opportunity for modern upgrades to the facilities. Further detailed investigations and documentation will be required as part of any application for development approval. Such matters include, but are not limited to, traffic management arrangements, stormwater management. In addition to requiring formal development approval prior to the commencement of works, various approvals will be required in relation to building and environmental health matters.

The upgrades to the current facilities are generally consistent with historical and future use which will therefore provide ongoing economic benefits to both the industry and the community.

Voting Requirements: Simple Majority

Committee/Officer Recommended Resolution:

That Council:

- A. Receive the proposed Concept Plan for Lot 37 Thatcher Road, Byford (Byford Trotting Training Complex) and support it in principle, pursuant to Clause 6.5.1 of Town Planning Scheme No 2.**
- B. Advise the applicant that at the time of formal development application and prior to the commencement of works, that the matters outlined below, but not limited to, will need to be addressed:**
 - 1. The design, construction and maintenance of all vehicle parking areas, access way(s), and additional crossovers. The applicant is advised that water sensitive urban design principles must be used.**
 - 2. Urban water management, in the form of an urban water management plan**
 - 3. Signage, with a separate application for planning approval including a plan or description of all signs for the proposed development (including signs painted on the building) .**
 - 4. Compliance with the Environmental Protection (Noise) Regulations 1997 at all times;**
 - 5. Dust management, particularly from metal dust and sand tracks, in the form of a dust management plan.**
- C. Reiterate that the granting of in principle support shall not in any way bind the Council or fetter its discretion when dealing substantially with an application concerning the same development and that a formal application for development approval will be required prior to the commencement of development and/or change of use of the land.**

During debate Cr Geurds foreshadowed that he would move a new motion if the motion under debate is defeated.

SD018/08/09 COUNCIL DECISION/New Motion:

**Moved Cr Randall, seconded Cr Price
That Council:**

- A. Receive the proposed Concept Plan for Lot 37 Thatcher Road, Byford (Byford Trotting Training Complex) and support it in principle, pursuant to Clause 6.5.1 of Town Planning Scheme No 2.**
- B. Advise the applicant that at the time of formal development application and prior to the commencement of works, that the matters outlined below, but not limited to, will need to be addressed:**
 - 1. The design, construction and maintenance of all vehicle parking areas, access way(s) and additional crossovers. The applicant is advised that water sensitive urban design principles must be used.**
 - 2. Urban water management, in the form of an urban water management plan.**
 - 3. Signage, with a separate application for planning approval including a plan or description of all signs for the proposed development (including signs painted on the building).**
 - 4. Compliance with the Environmental Protection (Noise) Regulations 1997 at all times.**
 - 5. Dust management, particularly from metal dust and sand tracks, in the form of a dust management plan.**
- C. Reiterate that the granting of in principle support shall not in any way bind the Council or fetter its discretion when dealing substantially with an application concerning the same development and that a formal application for development approval will be required prior to the commencement of development and/or change of use of the land.**
- D. Advise the applicant that any buildings constructed on the land must be appropriately designed to achieve the rural character of the Byford area.**

CARRIED 7/3

Council Note: The Committee/Officer Recommended Resolution was changed with the addition of part D.

SD020/08/09		EXTRACTIVE INDUSTRY LICENCE RENEWAL – LOT 344 SOUTH WESTERN HIGHWAY, WHITBY (P00035/11)
Proponent:	WA Bluemetal	In Brief To consider the issue of an extractive industry licence in accordance with the Local Laws for Extractive Industries for crushed and screened granite. It is recommended that the extractive industry licence be granted for a one year period until 31 December 2009.
Owner:	Ransberg Pty Ltd	
Author:	Michael Daymond – Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	22 July 2009	
Previously	SD063/02/08	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 10 December 2008 (licence renewal application)
 Lot Area: 81.0 ha
 L.A Zoning: Rural
 MRS Zoning: Rural

Rural Strategy Policy Area: Raw Materials Extraction
Rural Strategy Overlay: Landscape Protection Policy area
Date of Inspection: 2 September 2008

Background

Previous Licence

At its meeting held on 25 February 2008, Council resolved to grant an Extractive Industry licence for a period of twelve months ending 31 December 2008. At the same meeting, Council passed the following additional resolution:

“SD067/02/08 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Harris, seconded Cr Randall

The applicant be advised:

- 1. That Council is concerned regarding the ongoing and serious nature of non-compliance with Council imposed conditions associated with the operation at Lot 344 South Western Highway, Whitby.*
- 2. That should continued non-compliance with conditions occur, Council will immediately consider commencement of legal action against the land owner/operator and determine the Council's options for not issuing an extractive licence upon expiry of the current licence”.*

Any current areas of non-compliance will be discussed later in this report.

Current Approval & Licences

The Western Australian Planning Commission (WAPC) granted planning approval on 1 December 1999 for the extractive industry under the Metropolitan Region Scheme (MRS). This approval is valid until 1 December 2009.

The operations at the site are also governed by a licence from the Department of Environment and Conservation (DEC).

A copy of the location plan and aerial photograph are with the attachments marked SD020.1/06/09.

A copy of the previous Shire Extractive Industry Licence is with the attachments marked SD020.2/08/09.

Sustainability Statement

Effect on Environment: Extractive industries have the potential to have a significant effect on the environment if the operations are not undertaken in accordance with statutory approvals and licence conditions. Possible impacts on the environment include noise, dust, water quality, vegetation and visual amenity. These issues are examined at the time of site visits by Shire officers and if any complaints are received from the public. The issues as noted during the last inspection relate to silt traps, the Biodiversity and Landscape Management Plan, Manjedal Brook and the suppression of dust. These issues are discussed later in the report. The extraction of granite has the potential to significantly alter the existing landscape, reduce the visual amenity of the area and reduce biodiversity.

Resource Implications and Use of Local, Renewable or Recycled Resources: The proposal will extract a large volume of granite over the life of the extractive industry. The proposal has the potential to use significant amounts of water for dust prevention and fuel for the operation of machinery.

Economic Viability: The extraction of granite has the potential to significantly alter the existing landscape, reduce the visual amenity of the property and reduce biodiversity on the subject land.

Economic Benefits: The operation provides employment opportunities for the community.

Social – Quality of Life, Social and Environmental Responsibility and Social Diversity: The proposal may impact upon the community if the operations do not comply with statutory approvals and licence conditions.

Statutory Environment: Local Government Act 1995.
Planning and Development Act 2005.
Extractive Industries – Local Law 1995
Town Planning Scheme No. 2
Council Planning Policy 14 – Extractive Industry Licences
Local Planning Policy (LPP) 8 – Landscape Protection

Extractive Industries Local Law

Extracts from the Local Law are outlined below

Part 2 - Licensing Requirements for an Extractive Industry

EXTRACTIVE INDUSTRIES PROHIBITED WITHOUT LICENCE

- 2.1 A person must not carry on an extractive industry -
- (a) Unless the person is the holder of a valid and current licence; and
 - (b) Otherwise than in accordance with any terms and conditions set out in, or applying in respect of, the licence.

Penalty \$5,000 and a daily penalty not exceeding a fine of \$500 in respect of each day or part of a day during which an offence has continued.

PAYMENT OF ANNUAL LICENCE FEE

- 3.2 On or before 31 December in each year, a licensee must pay to the local government the annual licence fee determined by the local government from time to time.

RENEWAL OF LICENCE

- 4.3(4) Upon receipt of an application for the renewal of a licence, the local government may-
- a) refuse the application; or
 - b) approve the application on such terms and conditions, if any, as it sees fit.

As the previous licence expired on 31 December 2008, the site has been operating without a valid licence since that time. This is due to a combination of the late submission of the licence renewal application and the time it has taken Council staff to present the report to Council. Under the Extractive Industries Local Law, applications to renew a licence are required to be submitted at least 45 days prior to the expiration of the licence. The current application was submitted 21 days prior to the expiration of the licence.

Policy/Work Procedure Implications:

LPP8 - Landscape Protection Policy area. The objectives of this policy are:

1. To preserve the amenity deriving from the scenic value of the Darling Scarp;
2. To maintain the integrity of landscapes within the Landscape Protection Area;

3. To protect and enhance the landscape, scenic and townscape values through control over design, building materials and siting of development and land uses rather than prohibition of development and land use as such;
4. To maintain the integrity of landscapes in the line of sight view corridor along identified scenic routes in the Shire, including but not limited to South Western Highway, Nettleton Road, Jarrahdale Road, Admiral Road, Kingsbury Drive and both the north-south and east-west railway lines and natural water courses;
5. To provide developers and landowners with a statement describing the requirements for the subdivision and development within the Landscape Protection Area.

It is considered that the renewal of the Extractive Industry Licence complies with the objectives of LPP8.

Council Planning Policy (PP14) - The objectives of this policy are:

1. To provide incentive for good management of extractive industries within the Shire in accordance with extractive industry licence conditions.
2. To provide a level of certainty to extractive industry licence holders on the licence approval and audit process.
3. To set a process for determining the level of non-compliance with licence conditions to be applied in determining the length of extractive industry licence.
4. To set a process for determining audit review timeframes.
5. To set a process for reviewing of documents required under licence conditions to be undertaken by Shire officers.

Financial Implications:

The Extractive Industry Licence annual renewal fee was paid for the 2009 calendar year.

Strategic Implications:

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

1. People and Community

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

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.
5. Protect built and natural heritage for economic and cultural benefits.

2. Environment

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

Strategies:

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

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

Strategy:

1. Implement known best practice sustainable natural resource management.

3. Economic

Objective 1: A vibrant local community

Strategy:

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

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

Strategy:

2. Consider specific sites appropriate for industry /commercial development

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

The Extractive Industries Local Law does not require community consultation to be undertaken for renewal of an existing licence.

Comment:

Site Inspection

Under PP14, a six monthly inspection of the site is required to be carried out for those operations granted licences for periods of one year. The 2008 licence was issued by the Shire in March 2008, with only one inspection undertaken in September 2008.

Following the inspection and after assessment of the 2008 Annual Report, WA Bluemetal were found to be compliant in all areas with respect to their Extractive Industry licence, except in relation to the six (6) conditions detailed below.

Planning Policy No. 14 (PP14)

PP14 'Extractive Industry Licences' sets out guidelines to help Council staff determine the length of licences that should be issued to extractive industry operators. An assessment of the non-compliant conditions against PP14 is detailed below.

Condition 1 The licensee is to submit an annual report to the Shire by 31 October each year.

In terms of the submission of documentation, PP14 provides the following guidance. A critical (10) points of non-compliance is achieved when "no plan submitted for approval and 3 months have passed since the due date as specified in the licence conditions". The first

condition on the licence relates to the submission of the annual report by 31 October each year.

It is noted that the 2008 annual report was submitted to the Shire on 22 June 2009, almost 8 months after the due date. The applicant requested (in their licence renewal correspondence dated 10 December 2008) that the Shire agree to the submission of the annual report in October 2009. This was not accepted by the Shire. In addition, subsequent advice from the operator in their self assessment audit sheet, submitted 2 April 2009, stated that the annual report would be submitted in April 2009. Even this date was not met.

In accordance with PP14, it is deemed that as the annual report was not submitted for approval within 3 months of the due date, that a critical (10) points of non-compliance is applied.

Condition 7 All water treatment traps, bunds, sumps, detention and settling ponds are to be regularly maintained to minimise the discharge to the environment of total suspended dissolved solids and total suspended solids and to prevent siltation of surface streams.

Although some of the silt traps were satisfactory, several of the silt traps were in poor repair and had not been cleaned out. Within the 2007 annual report, WA Bluemetal state that the maintenance was difficult to undertake due to the inaccessibility of the silt traps. They have since cleared an access path through the Manjedal Brook buffer. Based on the information provided by the Shire's Environmental Services Department, this non compliance is considered relatively major and therefore 5 points would be awarded under PP14.

Condition 9 Water samples are to be taken in accordance with the approved Water Management Plan at a minimum frequency of four times a year with at least two of those readings being taken within two hours after a 25mm rainfall event (over a duration of two hours) and are to be analysed for total suspended solids and for hydrocarbon concentrations at an accredited laboratory.

The condition requires that a minimum of four water samples be taken per year and analysed for total suspended solids and for hydrocarbon concentrations. The water sampling results as provided by the operator indicates that only three samples were taken, with all three samples compliant in terms of the items that were analysed. Although it is the number of samples taken that do not comply with the condition and not the data obtained from the samples themselves, a major 5 points of non compliance would still be awarded under PP14.

The water sampling data provided as part of the Environmental Report, to satisfy condition 9, is considered to be inadequate for audit purposes as there is no chain of custody verification. The presentation of the results, in the tabular format used, is difficult for Shire officers to assess. Shire staff will meet with the operator and agree on an improved reporting format that can be used for future sampling results.

Condition 12 The licensee shall prepare by 31 May 2008 a Biodiversity and Landscape Management Plan for approval by Director Strategic Community Planning approval and thereafter implement the approved Biodiversity and Landscape Management Plan in its entirety.

1. A document titled 'Annual Environmental Report - Whitby Quarry Year 2007 (prepared April/May 2008)' was submitted in May 2008. Section 5 of that document titled 'Rehabilitation Update 2007' consists of one page of text that states that no revegetation was done in 2007. It discusses the previous work undertaken and highlights some of the difficulties that the operator is experiencing in the rehabilitation of the site. An A3 aerial photo marked with areas that have been rehabilitated together with the areas proposed to be rehabilitated was also included.

Although there are commitments made within Section 6 of the document, titled 'Southern Screening Bund Management Plan', to continue with a current accelerated revegetation program, there is no description of any such program other than routine monitoring and maintenance of the vegetation. The operator has been generating a similar document in each of the last two annual reports which provides the Shire with an update on the rehabilitation process. The operator needs to develop a more useful reporting format for future audits and inspections.

In addition, the 2007/08 Annual Report contained a report from Golder Associates relating to an annual assessment of the stability of the Southern Screening Bund. Section 8.0 of this report included several recommendations which they report as not having been implemented by the licensee. These include stabilising/sealing cracks and continuing to re-establish vegetation and maintain existing vegetation as a means of maintaining bund stability. The Shire therefore requires a written report related to the licensee's actions in response to the seven (7) recommendations of Golder Associates. This requirement is recommended as condition 37 of the licence.

The recent 2008/09 Annual Report also included a one page update on the rehabilitation that had been undertaken during the previous 12 months. As the information supplied by the operator is essentially just an update on the revegetation and rehabilitation that has been undertaken and is not a comprehensive 'Biodiversity and Landscape Management Plan' as required by this condition, a major 5 points of non compliance would be awarded under PP14. It is acknowledged however that the information that has been provided to the Shire would form a substantial component of the 'Biodiversity and Landscape Management Plan'.

Condition 17 The only encroachment permitted in the 50 metre buffer zone along Manjedal Brook is in accordance with the plans submitted and approved by the Director Development Services.

As a result of the inspection, it was reported by the Shire's Environmental Officer that there was a track cleared along the base of the rock bund. This track was in parts within the 50m buffer. The operator has stated within the 2007 annual report that this had been created in order for the operator to get easier access to the silt traps for maintenance purposes.

This non compliance is considered major as these works would have required separate approval from Council and the environmental impacts would need to be carefully considered. As such, this non compliance is awarded 5 points under PP14.

Condition 19 The licensee shall ensure so far as practicable that visible particulates (including dust) from roads, access ways, trafficked areas, stockpiles and machinery from crossing the boundary of the premises by using appropriate dust suppression techniques, including, but not limited to, water trucks, stabilisers, water sprays, sprinklers or canons.

During the inspection it was discovered that there was evidence of rock dust across the vegetation around the Manjedal Brook. This suggests that the current dust suppression methods are not effective.

With respect to this non-compliance, the proponent has been requested in writing to advise the Shire of the steps that will be taken in order for the condition to be met. This non compliance is considered relatively minor and therefore 1 point would be awarded under PP14.

Total Audit Points = 31

Under PP14, if 11 or more audit points are obtained, a 6 month licence is normally recommended and one site inspection would be undertaken during this time. However, the

determination of the licence also needs to be based on a consideration of any other relevant information deemed appropriate.

Other Relevant Information

Expiration of Previous Licence

The previous licence issued by Council was for a one year period expiring 31 December 2008. Given the delay in presenting the licence renewal back to Council, the 6 month licence as determined by PP14 would result in a licence being granted only until 30 June 2009. This would mean that the new licence would have expired prior to being considered by Council in July 2009.

Given this timeframe and the fact that Council are unable to issue a licence for a time period that would have already expired, it is recommended that a one year licence be granted, expiring 31 December 2009.

Other Conditions

There are two other conditions on the current licence which could not be fully audited as the information obtained through the site inspection and the 2009 Annual Report was difficult to obtain.

Condition 6 The licensee shall ensure that any discharge of water from areas that have been disturbed including excavation and processing areas, stockpiles, roads and access tracks and uncompleted vegetated areas, shall be via treatment in silt traps, detention ponds, settling ponds or other effective mechanism to remove suspended materials.

The audit of this quarry indicated that there was one site where water was obviously seeping from below road areas and was not flowing through detention ponds or silt traps. This water did not carry suspended solids but did have an associated floc that was evident in a pool. There is a possibility that this water is spring fed and is not discharging from areas that have been disturbed.

In order to ascertain the exact pathway of this water, the Shire requires an updated Water Management Plan that indicates the pathways of all surface water on the site and identifies all the existing bunds, sumps, silt traps, detention ponds and settling ponds that are in use and being maintained. The updated plan should also identify any springs or subsurface water being expressed that are beyond the control of the Licensee.

This requirement is included as a condition of the licence.

Condition 8 The quality of water in Manjedal Brook at the western boundary of the site is to be within 80mg/l of the quality of water at the eastern boundary of the site as measured during the months of April to November.

Condition 8 and 9 on the licence are closely linked together as per condition 9, the Shire's Environmental Officer has advised that the reporting of this data is not adequate for the Shire' audit purposes. The Shire requires that a new format of reporting be devised in consultation with the operator and the Shire's Water Sensitive Design Project Manager.

As this condition is linked closely to condition 9, the comments previously provided for condition 9 are also applicable for condition 8. The water sampling data provided as part of the Environmental Report is considered to be inadequate for audit purposes as there is no chain of custody verification. The presentation of the results, in the tabular format used, is difficult for Shire officers to assess. Shire staff will meet with the operator and agree on an improved reporting format that can be used for future sampling results.

Submission of Management Plans & Reports

Conditions 5, 12, 18, 21 and 35 required the submission of the following management plans and reports by 31 May 2008:

- An updated Water Management Plan;
- A Biodiversity and Landscape Management Plan;
- An updated Dust Management Plan;
- An updated Noise Management Plan; and
- A report on the stability of all non-operational stockpiles and bund walls.

The non-submission of the 'Biodiversity and Landscape Management Plan' has previously been discussed together with the requirement for an updated 'Water Management Plan'. The other three reports were all submitted to Council on 6 June 2008 as part of the 2007 annual report and have subsequently been assessed by Council staff. WA Bluemetal have advised that the operation of the site is in accordance with these plans. This has been confirmed through the site inspection undertaken in September 2008.

The licence conditions requiring the preparation of these three plans are no longer required. However, it is recommended that conditions be imposed ensuring compliance with these reports.

Noise Management

The issues of noise management and noise complaints have been discussed in detail during the last two 'Community Liaison Meetings' held at the Shire between Shire staff, the operator and community members on 18 April 2008 and 20 April 2009. In 2008, a noise assessment and report was presented to the stakeholders meeting and a noise complaint procedure agreed to by all parties. The procedure was that any complaints would be forwarded directly to WA Bluemetal when the noise was evident and the operators would undertake a site visit immediately to assess the noise and take the necessary action. The minutes of the 2009 meeting noted that this procedure for the registering of noise complaints has been operational for 30 months, with no complaints being made to the Shire or WA Bluemetal within the last 24 months. Further, WA Bluemetal has not received any complaints directly from the public in relation to noise issues.

The Shire's Environmental Health department have confirmed that the Shire has not received any noise complaints for the same period. In addition, the proponent has detailed a Noise Management Plan in their annual Environmental Report 2008/09 which is deemed to be satisfactory. Given that there have been no noise complaints received and that there is a Noise Management Plan in place, there are no noise issues that the Shire needs to respond to at this time.

Legal Action

Council's previous resolution when considering the 2008 license included an option to pursue legal action against the operator if continued non-compliance with conditions occurred. In dealing with the current license, 31 audit points have been achieved. Therefore the option to commence legal proceedings against the operator is still an option that can be followed if deemed necessary by Council.

Options Available to Council

There are a number of options that are available to Council in dealing with the Extractive Industry Licence renewal for WA Bluemetal. The options, together with the associated officer comments, are detailed below:

	Options	Officer Comment
a)	A 5 year licence.	<ul style="list-style-type: none"> Through an assessment under PP14 and consideration of the other relevant information relating to the annual report, a licence of this length is not supported.
b)	A 3 year licence.	<ul style="list-style-type: none"> Through an assessment under PP14 and consideration of the other relevant information relating to the annual report, a licence of this length is not supported
c)	A 1 year licence.	<ul style="list-style-type: none"> A one year licence, until 31 December 2009, is supported given the non-compliance of the operation as detailed above. Risk of an appeal.
d)	Commence prosecution proceedings to address issues of non compliance	<ul style="list-style-type: none"> This option is available to Council and was previously identified as an option available to them. This option can still be followed if deemed necessary by Council.

The officer recommendation with respect to this application is (c) above, in that the operator be granted a 1 year licence until 31 December 2009.

Conclusion

Based on PP14 and the information as detailed under the 'Other Relevant Information' section, it is recommended that a one year licence be granted, expiring 31 December 2009.

Voting Requirements: Simple Majority

Committee/Officer Recommended Resolution:

- A. The extractive industry licence be issued for granite extraction at Lot 344 South Western Highway, Whitby for a one year period expiring 31 December 2009 subject to the following conditions:

PLANNING

- The licensee is to submit an annual report for 2009 to the Shire by 31 October 2009.
- The licensee is to comply with all provisions of the Serpentine Jarrahdale Extractive Industry Local Law.
- The main access road from South Western Highway to Lot 344 is to be sealed and maintained so as to minimise dust emissions from vehicle movements to the satisfaction of Director Engineering.
- No works are to be exposed to the view from the South Western Highway and the Coastal Plain.

ENVIRONMENTAL

Water Quality

- The licensee shall prepare by 31 October 2009, an updated Water Management Plan for approval by Director Strategic Community Planning and thereafter implement the approved Water Management Plan in its entirety.
- The licensee shall ensure that any discharge of water from areas that have been disturbed including excavation and processing areas, stockpiles, roads and access tracks and uncompleted vegetated areas, shall be via treatment in silt traps,

- detention ponds, settling ponds or other effective mechanism to remove suspended materials.
7. All water treatment traps, bunds, sumps, detention and settling ponds are to be regularly maintained to minimise the discharge to the environment of total suspended dissolved solids and total suspended solids and to prevent siltation of surface streams.
 8. The quality of water in Manjedal Brook at the western boundary of the site is to be within 80mg/l of the quality of water at the eastern boundary of the site as measured during the months of April to November.
 9. Water samples are to be taken in accordance with the approved Water Management Plan at a minimum frequency of four times a year with at least two of those readings being taken within two hours after a 25mm rainfall event (over a duration of two hours) and are to be analysed for total suspended solids and for hydrocarbon concentrations at an accredited laboratory.
 10. On receipt of water sample data which is non-compliant with the target levels set out in conditions 8, the licensee shall ensure that an immediate inspection of, and obvious repairs to, all the drainage and treatment systems on the site is undertaken and shall notify the Director Strategic Community Planning by facsimile within 24 hours and provide a written report within five working days with evidence to satisfy the Director Strategic Community Planning that measures have been taken to prevent a recurrence.
 11. The licensee is to ensure that there are no interruptions or obstructions to the flow of Manjedal Brook as a result of extractive industry site works, infrastructure, stockpiles, operations or site rehabilitation.

Biodiversity Management

12. The licensee shall prepare by 31 October 2009 a Biodiversity and Landscape Management Plan for approval by Director Strategic Community Planning approval and thereafter implement the approved Biodiversity and Landscape Management Plan in its entirety.
13. Revegetation of forest, bushland and riparian habitats is to be:
 - a) with locally occurring native tree, shrub and groundcover plant species;
 - b) achieve a minimum survival of 1,200 locally native tree stems and 10,000 locally native shrub and ground cover stems per hectare when a minimum of 80% of the plants are at least three years old;
 - c) achieve a plant diversity of at least 75% of those species on the Shire species list for the defined community outcome with at least 5 species established per 20m²; and
 - d) be managed adaptively to approximate the community structure of an agreed natural community reference site for as long as quarry activities occur on the site and for a minimum of three years after complying with the density target above.
14. Where sedges and rushes are to be used for revegetation of wetland habitats, they are to be planted at a minimum density of 6 stems per m².
15. The licensee shall control declared and environmental weeds throughout the site to the satisfaction of the Director Strategic Community Planning.
16. The licensee is to maintain a 20 metre buffer along the western boundary of Lot 344 South Western Highway.
17. No works shall be permitted in the 50 metre buffer zone along Manjedal Brook, unless otherwise approved by Council.
18. The licensee shall rehabilitate the land adjacent to the northern side of Manjedal Brook, within the boundaries of the subject property, to the satisfaction of the Shire and the Department of Environment and Conservation.

Dust

19. The licensee shall implement the approved Dust Management Plan, dated May 2008, in its entirety to the satisfaction of the Director Development Services.

20. The licensee shall ensure so far as practicable that visible particulates (including dust) from roads, access ways, trafficked areas, stockpiles and machinery from crossing the boundary of the premises by using appropriate dust suppression techniques, including, but not limited to, water trucks, stabilisers, water sprays, sprinklers or canons.
21. The licensee shall ensure that all loads entering and leaving the premises of shale, sand, soil, clay or other particulate material, are to be enclosed or completely covered by a secured impermeable tarpaulin to prevent dust nuisance or are treated in an effective manner to suppress dust and prevent dust nuisance to the satisfaction of the Shire.

Noise

22. The licensee shall implement the approved Noise Management Plan, dated May 2008, in its entirety to the satisfaction of the Director Development Services.
23. All site operations shall comply with the Environmental Protection (Noise) Regulations at all times.
24. Blasting is to only take place between the hours of 7am and 6pm.
25. The licensee must notify the Director Development Services via facsimile 24 hours prior to each blasting being carried out on the site.
26. The licensee shall measure and document for each blast the necessary parameters, and shall ensure that:
 - a) the air-blast over-pressure on the curtilage of a premises approved for the purpose of blast monitoring is in accordance with the *Environmental Protection (Noise) Regulations 1997*.
 - b) the peak particle velocity from any single blast does not exceed 10 millimetres per second;
 - c) no more than one blast in any ten consecutive blasts (regardless of the interval between each blast) exceeds a peak particle velocity of 5 millimetres per second;
 - d) ground vibration levels do not exceed 10 millimetres per second peak particle velocity.
27. The licensee shall measure for each blast, the peak particle velocity on any point of a premises approved for the purpose of blast monitoring, at least the longest dimension of the foundations of a building or structure away from such building or structure.
28. In the event that any of the following are recorded at a premises approved for the purpose of blast monitoring:
 - a) the peak particle velocity from any single blast exceeds 10 millimetres per second;
 - b) more than one blast in any ten consecutive blasts (regardless of the interval between each blast) exceeds a peak particle velocity of 5 millimetres per second;
 - c) ground vibration levels in excess of 10 millimetres per second peak particle velocity are recorded;the licensee shall notify the Director Development Services by facsimile within 24 hours and provide a written report within seven days with evidence to satisfy the Director Development Services that measures have been taken to prevent a recurrence.

Hazardous Chemicals

29. The licensee shall store environmentally hazardous chemicals including, but not limited to, fuel, oil or other hydrocarbons (where the total volume of each substance stored on the premises exceeds 250 litres) within low permeability (10^{-9} metres per second or less) compounds designed to contain not less than 110% of the volume of the largest storage vessel or inter-connected system, and at least 25% of the total volume of vessels stored in the compound.
30. The compounds described in condition 28 shall:
 - a) be graded or include a sump to allow recovery of liquid;

- b) be chemically resistant to the substances stored;
 - c) include valves, pumps and metres associated with transfer operations wherever practical - otherwise the equipment shall be adequately protected e.g. bollards and contained in an area designed to permit recovery of chemicals released following accidents or vandalism;
 - d) be designed such that jetting from any storage vessel or fitting will be captured within the bunded area - see for example Australian Standard 1940-1993 Section 5.9.3 (g);
 - e) be designed such that chemicals which may react dangerously if they come into contact, are in separate bunds in the same compound or in different compounds; and
 - f) be controlled such that the capacity of the bund is maintained at all times e.g. regular inspection and pumping of trapped uncontaminated rain water.
31. The licensee shall immediately remove and dispose of any liquid resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, whether inside or outside the low permeability compounds.
32. The licensee shall not store, or permit to be stored, any explosives or explosive devices other than in accordance with Department of Industry and Resources Regulations.
33. The licensee shall keep a register of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a logbook to be kept on-site and available for immediate inspection by Shire representatives.
34. The proponent shall ensure that no chemicals or potential liquid contaminants are disposed of on-site.

Minimal Impact Management

35. The proponent shall ensure that materials suitable for recycling are recycled, and that all other wastes are disposed of at a suitably licensed waste disposal facility.
36. Outside lighting is to be kept to a safe minimum and should be angled to minimise light impacts on neighbouring properties.

Engineering

37. The licensee shall submit by 31 October 2009 a written report outlining the licensee's actions in response to the seven (7) recommendations of Golder Associates regarding the stability of the earth bund.
- B. The applicant be advised that they are required to submit the Extractive Industry licence renewal documentation for the 2010 calendar year by 30 September 2009.
- C. The Western Australian Planning Commission be advised of Council's decision.

Advice Notes:

1. The annual report is to:
- a) comply with provisions in the Serpentine Jarrahdale Extractive Industry Local Law relating to requirements for documentation to accompany applications for renewal of licences;
 - b) include results of any dust, noise, water, biodiversity and complaints monitoring;
 - c) provide a statement of actions taken and progress made in relation to the implementation of management plans during the period of this licence;
 - d) provide a statement of actions to be taken and progress proposed in relation to the implementation of management plans during the next 12 months; and
 - e) identify any proposed changes to approved management plans.
2. The development must comply with the Approval to Commence Development granted by the WA Planning Commission issued on 1 December 1999.

Water Quality

3. For the purpose of condition 8, “Quality” refers to the concentrations of total suspended solids, hydrocarbons and nutrients and heavy metals.
4. The written report in relation to condition 10 is to detail the times, dates and locations of water samples, rainfall within the previous 24 hours of the samples being taken, water quality readings, why the non-compliant levels were recorded and how the licensee has adjusted operations to ensure that it does not occur again.
5. The Biodiversity and Landscape Management Plan should include text and diagrams and is to:
 - a) Include a statement of biodiversity values within that area of the site that is on the northern side of Manjedal Brook;
 - b) Identify threats to and pressures on biodiversity values;
 - c) Include a commitment to strategies to be implemented by the licensee to protect biodiversity values from the identified threats and pressures;
 - d) Include at least one scaled map of the site north of Manjedal Brook which can be placed as an overlay over the most recent aerial photograph of the whole site;
 - e) Illustrate and describe land contours at proposed stages of the development including the current stage of development and following completion of extractive industry activities;
 - f) Locate on the map, and both identify and describe where and how existing indigenous vegetation is to be protected or is proposed to be cleared as a result of extractive industry activities, firebreaks, drainage, the provision of power and any other activities that may impact vegetation;
 - g) Map the locations of, and identify both the types and magnitudes of weed infestations and describe weed management to be undertaken;
 - h) Locate on the map and describe all end point land uses and associated vegetation types for example forest, agricultural parkland cleared, visual screening, aquatic, industrial and riparian;
 - i) Describe the species, sizes, planting densities, soil preparation and adaptive management to ensure endpoint vegetation types are established in accordance with the vegetation types map described in the clauses above;
 - j) Describe the community structures, species compositions and diversities of naturally growing reference communities;
 - k) Include a commitment to auditable completion criteria for vegetation in the different habitat types (including weed burden);
 - l) Illustrate and describe the drainage proposed at different stages of quarry activities including what is proposed on completion of the quarrying activities;
 - m) Locate firebreaks on the map (include copies of any necessary State Government approvals for clearing); and
 - n) Describe stages and where possible, timeframes for proposed industry operation and site rehabilitation.

Noise

6. The written report in relation to condition 27 is to detail the times, dates, non-compliant blast parameters, the relevant Environmental Protection (Noise) Regulations 1997 and other limits prescribed in this licence, why the non-compliant levels were recorded and how the licensee has adjusted operations to ensure that it does not occur again.
7. The licensee is encouraged to develop and implement an environmental management system using the conditions on this licence as targets. If the environmental management system is approved, further licenses could be redrafted to remove individual conditions and instead refer to the approved environmental management system document.

SD020/08/09 COUNCIL DECISION:

Moved Cr Murphy, seconded Cr Kirkpatrick

- A. The extractive industry licence be issued for granite extraction at Lot 344 South Western Highway, Whitby for a one year period expiring 31 December 2009 subject to the following conditions:**

PLANNING

- 1. The licensee is to submit an annual report for 2009 to the Shire by 31 October 2009.**
- 2. The licensee is to comply with all provisions of the Serpentine Jarrahdale Extractive Industry Local Law.**
- 3. The main access road from South Western Highway to Lot 344 is to be sealed and maintained so as to minimise dust emissions from vehicle movements to the satisfaction of Director Engineering.**
- 4. No works are to be exposed to the view from the South Western Highway and the Coastal Plain.**

ENVIRONMENTAL

Water Quality

- 5. The licensee shall prepare by 31 October 2009, an updated Water Management Plan for approval by Director Strategic Community Planning and thereafter implement the approved Water Management Plan in its entirety.**
- 6. The licensee shall ensure that any discharge of water from areas that have been disturbed including excavation and processing areas, stockpiles, roads and access tracks and uncompleted vegetated areas, shall be via treatment in silt traps, detention ponds, settling ponds or other effective mechanism to remove suspended materials.**
- 7. All water treatment traps, bunds, sumps, detention and settling ponds are to be regularly maintained to minimise the discharge to the environment of total suspended dissolved solids and total suspended solids and to prevent siltation of surface streams.**
- 8. The quality of water in Manjedal Brook at the western boundary of the site is to be within 80mg/l of the quality of water at the eastern boundary of the site as measured during the months of April to November.**
- 9. Water samples are to be taken in accordance with the approved Water Management Plan at a minimum frequency of four times a year with at least two of those readings being taken within two hours after a 25mm rainfall event (over a duration of two hours) and are to be analysed for total suspended solids and for hydrocarbon concentrations at an accredited laboratory.**
- 10. On receipt of water sample data which is non-compliant with the target levels set out in conditions 8, the licensee shall ensure that an immediate inspection of, and obvious repairs to, all the drainage and treatment systems on the site is undertaken and shall notify the Director Strategic Community Planning by facsimile within 24 hours and provide a written report within five working days with evidence to satisfy the Director Strategic Community Planning that measures have been taken to prevent a recurrence.**
- 11. The licensee is to ensure that there are no interruptions or obstructions to the flow of Manjedal Brook as a result of extractive industry site works, infrastructure, stockpiles, operations or site rehabilitation.**

Biodiversity Management

- 12. The licensee shall prepare by 31 October 2009 a Biodiversity and Landscape Management Plan for approval by Director Strategic Community Planning**

- approval and thereafter implement the approved Biodiversity and Landscape Management Plan in its entirety.
13. Revegetation of forest, bushland and riparian habitats is to be:
- a) with locally occurring native tree, shrub and groundcover plant species;
 - b) achieve a minimum survival of 1,200 locally native tree stems and 10,000 locally native shrub and ground cover stems per hectare when a minimum of 80% of the plants are at least three years old;
 - c) achieve a plant diversity of at least 75% of those species on the Shire species list for the defined community outcome with at least 5 species established per 20m²; and
 - d) be managed adaptively to approximate the community structure of an agreed natural community reference site for as long as quarry activities occur on the site and for a minimum of three years after complying with the density target above.
14. Where sedges and rushes are to be used for revegetation of wetland habitats, they are to be planted at a minimum density of 6 stems per m².
15. The licensee shall control declared and environmental weeds throughout the site to the satisfaction of the Director Strategic Community Planning.
16. The licensee is to maintain a 20 metre buffer along the western boundary of Lot 344 South Western Highway.
17. No works shall be permitted in the 50 metre buffer zone along Manjedal Brook, unless otherwise approved by Council.
18. The licensee shall rehabilitate the land adjacent to the northern side of Manjedal Brook, within the boundaries of the subject property, to the satisfaction of the Shire and the Department of Environment and Conservation.

Dust

19. The licensee shall implement the approved Dust Management Plan, dated May 2008, in its entirety to the satisfaction of the Director Development Services.
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21. The licensee shall ensure that all loads entering and leaving the premises of shale, sand, soil, clay or other particulate material, are to be enclosed or completely covered by a secured impermeable tarpaulin to prevent dust nuisance or are treated in an effective manner to suppress dust and prevent dust nuisance to the satisfaction of the Shire.

Noise

22. The licensee shall implement the approved Noise Management Plan, dated May 2008, in its entirety to the satisfaction of the Director Development Services.
23. All site operations shall comply with the Environmental Protection (Noise) Regulations at all times.
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25. The licensee must notify the Director Development Services via facsimile 24 hours prior to each blasting being carried out on the site.
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- a) the air-blast over-pressure on the curtilage of a premises approved for the purpose of blast monitoring is in accordance with the *Environmental Protection (Noise) Regulations 1997*.
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- c) no more than one blast in any ten consecutive blasts (regardless of the interval between each blast) exceeds a peak particle velocity of 5 millimetres per second;
 - d) ground vibration levels do not exceed 10 millimetres per second peak particle velocity.
27. The licensee shall measure for each blast, the peak particle velocity on any point of a premises approved for the purpose of blast monitoring, at least the longest dimension of the foundations of a building or structure away from such building or structure.
28. In the event that any of the following are recorded at a premises approved for the purpose of blast monitoring:
- a) the peak particle velocity from any single blast exceeds 10 millimetres per second;
 - b) more than one blast in any ten consecutive blasts (regardless of the interval between each blast) exceeds a peak particle velocity of 5 millimetres per second;
 - c) ground vibration levels in excess of 10 millimetres per second peak particle velocity are recorded;
- the licensee shall notify the Director Development Services by facsimile within 24 hours and provide a written report within seven days with evidence to satisfy the Director Development Services that measures have been taken to prevent a recurrence.

Hazardous Chemicals

29. The licensee shall store environmentally hazardous chemicals including, but not limited to, fuel, oil or other hydrocarbons (where the total volume of each substance stored on the premises exceeds 250 litres) within low permeability (10^{-9} metres per second or less) compounds designed to contain not less than 110% of the volume of the largest storage vessel or inter-connected system, and at least 25% of the total volume of vessels stored in the compound.
30. The compounds described in condition 28 shall:
- a) be graded or include a sump to allow recovery of liquid;
 - b) be chemically resistant to the substances stored;
 - c) include valves, pumps and metres associated with transfer operations wherever practical - otherwise the equipment shall be adequately protected e.g. bollards and contained in an area designed to permit recovery of chemicals released following accidents or vandalism;
 - d) be designed such that jetting from any storage vessel or fitting will be captured within the bunded area - see for example Australian Standard 1940-1993 Section 5.9.3 (g);
 - e) be designed such that chemicals which may react dangerously if they come into contact, are in separate bunds in the same compound or in different compounds; and
 - f) be controlled such that the capacity of the bund is maintained at all times e.g. regular inspection and pumping of trapped uncontaminated rain water.
31. The licensee shall immediately remove and dispose of any liquid resulting from spills or leaks of chemicals including fuel, oil or other hydrocarbons, whether inside or outside the low permeability compounds.
32. The licensee shall not store, or permit to be stored, any explosives or explosive devices other than in accordance with Department of Industry and Resources Regulations.
33. The licensee shall keep a register of the extent, location, environmental implications and remedial actions taken for any accidental contamination of soil or water resources in a logbook to be kept on-site and available for immediate inspection by Shire representatives.
34. The proponent shall ensure that no chemicals or potential liquid contaminants are disposed of on-site.

Minimal Impact Management

35. The proponent shall ensure that materials suitable for recycling are recycled, and that all other wastes are disposed of at a suitably licensed waste disposal facility.
36. Outside lighting is to be kept to a safe minimum and should be angled to minimise light impacts on neighbouring properties.

Engineering

37. The licensee shall submit by 31 October 2009 a written report outlining the licensee's actions in response to the seven (7) recommendations of Golder Associates regarding the stability of the earth bund.
 38. The crusher must have a cover which ameliorates the noise emissions. The crusher shall not be operated whilst its cover is not in place. Should the crusher cover be removed for any reason, the Shire is to be informed immediately by facsimile and the crusher is not to be restarted until the cover is replaced.
- B. The applicant be advised that they are required to submit the Extractive Industry licence renewal documentation for the 2010 calendar year by 30 September 2009.
- C. The Western Australian Planning Commission be advised of Council's decision.

Advice Notes:

1. The annual report is to:
 - a) comply with provisions in the Serpentine Jarrahdale Extractive Industry Local Law relating to requirements for documentation to accompany applications for renewal of licences;
 - b) include results of any dust, noise, water, biodiversity and complaints monitoring;
 - c) provide a statement of actions taken and progress made in relation to the implementation of management plans during the period of this licence;
 - d) provide a statement of actions to be taken and progress proposed in relation to the implementation of management plans during the next 12 months; and
 - e) identify any proposed changes to approved management plans.
2. The development must comply with the Approval to Commence Development granted by the WA Planning Commission issued on 1 December 1999.

Water Quality

3. For the purpose of condition 8, "Quality" refers to the concentrations of total suspended solids, hydrocarbons and nutrients and heavy metals.
4. The written report in relation to condition 10 is to detail the times, dates and locations of water samples, rainfall within the previous 24 hours of the samples being taken, water quality readings, why the non-compliant levels were recorded and how the licensee has adjusted operations to ensure that it does not occur again.
5. The Biodiversity and Landscape Management Plan should include text and diagrams and is to:
 - a) Include a statement of biodiversity values within that area of the site that is on the northern side of Manjedal Brook;
 - b) Identify threats to and pressures on biodiversity values;

- c) Include a commitment to strategies to be implemented by the licensee to protect biodiversity values from the identified threats and pressures;
- d) Include at least one scaled map of the site north of Manjedal Brook which can be placed as an overlay over the most recent aerial photograph of the whole site;
- e) Illustrate and describe land contours at proposed stages of the development including the current stage of development and following completion of extractive industry activities;
- f) Locate on the map, and both identify and describe where and how existing indigenous vegetation is to be protected or is proposed to be cleared as a result of extractive industry activities, firebreaks, drainage, the provision of power and any other activities that may impact vegetation;
- g) Map the locations of, and identify both the types and magnitudes of weed infestations and describe weed management to be undertaken;
- h) Locate on the map and describe all end point land uses and associated vegetation types for example forest, agricultural parkland cleared, visual screening, aquatic, industrial and riparian;
- i) Describe the species, sizes, planting densities, soil preparation and adaptive management to ensure endpoint vegetation types are established in accordance with the vegetation types map described in the clauses above;
- j) Describe the community structures, species compositions and diversities of naturally growing reference communities;
- k) Include a commitment to auditable completion criteria for vegetation in the different habitat types (including weed burden);
- l) Illustrate and describe the drainage proposed at different stages of quarry activities including what is proposed on completion of the quarrying activities;
- m) Locate firebreaks on the map (include copies of any necessary State Government approvals for clearing); and
- n) Describe stages and where possible, timeframes for proposed industry operation and site rehabilitation.

Noise

- 6. The written report in relation to condition 27 is to detail the times, dates, non-compliant blast parameters, the relevant Environmental Protection (Noise) Regulations 1997 and other limits prescribed in this licence, why the non-compliant levels were recorded and how the licensee has adjusted operations to ensure that it does not occur again.
- 7. The licensee is encouraged to develop and implement an environmental management system using the conditions on this licence as targets. If the environmental management system is approved, further licenses could be redrafted to remove individual conditions and instead refer to the approved environmental management system document.

General

- 8. The applicant is to note that the Shire requires that the administrative steps necessary to conform to all the conditions that form part of this approval are to be put in place by the applicant to ensure that all reports and records required by the conditions are made available on time as mandated by this approval.

The applicant is to further note that should reports and records not be made available on time as required by law and/or these conditions, then these facts will be seriously taken into account by the Shire when and if it considers an application for further renewal of the licence.

CARRIED 10/0

Council Note: The Committee/Officer Recommended Resolution was changed with the addition of condition 38 and Advice Note 8.

SD022/08/09 FINAL ADOPTION OF SCHEME AMENDMENT NO. 161 - LOT 128 AND LOT 3 SOUTH WESTERN HIGHWAY AND LOT 1 PINEBROOK ROAD, BYFORD (P00714)		
Proponent:	Gray & Lewis LandUse Planners	In Brief Report on outcome of public consultation with regard to Scheme Amendment No. 161 to rezone land from Rural to Urban Development to provide consistency with Metropolitan Region Scheme. It is recommended that the amendment be adopted without modification.
Owner:	Colli Nominees; R & M Bryce; Byford Industrial Holdings	
Author:	Helen Maruta – Planning Officer	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	10 July 2009	
Previously	SD027/09/08	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 31 July 2008
 Advertised: Yes
 Submissions: Yes
 Lot Area: Lot 1 – 3.765 hectares; Lot 3 – 5.957 hectares; Lot 128 – 3,761 hectares
 L.A Zoning: Rural
 MRS Zoning: Urban
 Byford Structure Plan: Lot 128 – Mixed Business & Area of Landscape Sensitivity overlay over part of the lot;
 Lot 3 – Mixed Business;
 Lot 1 - Mixed Business, Foreshore Reserve & Neighbourhood Park

Background

At the Ordinary Council Meeting held on 16 September 2008, Council resolved to initiate Amendment No. 161 which proposes to rezone Lots 3 and 128 South Western Highway and Lot 1 Pinebrook Road, Byford from “Rural” to “Urban Development”.

Amendment 161 was advertised for public comment including referrals to government agencies and service authorities. The outcome of the advertising and referral process is included in this report. This report provides Council with the opportunity to consider the amendment for final approval.

A locality plan and aerial photograph is with the attachments marked SD022.1/08/09.

A plan showing the existing and proposed zoning is with the attachments marked SD022.2/08/09.

Sustainability Statement

Effect on Environment: Rezoning of the subject lots from ‘Rural’ to ‘Urban Development’ will not directly result in any impacts on the environment and/or vegetation at this stage. However, effects on the environment issues will become of paramount concern at the development stages, hence these will be discussed in detail at the initial assessment of Local Structure Plan/s (LSP) of the subject lots.

The site contains two natural features; Cardup Brook and its associated riparian vegetation and the remnant vegetation on site which are of environmental significance and concern. A desk top analysis has shown Lots 1 and 3 consists of the Heddle Vegetation Complex type; Guildford Complex of which there is 5% remaining on the Swan Coastal Plain (comparative to its pre-European extent) and Lot 128 Pinebrook Road consists of Forrestfield Complex of which 17.5% remains on the Swan Coastal Plain. The vegetation on site has a high conservation value, its clearing (at any stage) without a permit from the Department of Environment and Conservation (DEC) is not permitted.

Prior to the Environmental Protection Authority (EPA) determining the Level of Assessment to the scheme amendment the Shire was asked to demonstrate by providing sufficient information as to how the identified endangered remnant vegetation would be protected by addressing certain levels of criteria identified and outlined below:

Criteria E. No clearing of remnant vegetation on the amendment area will occur unless a clearing permit has been obtained from the DEC.

Criteria F. To enhance the environmental value of Cardup Creek a buffer along the Creek will be implemented containing all existing riparian vegetation and to the satisfaction of the DEC and the Department of Indigenous Affairs.

In response to the above the Shire made a commitment and advised the EPA that Clause 5.18.2.4 of Town Planning Scheme No 2(TPS 2) establishes the general matters that need to be considered by the Shire and the Western Australian Planning Commission in assessing each LSP. With respect to the subject land, the Shire's Officers confirmed that the assessment of a LSP will include the requirements set out in TPS 2 and the following:

- An assessment against the Shire's adopted Local Biodiversity Strategy
- An assessment against the Department of Water's Byford Townsite Drainage and Water Management Plan, with respect to floodway widths and established water quality/quantity design objectives".

Following the receipt of the Shire's advice, the EPA concluded its consideration of the Amendment and resolved to not assess the Amendment and instead provide advice to the Shire; the EPA's advice is included in the schedule of submissions later in this report.

Statutory Environment: Planning and Development Act 2005
Town Planning Regulations 1967
TPS 2
Metropolitan Region Scheme (MRS)
Byford Structure Plan (BSP)

Policy/Work Procedure Implications: Nil

Financial Implications: All costs will be paid by the proponent.

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

Objective 3: Compliance to necessary legislation

Strategies:

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

EPA

Prior to the commencement of public advertising, the scheme amendment was referred to the EPA under section 48A of the Environmental Protection Act. The EPA advised in writing that the Amendment did not warrant assessment under Part IV Division 3 of the Environmental Protection Act 1986, but nonetheless provided advice and recommendations tabled below.

Advice and Recommendations	Comments
<p>Vegetation A desktop analysis has shown that the remnant vegetation on Lots 1 and 3 consists of the Heddele Vegetation Complex type; Guildford Complex of which there is 5% remaining on the Swan Coastal Plain (comparative to its pre-European extent) and Lot 128 Pinebrook Road consists of Forrestfield Complex of which 17.5% remains on the Swan Coastal Plain.</p> <p>The EPA uses the criterion used in Guidance Statement No. 10 Level of Assessment for Proposals Affecting Natural Areas Within the System 6 Region and Swan Coastal Plain Portion of the System 1 Region to determine the categories of Threatened Ecological Communities' where an estimate of the geographic range and/or the total area occupied and/or the number of discrete occurrences reduced since European settlement, where <10% is Critically Endangered and < 30%-,is Endangered.</p> <p>The EPA expects the biological assessment that is outlined in the Shire's letter dated 16 March 2009 is to be carried out and that the results of the assessment are incorporated into the structure plan.</p> <p>Any future proposals that would result in the direct loss of vegetation in these complexes are likely to be formally assessed by the EPA pursuant to the EP Act, as in Guidance Statement No. 10 –Level of Assessment for Proposals Affecting Natural Areas Within the System 6 Region and Swan Coastal Plain Portion of the System 1 Region.</p>	<p>The assessment of vegetation impacts, against relevant documents including the Shire's Local Biodiversity Strategy, can be completed at the LSP stage. This amendment, in itself, is bringing TPS 2 into conformity with the MRS and has no environmental impact.</p> <p>The Shire will carry out the biological assessment and outcomes will be incorporated into the LSP/s.</p> <p>Concerns are noted and will need to be adhered to when the land is developed.</p> <p>Comments noted.</p>

Advice and Recommendations	Comments
<p>It is advised that Council add to the 'COUNCIL DECISION / Committee Recommended Resolution' on page 40 of the submitted document 'Minutes-Ordinary Council Meeting'; Criteria E. No clearing of remnant vegetation on the amendment area</p>	<p>Comments noted.</p>
<p>Contamination A desktop analysis has shown Lot 128 South Western Hwy and Lot 1 Pinebrook Road, Byford are potentially contaminated. As such, a preliminary site investigation is required to determine if the site is contaminated and if so, the extent and severity of contamination on the site. This must be carried on advice from the DEC Land and Water Quality Branch, to ensure the subject land can accommodate the proposed development.</p> <p>If the site is found to be contaminated above appropriate guideline levels it may be necessary to conduct a detailed site investigation, prepare a site management plan and remediate to the satisfaction of the DEC prior to any development or ground disturbing operations being undertaken.</p>	<p>Comments noted. There are obligations on the landowner to address this issue under the Contaminated Sites Act. At the development stage all the necessary provisions as regards the possible contamination on site will need to be adhered to.</p>
<p>Water Quality and Quantity The EPA expects the assessments outlined in the Shire of Serpentine-Jarrahdale's letter dated 16 March 2009 is to be carried out prior to subdivision. In addition, surface water discharge should be controlled through appropriate drainage systems to avoid erosion and pollution while still maintaining the natural flow of discharge at pre-development levels.</p> <p>The subject site contains the Conservation Category Wetland, Cardup Brook so it is important this is achieved. All stormwater drainage within the development is to be designed in accordance with the principles of Best Practice Management as outlined in the Department of Water's Stormwater Management Manual for Western Australia (2004-2007).</p> <p>To enhance the environmental value of Cardup Creek a buffer along the Creek is required to be implemented containing all existing riparian vegetation and to the satisfaction of the DEC as well as to the Department of Indigenous Affairs. This advice should be added to the scheme amendment.</p>	<p>At the LSP stage, the local Water Management Strategy will need to be assessed against the Byford Townsite Drainage and Water Management Plan.</p> <p>Comments noted.</p> <p>This matter will need to be dealt with at the LSP stage.</p>
<p>Aboriginal Heritage A desktop analysis has shown that there is an Aboriginal Heritage Site along Cardup Brook, shown to be called 'Archived Data'. The Shire needs to ensure that the proposal complies with the requirements of the Aboriginal Heritage Act 1972 and ensure that changes to the biological and</p>	<p>Application was referred to the Department of Indigenous Affairs who raised no issues to the proposal.</p>

Advice and Recommendations	Comments
physical environment resulting from the project do not adversely affect cultural associations within the area.	
<p>Environmental Issues not assessed</p> <ul style="list-style-type: none"> • Vegetation • Environmental values of Cardup Brook <p>The amendment area is located directly adjacent to Bush Forever Site 350 and an area designated to 'Threatened Plan Species' (which is located directly above Lot 128 South Western Hwy). A desktop analysis has also indicated three separate Threatened Ecological Communities have been recognized within close proximity of the amendment area. The proposed amendment could potentially impact on the surrounding land.</p> <p>There is no vegetation identified in the amendment area that requires protection under the Federal Environmental Protection and Biodiversity Conservation Act.</p>	<p>Comments noted. In accordance with the EPA's advice, potential impacts will be considered at LSP stage and therefore does not impact on the proposed scheme.</p>
<p>Advice and recommendations regarding Environmental Issues not assessed</p> <p>Sufficient information is not available at this stage regarding the nature of the impacts on the environment arising from the implementation of the scheme amendment. Accordingly, the EPA advises that the environmental issues listed above are not assessed and recommends further consideration of the need to assess proposals arising from the scheme amendment when more information is available, for example, subsequent rezoning, preparation of a Development Guide Plan, Structure Plan, Outline Development Plan, Subdivision or development.</p>	<p>Comments noted.</p>

Community Consultation

The Amendment was advertised for public comment and referred to relevant government authorities for 42 days with the advertising period closing on 3 July 2009. Advertising was undertaken in the following manner:

- Adjacent landowners and relevant government agencies were advised in writing of the proposal;
- Notices were placed on Council's notice boards;
- The proposal was made available on the Shire's website; and
- An advertisement was placed in the Examiner newspaper.

Resulting from this, eleven submissions from government referral authorities were received. Comments were received. A total of five (5) public submissions were received.

A schedule of submissions is with the attachments marked SD022.3/08/09.

Comment

Proposal

The amendment proposes to re-zone Lot 128 and Lot 3 South Western Highway and Lot 1 Pinebrook Road from 'Rural' to 'Urban Development' zone and amend the Scheme Map accordingly. The Shire has an obligation under Section 125 (3) of the Planning and Development Act 2005 to bring its Local Planning Scheme into conformity with the MRS within 90 days of gazettal of a change to the MRS. The purpose of the proposed amendment is therefore, to bring the Shire's TPS 2 into conformity with the Urban zoning under the MRS.

The BSP, adopted by Council in August 2005, provides a district-level framework for the planning of this area. Under the BSP Lot 128 and Lot 3 are designated 'Mixed Business' and Lot 1 is designated 'Mixed Business', 'Foreshore Reserve' and 'Neighbourhood Park' under the BSP. In addition, the following overlays exist over the properties under the BSP:

- Lots 3 and 1 - "*land subject to further study – planning to be finalised subject to resolution of alignment of Orton Road*".
- Lot 128 - "*Area of Landscape Sensitivity*" (central part of the lot).

Under TPS 2, development of land within the Urban Development Zone is not permitted until a Structure Plan has been prepared for the land. The purpose of the Urban Development Zone is to provide for the orderly planning of land in an integrated manner through the establishment of a structure plan/s. Under the General Notes on the BSP there is a requirement for LSPs to be prepared, adopted and approved for the whole Development Area identified in the BSP. Therefore, development of Lot 1, Lot 3 and Lot 128 cannot occur until both a LSP has been prepared and the future alignment of Orton Road has been resolved. A LSP has not to date been prepared for the amendment area.

Given the above, the Council can be assured that rezoning the subject land to Urban Development will not provide the applicant with an automatic right to commence development. This notion addresses concern raised by EPA with regards to protection of the remnant vegetation. The amendment will assist in implementation of the BSP as, in accordance with Clause 5.18.6.2 (a) of TPS 2, when an area is zoned Urban Development the zonings proposed in an adopted structure plan will apply to the subject land.

Conclusion

The proposed scheme amendment will bring the Shire's TPS.2 into conformity with the urban zoning under the MRS. The Urban Development Zone is to provide for the orderly planning of land in an integrated manner through the establishment of a structure plan/s. It is therefore recommended that the scheme amendment No. 161 be adopted without modification.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

That Council:

- A. Endorse the schedule of submissions in Attachment SD022.3/08/09 prepared in respect of Amendment No. 161 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.
- B. Pursuant to Section 75 of the Planning and Development Act 2005 amends the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 by:
 1. Rezoning Lots 3 and 128 South Western Highway and Lot 1 Pinebrook Road Byford from "Rural" to 'Urban Development'.
 2. Amending the Scheme Map accordingly.

- C. Authorise the signing and sealing of the amendment documentation and the forwarding of the amendment documentation to the Western Australian Planning Commission, along with the endorsed schedule of submissions and steps taken to advertise the amendment, with a request for the endorsement of final approval by the Minister for Planning.
- D. Advise those persons who lodged a submission during the comment period of Council's decision.

Committee Recommended Resolution:

Moved Cr Geurds, seconded Cr Buttfeld

That Council:

- A. Endorse the schedule of submissions in Attachment SD022.3/08/09 prepared in respect of Amendment No. 161 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.
- B Pursuant to Section 75 of the Planning and Development Act 2005 amends the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 by:
 - 1. Rezoning Lots 3 and 128 South Western Highway and Lot 1 Pinebrook Road Byford from "Rural" to 'Urban Development'.
 - 2. Amending the Scheme Map accordingly.
- C. Authorise the signing and sealing of the amendment documentation and the forwarding of the amendment documentation to the Western Australian Planning Commission, along with the endorsed schedule of submissions and steps taken to advertise the amendment, with a request for the endorsement of final approval by the Minister for Planning.
- D. Advise those persons who lodged a submission during the comment period of Council's decision.
- E. Requests the Chief Executive Officer write to Main Roads seeking confirmation that the Orton Road exit from Tonkin Highway will not extend east of the railway line.

LOST 1/9

Committee Note: The Officer Recommended Resolution was changed by adding part E.

AMENDMENT

Moved Cr Price

that Part E be reworded as follows:

- E. Requests the Chief Executive Officer write to Main Roads seeking information whether Main Roads WA are considering the possibility that Orton Road may cross the railway and link to South Western Highway.

LAPSED FOR WANT OF A SECONDER

During debate Cr Needham foreshadowed that she would move a new motion with the deletion of part E if the motion under debate is defeated.

SD022/08/09 COUNCIL DECISION:

Moved Cr Needham, seconded Cr Murphy

That Council:

- A. Endorse the schedule of submissions in Attachment SD022.3/08/09 prepared in respect of Amendment No. 161 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.
- B Pursuant to Section 75 of the Planning and Development Act 2005 amends the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 by:
 - 1. Rezoning Lots 3 and 128 South Western Highway and Lot 1 Pinebrook Road Byford from "Rural" to 'Urban Development'.
 - 2. Amending the Scheme Map accordingly.

- C. Authorise the signing and sealing of the amendment documentation and the forwarding of the amendment documentation to the Western Australian Planning Commission, along with the endorsed schedule of submissions and steps taken to advertise the amendment, with a request for the endorsement of final approval by the Minister for Planning.**
- D. Advise those persons who lodged a submission during the comment period of Council’s decision.**

CARRIED 9/1

Council note: The Committee Recommended Resolution was changed with the deletion of part E. A workshop is to be arranged with Councillors, Council officers and representatives from Main Roads WA as a way of progressing the matter of the Tonkin Highway extension.

SD023/08/09 REVIEW OF DELEGATED AUTHORITY – STATUTORY PLANNING (A1047/03)		
Officer:	Simon Wilkes – Executive Manager Planning Robina Crook – Senior Planner	In Brief A review of existing delegations was completed for the Development Services Directorate in June 2009 with a Council request that the revised delegations be presented to the August Ordinary Council Meeting. The revised delegations are presented for Council approval.
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	19 July 2009	
Previously	SD128/06/09	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The Shire has established delegated authority for a number of different functions, focusing on achieving timely and efficient decision making. Council at its meeting of 22 June 2009 considered the 2008/2009 review of delegated authority, in accordance with the Local Government Act 1995 and resolved:

“That Council note the findings from the review of the notices of delegated authority for the 2008-2009 financial year and request that the delegations recommended for review are formally presented to the August Ordinary Council meeting.

CARRIED 10/0”

A number of opportunities were identified to improve the functioning of existing delegations as well as a number of new delegations being identified.

Statutory Environment:

Local Government Act 1995
Town Planning Scheme No. 2 (TPS 2)

Policy/Work Procedure Implications

There are a number of existing policies that make reference to individual notices of delegated authority.

Financial Implications:

There are no direct financial implications associated with the review of the existing delegations.

Indirectly, effective notices of delegation deliver significant opportunities to improve the efficiency of the statutory functions of the organisation.

Strategic Implications:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

4. Balance resource allocation to support sustainable outcomes.

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

Strategies

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

2. Improve customer relations service.

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation

The review of the existing delegations did not include any consultation with the community. There are opportunities for the community to provide comment on individual planning proposals; such opportunities are not proposed to be changed through the review of the existing delegations.

Comment

The review of the existing notices of delegation for the Statutory Planning functions of Council focused primarily on decision-making processes under Town Planning Scheme No. 2. There are primarily 15 existing notices of delegation relating to Statutory Planning matters, as follows:

- DS01 - Making Recommendations To The Western Australian Planning Commission On Subdivision/ Amalgamation Referrals
- DS02 - Detailed Area Plans
- DS03 - Extractive Industry Licence Renewals
- DS04 - Endorsement Of Planning Applications
- DS05 - Variations To Residential Design Codes
- DS06 - Outbuildings
- DS07 - Setback Variations in Industrial and Commercial Zones
- DS08 - Power of Approval and Refusal for Some Land Uses And Development
- DS09 - Applications Within The Urban Development Zone
- DS10 - Determine of Some Applications for Minor Land Uses
- DS11 - Amendments Or Extension/Additions to Planning Approvals
- DS12 - Dealing With Subdivision Clearances
- DS13 - Enforcement Under Town Planning Scheme
- DS15 - Building Envelopes – Local Variations
- DS24 - Management Of Reserves Created Under Section 152 Of The Planning and Development Act 2005

The review identified that delegations DS01, DS03, DS04, DS07, DS11 and DS24 were operating effectively. The review identified that there were opportunities to improve all of the other delegations. In addition, the review identified the opportunity to establish a number of new delegations. As noted in the background section to this report, the review of delegations and the establishment of new delegations is most effectively achieved on a progressive basis over the next year, in parallel with the policy development program. There are a number of matters included in existing delegations that would be more effectively contained within a policy framework – for example, the provisions in DS02 relating to detailed area plans.

DS08 - Power Of Approval And Refusal For Some Land Uses And Development

The review identified opportunities to improve delegation DS08, particularly with respect to the readability/structure of the delegation and provide clarification on a number of matters.

A number of matters should be noted:

- The delegation currently has three (3) paragraphs – there is no apparent relationship between each paragraph and the statement delegating authority. It is recommended that the structure of the delegation be refined.
- The delegation currently states ‘approval to vary Scheme requirements’ – not all TPS 2 requirements can be varied, rather variations are possible where TPS 2 allows for the exercising of discretion. Clause 5.2.1 of TPS 2 allows Council to vary the applicable ‘development standards’, once the matters outlined in Clause 5.2.2 having been considered.
- The delegation states that ‘subject to full compliance with TPS 2’ – the Shire has no ability to make any decision that is not fully in compliance with TPS 2; TPS 2 has legal effect. As mentioned above, Council has the ability to exercise discretion where expressly allowed for in TPS 2.
- The wording in the delegation does not expressly state approval can be granted for a use or development that has already been commenced or carried out, most commonly referred to as ‘retrospective planning approval’.

When an application for retrospective approval is lodged, plans, a form and fees are submitted. The application is required to be formally considered based on the information submitted and the relevant planning matters and applicable statutory framework at that time; no different to any other application. Past events are not a relevant planning consideration in the determination of the application; past events may, however, be followed up through compliance proceedings.

- The delegation expressly allows for the assessment of ‘P’, ‘AA’, ‘SA’, ‘IP’ and ‘Not Permitted’ Uses; there is a lack of clarity surrounding those uses treated as ‘uses not listed’.
- The notice of delegation does not provide any guidance on how to assess applications, where the application has been advertised and submissions have been received. Where a submission is received, providing an objection on the basis of a valid planning consideration and the submission relates to the exercising of discretion in the decision-making process and it is not able to be satisfactorily addressed by the applicant, then the matter should be presented to Council for determination. The Director of Development Services should be afforded the opportunity to determine (a) whether the matters raised in the submissions are valid planning considerations and (b) whether the matters raised relates to the exercising of discretion in the assessment and determination of the proposal.

A copy of the existing notice of delegation is provided with the attachments marked SD023.1/08/09 and the revised notice of delegation is provided with the attachments marked SD023.2/08/09.

The revised delegation seeks to provide clarity that is currently lacking. The delegated authority is only proposed to be extended to enable officers to determine whether a submission lodged represents a valid planning objection related specifically to the application.

DS10 – Determine Some Applications for Minor Land Uses.

The review process identified that DS10 had limited value and that the reference in the delegation to Clause 5.4.3 of TPS 2 was no longer valid. It is recommended that DS10 be revoked.

A copy of the existing delegation is with the attachments marked SD023.3/08/09.

DS12 - Dealing With Subdivision Clearances

Paragraph 3 is an operational matter and does not relate to the delegating of authority from Council to officers. It is recommended that paragraph 3 be deleted from the delegation.

A copy of the existing delegation is with the attachments marked SD023.4/08/09.

A copy of the revised delegation is with the attachments marked SD023.5/08/09.

New delegation for referrals to the Environmental Protection Authority

Council is a decision-making authority under the provisions of the Environmental Protection Act 1986. Where there is the potential for a significant impact on the environment, Council is required to refer proposals to the Environmental Protection Authority (EPA) for review. There are a series of guidance statements that have been issued by the EPA, which are used by decision-making authorities to determine whether an environmental impact is likely to be significant.

Once a proposal has been referred to the EPA, the decision-making authority section is precluded by Section 41 of the Act from making a determination that would have the effect of allowing the proposal to be implemented until such time as the environmental review process has concluded.

It is important that a formal delegation is established to enable officers to refer proposals to the EPA for review. Following the finalisation of an environmental review process, Council is able to resume its normal decision-making processes.

New delegation for the assessment of 'public works'

Public works, as defined under the Public Works Act 1902, are generally exempt from requiring planning approval under TPS 2. Some public works, however, do still require approval under the Metropolitan Region Scheme (MRS). The Western Australian Planning Commission (WAPC) periodically issues Planning Bulletins on various matters; Planning Bulletin 94 provides an explanation of the approval requirements.

A copy of planning bulletin 94 is with attachments marked SD023.6/08/09.

Where applications are required to be determined under the MRS, the applicant must lodge the application with the Shire and the Shire is required to forward the application to the WAPC for a determination within a 7 day period. The Shire is required to provide a recommendation to the WAPC within a 42 day period, or such longer period as the Commission may allow.

Public works proposals range considerably in scale and nature. In the interests of efficient decision-making and achieving statutory timeframes, it is considered appropriate that

delegated authority be granted to Officers to determine applications that are minor and/or are of low impact and/or are required within tight timeframes (such as projects funded by the federal government as part of economic stimulus initiatives).

Staff are not obligated to determine an application under delegated authority. Where a proposal is likely to have a significant impact on the local community it would be appropriate for the matter to be formally considered by Council. Any application that is considered under delegated authority will be reported to Council through the normal reporting procedures, on a monthly basis.

A copy of the new delegation is with the attachments marked SD023.7/08/09.

New delegation for the Tribunal proceedings – Section 31 reconsideration

Officers reasonably regularly attend proceedings before the State Administrative Tribunal (SAT). Proceedings may stem from a decision of Council, a decision by Officers or the lack of a decision by either Council or Officers in a respect of a particular application.

During proceedings, the SAT (through its appointed member) may invite the original decision-making authority to reconsider its decision under Section 31 of the State Administrative Tribunal Act 2004. In the interests of absolute clarity, it is considered appropriate that Officers be delegated authority to advise the Tribunal as to whether Council would be willing to reconsider its original decision. In instances where the parties to the proceedings are not agreeable to the matter being reconsidered, arrangements are commonly made for the matter to be considered as part of a full hearing.

In instances that the SAT is advised that Council would be willing to reconsider its decision, there is no obligation on Council to approve the application; under the provisions of the Act, Council may choose to reaffirm its original decision and advise the SAT accordingly.

A copy of the new delegation is with the attachments marked SD023.8/08/09.

Conclusion

The majority of existing statutory planning delegations are operating effectively. There are, however, opportunities to improve a number of the individual notices of delegation. There are also opportunities to introduce new notices of delegation. This report provides Council with the opportunity to consider some initial refinements to existing delegations and a number of new delegations. Further reports will be presented to Council on a progressive basis over the next 12 months (and in parallel with continuous improvements to the Council's policy framework), to formally consider whether the findings from the 2008-2009 review process should be implemented.

Voting Requirements: ABSOLUTE MAJORITY

SD023/08/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Price, seconded Cr Harris

That Council:

- A. Revoke the existing delegation DS10 – Determination of applications for some minor land uses.**
- B. In accordance with section 5.42 of the Local Government Act 1995, Council authorises and grants the delegations of authority, powers and duties as listed and detailed in attachments SD023.2/08/09, SD023.3/08/09, SD023.5/08/09, SD023.7/08/09 and SD023.8/08/09 and entitled:**
 - DS-08 Determination of applications for planning consent;**
 - DS-10 Referral of proposals to the Environmental Protection Authority;**
 - DS 12 Dealing with subdivision clearances;**

- **DS-25 Providing recommendations on application for public works; and**
- **DS-26 Representation at the State Administrative Tribunal.**

C. Requests the delegated authority register be updated accordingly.

CARRIED 10/0

Committee Note: The Committee expressed concern that the reference to DS-02 Detailed Area Plans should be addressed as soon as possible.

SD024/08/09 ADOPTION OF DRAFT LOCAL PLANNING POLICY NO. 24 - DESIGNING OUT CRIME (A1591)		
Proponent:	Not applicable	In Brief A draft Local Planning Policy has been prepared to guide land use and development within the Shire that will support Designing Out Crime principles. It is recommended that Council adopt the draft Local Planning Policy and formally invite public comment.
Owner:	Not applicable	
Author:	Robina Crook – Senior Planner	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	23 June 2009	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The objective of this Local Planning Policy (LPP) is to encourage urban development in the Shire which incorporates designing out crime principles. The LPP provides guidance in relation to design decisions that support the reduction in crime and anti social behaviour. It also provides a framework for when these design decisions should be incorporated into the planning process.

The Shire is going through a period of change. While the Shire is predominately rural in nature there are small areas of urban development that are rapidly developing. The increased population associated with this urban development requires services and facilities, such as, shops, schools and public buildings. This LPP will influence the design of these urban spaces to support the best possible built form outcomes for the community.

When planning an urban area there are many matters to consider. Supporting the reduction of anti social behaviour through appropriate design decisions is one of many considerations. There is no prescriptive method to designing out crime however there are a number of design concepts that will support the prevention of crime. The following design concepts have been identified within the State government 'Designing Out Crime Planning Guidelines (2006):

- Surveillance

Providing opportunities for surveillance of open and public spaces that increase the perceived risk of detection.

- Access control

The use of design features to restrict access or escape routes from the development.

- Territorial reinforcement
Designing a space to delineate between private and public land use.
- Target hardening (securing measures)
The physical securing of the building or space.
- Management and maintenance

The continued repair and cleaning of a space to encourage use by the general public.

It is the combined effort of the community, local authority and developers that will result in an urban form that supports the designing out crime principles.

A copy of the draft LPP is with the attachments marked SD024.1/08/09.

A copy of the checklist is with the attachments marked SD024.2/08/09.

Sustainability Statement

Effect on Environment: The LPP will influence the design of urban development within the Shire supporting the creation of a safe and secure urban environment for the community.

Resource Implications: The LPP outlines where in the planning process designing out crime design decisions need to be made. It will ensure that the proposed development incorporates the design principles and thus reduces the resource implications required to maintain public areas.

Use of Local, renewable or recycled Resources: This LPP in its self does not require the use of local, renewable or recycled resources however it is expected through implementation of the design principles the use of resources will be reduced through reduced maintenance requirements.

Economic Viability: The LPP seeks to ensure that all urban development is safe and inviting, resulting in more visitors and increased prospects of economic viability.

Economic Benefits: The LPP seeks to ensure that the urban spaces support the viability of the existing businesses and proposed businesses by ensuring that the community feels safe and secure when visiting the area. The reduced levels of anti social behaviour is expected to require less business costs diverted to maintenance and repair.

Social – Quality of Life: The LPP seeks to recognise the community's need to have a safe and secure environment in which to work, recreate and relax in.

Social and Environmental Responsibility: The LPP seeks to ensure that the determination of land use and development within the Shire takes into consideration the safety of the community but not at the expense of the environment.

Social Diversity: The LPP seeks to recognise social diversity and the right to feel safe and secure when living, working or visiting the Shire.

Statutory Environment: Planning and Development Act 2005
Town Planning Scheme No. 2 – Clause 9.3(a)

Policy/Work Procedure Implications:

The LPP is intended to provide guidance in relation to the most appropriate designing out crime principles and where the Shire will encourage development to be designed in accordance with those principles.

It is anticipated that this LPP will modify the existing work procedures by inclusion of a guideline to assess development against.

Financial Implications: The costs associated with the formal advertising of the LPP are likely to be in the order of \$300 and are within existing operational budgets.

Strategic Implications: This proposal relates to the following Key Sustainability Result Areas:-
1. People and Community
Objective 1: Good quality of life for all residents

Strategies:

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

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

Strategies:

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

Objective 3: High level of social commitment

Strategies:

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

2. Environment

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

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
2. Develop partnerships with community, academia and other management agencies to implement projects in line with Shire objectives.
3. Encourage protection and rehabilitation of natural resources.
4. Reduce water consumption.
5. Reduce green house gas emissions.
6. Value, protect and develop biodiversity.

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

Strategies:

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

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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

Strategies:

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

Objective 3: Effective management of Shire growth

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

1. Identify and implement best practice in all areas of operation.
4. Balance resource allocation to support sustainable outcomes.

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

In accordance with the provisions of Section 9.3 of TPS 2, Council is required to seek public comment on a draft LPP for a period of not less than 21 days before making a decision to finally adopt a LPP. The provisions of TPS 2 require Council to publish a notice once a week for two consecutive weeks in a local newspaper circulating within the district.

To ensure that stakeholders have sufficient opportunity to provide comment, in addition to notices being placed in a newspaper it is recommended that the advertising of the LPP include the following:

- A notice being placed in the Shire's Administration Centre
- A notice being placed on the Shire's internet website
- A letter being sent to key developers within the policy area
- A letter being sent to the development industry peak body, the Urban Development Institute of Western Australia
- A letter being sent to all relevant state government agencies, including but not limited to, the Department for Planning and Infrastructure.
- Community Safety and Crime Prevention Steering Committee

Comment:

Orderly and proper planning

Fundamentally, the draft LPP seeks to ensure that designing out crime principles are considered by all development proposals within the Shire. The LPP seeks to clearly outline the types of design decisions that are required and at what point in the planning process that are best considered. This LPP promotes orderly and proper planning and will support the Shire's desire to ensure all urban development promotes a safe and secure urban form while contributing to a sense of place.

Stakeholder engagement

A key reason for progressing the LPP is to provide stakeholders with an opportunity to provide comment to the Shire in relation to the appropriateness of the proposed designing out crime principles.

Options

There are three primary options that are available to Council in considering the draft LPP, as follows:

- (1) to adopt the draft LPP, without modification;
- (2) to adopt the draft LPP, with modification/s; and
- (3) to not adopt the draft LPP.

In the instance that Council decides to adopt the draft LPP, a further report will need to be presented to Council, post-advertising, to determine whether to grant final adoption of the LPP.

Conclusion

Having regard to the objectives of the draft LPP, the issues at hand and the options available to Council, it is recommended that the draft LPP be adopted pursuant to Clause 9.3(a) of Town Planning Scheme No. 2 for the purpose of advertising.

Voting Requirements: Simple Majority

SD024/08/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Twine

That Council:

- 1. Pursuant to Clause 9.3(a) of Town Planning Scheme No. 2 adopt draft Local Planning Policy No. 24 – Designing Out Crime.**
- 2. Invites public comment on draft Local Planning Policy No. 24 – Designing Out Crime for a period of not less than 21 days by way of a:**
 - a) notice published once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area**
 - b) notice being placed in the Shire's Administration Centre**
 - c) notice being placed on the Shire's internet website**
 - d) letter being sent to key developers within the policy area**
 - e) letter being sent to the development industry peak body, the Urban Development Institute of Western Australia**
 - f) letter being sent to all relevant state government agencies**
 - g) letter being sent to Community Safety & Crime Prevention Committee**

CARRIED 10/0

SD025/08/09 SUBMISSION ON DISCUSSION PAPER – ACTIVITY CENTRES FOR PERTH AND PEEL (A0109-02)		
Officer:	Deon van der Linde – Executive Manager Strategic Planning	In Brief The Western Australian Planning Commission released a consultation paper regarding Activity Centres for Perth and Peel, which aims to give a holistic overall planning perspective of Activity Centres in the Metropolitan region of Perth and Peel. This report provides Council with the opportunity to submit a response to the discussion paper.
Senior Officer:	Suzette van Aswegen – Director Strategic Community Development.	
Date of Report	22 July 2009	
Previously	NA	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The Western Australian Planning Commission (WAPC) released a consultation paper for public comment inviting submissions until 26 August 2009.

Activity Centres are community focal points for people, services, employment and leisure that are highly accessible. Key characteristics include their levels of diversity, accumulation of activities and access to public transport.

The main purpose of the policy is to specify broad planning requirements for the planning and development of new and the redevelopment and renewal of existing activity centres in urban areas of Perth and Peel. It is mainly concerned with the location, distribution and broad land use and urban design criteria for activity centres, and coordinating their land use and infrastructure planning by local governments and public authorities.

A copy of the discussion paper Activity Centres for Perth and Peel is with attachments marked SD025.1/08/09 (IN09/9249).

Sustainability Statement

Effect on Environment: The discussion paper has at its core the principle to create better retail/shopping and community congregational environments and as such does not specifically impact on the natural environment.

Resource Implications: The document provides direction in terms of state planning initiatives and as such significantly improves certainty regarding planning. It is also closely aligned to the Shires own current thinking in many respects. It should enable Shire resources and other agency resources to be more effectively managed but will significantly impact on our policy framework

Use of Local, renewable or recycled Resources: The discussion paper does not address this issue.

Economic Viability: Effective strategic planning, strong integration of policy initiatives in statutory processes and coordination of retail and community services are critical to ensure economic viability and that costs are minimised and responsibly shared. This is one of the principal aims of the document.

Economic Benefits: Timely and responsible planning and decision making contributes to maximising economic benefits. The coordination of planning for Activity Centres should increase these efficiencies.

Social – Quality of Life: The aims and proposals are broadly in alignment with the principles of the Shire in terms of improving the quality of life.

Social and Environmental Responsibility: The reform agenda focuses on both effectiveness and efficiency and has the potential to improve the integration of social and environmental matters into the planning decision-making processes. Depending on how various initiatives are progressed, some really positive social and environmental outcomes could be achieved.

Social Diversity: The principles mentioned in the document provide for greater social diversity through housing types, increased densities and more efficient use of infrastructure.

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

Policy/Work Procedure Implications:

The policy will affect the way the Shire, state and all other councils evaluate retail nodes (read Activity Centres). The Shire's policy framework will have to be strengthened significantly to allow for the unique local flavour of the Shire to be implemented. (Refer to Section 6 of the document)

Financial Implications:

There are potentially both direct and indirect financial implications for the Shire ranging from the shift of focus in terms of planning approvals and the impact on staff resources to the efficiencies provided by more detailed guidelines from State level. Due to the broad-ranging nature of the priority actions, it is difficult to accurately quantify the financial implications for the Shire at this time.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Develop vibrant and active Activity Centres.

2. Environment

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

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
2. Encourage protection and rehabilitation of natural resources.
3. Reduce green house gas emissions.
4. Value, protect and develop biodiversity.

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

Strategies:

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

3. Reduce waste and improve recycling processes

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Community consultation is not required.

Comment

The document and submission discuss a number of aspects in some detail. Some of the salient points that need reflection are noted below.

Perth and Peel's regional planning framework seeks to reduce the overall need to travel, support the use of public transport, cycling and walking, and promote a more energy efficient urban form. Co-locating activity centres with public transport and ensuring they contain a wide array of functions and compatible activities promotes community benefits through infrastructure efficiency, economic benefits of business agglomeration and fewer carbon emissions

The planned network of Activity centres is also designed to encourage a more equitable distribution of jobs, services and amenity throughout the city and reflects the intention of the WAPC to encourage and consolidate residential and a range of commercial investment in activity centres.

Mundijong and Byford are classified as District Activity Centres. The document states that their overall smaller scale enables them to have a greater local community focus and as a result the services and employment provided generally reflect this. They are seen to generally serve the main weekly household shopping and community needs of the district and are predominantly retail but are likely to include a mix of other uses such as offices and medical services, and medium and higher-density residential development. They may be dominated by or associated with community and recreation facilities or office development. No other Town centres in the Shire are mentioned and the others are deemed to be either neighbourhood or local centres. The policy is not concerned primarily with these centres.

The Shire will need to consider its role in the implementation of the policy regarding:

- Preparation and review of Local Planning Strategies to reflect the policy provisions.
- Introduction of associated zoning and development control provisions.
- Ensuring the scale of shopping and other functions at each centre is appropriate for its role in the activity centre hierarchy.
- Preparation of centre plans for strategic city centres, regional town centres and district town centres for endorsement by the WAPC (i.e. Mundijong Town Centre).

The preparation of the above will require the Shire to focus on a number of aspects that it has not previously looked at in much detail:

- Housing targets
- Residential design codes and built form based controls
- Assessment of demand for retail floor space
- New zonings
- Possible new delegations
- Evaluation of Activity Centres in terms of Economic Impact Assessments
- Assessment of Activity Centres in terms of the Model Centre Framework
- Assessing of Centre Plans specific to a particular area.

The discussion document will have a significant impact on the way retail centres (now Activity Centres) will be assessed and if managed correctly will allow the Shire to get good outcomes in larger areas. It will however also necessitate changes to our policy framework and will probably impact on staff resources.

A copy of the submission on the discussion paper is with attachments marked SD025.2/08/09 (OC09/5839).

Voting Requirements: Simple Majority

Officer Recommended Resolution:

That Council

1. Receive the Discussion Paper Activity Centres for Perth and Peel and endorse the submission as provided in Attachment SD025.2/08/09, advising the Western Australian Planning Commission accordingly.
2. Submit a copy of the submission as provided in Attachment SD025.2/08/09 to the Western Australian Local Government Association.

AMENDMENT

That part 2 be amended by adding: with an amendment to Point 5.7 to include prioritising public transport to Byford and Mundijong.

The amended motion became the question before the meeting and was put as follows:

SD025/08/09 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Randall, seconded Cr Buttfeld

That Council

1. **Receive the Discussion Paper Activity Centres for Perth and Peel and endorse the submission as provided in Attachment SD025.2/08/09, advising the Western Australian Planning Commission accordingly.**
2. **Submit a copy of the submission as provided in Attachment SD025.2/08/09 to the Western Australian Local Government Association with an amendment to Point 5.7 to include prioritising public transport to Byford and Mundijong.**

CARRIED 10/0

Committee Note: The Officer Recommended Resolution was amended to ensure the submission adequately highlighted prioritising public transport to Byford and Mundijong.

SD026/08/09 PROTECTION OF TREES AND VEGETATION IN THE SHIRE (A1478)		
Councillor:	Cr Sheila Twine	In Brief Landowners and the community be reminded of the Council's strong position in relation to the protection of trees and vegetation in the Shire.
Date of Report	17 August 2009	
Previously	NA	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

SD026/08/09 COUNCIL DECISION/Committee/Councillor Recommended Resolution:

Moved Cr Twine, seconded Cr Murphy

That Council:

- 1. Publicise in the local newspapers, SJ update and on the Shire's website that the removal of trees without authorisation is not permitted from private land and Council controlled land.**
- 2. Reminds landowners and the community that unauthorised clearing of trees and vegetation without approval could result in Council taking prosecution action under the Town Planning Scheme.**

CARRIED 9/1

CGAM012/08/09 NEW CHARGE – BIN ESTABLISHMENT FEE (A1601)		
Proponent:	Shire of Serpentine Jarrahdale	In Brief To adopt a new charge, Bin Establishment Fee, of \$150, for each new or subsequent rubbish service requested, to the Schedule of Fees and Charges for the 2009/2010 financial year.
Owner:	Not applicable	
Officer:	Casey Mihovilovich – Executive Manager Finance Services	
Senior Officer:	Alan Hart – Director Corporate Services	
Date of Report	24 July 2009	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Council at the Special Council Meeting held on 21 July 2009 adopted the Statutory Budget for 2009/2010 including the adoption of the schedule of fees and charges. Included in the budget was an allocation of \$45,000 as revenue for the charge of a Bin Establishment Fee. However, the fee was omitted from the Schedule of Fees and Charges.

Statutory Environment:

Section 6.16, Imposition of fees and charges, of the Local Government Act 1995, states:

6.16(3) Fees and charges are to be imposed when adopting the annual budget but may be —

- (a) imposed* during a financial year; and
- (b) amended* from time to time during a financial year.

* *Absolute majority required.*

Section 6.19, Local Government to give notice of fees and charges, of the Local Government Act 1995, states: If a Local Government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —
(a) its intention to do so; and
(b) the date from which it is proposed the fees or charges will be imposed.

Policy/Work Procedure Implications:

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

Financial Implications:

Included in the 2009/2010 statutory budget is an amount of \$45,000 in WAS149 (Operating Revenue).

Strategic Implications:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

1. Identify and implement best practice in all areas of operation.
4. Balance resource allocation to support sustainable outcomes.

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Local public notice must be given in accordance with the Local Government Act. The new fee will be advertised in the local papers after Council resolves to impose the fee.

Comment:

This fee was omitted from the Schedule of Fees and Charges for 2009/2010. The purpose of the Bin Establishment Fee is to recover the administration costs of providing a new bin service. The Shire will charge a one off Bin Establishment Fee, per request, on a property that requires a first rubbish service, or a subsequent rubbish service.

Voting Requirements:

ABSOLUTE MAJORITY

CGAM012/08/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Kirkpatrick

1. Pursuant to clause 6.16(3) of the Local Government Act 1995, Council amends its adopted Schedule Fees and Charges for the year ending 30 June 2010 by including the Bin Establishment Fee of \$150, per request, for properties requiring a new service or subsequent services.
2. Council gives local public notice of its intention to impose the fee effective from 31 August 2009.

CARRIED 10/0

CGAM014/08/09		TENDER 007/2009 - NEW AND REFURBISHMENT WORKS TO BYFORD HALL (A1645)
Proponent:	Shire of Serpentine Jarrahdale	In Brief Council accepts the tender submitted by CPD Group Pty Ltd for the undertaking of new and refurbishment works to Byford Hall.
Owner:	Shire of Serpentine Jarrahdale	
Officer:	Richard Gorbunow - Director Engineering	
Senior Officer:	Joanne Abbiss - Chief Executive Officer	
Date of Report	21 July 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

In the 2009/10 Budget Council has committed a total allocation of \$838,000.00 for the above project.

The detailed designs for the upgrade of Byford Hall were extensively consulted with community, user groups and Councillors. A final design was prepared and adopted by the Project Team.

Tenders were called for the “Proposed New and Refurbishment Works to Byford Hall” and Tender 007/2009 was advertised in the West Australian on 13 June 2009 and closed on the 6 July 2009.

At the closure of Tenders, five (5) submissions were received from the following registered builders;

- Laneway Property Developments Pty Ltd t/a Laneway Construction
- WA Commercial Construction Pty Ltd t/a KMC Group
- Fox United Building Pty Ltd
- Daly and Shaw Building Pty Ltd
- CPD Group Pty Ltd

Tenders were evaluated by a panel comprising of the Director Engineering, Executive Manager Engineering, and Asset Management Officer. All five (5) submitted tenders conformed.

A copy of the Confidential attachment outlining the evaluation matrix is with attachments marked CGAM014.1/08/09 (E09/4848).

Sustainability Statement

Effect on Environment: A key outcome is the opportunity to improve the environmental performance of the building, making it more useable for current and future populations and increasing its useful life.

Resource Implications: The tender specification calls for best practice outcomes in terms of cost and quality objectives.

Use of Local, renewable or recycled Resources: While encouraged, the use of these resource types cannot be confirmed at this stage.

Economic Viability: The project is designed to limit external costs to Council

Economic Benefits: The project may generate some local employment and the purchase of goods/services from local business.

Social – Quality of Life: The proposed new and refurbishment works will ensure the building caters for current users, new users groups and enhances community well being.

Social and Environmental Responsibility: The project has afforded community groups to be actively involved in the design consultation process, allowing for a sense of community spirit and engagement

Social Diversity: The new and refurbishment works will cater for all sections of community.

Statutory Environment:

Local Government Act 1995 (as amended)

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

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

In particular, Regulation 18 details the criteria outlining requirements for the choice of tender. Council is to determine the most advantageous tender, and is permitted to accept or decline any or all of the tenders received.

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

Policy/Work Procedure Implications:

Serpentine Jarrahdale Shire Purchasing Policy
“Procurement of Goods and Services through Direct Purchasing and Public Tendering

Financial Implications:

A budget allocation of \$ 838,000 has been made for this project. The difference between budget and the officer recommended tender price of \$839,550 is \$1590.

The variation of \$1590 can be adjusted when the midyear budget revision is undertaken.

Strategic Implications:

Key Sustainability Result Areas:-

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Provide recreational opportunities.
2. Develop good services for health and well being.
3. Retain seniors and youth within the community.

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

Strategies:

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

Objective 3: High level of social commitment

Strategies:

2. Build key community partnerships.

2. Environment

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

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.

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

Strategies:

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

3. Economic

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

4. Balance resource allocation to support sustainable outcomes

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Extensive consultation has occurred with the local community and user groups

Comments:

The tender document provided a detailed description of the services required to undertake, and overview of the expectations of Council in relation to the delivery of the works. Should the recommended tender be successful the nominated completion time for the construction and practical completion is 42 weeks when contact is signed.

Voting Requirements:

Simple Majority

CGAM014/08/09 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Randall, seconded Cr Price
That Council accepts the Tender submitted by CPD Group Pty Ltd – Tender 007/2009
for the New and Refurbishment Works to Byford Hall.
CARRIED 10/0**

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

OCM004/08/09		RESURFACING OF MUNDIJONG NETBALL AND BASKETBALL COURTS (RS0016)
Proponent:	Serpentine Jarrahdale Shire	In Brief To endorse the resurfacing of the Mundijong Netball / Basketball Courts which will be lodged as a Community Sport and Recreation Facilities Fund (CSRFF) application with the Department of Sport and Recreation (DSR).
Owner:	Serpentine Jarrahdale Shire	
Author:	Luke Tressler, Community Planning Officer	
Senior Officer:	Suzette van Aswegen, Director Strategic Community Planning	
Date of Report	6 August 2009	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

The Department of Sport and Recreation (DSR) Community Sporting and Recreation Facilities Fund (CSRFF) aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of sustainable, high quality, well-designed and well-utilised facilities.

The CSRFF has recently undergone some changes which includes an increase in annual funding from \$9 million to \$20 million. There are now a series of new grant options:

- Small Grants, given out biannually, with the grant rounds opening in February and July, for projects costing between \$7,500 and \$150,000;
- Annual Grants for projects between \$150,001 and \$500,000 (which is an increase from \$300,000);
- Forward Planning Grants for projects worth \$500,001 or more.

There are also grants given for Sustainable Initiatives. While these grants provide only up to a third of the total project cost, it is possible to apply for the Development Bonus, which will contribute up to 50% of funds for the project. This is assessed based on the project's location, sustainability, ability to increase participation and if the facility is to be co-located.

The CSRFF program operates on a reimbursement system. Strict funding conditions apply and applicants need to ensure they are able to carry the full cost of the project for the period between project completion and CSRFF grant payment.

The Serpentine Jarrahdale Netball Association (SJNA) is requesting the assistance of the Shire and DSR in resurfacing the Mundijong Netball/Basketball Courts.

Sustainability Statement

Resource Implications: The foundation of the original courts will be retained. The cracks will be filled with a special filler and a new surface consisting of a fibreglass membrane and acrylic layering, which will enhance performance, will be laid over the existing surface to prevent cracks reappearing.

Use of Local, Renewable or Recycled Resources: Local contractors have been approached but they do not provide the services that are required.

Economic Viability: The natural increase in costs for materials and labour will occur if the resurfacing is delayed. As two of the courts are not being used by the Netballers/Basketballers there is a reduced use by the community. Without the courts being repaired the growth of Netball and Basketball in the Shire will be restricted and therefore facility use (and facility income) will not reach its full potential.

In the quotes provided, the contractors have said that their work is guaranteed for between five and ten years. By which time new courts will come online as part of the CFSP and joint use school facilities. The upgrading of the courts to maximize their use compliments the upgrade to the adjacent change rooms which the user groups would use for training purposes.

Economic Benefits: The project will enhance current facilities, thus attracting community and sporting groups, with the potential to facilitate local community events that would otherwise not be possible. Acting now will also be economically beneficial as prices for materials and labour may rise in future. Delaying work on the courts may also result in the courts sustaining more damage which would again increase costs.

Social – Quality of Life: This project will increase physical activity, enhance current sporting and other recreational activities and fosters the use of facilities by the wider community members to undertake recreational activities on the adjacent oval and other facilities.

Social and Environmental Responsibility: The SJNA has been very active in sourcing quotes and researching the issue and will be involved in monitoring the resurfacing process.

Social Diversity: The resurfacing of the courts will not only benefit the SJNA but will also aid the Serpentine Jarrahdale Basketball Association (SJBA) in recruiting new members and putting on a quality competition. The Serpentine Jarrahdale Grammar School also uses the courts for the physical recreation curriculum.

Statutory Environment: Not Applicable.

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

Financial Implications: The total cost of the project is \$34,000. The SJNA has agreed to contribute \$5,000 towards the project. Funding for up to 50% of the total project cost will be applied for from the CSRFF Small Grants/Development Bonus. It is proposed that the balance of the funds required (\$12,000) be funded from the Shire's 2009/10 allocation of Royalties for Regions program. Funding applications for the Royalties for Regions for 2009/10 are expected to open in September/October 2009.

Strategic Implications: This proposal relates to the following Key Sustainability Result Areas:-
1. People and Community
Objective 1: Good quality of life for all residents

Strategies:

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

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

Strategies:

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

Objective 3: High level of social commitment

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

4. Balance resource allocation to support sustainable outcomes.

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

Strategies

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

Community Consultation:

A survey was conducted by SJNA, with 49 respondents of which 94% believed that the current condition of a number of courts (particularly courts 1 and 4) was a concern.

Comment:

The SJNA have been unable to use courts 1 and 4 because of significant cracking appearing. The courts are around 30 years old and asphalt has a life of around 25 years. Courts 2 and 3 were resurfaced a number of years ago and since then no cracks have appeared.

Netball in the Shire has become very popular due to the concerted efforts of the SJNA and they forecast significant growth in the future due to national trends in the sport and the growth in the demographics of the Shire. In order to cope with the growth of the sport, and the re-emergence of Basketball, it is essential that repairs be carried out on the damaged courts as soon as possible. A number of those surveyed have also asked for two more courts to be built to aid in the development of netball in Mundijong.

The Community Facilities and Services Plan (CFSP) recommends that Mundijong will need a total of six Netball/Basketball courts in 2017. These courts are proposed to be co-located with a future high school and football ovals. The SJNA Needs Study supports the idea of playing netball at the one site as many parents have a number of children in different teams for both netball and football who would then move between sites for their games, adding an extra burden on volunteers, parents and children if there were to be multiple locations.

This is the ideal time to go ahead with the project to fit in with seasonal uses. Successful grant applicants will be notified in October 2009. Basketball starts up on 14 October 2009 then breaks from 14 December 2009 until February 2010. Once the grant has been announced a contractor will be organised to start work in January 2010 so both the SJBA and SJNA will benefit from new courts for the upcoming season.

If the project is delayed, further damage to the courts is likely which may cause more safety risks for participants and potential liability for Council.

Resurfacing companies have said that they need to operate during fine weather. If the Shire was to wait until the next round, work would not be able to commence on the project until the following summer as the February 2010 round grant is announced in May 2010. This may cause difficulties in re-establishing the SJBA and restrict growth in the SJNA due to the loss of more players to clubs outside the Shire.

If the Shire waits until a high school is built, the courts will continue to deteriorate to the point where they are a serious safety hazard which may cause injury and parents may choose to pull their children out of the sport. There is also no guarantee that the high school will be built at the proposed time which would cause more problems for the clubs.

Resurfacing companies provide warranties for their product up to five years and say that the resurfacing will be more likely to last for between seven and ten years. This may be extended if another layer of acrylic is applied after a few years. Resurfacing of the courts means that both Netball and Basketball will have quality facilities to play on in the short/medium term until a high school is built and the new courts come online.

On the other hand, if the work on the courts is not carried out now there may be an opportunity to increase the scope of the project which may include: the increase in run off area, which is currently narrower than what is required by legislation; investigate if there are issues under the Asphalt which may be causing court problems; investigate improved drainage systems and power supply and the possibility of improving spectator facilities. This work is not essential at the present time and would add significant costs to the project but may add value to the facility for the Netball and Basketball clubs. These options could be investigated at a later date as a separate project to the resurfacing which is the more immediate concern.

The following work is proposed to be conducted on courts 1 and 4:

- Mechanically remove line markings
- High pressure water clean surface
- Patch cracking and lines
- Grind flush patching
- Supply and installation of fibreglass membrane
- Supply and application of acrylic resurfacer and
- Repaint Netball and Basketball lines

The project cost of \$34,174 (GST exclusive) includes allocations for Project Management (20%) and Contingency (20%).

It is recommended that Council endorse the proposal to carry out essential works to resurface courts 1 and 4 during the 2009/10 financial year in partnership with SJNA and through a submission to the CSRFF.

Voting Requirements: ABSOLUTE MAJORITY

OCM004/08/09 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Buttfield

- 1. Council acknowledges that only one submission was received and endorses the following application for funding under the Community Sport and Recreation Facilities Fund for Small Grants August 2009 round:**

Project	Estimated Project Cost	CSRFF Amount	Applicant (Shire)	SJNA	Level of Support
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Mundijong Netball / Basketball Court Resurfacing	\$34,174	\$17,087	\$12,087	\$5,000	High - well planned and needed by municipality
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**2. Council applies to the Country Local Government Fund to use Royalties for Regions funding to the sum of \$12,000.
CARRIED 10/0**

OCM005/08/09		SUBMISSION ON DISCUSSION PAPER – DIRECTIONS 2031 DRAFT SPATIAL FRAMEWORK FOR PERTH AND PEEL (A0109-02)	
Officer:	Deon van der Linde – Executive Manager Strategic Planning	In Brief The Western Australian Planning Commission released a consultation paper regarding Directions 2031, which aims to provide a holistic overall planning perspective of the Metropolitan region of Perth and Peel. This report provides Council with the opportunity to submit a response to the discussion paper.	
Senior Officer:	Suzette van Aswegen – Director Strategic Community Development.		
Date of Report	22 July 2009		
Previously	Not applicable		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Council		

Background

The Western Australian Planning Commission (WAPC) released a consultation paper for public comment inviting submissions by 26 August 2009.

Directions 2031 is a spatial framework; a high level strategic plan that establishes a vision for future growth of the Perth and Peel region. It provides a framework to guide the detailed planning and delivery of housing, infrastructure and services necessary to accommodate the growth. It represents the highest level of strategic land use planning for the city. It is not a final blueprint but the latest in an evolving series of plans that have shaped the city over the past 50 years.

A copy of the discussion paper Directions 2031 Draft Spatial Framework for Perth and Peel is with the electronic attachments marked OCM005.1/08/09 (IN09/9242).

Sustainability Statement

Effect on Environment: The discussion paper has at its core the principle to stop uncontrolled urban sprawl and the protection of areas that may be affected by uncoordinated planning actions.

Resource Implications: The document provides direction in terms of state planning initiatives and as such significantly improves certainty regarding planning. It is also closely aligned to the Shire’s own current thinking in many respects. It should enable Shire resources and other agency resources to be more effectively managed.

Use of Local, renewable or recycled Resources: The discussion paper focuses on some aspects of renewable energy but the submission indicates that more could have been done to address this issue.

Economic Viability: Effective strategic planning, strong integration of policy initiatives in statutory processes and coordination of infrastructure delivery with development are critical to ensure economic viability and that costs are minimised and responsibly shared. This is one of the principal aims of the document.

Economic Benefits: Timely and responsible planning and decision making contributes to maximising economic benefits. The coordination of infrastructure planning will increase these efficiencies.

Social – Quality of Life: The Vision and Themes are in alignment with the principles of the Shire in terms of improving the quality of life.

Social and Environmental Responsibility: The reform agenda focuses on both effectiveness and efficiency and has the potential to improve the integration of social and environmental matters into the planning decision-making processes. Depending on how various initiatives are progressed, some really positive social and environmental outcomes could be achieved.

Social Diversity: The principles mentioned in the document provide for greater social diversity through housing types, increased densities and more efficient use of infrastructure.

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

Policy/Work Procedure Implications:

Current and future Shire local planning policies, scheme provisions, proposed Local Planning Strategy, procedures for the advertising and evaluation of local structure plans and proposed new schemes will be affected by the proposed changes. The consultation paper seeks to ensure that policy development and review is a priority of all planning authorities, with a focus on clarity and integration of strategic initiatives into statutory decision making processes. It is quite conceivable that the delegations regarding planning may have to be revisited. Another key aspect is that the Shire's policy framework will have to be strengthened significantly to allow for the unique local flavour of the Shire to be implemented.

Financial Implications:

There are potentially both direct and indirect financial implications for the Shire ranging from the shift of focus in terms of planning approvals and the impact on staff resources to the efficiencies provided by more detailed guidelines from State level. Due to the broad-ranging nature of the priority actions, it is difficult to accurately quantify the financial implications for the Shire at this time.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Develop good services for health and well being.

2. Environment

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

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
2. Encourage protection and rehabilitation of natural resources.
3. Reduce green house gas emissions.
4. Value, protect and develop biodiversity.

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

Strategies:

1. Implement known best practice sustainable natural resource management.
2. Respond to Greenhouse and Climate change.
3. Reduce waste and improve recycling processes

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Community consultation is not required.

Comment

The document and submission discuss a number of aspects in some detail. Some of the salient points that need reflection are noted below.

Directions 2031 states that Perth should be liveable, prosperous, equitable, accessible, green and a responsible city. It assumes that:

- A more compact city is desirable;
- The existing city form must be considered when planning is done;
- More efficient use of land and infrastructure should be a priority; and
- Land already zoned for development should be prioritised.

The Metropolitan Region Scheme and Peel Region Scheme includes more than 18 000 hectares of land that is zoned either urban or urban deferred (i.e. is developable land) and is yet to be developed. The premise of the document is that if this land is planned and used effectively and efficiently, it would be sufficient to comfortably meet growth demands to 2031 and that unconstrained growth of residential developments is undesirable.

The document projects that the best urban typology for the next 20 to 25 years is a so-called “Connected City” which is a compromise between the unconstrained expansion of the city toward the outer growth councils and a city focused on developing the vacant land available within its current boundaries. The “Connected City” assumes a more balanced distribution of

housing, population and employment across the metropolitan area. It however still allocates a certain population growth and number of dwellings to the various areas – in our case the South Eastern corridor.

Directions 2031 is built around three main components being the:

- Activity centres network – which provides guidelines for the development and management of activity centres (as opposed to only retail centres);
- Movement network – which provides clarity in terms of the major transportation infrastructure; and
- Green network – which provides guidance on the public open space and other green aspects of the city.

Further actions will also flow from the document that will include:

- Review of the Metropolitan centres policy;
- Preparation of Growth management strategies and Sub-regional structure plans; and
- Development of a Metropolitan public transport strategy.

Serious concerns however have to be expressed regarding the population projections and dwelling allocations that are presented in the document. The methodology does not allow for the expected population growth projected from current developments.

The submission to the WAPC in this regard addresses the issue in more detail. The document presents a staging that is inconsistent with the current realities and does not see Mundijong or indeed Byford growing at anything near the rate that the Shire is projecting even though both areas are zoned for development and significant development activity is taking place.

It is important to note that the document gives direction for the Southern Metropolitan and Peel Sub-regional Structure Plan that is also out for comment.

A copy of the submission on the discussion paper is with attachments marked OCM005.2/08/09.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

That Council:

1. Receive the Discussion Paper Directions 2031 Draft Spatial Framework for Perth and Peel and endorse the submission as provided in *Attachment OCM005.1/08/09*, advising the Western Australian Planning Commission accordingly.
2. Submit a copy of the submission as provided in *Attachment OCM005.2/08/09* to the Western Australian Local Government Association.

OCM005/08/09 COUNCIL DECISION:

Moved Cr Price, seconded Cr Harris

That Council:

1. **Receive the Discussion Paper Directions 2031 Draft Spatial Framework for Perth and Peel and endorse the submission as provided in *Attachment OCM005.1/08/09*, with the addition that Council is supportive of the West Mundijong Regional Industrial Centre and advises the Western Australian Planning Commission accordingly.**
2. **Submit a copy of the submission as provided in *Attachment OCM005.2/08/09* to the Western Australian Local Government Association.**

CARRIED 10/0

Council note: The Officer Recommended Resolution was changed with additional wording being added to part 1.

9. CHIEF EXECUTIVE OFFICER'S REPORT

OCM006/08/09 INFORMATION REPORT	
Proponent	Joanne Abbiss - Chief Executive Officer
Officer	Lisa Fletcher - Personal Assistant to the Chief Executive Officer
Signatures - Author:	
Senior Officer:	Joanne Abbiss - Chief Executive Officer
Date of Report	11 August 2009
Previously	
Disclosure of Interest	
Delegation	Council

OCM006.1/08/09 COMMON SEAL REGISTER REPORT – JULY 2009

The Common Seal Register Report for the month of July 2009 as per Council Policy G905 - Use of Shire of Serpentine Jarrahdale Common Seal is with the **attachments marked OCM006.1/08/09**.

OCM006.2/08/09 POLICY FORUM – 4 AUGUST 2009

The following items were discussed at the 4 August 2009 Policy Forum:

Topic / Subject
Presentation
Landcare Centre
Strategic Planning
South Metropolitan and Peel Structure Plan
Mundijong Structure Plan
Statutory Planning
Briefing on major developments, subdivisions, local structure plans and detailed area plans

OCM006.3/08/09 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) SOUTH EAST METROPOLITAN ZONE MINUTES – 29 JULY 2009 (A1164)

In the attachments marked OCM006.3/08/09 (IN09/9598) is the minutes of the South East Metropolitan Zone Meeting held on 29 July 2009.

OCM006.4/08/09 WALGA PEEL ZONE MINUTES – 30 JULY 2009 (A1164)

In the attachments marked OCM006.4/08/09 (IN09/9479) is the minutes of the Peel Zone Meeting held on 30 July 2009 and attachment to these minutes marked OCM006.4a/08/09.

OCM006.5/08/09 WALGA STATE COUNCIL MINUTES – 9 AUGUST 2009 (A1164)

In the attachments is the summary of the State Council minutes marked OCM006.5/08/09 (IN09/10105).

OCM006/08/09 COUNCIL DECISION/Officer Recommended Resolution:

**Moved Cr Brown, seconded Cr Price
The Information Report to 21 August 2009 is received.
CARRIED 10/0**

10. URGENT BUSINESS:

Nil

11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

Nil

12. CLOSURE:

There being no further business, the meeting closed at 8.42pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 29 September 2009.

.....
Presiding Member

.....
Date

13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

SD014/08/09 DEVELOPMENT SERVICES INFORMATION REPORT – BUILDING, HEALTH & RANGERS AND PLANNING SERVICES		
Officer:	Jason Robertson – Manager Building Services, Tony Turner – Manager Health and Ranger Services and Simon Wilkes - Executive Manager Planning	In Brief Information report and submission to Department of Agriculture regarding the review of the Genetically Modified Crops Free Areas Act 2003.
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	23 July 2009	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

SD014/08/09 Committee Decision/Officer Recommended Resolution

That Council:

1. **Accept the Development Services Information Report.**
2. **Retrospectively endorse the submission as contained in the attachments marked SD014.4/08/09 for the review of the Genetically Modified Crops Free Areas Act 2003.**

CARRIED 7/0

SD015/08/09 PROPOSED RAINWATER TANK – RESERVE 19197 (#289) HOPELAND ROAD, HOPELAND (RS0023/02)		
Proponent:	Hopeland Community Association Inc	In Brief The applicant seeks approval to replace an existing rainwater tank at the old Hopeland School Building on reserve 19197 (#289) Hopeland Road, Hopeland. It is recommended that the application be conditionally approved.
Owner:	Shire of Serpentine Jarrahdale	
Author:	Michael Daymond – Senior Planner	
Senior Officer:	Brad Gleeson – Director Development Services	
Date of Report	17 July 2009	
Previously	NA	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

SD015/08/09 Committee Decision/Officer Recommended Resolution:

The application for approval to commence development for the construction of a rainwater tank on Reserve 19197 (#289) Hopeland Road, Hopeland be approved subject to the following conditions:

1. The rainwater tank is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant Legislation for other types of effluent disposal systems.
2. The rainwater tank is to be constructed in accordance with the submitted Schedule of Materials and Finishes.

Advice Note:

1. All existing native trees on the subject lot and adjacent road verge shall be retained and shall be protected from damage prior to and during construction unless subject to an exemption provided within Town Planning Scheme No. 2 or the specific written approval of the Shire has been obtained for tree removal either through this planning approval or separately.

CARRIED 7/0

SD016/08/09 PROPOSED VERGE TREE REMOVAL - LOT 592 HOFFMAN WAY, BYFORD (P08084/02)		
Proponent:	Tangent Nominees Pty Ltd	In Brief An application to remove one tree from the verge of Hoffman Way has been received. The removal of the tree is supported.
Owner:	M Dalton and M Stewart	
Author:	C Rose – Planning Assistant	
Senior Officer:	B Gleeson – Director Development Services	
Date of Report	23 July 2009	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

SD016/08/09 Committee Decision/Officer Recommended Resolution:

That Council:

1. Pursuant to The Glades Stage 1 Detailed Area Plan clause 5L, approve the removal of one (1) tree within the road verge adjacent to Lot 592 Hoffman Way, Byford.
2. Grant Development Approval pursuant to Town Planning Scheme No. 2 for the proposed removal of the one (1) tree within the road verge adjacent to Lot 592 Hoffman Way, Byford.

CARRIED 7/0

SD017/08/09 PROPOSED USE NOT LISTED (FAMILY DAY CARE) – (#8), LOT 297 POMERA DRIVE, BYFORD (P06760/02)		
Proponent:	L Schmidt	In Brief Application has been received for a Family Day Care business from Lot 297 Pomera Drive, Byford. It is recommended that the application be approved.
Owner:	As Above	
Officer:	Casey Rose - Planning Assistant	
Senior Officer:	Brad Gleeson - Director Development Services	
Date of Report	15 July 2009	
Previously	Nil	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution CGAM064/02/08	

SD017/08/09 Committee Decision/Officer Recommended Resolution

The proposed Family Day Care at 8, Lot 297 Pomera Drive, Byford be approved subject to the following conditions:

1. The applicant is to obtain a licence to operate a “Family Day Care Centre” from 8, Lot 297 Pomera Drive, Byford as required under the Child Care Services (Family Day Care) Regulations 2006.
2. A licence to operate as a Family Day Care Centre under the Child Care Services (Family Day Care) Regulations 2006 is to be maintained at all times during the operation of the family day care centre.
3. Pick up and drop off hours be restricted to no later than 7.00pm in the evening or before 6.00am in the morning.
4. Any proposed signage on the property in relation to the Family Day Care requires written approval from the Director Development Services.
5. 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.
6. No vehicle in connection with the operation of the family day care centre is to be parked on the road verge.

Advice Notes:

1. Premises to be subject to inspection by Council’s Environmental Health Services department.
2. Development/land use to comply at all times with the Environmental Protection (Noise) Regulations 1997.
3. Compliance with Health (Food Hygiene) Regulations 1993.
4. Compliance with Australian New Zealand Food Standards Code.

CARRIED 7/0

CGAM008/08/09 MONTHLY FINANCIAL REPORT – JUNE 2009 (A0924/07)		
Proponent:	Not Applicable	In Brief To receive the Monthly Financial Report as at 30 June 2009.
Owner:	Not Applicable	
Officer:	Belinda van der Linde – Acting Manager Finance Services	
Senior Officer:	Alan Hart – Director Corporate Services	
Date of Report	23 July 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM008/08/09 Committee Decision/Officer Recommended Resolution:

**Council receives the Monthly Financial Report, as at 30 June 2009, in accordance with Section 6.4 of the Local Government Act 1995.
CARRIED 7/0**

CGAM009/08/09 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent:	Not Applicable	In Brief To confirm the creditor payments made during the period of 26 June 2009 to 23 July 2009.
Owner:	Not Applicable	
Author:	Joanne Egitto – Finance Officer	
Senior Officer:	Alan Hart – Director Corporate Services	
Date of Report	23 July 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM009/08/09 Committee Decision/Officer Recommended Resolution:

**That Council receives the payments authorised under delegated authority and detailed in the list of invoices for period of 26 June 2009 to 23 July 2009, presented as per the summaries set out above include Creditors yet to be paid and in accordance with the Local Government (Financial Management) Regulations 1996.
CARRIED 7/0**

CGAM010/08/09		SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)
Proponent:	Not Applicable	In Brief To receive the sundry debtor balances as at 23 July 2009.
Owner:	Not Applicable	
Author:	Melissa Armitage - Finance Officer (Debtors)	
Senior Officer:	Alan Hart – Director Corporate Services	
Date of Report	23 July 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM010/08/09 Committee Decision/Officer Recommended Resolution:

**That Council receives the report on Sundry Debtor Outstanding Accounts as at 23 July 2009.
CARRIED 7/0**

CGAM011/08/09		RATE DEBTORS REPORT (A0917)
Proponent:	Not Applicable	In Brief To receive the rates report as at 21 July 2009.
Owner:	Not Applicable	
Author:	Kellie Bartley - Finance Officer	
Senior Officer:	Alan Hart – Director Corporate Services	
Date of Report	24 July 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM011/08/09 Committee Decision/Officer Recommended Resolution:

**That Council receives the report on the Rate Debtors accounts as at 21 July 2009.
CARRIED 7/0**

CGAM013/08/09		ASSET MANAGEMENT IMPROVEMENT STRATEGY (A0888)
Proponent:	Serpentine Jarrahdale Shire	In Brief The Asset Management Improvement Strategy outlines current Asset Management Practices and short to medium term improvement tasks to progress Asset Management within the Serpentine Jarrahdale Shire.
Owner:	Serpentine Jarrahdale Shire	
Officer:	Julie Brown – Asset Management Coordinator	
Senior Officer:	Richard Gorbunow – Director Engineering	
Date of Report	20 July 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM013/08/09 Committee Decision/Officer Recommended Resolution:

**That Committee adopts the Asset Management Improvement Strategy 2009 - 2013.
CARRIED 7/0**

CGAM015/08/09		INFORMATION REPORT
Proponent:	Not Applicable	In Brief To receive the information report to 24 July 2009.
Owner:	Not Applicable	
Author:	Various	
Senior Officer:	Alan Hart - Director Corporate Services	
Date of Report	24 July 2009	
Previously	Not Applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution CGAM064/02/08	

CGAM015/08/09 Committee Decision/Officer Recommended Resolution:

**That the Information Report to 24 July 2009 be received.
CARRIED 7/0**

- 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.