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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 24<sup>TH</sup> OCTOBER, 2005. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.00PM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

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**1. ATTENDANCE & APOLOGIES:**

IN ATTENDANCE:

**COUNCILLORS:** DL Needham ..... Presiding Member  
JE Price  
AW Wigg  
WJ Kirkpatrick  
THJ Hoyer  
JC Star  
KR Murphy  
EE Brown  
IJ Richards

**OFFICERS:** Ms J Abbiss ..... Chief Executive Officer  
Mr M Beaverstock ..... Director Asset Services  
Mrs E Cox ..... Acting Director Corporate Services  
Mr B Gleeson Executive Manager Planning & Regulatory Services  
Mr R Montgomery . Executive Manager Strategic Community Planning  
Mrs S Langmair ..... Minute Secretary

**APOLOGIES:** Cr JA Scott

**GALLERY: 2**

**2. PUBLIC QUESTION TIME:**

2.1 Response To Previous Public Questions Taken On Notice

**Questions from Ordinary Council Meeting – 27<sup>th</sup> September, 2005**

Pia Carita Steele, 39 Chestnut Road, Jarrahdale

Q Re the proposed fence around Jarrahdale Primary School:

a) Will Council be able to enforce the local law stating "the erection or maintaining of barbed wire on fencing within a residential zone is prohibited"?

A. No. The school site is zoned Public and Community purposes in the Town Planning Scheme and not Residential, therefore the Local Laws that prohibit barbed wire on fencing in residential zones, does not apply. The landowner is required to obtain separate planning approval for the proposed fence from both the Western Australian Planning Commission (WAPC) and the Shire. The barbed wire component of the proposed fence will be thoroughly examined by the Shire as part of the planning assessment process for the fence.

b) Will Council be in a position to recommend building materials which will be more in character with the heritage town ie no wire mesh or garrison, especially not 2.4m high?

A. Yes. The Shire is in a position to provide comments to the WAPC in relation to the type of materials for the fence, height of the proposed fence and impact on the

amenity of the area. The Shire will also examine these issues as part of the assessment of the proposal under the Town Planning Scheme.

c) Will Council undertake community consultation before making a decision?

A Yes. The Shire's will be consulting with the community on the various issues associated with the proposal as the fence will have wide ramifications for both the school and the Jarrahdale community. The Shire wishes to engage widely in the community and understand what other options may exist to appropriately address these concerns. To this end, the Shire has sent letters to the Jarrahdale P & C Association, Jarrahdale Community Association Inc and Principal of the Jarrahdale Primary School.

**3. PUBLIC STATEMENT TIME:**

Nil

**4. PETITIONS & DEPUTATIONS:**

Nil

**5. PRESIDENT'S REPORT:**

Nil

**6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:**

Cr Murphy declared a financial interest in Item SD049/10/05 PROPOSED SUBDIVISION - LOTS 29 & 30 ORTON ROAD, OAKFORD which refers to a block of land upon which his residence is built. Cr Murphy will leave the meeting when the item is discussed.

Cr Wigg declared an interest of proximity in item SD050/10/05 REQUEST TO INITIATE SCHEME AMENDMENT TO REZONE LOT 128 CROSSING VIEW & LOT 129 OLD BRICKWORKS ROAD, BYFORD as he owns a property in the proximity of the item under discussion. Cr Wigg will leave the meeting when this item is discussed.

Cr Wigg declared a financial interest in item CGAM048/10/05 SERPENTINE JARRAHDAL E GRAMMAR SCHOOL – NON EXCLUSIVE LEASE OF MUNDIJONG HALL as a guarantor to the Serpentine Jarrahdale Grammar School. Cr Wigg will leave the meeting when this item is discussed.

Cr Star, Cr Wigg and Cr Needham declared an interest of impartiality in item CGAM056/10/05 DARLING 200 RALLY – PROPOSAL TO USE JARRAHDAL E HERITAGE PARK AS A SERVICE PARK as members of the SJ Landcare Board and Management Committee and that this would not effect how they vote on the matter.

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

**7.1 Ordinary Council Meeting – 27<sup>th</sup> September, 2005**

That the minutes of the Ordinary Council Meeting held on 27<sup>th</sup> September, 2005 be confirmed.

**COUNCIL DECISION**

**Moved Cr Price seconded Cr Star**

**That the minutes of the Ordinary Council Meeting held on 27<sup>th</sup> September, 2005 be confirmed.**

**CARRIED 9/0**

**REPORTS OF COMMITTEES:**

SD045/10/05 PROPOSED DEMOLITION OF EXISTING DWELLING ON PT LOT 521 AND PT LOT 523 SOUTH WESTERN HIGHWAY, BYFORD (P00602/05)		
Proponent	LWP Property	In Brief  Proposed demolition of existing old house on public open space reserve within Byford by the Scarp Development. It is recommended that approval be granted subject to a Demolition Licence being obtained from the Shire.
Owner	Bradwell Pty Ltd	
Officer	M Kenny - Senior Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	30 September 2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report has a declared interest.	
<b>Delegation</b>	<b>Council</b>	

Owner: Bradwell Pty Limited  
 Owner's Address: P O Box 886, West Perth 6872  
 Applicant: LWP Property  
 Applicant's Address: Unit 1, 60 Coolamon Boulevard Ellenbrook 6069  
 Date of Receipt: 9 February 2005  
 Advertised: N/A  
 Submissions: N/A  
 Lot Area: 3.57ha (new Lot 116)  
 L.A Zoning: Public Open Space  
 MRS Zoning: Urban  
 Byford Structure Plan: N/A  
 Rural Strategy Policy Area: N/A  
 Rural Strategy Overlay: Landscape Protection Policy Area  
 Bush Forever: Part of foreshore reserve is classified as Bush Forever and contains riparian vegetation  
 Date of Inspection: 20 January 2005

**Background**

**Site History**

The subject site was used as a Royal Australian Navy Armaments Depot from 1942 until 1981 when the armaments store was transferred to HMAS Stirling at Garden Island. The depot was used to store sea mines and ammunition. During World War II, the depot provided employment for up to 250 civilians engaged in the storage, maintenance, packing and transport of munitions. The depot also contained the only mounted brigade of military police in Australia until the late 1950's.

During its operation the depot contained over 50 different buildings including houses, barracks, magazines, a general store, military police post, workshops and fuel and equipment stores. Today only a few buildings related to the military history of the site remain being the house the subject of this report, three houses offsite on the western side of South Western Highway and a large shed located on the adjacent Lot 1 Nettleton Road (the Cohunu site).

**Redevelopment of the Site**

Since the preparation of the original Comprehensive Development Plan in 1997 and the rezoning of the site in 1999, the 'Byford by the Scarp' development area has been subject to a change in ownership and joint venture arrangements. In 2004, the subdivisional layout underwent a design review to reflect the development objectives of the new landowner and to incorporate 'best practice' sustainable community and liveable neighbourhood design initiatives. The design review resulted in the preparation of the 'Byford by the Scarp' -

Development Strategy Plan. The Shire endorsed the Development Strategy Plan in December 2004.

### Subdivision plans

An application for subdivision of the south-western portion of the site was submitted by Taylor Burrell Barnett planning consultants on behalf of the current owners Bradwell Pty Ltd in December 2003. This subdivision (comprising stages 1 and 2) contains 111 residential lots. The Western Australian Planning Commission granted conditional approval for stages 1 and 2 on 11 May 2004. Subsequently, approval has also been granted for Stage 3 of the subdivision in March 2005 comprising 109 residential lots.

### The proposal

Applications have now been received by the Shire for planning approval and a demolition licence for the demolition of an existing house located on the public open space abutting the Cardup Brook. The application for planning approval was required because the site is within the Landscape Protection Policy Area.

The house appears to be of 1930's-1940's vintage or older. The house is brick and tile with a verandah around three sides of the house. Some parts of the verandah have been enclosed with asbestos sheeting. There is a separate laundry building adjacent to the house.

There is no mention of the existence of the house in the Shire's Municipal Inventory or acknowledgement of the house in any of the documentation prepared over the last 15-20 years relating to the rezoning and development of the former Royal Australian Naval Armaments depot.

***A copy of the site plan and photographs of the dwelling are with the attachments marked SD045.1/10/05.***

### Sustainability Statement

***Effect on Environment:*** As a precursor to the application to demolish the house, the proponents engaged ATA Environmental Scientists to assess the site. A summary of their findings is detailed below:

- *Soil sampling was undertaken by ATA Environmental as it had been understood that the house was going to be demolished as part of the redevelopment of the RANAD site by LWP Property Developments/Future Corporation.*
- *Sampling was not undertaken as part of the earlier assessment carried out by ATA in 1998 as the house was occupied during that time.*
- *In anticipation of the house being demolished, its age and construction and its position in the foreshore reserve of Cardup brook, ATA Environmental considered it appropriate that the potential for organochlorine pesticides (as a result of termite treatments) be assessed.*
- *ATA Environmental took samples at two locations within the pad of the house (floor boards were absent) in later October 2004. Samples were taken down to a depth of 1 metre at the depth intervals 0-0.3m, 0.5m, 0.8m and 1 metre. The uppermost two samples (depth intervals 0-0.3m and 0.5m) were analysed.*
- *The holes from which the sample were taken intersected approximately 0.3m to 0.4m of sand with the remainder of the soil profile comprising sandy clay to clay.*
- *Results from the analysis of the samples (see attached table) revealed the presence of the organochlorine heptachlor and chlordane which are known termiticides. The pesticide chlorpyrifos was detected in the duplicate sample of sample CH1 0-0.3m DUP and sample CH2 0.5m.*
- *The concentrations of the pesticides were highest in the uppermost part of the soil and reduced deeper in the soil profile, consistent with pesticide application to the soil surface.*

- *The concentrations of chlordane and heptachlor detected in the uppermost samples exceed the assessment criteria, Ecological Investigation Levels, outlined by the Department of Environment for the assessment of contaminated sites. The concentration of chlorpyrifos detected in the duplicate sample also exceeded the Ecological Investigation Levels.*
- *In the context of the location of the contaminated soil with respect to the protection of the ecological values of the Cardup Brook foreshore reserve and the anticipated demolition of the house, ATA Environmental considered it appropriate that the contaminated soil be removed offsite to a managed landfill site.*

Demolition of the dwelling will have the following environmental benefits:

- remediation of the contaminated soil under the house.
- decommissioning of the existing septic tanks and leach drains.
- removal of asbestos from the site.

These works will remove a possible source of contamination close to Cardup Brook. There is also a risk of squatters or vandals setting fire to the house, which could result in a serious bushfire incident. No indigenous vegetation will require removal as a result of this approval.

**Resource Implications:** There will be a necessity to import fill to the site to replace the contaminated soil removed and to fill the decommissioned septic tanks. A condition should be imposed requiring the use of clean fill and care taken not to import fill that may be contaminated with diseases such as dieback.

**Use of local, renewable or recycled Resources:** There is an opportunity for some of the demolished building materials to be recycled such as bricks and any usable jarrah. Of particular interest is the large slab of jarrah which forms the threshold at the front door. There may be an opportunity for some of the recycled materials (bricks and jarrah) to be used in the construction of interpretive walls, park furniture and sculptures as a means of interpreting the European history of the site.

**Economic Viability:** The proposal will allow the removal of some existing contamination issues on the site.

**Economic Benefits:** Recycling of materials for use in construction of park features could provide an economic benefit to the Shire.

**Social – Quality of Life:** Removal of the dwelling will increase the quality of life of nearby residents by improving the visual appearance of the site, removing the risk of vandals and squatters being attracted to the site and the associated fire and social risks and removing sources of contamination from this future public open space including contaminated soil and asbestos fibres.

**Social and Environmental Responsibility:** As per the above comments, the Shire will meet its social and environmental responsibilities by allowing removal of the house and clean-up of the site.

**Social Diversity:** The proposal will not impact deleteriously on any social group.

**Statutory Environment:** Town Planning and Development Act 1928  
Town Planning Scheme No.2

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

**Financial Implications:** There are no Financial implications to Council related to this application/issue.



**Strategic Implications:**

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

**1. People and Community**

*Objective 1: Good quality of life for all residents*

Strategies:

1. Provide recreational opportunities.
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*

Strategy:

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*

Strategy:

3. Encourage protection and rehabilitation of natural resources.

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

Strategy:

3. Reduce waste and improve recycling processes

**4. Governance**

*Objective 3: Compliance to necessary legislation*

Strategy:

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

**Comment from Shire's Heritage Advisor**

The application was referred to the Peel Regional Heritage Advisory Service for assessment prior to determination of the application. The Peel Region Heritage Advisor combined assessment of the old house on the Byford by the Scarp site with a concurrent National Trust of WA and Heritage Council assessment of other remaining buildings related to the armaments depot on the adjoining Lot 1 Nettleton Road (which once formed part of the RANAD site and is now the Cohunu development site) and three other existing Defence Force residences on the western side of South Western Highway in the Byford townsite.

The Heritage Advisor provided the following assessment and recommendations:

*As requested by the Shire, I have made a site visit to the residence in order to form a preliminary opinion on the possible heritage significance of the place. I took extensive photographs of the site and prepared a sketch floor plan and site plan. I have also undertaken some preliminary research in association with Lindsay at Australian Archives and, although the residence was shown on a map of the depot from the 1950's, no other information was revealed.*

*When considering all the issues relating to Lot 1 Nettleton Road, the redevelopment of the land surrounding the residence in question, the current condition of the residence, as well as my discussions with Lindsay Peet (National Trust) and responses to the site visits, I would like to offer the following advice and recommendations:*

1. *That it has still not been determined from the research undertaken so far whether the residence was built by the Navy specifically as accommodation for its depot staff or whether it was built prior to the depot being established and therefore acquired by the Navy when the land was transferred.*

2. *That the former residence contributes to but is not essential to an understanding of the history, operations and function of the former armament depot.*
3. *That the current condition of the former residence would require significant investment if it were to be conserved, in particular if it was to be made habitable. It may be a better strategy for the Shire to put their focus into long term conservation of the other RANAD structures on Lot 1 Nettleton Road (the Cohunu site) and also the group of three residences on the South Western Highway in whatever way is appropriate and feasible.*
4. *That even if the Shire did decide on permitting demolition of the residence that an archival record be prepared based on the photographs, sketches and other information sourced so far and that the place be included in the Shire's Municipal Inventory as an historic site, and linking it to Lot 1 Nettleton Road.*
5. *That the RANAD site, which is represented by the remaining structures and remnants on Lot 1, be included in the Shire's Municipal Inventory.*
6. *That the group of three residences on South Western Highway, Byford being the former RANAD staff accommodation, be included in the Shire's Municipal Inventory and linked to Lot 1 and the former brick residence in question.*
7. *That should demolition of the former residence occur, interpretation should be incorporated in the future public open space that includes reference to, specifically, the residence, and more broadly, the whole RANAD history associated with the former armament depot.*

**Community Consultation:**

Required:      Not required

**Comment:**

The house proposed to be demolished is in extremely poor condition. There is evidence that squatters have used the building in the past and there is a lot of damage existing to the fabric of the house caused by a combination of vandalism, theft of materials (the floor boards and other fixtures) and lack of maintenance.

The environmental assessment carried out by environmental scientists commissioned by the proponent has revealed that there is pesticide contamination in the soil under the house. These pesticides are now banned. In addition, the building contains some asbestos sheeting, some of which has been broken. Accordingly, the site need to be remediated to make it safe for future users of the public open space. The existing septic system poses both a danger of contamination of Cardup Brook, due to its proximity to the Brook, and possibility of collapse if it is not maintained.

It is recommended that approval be granted for the demolition of the dwelling given:

1. The above environmental issues;
2. The Heritage Advisor's comments that retention of the dwelling is not essential to an understanding of the history, operations and function of the former armament depot, and;
3. The high costs involved in restoring the house to a suitable and safe condition.

An extensive range of photographs has been taken of the house and its setting by Shire officers, the Regional Heritage Advisor and the proponent. In addition, sketch plans have been made of the site and the floor plan of the dwelling. It is therefore considered that an adequate record has been made of the building. It is recommended that these records be incorporated in the upcoming review of the Shire's Municipal Inventory along with other

historical information relating to the RANAD site and that steps be taken to provide some protection for the remaining depot buildings on Lot 1 Nettleton Road and the three 1950's Defence Force houses related to the depot that are located on the western side of South Western Highway.

A theme relating to the RANAD period of the history of the Byford by the Scarp site has been used in naming the roads contained within Stage 3 of the subdivision including:

1. Types of weapons for which ammunition was stored and prepared on the site during World War II,
2. Royal Australian Navy Ships supplied by the depot during World War II.
3. Armaments and structures related to the facility's operation.

Some of the materials from the demolished house could be retained for use in the construction of walls, park furniture and other features in the public open space containing the house site along with appropriate interpretive signage relating to the RANAD period of the history of the site.

**Voting Requirements:** Normal

**Officer Recommended Resolution:**

A The application for approval to demolish the existing old house on the public open space (Lot 116) located on the northern side of Cardup Brook within the Byford by the Scarp residential estate be approved subject to the following conditions:

1. A Demolition Licence is to be obtained prior to the commencement of any demolition works.
2. Demolition is to be carried out by a licensed demolition contractor.
3. Contaminated soil shall be removed from the site to an approved landfill facility and the site remediated to the satisfaction of the Shire.
4. Any existing septic tanks and leach drains shall be decommissioned and the site remediated to the satisfaction of the Shire.
5. All existing indigenous vegetation shall be retained and shall be protected from damage prior to and during demolition of the house.
6. Materials such as bricks and sound pieces of jarrah are to be retained for use in the construction of features in the public open space containing the house site such as paths, walls, park furniture, artwork and signage to the satisfaction of the Shire. Details of how these recycled materials are to be used is to be included in the landscape and vegetation management plan required to be prepared by the developer for the public open space as a condition of the subdivision.

B The Royal Australian Naval Armaments Depot land and any remaining buildings related to the past operation of the depot be included in the next review of the Shire's Municipal Inventory.

**SD045/10/05 Committee Recommended Resolution:**

A The application for approval to demolish the existing old house on the public open space (Lot 116) located on the northern side of Cardup Brook within the Byford by the Scarp residential estate be approved subject to the following conditions:

1. A Demolition Licence is to be obtained prior to the commencement of any demolition works.
2. Demolition is to be carried out by a licensed demolition contractor.
3. Contaminated soil shall be removed from the site to an approved landfill facility and the site remediated to the satisfaction of the Shire.

4. Any existing septic tanks and leach drains shall be decommissioned and the site remediated to the satisfaction of the Shire.
5. All existing indigenous vegetation shall be retained and shall be protected from damage prior to and during demolition of the house.
6. Materials such as bricks and sound pieces of jarrah are to be retained for use in the construction of features in the public open space containing the house site such as paths, walls, park furniture, artwork and signage to the satisfaction of the Shire. Details of how these recycled materials are to be used to give an interpretive history of the site are to be included in the landscape and vegetation management plan required to be prepared by the developer for the public open space as a condition of the subdivision.

B The Royal Australian Naval Armaments Depot land and any remaining buildings related to the past operation of the depot be included in the next review of the Shire's Municipal Inventory.

Committee Note: The Officer Recommended Resolution was amended by adding words to condition 6 to include an interpretive history of the site in the landscape and vegetation management plan.

#### **SD045/10/05 COUNCIL DECISION**

##### **Moved Cr Price seconded Cr Murphy**

- A The application for approval to demolish the existing old house on the public open space (Lot 116) located on the northern side of Cardup Brook within the Byford by the Scarp residential estate be deferred pending further information.**
- B The site of this building is to be made secure to prevent public access and any further vandalism and destruction of the building and its materials of construction.**
- C Officers are to undertake investigations of the following matters with respect to the building and the site:-**
- 1. History of the building and its use in the context of the Royal Australian Navy Armaments Depot (RANAD) and earlier land-uses.**
  - 2. An architectural report to be obtained as to the structural integrity of the building, its age, design and style in the context of regional architectural values.**
  - 3. A feasibility assessment made of the potential to incorporate the building into a complimentary facility for recreation and use of the open space of the locality.**
  - 4. A context for assessment of the comparative toxicological implications of the site compared to similar sites in the district.**
- D A report is to be prepared based upon the review and any new information for the December Ordinary Council Meeting.**
- E The Royal Australian Naval Armaments Depot land and any remaining buildings related to the past operation of the depot be included in the next review of the Shire's Municipal Inventory.**

**CARRIED 9/0**

**Council Note:** The Committee/Officer Recommended Resolution was changed to further investigate the heritage and utility of this building.

SD046/10/05 PROPOSED COMMERCIAL VEHICLE PARKING – LOT 57 (#16) UPTON CLOSE, OAKFORD (P00718/02)		
Proponent:	Daemien Begg	In Brief  The applicant is seeking approval for the parking of a prime mover and one trailer on the subject property. It is recommended that the application be conditionally approved.
Owner:	BA & JT Clothier	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	5 October 2005	
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	
<b>Delegation</b>	<b>Council</b>	

Owner: Basil & Jennifer Clothier  
 Owner's Address: 16 Upton Close, Oakford  
 Applicant: Daemien Begg  
 Applicant's Address: 16 Upton Close, Oakford  
 Date of Receipt: 11 August 2005  
 Advertised: 19 August – 12 September 2005  
 Submissions: 4 objections, 1 no objection  
 Lot Area: 2.0129 ha  
 L.A Zoning: Special Rural  
 MRS Zoning: Rural  
 Byford Structure Plan: N/A  
 Rural Strategy Policy Area: Rural Living B  
 Rural Strategy Overlay: N/A  
 Municipal Inventory: N/A  
 Townscape/Heritage Precinct: N/A  
 Bush Forever: N/A  
 Date of Inspection: 20 April 2005 (for previous application)

### **Background**

On 14 March 2005, a letter was sent to the owners of Lot 57 Upton Close, Oakford advising that a report had been made to the Shire relating to the parking of a commercial vehicle on the property and advising that Planning Approval is needed for this activity. The applicant advised that he has been parking his commercial vehicle on the property for the past three years without any previous complaints and was unaware that approval was needed from Council.

### **Previous Planning Application**

On 21 March 2005, an application for planning consent was received from the applicant for the parking of one prime mover and two trailers on the subject property. The applicant proposed to park a 9 tonne Ford Louisville prime mover and two 13.5 metre long trailers on the property alongside the existing shed. The previous application was referred to adjoining landowners for comment during which time 3 objections and 1 non objection were received. Through assessment of the application, it was discovered that the proposal did not fit the definition of 'Commercial Vehicle Parking' under the scheme but rather was defined as a 'Transport Depot'. Under Council's Town Planning Scheme No.2, one prime mover with a trailer is classified as one commercial vehicle but another trailer by itself is also classified as a commercial vehicle. As there were two commercial vehicles on the property and 'Commercial Vehicle Parking' refers to the parking of one commercial vehicle only, the

proposal was defined as a 'Transport Depot'. As a 'Transport Depot' is not permitted in the Special Rural zone, the application was refused under delegated authority for the following reasons.

- 1 *The proposed use falls within the definition of 'Transport Depot' under Council's Town Planning Scheme No. 2. This use is not permitted within the Special Rural zone.*
- 2 *The length of the commercial vehicle and trailer exceed the maximum lengths as stipulated under Council's Town Planning Scheme No. 2.*
- 3 *It would not be appropriate in the interests of orderly and proper planning and preservation of the amenity of this Special Rural area to grant approval for commercial vehicle parking.*
- 4 *The development may be detrimental to the amenity of the occupiers of adjacent properties, by reason of the noise and nuisance arising from the use of Commercial Vehicles.*

The applicant has since submitted a revised planning application to Council for the parking of one prime mover and one trailer only. The other trailer is now kept off-site at a trucking yard.

#### New Application

On 11 August 2005, a new planning application was received for the parking of one prime mover and one trailer on the property. The applicant is employed as a truck driver and undertakes trips to the eastern states as a regular occurrence. The current proposal is defined as one commercial vehicle under the scheme and fits the use class 'Commercial Vehicle Parking'. This use is an SA use in the Special Rural zone and can be considered by Council. Details of the commercial vehicle are as follows:

- The truck is a 9 tonne blue Ford Louisville
- The height of the truck is 3.7 metres
- The length of the truck is 6.75 metres
- One trailer is also to be parked on the property which is 13.5 metres long, 1.25 metres high and weighs 8 tonnes
- The truck is to be moved on and off the property during daylight hours one or two days per week
- The truck will be parked at the front of the shed and the trailer parked behind (refer site plan)
- No mechanical works will be carried out on the truck on the property
- The combined length of the truck and trailer is 18.6 metres

The truck is owned and operated by an occupier of the dwelling.

***A copy of the site plan and photographs of the truck are with the attachments marked SD046.1/10/05.***

#### Sustainability Statement

***Effect on Environment:*** There is the potential for localised soil and groundwater contamination through oil spills. The vehicle needs to be parked on an appropriate surface to prevent this happening (ie hardstand or limestone base). There is also the potential for noise and odour emissions (diesel odour whilst truck idling) affecting neighbours.

***Resource Implications:*** The proposal may play a small role in minimising resource use, compared to the traditional approach of the truck being stored at an industrial site as the operator won't have to drive to another site to pick up the truck.

***Use of Local, renewable or recycled Resources:*** If the truck is parked in Oakford, then there is the potential for fuel, oils etc. to be obtained locally (within the Shire). If the truck

was garaged at an industrial area elsewhere in the Metropolitan area then it is less likely that local businesses would benefit.

**Economic Viability:** Appropriate conditions can assist in ensuring that the quality of life for other residents in Upton Close is not affected by the proposal. This would include conditions relating to departure and arrival times, where the vehicle is stored on the lot and a prohibition on mechanical repairs being carried out on site.

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

**Social – Quality of Life** There are unlikely to be any flow-on improvements in the quality of life for the community from this proposal. However, the proposal does have the potential to improve the quality of life of the proponent through reducing travel time to work (ie the extra time that it would take to drive to a depot to collect the truck and then go to the work site). Additionally, not having to store the truck off-site would reduce the truck driver's costs and the risk that the truck will be broken into. Strict adherence to any conditions of approval will be required in order to ensure that the keeping of a commercial vehicle on this property does not impact on the amenity of the neighbourhood.

**Statutory Environment:** Town Planning Scheme No.2  
Advertising of the proposal to neighbours was required in accordance with the provisions of Town Planning Scheme No. 2 with regard to this type of development

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

**Financial Implications:** There are no Financial implications to Council related to this application/issue

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

- 1. People and Community**  
*Objective 2: Plan and develop towns and communities based on principles of sustainability*  
Strategy:
  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*  
Strategy:
  5. Reduce green house gas emissions.
- 3. Economic**  
*Objective 1: A vibrant local community*  
Strategy:
  1. Attract and facilitate appropriate industries, commercial activities and employment.
- 4. Governance**  
*Objective 3: Compliance to necessary legislation*  
Strategy:
  1. Ensure development and use of infrastructure and land complies with required standards.

**Community Consultation:**

Required: Yes

Support/Object: Objection – 4; No Objection – 1

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Dismiss)
#A295508	No objection as long as the parking is compliant with the information submitted in the application (parking times etc).0	Comments Noted	Comments Noted
#A295504	<p>Objects for the following reasons: The applicants knew that they could not operate a trucking business from the area when they bought the property.</p> <p>There are two trucks on the property, one which leaves as early as 5.45am with a load.</p> <p>The long trailers dig up and gouge the side of the road.</p>	<p>The applicant is not seeking approval for a 'trucking business' but rather the parking of a commercial vehicle.</p> <p>There have been times when two commercial vehicles have been parked on the property. If approved, conditions can be placed on the application restricting the parking on the property of only one commercial vehicle and limiting the times as to when the vehicle enters and leaves the property.</p> <p>If approved, conditions can be placed on the approval ensuring that the road verge (road and crossover) is protected and maintained in its current condition. Any non-compliance with planning conditions may result in legal action being taken against the applicant.</p>	Comments noted. If the application is approved, appropriate conditions can be placed on the approval to address these concerns.
#A295507	<p>Objects for the following reasons: An approval for this application may set a precedent for similar activities in the area. This would potentially change the nature of the special rural zone and reduce property values and lifestyle.</p> <p>The road (Upton Close) is not designed to cater for trucks</p>	<p>The parking of a commercial vehicle within this Special Rural area is an SA use and therefore can be considered by Council on any lot within the estate. Each application will be assessed on its own merits.</p> <p>Refer above comments.</p>	Comment noted. If the application is approved, appropriate conditions can be placed on the approval to address



Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Dismiss)
	<p>and trailers. The vehicles have to manoeuvre in and out leading to early deterioration of the surface and edges.</p> <p>As our lifestyle develops towards retirement, the parking of the commercial vehicle is likely to create an increasing nuisance. We chose to live in this area to escape from, as much as possible, noisy activities whilst accepting the normal use of farm machinery. This type of activity detracts from our chosen lifestyle and enjoyment of the locality.</p>	<p>It is considered that the commercial vehicle may pose a nuisance to surrounding neighbours through emissions of noise, dust etc. If approved, conditions can be imposed to help limit disturbance to neighbours, such as restricting the arrival / departure times of the truck.</p>	<p>these concerns.</p>
#A294704	<p>Objects for the following reasons: The claims as made by the applicant in the application (truck movements etc) have already been broken.</p> <p>As he is contradicting his claims during the public submission period, he is likely to revert to his previous behaviour which resulted in complaints in the first place.</p> <p>We purchased our block to enjoy the quiet semi-rural life style and not to live next door to a business, which belongs in an industrial estate.</p>	<p>If this is correct, strict conditions can be imposed ensuring that arrival and departure times are managed accordingly.</p> <p>The applicant has agreed that arrival and departure times are not constant as he travels all around the country and trip times are not set. It is unsubstantiated that the applicant will revert to previous behaviour patterns, however the conditions of planning approval can be enforced under the Town Planning Scheme.</p> <p>Noted. Refer above comments.</p>	<p>Comments noted.</p>
#A295505	<p>Objects for the following reasons: Would FESA approve of a trailer that cannot be easily removed being parked on the fire break in case of a fire?</p> <p>The shrub planting that has been carried out as shown on the site plan will grow</p>	<p>Council's Community Emergency Services Manager has advised that the parking of the trailer at the rear of the property does not pose any problems.</p> <p>It is considered that the issue of where the shrubs have been planted has no bearing on the</p>	<p>Comments noted. Appropriate conditions can be imposed on the application addressing these</p>

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Dismiss)
	<p>thorough the fence and into my property and I am again concerned about fire and damage to the fence.</p> <p>Although the trailer is 1.25 metres high, when it is loaded it is considerably higher and is extremely visible.</p> <p>Recently, two prime movers have been on the property swapping trailers over. This is not the parking of a truck, this is the running of a transport yard.</p> <p>Historically, the truck has not only moved to and from the property during daylight hours. Quite often the truck arrives or leaves early in the morning (5am) or late at night (10pm). The truck also idles for 15 minutes before it leaves causing disturbances.</p> <p>Mechanical work is undertaken on the truck on the property.</p> <p>There have been on occasions two prime movers and up to four trailers on the property for several days and</p>	<p>application at hand. The shrubs will actually help to screen the truck from the adjoining property. The matter of damage to boundary fences is a civil matter between two neighbours.</p> <p>Under the scheme, the trailer is allowed to be loaded as long as the total height does not exceed 4.3 metres or exceed 42.5 tonnes in weight. Conditions can be placed on the approval to ensure compliance with these requirements and the scheme.</p> <p>The swapping over of a trailer from one prime mover to another is technically defined as a 'Transport Depot' under the scheme. The applicant has advised that he does have a second prime mover that he is in the process of selling. A condition can be placed on the approval stipulating that only one prime mover and one trailer are to be on the property at any given time to address this issue.</p> <p>If approved, the hours of movement on and off the property can be controlled through appropriate planning conditions.</p> <p>There is no evidence to substantiate this comment, however conditions will be placed on the approval to restrict mechanical or any repairs to the truck on the land.</p> <p>Noted. Refer above comments.</p>	<p>concerns.</p>

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Dismiss)
	<p>many weekends are disrupted by moving trailers around.</p> <p>The truck and trailers are highly visible from our outdoor entertaining area as they are parked on the firebreak right up against the lot boundary.</p> <p>Real estate agents have advised that anything that is visually or audibly undesirable will devalue surrounding properties.</p> <p>We moved to the area for peace and tranquility and have no confidence that the movement times of the truck as listed in the application would be adhered to.</p>	<p>Photos submitted by the objector confirm this statement. If approved, a screening condition can be imposed on the application to limit the visual amenity impacts of the commercial vehicles.</p> <p>There is no evidence to substantiate this comment.</p> <p>If conditions are imposed limiting the movement of the vehicles on the property, then it will become a matter of compliance if they are not adhered to by the applicant.</p>	

**Comment:**

Under the scheme, Commercial Vehicle Parking is defined as follows:

***Commercial Vehicle Parking –***

- a) *means the parking of one commercial vehicle on any land within the Scheme Area. A vehicle shall be parked for the purpose of this definition if it is present on the subject land for more than two hours and is not in that time being used to load or unload anything, or in connection with building or development work carried on with all necessary Council approvals.*
- b) *If a trailer or the like having no independent means of propulsion is attached to a prime mover or other motorised vehicle, the two in combination shall be regarded as one commercial vehicle for the purpose of this Scheme.*
- c) *However where a trailer or the like is not presently attached to a prime mover or other motorised vehicle, it shall, subject to paragraph (d) be regarded as a separate commercial vehicle for the purpose of this Scheme.*
- d) *Where there is one prime mover and one trailer on a lot, and even though not attached they are ordinarily used in combination, the two shall be regarded as one commercial vehicle for the purpose of this Scheme.*

The proposal complies with the definition above as there will only be one (1) prime mover and one (1) trailer on the property.

As a result of the previous refusal to the applicant for the parking of one (1) prime mover and two (2) trailers on the property, the applicant has since relocated the second trailer to a trucking yard in an adjoining locality. Within the new application, the applicant has stated that the trailer that will be parked on the property will vary between the two depending on the jobs that are being requested. Although the applicant is within his right to own two separate

trailers, only one will be permitted on the block at any one time. Therefore, if the applicant wishes to swap the trailers over he will need to do so off-site at a transport yard. Further, the applicant has advised that he has a second prime mover that he is in the process of selling. The second prime mover is not to be kept on the property at any time and must be kept elsewhere by the applicant until it is sold.

Council's Town Planning Scheme No. 2 contains the following provisions relating to the parking of a commercial vehicle on a lot used for residential purposes:

**5.5.4** *Notwithstanding the generality of the preceding subclause, the Council shall not grant its approval for parking of a commercial vehicle on a lot used for residential purposes, or on a lot where any adjoining lot is used for residential purposes unless:*

(a) *provision is made for the vehicle to be housed in a garage, or parked behind the building line;*

(b) *the vehicle together with its load does not exceed the following dimensions and mass:*

<i>width</i>	<i>2.5m</i>
<i>height</i>	<i>4.3m</i>
<i>length</i>	<i>12.5m rigid truck or trailer</i>
	<i>19.0m articulated vehicle</i>

*maximum mass including load 42.5 tonnes*

(c) *in the Council's opinion the parking of the vehicle will not prejudicially affect the amenity of the neighbourhood due to emission of light, noise, vibration, smell, fumes, smoke or dust.*

(d) *the vehicle is predominantly used by a person who is an occupier of a dwelling on the lot where the vehicle is parked, as an essential part of the lawful occupation or business of that person.*

The prime mover and trailer are parked out in the open but are located behind the property line complying with (a) above. The prime mover is to be parked out the front of the shed with the trailer parked behind the dwelling between the water tank and the rear boundary fence. This position will help the trailer to be screened from view from the street. As stated by the applicant, the truck is 6.75m long with the trailer being 13.5m long. The length of the trailers does not meet the requirements stipulated above as it exceeds the 12.5m requirement by 1.0m. The combined length of the truck and the trailer complies with the 19.0, requirement when connected to each other. It is considered that the length of the trailer is only a minor variation to the requirement and will not affect the nature of the proposal. The inclusion of strict conditions on the planning approval will ensure that the proposal complies with part (c) above with part (d) also compliant as the applicant resides on the property.

### Conclusion

It is considered that the parking of the commercial vehicle on the property may only impact on the adjoining northern neighbour as their dwelling is located the closest to the truck parking area about 100 metres away. However, the applicant has planted shrubs along the boundary line to help screen the prime mover from view. The trailer is also to be parked behind the shed to help reduce visual impacts on adjoining properties. All other dwellings in the street are located a minimum of 120m from the truck parking area thereby reducing the noise impacts that these dwellings may experience. The adjoining north-western property has not had a house built on it yet but the building envelope for this lot is located approximately 70m from the truck parking area. It is considered that when this lot is built on, 70m will be an adequate distance from the truck area to the new dwelling. Furthermore, a

number of surrounding lots are quite vegetated along lot boundaries helping to screen the commercial vehicle from view.

The applicant has stated that as his employment requires undertaking trips to the eastern states on a regular basis that the commercial vehicle will only be parked on the property one or two days per week. Also, as his jobs and destinations change regularly, the times that the commercial vehicle leaves and enters the property are not constant. It has been stated by the applicant that the truck enters and leaves the property during daylight hours but this could easily change depending on the current job that the applicant is being employed for and also during the winter months. It is therefore considered that flexible times be imposed as a condition of planning approval to allow for slight variations in arrival and departure times.

It is further recommended that conditions limiting truck movements on and off the property not be imposed. This is due to the fact that any swapping of trailers that the applicant wants to do has to be done off site and will consequently result in a number of movements on and off the property per day. It is considered that since the commercial vehicle is mainly used for interstate trips which take up to a few days at a time, truck movements will be kept to a minimum.

It is considered that if all conditions of approval were complied with, then the commercial vehicle would not adversely affect the amenity of the street. Furthermore, tree planting that has been undertaken by the applicant will help to screen the commercial vehicle from adjoining properties reducing the possible negative impacts on the amenity of the area. The minimal truck movements on and off the property will also not impact dramatically on the locality or on adjoining landowners. It is, therefore, recommended that approval to keep the commercial vehicle on the property be granted.

**Voting Requirements:** Normal

**SD046/10/05 Officer Recommended Resolution:**

The application for Commercial Vehicle Parking on Lot 57 (#16) Upton Close, Oakford be approved subject to the following conditions:

- 1 Approval is for the parking of one (1) commercial vehicle comprising one (1) prime mover and one (1) trailer only.
- 2 Only one (1) commercial vehicle is permitted on the property at any given time. No other prime movers or trailers are permitted on the property.
- 3 Approval is specific to the applicant only and does not run with the land.
- 4 No commercial activities are to be undertaken from the property.
- 5 No mechanical servicing or repairs of the commercial vehicle is permitted on the subject land.
- 6 The prime mover and trailer are to be parked on the property in the location as shown on the approved site plan attached to and forming part of this approval.
- 7 Parking of the commercial vehicle in front of the dwelling or on the road verge is not permitted.
- 8 The proposed commercial vehicle is to comply at all times with the requirements of 'Commercial Vehicle Parking' as stipulated in Council's Town Planning Scheme No.2.
- 9 The commercial vehicle is not to enter or leave the property between 8.00pm and 6.00am.
- 10 The western side of the trailer parking area, along the boundary line is to be screened in accordance with Council's Info Note PS03 – Landscaping and Revegetation and established by 30 September 2006 to the satisfaction of the Shire.

LOST 2/5

**SD046/10/05 Committee Recommended Resolution**

Moved Cr Hoyer seconded Cr Kirkpatrick

The application for Commercial Vehicle Parking on Lot 57 (#16) Upton Close, Oakford be approved subject to the following conditions:

- 1 Approval is for the parking of one (1) commercial vehicle comprising one (1) prime mover and one (1) trailer only.
- 2 Only one (1) commercial vehicle is permitted on the property at any given time. No other prime movers or trailers are permitted on the property.
- 3 Approval is specific to the applicant only and does not run with the land.
- 4 No commercial activities are to be undertaken from the property.
- 5 No mechanical servicing or repairs of the commercial vehicle is permitted on the subject land.
- 6 The prime mover and trailer are to be parked on the property in the location as shown on the approved site plan attached to and forming part of this approval.
- 7 Parking of the commercial vehicle in front of the dwelling or on the road verge is not permitted.
- 8 The proposed commercial vehicle is to comply at all times with the requirements of 'Commercial Vehicle Parking' as stipulated in Council's Town Planning Scheme No.2.
- 9 The commercial vehicle is not to enter or leave the property between 8.00pm and 6.00am Monday to Saturday and no commercial vehicle movements on Sunday are permitted.
- 10 The western side of the trailer parking area, along the boundary line is to be screened in accordance with Council's Info Note PS03 – Landscaping and Revegetation and established by 30 September 2006 to the satisfaction of the Shire.

**AMENDMENT**

Moved Cr Murphy seconded Cr Star

That in part 6 the words "to the satisfaction of the Executive Manager Planning & Regulatory Services" be added after the word location and the words "as shown on the approved site plan attached to and forming part of this approval" be deleted.

After debate the presiding person then put the amendment which was  
**CARRIED 9/0**

The presiding person then put the amended motion:

**SD046/10/05 COUNCIL DECISION**

The application for Commercial Vehicle Parking on Lot 57 (#16) Upton Close, Oakford be approved subject to the following conditions:

- 1 Approval is for the parking of one (1) commercial vehicle comprising one (1) prime mover and one (1) trailer only.
- 2 Only one (1) commercial vehicle is permitted on the property at any given time. No other prime movers or trailers are permitted on the property.
- 3 Approval is specific to the applicant only and does not run with the land.
- 4 No commercial activities are to be undertaken from the property.
- 5 No mechanical servicing or repairs of the commercial vehicle is permitted on the subject land.
- 6 The prime mover and trailer are to be parked on the property in the location to the satisfaction of the Executive Manager Planning & Regulatory Services.
- 7 Parking of the commercial vehicle in front of the dwelling or on the road verge is not permitted.

- 8 The proposed commercial vehicle is to comply at all times with the requirements of 'Commercial Vehicle Parking' as stipulated in Council's Town Planning Scheme No.2.**
- 9 The commercial vehicle is not to enter or leave the property between 8.00pm and 6.00am Monday to Saturday and no commercial vehicle movements on Sunday are permitted.**
- 10 The western side of the trailer parking area, along the boundary line is to be screened in accordance with Council's Info Note PS03 – Landscaping and Revegetation and established by 30 September 2006 to the satisfaction of the Shire.**
- CARRIED 8/1**

**Council Note:** The Committee Recommended Resolution was amended to allow further investigation in respect to the location of the commercial vehicle parking on the site.

SD047/10/05 PROPOSED OVERSIZE AND OVERHEIGHT OUTBUILDING – LOT 106 KEIRNAN STREET, WHITBY (P03533/02)		
Proponent:	Craig Ferguson	In Brief  The applicant seeks planning approval for an oversize and over-height outbuilding. It is recommended that the application be conditionally approved.
Owner:	As Above	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	5 October 2005	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report has a declared interest.	
<b>Delegation</b>	<b>Council</b>	

Owner: Craig Ferguson  
 Owner's Address: 106 Keirnan Street, Whitby  
 Applicant: As above  
 Applicant's Address: As above  
 Date of Receipt: 1 July 2005  
 Advertised: 15 August – 6 September 2005  
 Submissions: 1 letter of concern  
 Lot Area: 3.7090 ha  
 L.A Zoning: Special Rural  
 MRS Zoning: Urban Deferred  
 Byford Structure Plan: N/A  
 Rural Strategy Policy Area: N/A  
 Rural Strategy Overlay: N/A  
 Municipal Inventory: N/A  
 Townscape/Heritage Precinct: N/A  
 Bush Forever: N/A  
 Date of Inspection: 30 August 2005

### **Background**

The applicant proposes to construct a two-storey oversize outbuilding on the subject property.

The subject building is to be 13.0m by 14.0m in size (182m<sup>2</sup>), has a wall height of 6.0m and a ridge height of 7.8m. The outbuilding is to be constructed out of concrete wall panels and a colorbond roof. The outbuilding is to be setback 59.0m from the northern property boundary, 25.0m from the western boundary and will be located 22.0m from the existing residence. The

applicant has stated that the ground floor of the building will be used as a workshop while the first floor will become a games room.

***A copy of the development plans are with the attachments marked SD047.1/10/05.***

### **Sustainability Statement**

***Effect on Environment:*** The proposed outbuilding will not impact on the existing environment as it will be located on an old horse arena which has already been cleared of vegetation. The outbuilding is not visible from adjoining properties or the road and is setback a substantial distance from the adjoining reserve.

***Resource Implications:*** The proposal will not result in any resource implications or the removal of any existing vegetation.

***Use of Local, renewable or recycled Resources:*** It is considered that the proposal may use locally available resources in the construction of the outbuilding.

***Social – Quality of Life:*** It is considered that the proposal is unlikely to impact on the quality of life for the community as it will be screened from view. The proposal will not be visually intrusive in any manner.

***Social and Environmental Responsibility:*** The proposal will not result in the removal of any vegetation and is unlikely to impact on the community.

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

**Statutory Environment:** Town Planning Scheme No.2

**Policy/Work Procedure Implications:** Local Planning Policy No.17 – Residential and Incidental Development with Serpentine Jarrahdale Shire  
Local Planning Policy No.8 – Landscape Protection

**Financial Implications:** There are no Financial implications to Council related to this application/issue.

**Strategic Implications:** This proposal relates to the following Key Sustainability Result Areas:-  
**2. Environment**  
*Objective 1: Protect and repair natural resources and processes throughout the Shire*  
Strategies:  
3. Encourage protection and rehabilitation of natural resources.  
6. Value, protect and develop biodiversity.  
**4. Governance**  
*Objective 3: Compliance to necessary legislation*  
Strategy:  
1. Ensure development and use of infrastructure and land complies with required standards.

### **Community Consultation:**

The application was referred to surrounding landowners for comment between the 15 August and 6 September 2005. During this period, one letter of concern was received. The reasons for concern were stipulated as follows:



- 1     *A second big building on the block will take precedence of other landowners to put big buildings on their land too.*
- 2     *Our neighbourhood is classified as Special Rural and we would love it to stay that way.*

The establishment of the proposed outbuilding on the subject property will not necessarily set a precedent for other landowners to do the same as each application is assessed on its own merits. The subject proposal is very well screened from adjoining properties and the road and will not impact on surrounding landowners. A similar construction that was highly visible from adjoining properties would be unlikely to be recommended for approval. Therefore, this application will not set a precedent for the area.

The subject land is zoned Special Rural under the Scheme and that is why the proposal is deemed to be oversized and over-height. It is considered that the proposed outbuilding will not impact upon the Special Rural nature of the locality.

**Comment:**

Under Council's Local Planning Policy No.17, the maximum wall and ridge heights for an outbuilding in the Special Rural zone is 4.0m and 6.0m respectively. The proposed development therefore exceeds these maximums by 2.0m (wall height) and 1.8m (ridge height). The outbuilding is proposed to be in a location that is very well screened from adjoining properties and Keirnan Street. Also, the building is to be sited on an old horse arena that has already been cleared of vegetation. It is considered that no further screening of the development would be required and no vegetation would need to be removed.

The subject site is located within Council's Landscape Protection Policy Area which has an objective 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.”*

The applicant stated on site that he will blend the proposed outbuilding in with existing development on site and the surrounding environment. As the concrete panels are a standard 'grey' in colour, the applicant is willing to paint the panels in a colour that is agreed to by the Shire. The outbuilding is proposed to be constructed out of concrete for the purpose of ease of construction and the fact that it is cheaper for the applicant to use concrete compared to colorbond. The applicant is also proposing to clad the roof in colorbond and in a colour that matches the existing dwelling on the property. A condition stating that the external finishes and colour of the outbuilding are to be agreed to by the Shire prior to the issue of a building licence can be imposed on the development to ensure that the proposal complies with the objectives of the Landscape Protection Policy.

The applicant has written to the Shire advising that the proposed outbuilding is not to be used for habitable purposes and will be strictly used as a games room and workshop. The ground floor of the development will be used as a workshop and will house up to five private vehicles. The workshop will also contain equipment that is required for the general maintenance of a Special Rural property. The first floor, being the proposed games room, will be used for leisure purposes. The applicant has also stated that he has no intention to install any toilets or plumbing systems in the outbuilding.

It is considered that due to the size of the property, the large setbacks from boundaries and the location in which the building is proposed to be built, the proposal will not negatively impact on surrounding landowners, the locality or the environment. The subject site is heavily vegetated around the boundary with the proposal being adequately screened from neighbours. Further, as the building is to be built behind the existing dwelling it will not be able to be seen from Keirnan Street.

By imposing the recommended conditions on the development, it is considered that the proposal can adequately be catered for on site. It is the opinion that the proposal will not set a precedent for other land owners to apply for similar buildings. Each application is assessed on its own merits. The proposal does not impact on the surrounding environment, cannot be seen from adjoining properties and will be painted to the satisfaction of Council to ensure that it blends in with the locality as best as possible. Therefore, it is recommended that the application be conditionally approved.

**Voting Requirements:** Normal

**Officer Recommended Resolution:**

The application for approval for an oversize and overheight shed at Lot 106 Keirnan Street, Whitby be approved subject to the following conditions:

1. A building licence is required to be obtained prior to the commencement of any development (including earthworks).
2. The outbuilding is to be constructed of new materials.
3. The outbuilding 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.
4. No direct discharge of stormwater into watercourses or drainage lines.
5. All stormwater from roofs and hardstand areas are to be disposed of on-site.
6. The concrete panels are to be painted in a colour of natural or earth tonings to complement the natural surroundings and existing development on site and are to be maintained to the satisfaction of the Shire. A colour schedule is to be submitted for the concrete panels and colorbond roofing to the satisfaction of the Shire prior to the issue of a building licence.
7. The outbuilding is not to be used for any commercial activities or habitable purposes unless the prior written approval of the Shire is obtained.
8. The outbuilding is to be used strictly as a workshop and games room. No other uses are permitted without the prior written approval of the Shire.

Advice Note:

1. Any effluent disposal or plumbing system proposed to be installed within the outbuilding requires the prior written approval of the Shire. No effluent disposal system is to be installed within 100 metres of a water course.

**SD047/10/05 COUNCIL DECISION/Committee Recommended Resolution:**

**Moved Cr Star seconded Cr Hoyer**

**The application for approval of an oversize and overheight shed at Lot 106 Keirnan Street, Whitby be refused on the grounds that the building is not in accordance with Council's Local Planning Policy No. 17 relating to height and size.**

**CARRIED 9/0**

Committee Note: The Officer Recommended Resolution was changed by refusing the application as the building is not in accordance with Council's Local Planning Policy No. 17 relating to height and size.

SD048/10/05 PROPOSED SUBDIVISION – LOT 5082 THOMAS ROAD, OAKFORD (S129011)		
Proponent:	Koltasz Smith	In Brief  The applicant seeks approval from the Western Australian Planning Commission (WAPC) to subdivide Lot 5082 Thomas Road, Oakford into fifty six (56) 'Rural Living A' lots ranging in area from 0.4095ha to 0.5916ha. It is recommended that Council advise the WAPC that the application is supported subject to the conditions outlined in the officer's report.
Owner:	Algeri Nominees Pty Ltd	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	3 October 2005	
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	
<b>Delegation</b>	<b>Council</b>	

Owner: Algeri Nominees Pty Ltd  
 Owner's Address: 640 Kargotich Road, Oldbury WA 6121  
 Applicant: Koltasz Smith  
 Applicant's Address: PO Box 127, Burswood WA 6100  
 Date of Receipt: 27 July 2005  
 Advertised: N/A  
 Submissions: N/A  
 Lot Area: 33.4619ha  
 L.A Zoning: Rural Living A  
 MRS Zoning: Rural  
 Byford Structure Plan: N/A  
 Rural Strategy Policy Area: Rural Living A & B  
 Rural Strategy Overlay: N/A  
 Municipal Inventory: N/A  
 Townscape/Heritage Precinct: N/A  
 Bush Forever: N/A  
 Date of Inspection: October 2004

### **Background**

The applicant is seeking approval from the WAPC to subdivide Lot 5082 Thomas Road, Oakford into fifty six (56) 'Rural Living A' lots ranging in area from 0.4095ha to 0.5916ha.

### **Amendment No.38 to Town Planning Scheme No.2**

On 6 December 1999, the Minister for Planning granted final approval to amendment No.38 to Council's Town Planning Scheme No.2 to rezone Lot 5082 (formerly Lot 3) Thomas Road, Oakford from 'Rural' to 'Rural Living A'. As part of this amendment, a subdivision guide plan for the subject land was adopted by Council showing how Lot 5082 could initially be subdivided into 2.0ha lots. Overlays showing how the land could be broken down further into 1.0ha and 0.5ha lots were also included on the subdivision guide plan to enable future subdivision when the land is connected to relevant services, specifically scheme water and sewer.

The subdivision guide plan initially showed the possible creation of 14 lots of 2.0ha with an ultimate development potential of 56 lots at 0.5ha.

***A copy of the Subdivision Guide Plan (Plan A) for Amendment No. 38 is with the attachments marked SD048.1/10/05.***

### Previous Subdivision Application

A previous subdivision application to subdivide the land was received by Council on 8 September 2004. This application proposed the creation of 14 lots 2.0ha in size with a separate plan showing further subdivision into 1.0ha lots when connected to relevant services. Although some aspects of the proposed subdivision was similar in design to the adopted subdivision guide plan, Council staff deemed that the overall plan represented a significant departure from the subdivision guide plan and thus recommended to the WAPC that the subdivision application be refused. However, the proposed subdivision was approved by the WAPC on 30 December 2004 and is still current.

***A copy of the previously approved subdivision plans (Plan B & C) is with the attachments marked SD048.2/10/05.***

### Current Subdivision Application

A new subdivision application for the subject land was received on 27 July 2005. In contrast to the previously approved subdivision application which proposed the creation of 2.0ha lots with 1.0ha overlays, the new application proposed the creation of 56 lots ranging in size from 0.5ha to 0.5381ha. The proposed plan was generally in accordance with the adopted subdivision guide plan.

***A copy of the original plan of subdivision (Plan D) is with the attachments marked SD048.3/10/05.***

After an initial assessment of the proposed application with Council staff, representatives from Koltasz Smith were invited to meet Shire officers to discuss a number of issues with the proposed plan including problems with access to the subdivision, road and lot layout. Representatives from Koltasz Smith agreed that the current plan of subdivision, although similar to the subdivision guide plan, does not represent the best planning outcome for the area and presented to Council staff a revised plan of subdivision which almost eradicates the need for any battle-axe legs to be constructed. Although the design is not strictly in accordance with the approved subdivision guide plan, it does represent a better planning outcome.

***A copy of the revised plan of subdivision (Plan E) is with the attachments marked SD048.4/10/05.***

The revised plan of subdivision was formally referred to Council by the WAPC for comment on 9 September 2005.

### Sustainability Statement

***Effect on Environment:*** The proposed subdivision design will result in the removal of some existing vegetation on site in order to create roads and battle-axe legs. The majority of the vegetation in the south-east corner of the property will be incorporated into an area of 'Public Open Space' and will be utilised and maintained for public use. The recommended response to the WAPC contains detailed conditions relating to the preparation of Landscape and Revegetation Plans that, if implemented by the WAPC, will ensure that substantial planting is undertaken on the property and that nutrient management is undertaken in accordance with Shire requirements.

As the subdivision will be connected to sewer and will not require on-site effluent disposal systems, the risk of contamination of the groundwater from such systems has been removed.

***Resource Implications:*** A majority of the lots within the subdivision have a direct north-south or east-west orientation helping to increase solar efficiency. Further, the large building

envelopes on the block will enable future development to be orientated north to achieve solar passive design.

**Use of Local, renewable or recycled Resources:** While there are no direct implications, it is recommended that the proponent be encouraged to use local contractors and materials wherever possible in the eventual construction phase of the development.

**Economic Viability:** There will be ongoing costs to Council for the maintenance of the infrastructure that will be constructed (roads, POS, drains etc).

**Economic Benefits:** There will be economic benefits to the Shire as a result of this subdivision relating to subdivision works and new dwelling construction.

**Social – Quality of Life:** The proposed subdivision is unlikely to impact on the quality of life of any adjacent resident except for a short period during construction of the subdivision and the installation of services (ie dust and noise). However, measures can be implemented to reduce these impacts during that phase.

**Social and Environmental Responsibility:** Opportunities exist to work with the developer to achieve sustainable environmental outcomes through the implementation of Landscape and Revegetation Plans.

**Social Diversity:** The proposed subdivision provides a diversity of lots sizes between 0.4095ha and 0.5916ha helping to provide a social mix in the eventual development of the subdivision.

**Statutory Environment:**

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

**Policy/Work Procedure Implications:**

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

**Financial Implications:**

Future ongoing costs to the Shire to maintain new public infrastructure within the development e.g. public open space, roads, pathways, street sweeping, inspection and cleaning of drainage pits, inspection of swales and management of landscaping.

**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*

Strategy:

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.
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.

**3. Economic**

*Objective 3: Effective management of Shire growth*

Strategy:

1. Enhance economic futures for Shire communities.

**4. Governance**

*Objective 3: Compliance to necessary legislation*

Strategies:

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

**Community Consultation:**

Community consultation was not undertaken in respect to the revised plan of subdivision as the land has previously been rezoned to accommodate Rural Living development. Community consultation was undertaken during the rezoning stage.

**Comment:**

The revised plan of subdivision represents a much better planning outcome for the Shire. As the revised plan can be considered to be a variation to the adopted subdivision guide plan, Council determination is required before a response can be sent back to the WAPC and prior to a decision being made.

**Town Planning Scheme No.2 (TPS 2)**

In relation to amendments to plans of subdivision where there is an approved Subdivision Guide Plan in place, clause 5.12.9 of Council's TPS 2 states the following:

- (a) *subdivision shall be in accordance with the appropriate Subdivision Guide Plan endorsed by the Shire Clerk but minor amendments to the plan of subdivision may be permitted subject to the approval of the Commission, and Council, however, lot sizes will not generally be permitted to be reduced.*

Further, Special Provision 12 for the estate as stipulated within TPS 2, states:

*The Council shall not support any application for subdivision of the land into Rural Living A lot sizes unless the subdivision is consistent with a Subdivision Guide Plan endorsed by Council and the Commission for whole or part of the area.*

Although the above clauses stipulate that any proposed subdivision needs to be in accordance to the adopted subdivision guide plan, due regard needs to be given to subdivision proposals that result in a better planning outcome for the Shire and for future residents of the proposed lots. The revised plan of subdivision is considered to be generally

in accordance with the subdivision guide plan and represents an improved design for a number of reasons relating to emergency access, road layout and lot design.

### Benefits of the Revised Plan of Subdivision

The proposed modifications are considered to be in accordance with the provisions of Council's TPS 2 relating to the 'Rural Living A' zone and the special provisions listed in Appendix 4A for the estate, including a minimum recommended lot size of 4000m<sup>2</sup>.

Although the revised plan of subdivision varies to the previous plan and the adopted subdivision guide plan, it is considered that it is still generally in accordance with the adopted subdivision guide plan. Both plans have a central road traversing the block east to west with this road being moved slightly south on the revised plan. The culs-de-sac as shown on the subdivision guide plan have been shifted to the east with a proposed new road linking the cul-de-sac heads to create a loop system. Lot yields remain the same for both the revised plan and the subdivision guide plan at fifty six (56) lots. Further, the proposed subdivision is to be connected to sewer whereas the current subdivision approval will require each dwelling be connected to an on-site effluent disposal system. It is considered that connection to sewer is preferable to on-site disposal methods.

The benefits of the revised plan over the original plan are detailed below.

#### *Emergency Access*

The original plan of subdivision posed significant problems for access by emergency vehicles as the two culs-de-sac did not enable a proper flow through of traffic. Although access to the site by emergency vehicles is still either by the emergency access way off Thomas Road or via the road link from Hopkinson Road, the new loop road as shown on the revised plan will enable a greater ease of access to all lots within the subdivision. Further, the creation of the loop road reduces the number of battle-axe legs that need to be created and results in all but four of the lots having direct frontage onto the new subdivisional roads.

#### *Road Layout*

As previously mentioned, the revised road layout reduces the number of battle-axe legs that need to be created. Under the previous subdivision plan and the adopted subdivision guide plan, eighteen (18) battle-axe legs were proposed to be constructed. This number has been reduced to four (4) under the new plan with all of the remaining fifty-two (52) blocks having direct frontage onto the new subdivisional roads. In the past Council have steered away from subdivision designs which result in a high number of battle-axe legs needing to be created. It is considered that a design which increases the number of lots having direct road frontage and reduces the number of battle-axe legs, such as the new design, would be the preferred option.

#### *Lot Design*

Although the new plan of subdivision does not necessarily improve solar access to the proposed lots, the creation of the loop road results in more blocks being more rectangular and uniform in shape. Under the old plan and the subdivision guide plan, the eastern cul-de-sac resulted in lots 27 to 32 being irregular in shape with very narrow street frontages. Twenty two (22) blocks under the original plan had a frontage of 8.0 metres or less. This would have a detrimental impact on the streetscape of the area. The revised plan results in a more rectangular subdivision design with only three (lots) having a frontage of 8.0 metres or less.

The revised plan does not improve solar access to the proposed lots, however, the large building envelopes (1000m<sup>2</sup>) enable any future dwelling to be orientated north no matter which way the block may face.

#### *Conclusion*

The new plan of subdivision represents improvements in the areas of emergency access, road layout and lot design. Although the revised plan varies slightly to the adopted

subdivision guide plan, it results in a substantially better planning outcome than the original proposal.

### Officer Comment

#### *Environmental*

Environmental comments received mainly relate to the vegetation planting that should be undertaken on the subdivision and requests for appropriate nutrient management measures being put in place. It is considered that the concerns raised can be addressed through recommending appropriate conditions to the WAPC. It has been requested that the drainage reserve along the southern property boundary be widened to adequately cater for a drain, vegetation corridor, multiple use trail and firebreak. The widening of the drainage reserve is also supported by Asset Services (see below). The widening of this corridor from 5.0 metres to 10.0 metres is included as a recommended condition of subdivision approval.

A landscape and vegetation management plan is requested to be prepared. This will also be included as a recommended condition and will give Shire officers the opportunity to work with the developer to achieve suitable environmental outcomes.

#### *Fire & Emergency Services*

Council's Community Emergency Services Manager has indicated that the revised plan of subdivision will improve access for emergency vehicles. He has also recommended that strategic firebreaks/emergency access ways and fire hydrants be constructed and installed in the subdivision. These requirements will be recommended to the WAPC as conditions of approval.

#### *Health*

The proposed subdivision is to be connected to sewer so there won't be any need for any on-site effluent disposal systems to be installed on the proposed lots. Under the Government Sewerage Policy, developers are encouraged to connect to sewer where on-site effluent disposal is deemed to be an unsuitable option. Even though the proposed subdivision could utilise on-site disposal methods in accordance with the sewerage policy, the developer of the estate has presented to Council staff his intention to connect the subdivision to the sewer network.

The existing sewer line is located on the eastern side of Tonkin Highway and is therefore relatively easy to be connected to the proposed subdivision. Further, from a marketing perspective, the developer has indicated that lots that do not need to use on-site systems that typically will be raised significantly above ground level will be more attractive to potential buyers. The subdivision being connected to sewer is the best outcome for Council, the developer and prospective purchasers.

#### *Engineering*

The subject land abuts a 'Primary Regional Road' reservation (Tonkin Highway) and an 'Other Regional Road' reservation (Thomas Road) under the Metropolitan Region Scheme. The land required for the future Tonkin Highway has previously been excised from the subject land and does not form part of the subdivision application.

As the land to the west of Lot 5082 Thomas Road is still zoned Rural under the Town Planning Scheme and therefore cannot be subdivided, the interim access into the subdivision is via an interim road connection to the existing Hopkinson Road alignment. Once the Tonkin Highway is constructed south of Thomas Road, the proposed subdivisional road will be connected to the Hopkinson service road which will be created once Hopkinson Road is realigned. Main Roads have advised that Hopkinson Road will be realigned as part of the next stage of the Tonkin Highway. Therefore, access into the subdivision from Hopkinson Road is unlikely to be impacted upon when the Tonkin Highway is constructed south of Thomas Road.



The existing drainage channels on the property are proposed to be realigned and incorporated into the road reserve. The incorporation of specific conditions relating to drainage and the preparation of drainage management plans in Council's response to the WAPC will ensure that drainage is adequately catered for on the property and undertaken in accordance with Shire policies.

The proposed drainage reserves as shown on the plan of subdivision are considered to be too narrow and are not in accordance with the subdivision guide plan. It is recommended that the drainage easement that runs along the western property boundary be widened from 3.0 metres to 5.0 metres and be shown as a reserve rather than an easement. The drainage reserve along the southern boundary should be widened from 5.0 metres to 10.0 metres to be able to accommodate the construction of a bridle path.

### Conclusion

The revised plan of subdivision (Plan E) as submitted to Council for comment for Lot 5082 Thomas Road, Oakford represents a significant improvement to the original subdivision guide plan for the area as adopted by the Minister for Planning on 6 December 1999. The revised plan almost eradicates the need for any battle-axe legs to be constructed, provides a loop road to enable ease of access through the subdivision for both residents and emergency service vehicles and results in lot shapes that are more uniform and regular in shape.

The subject lot has a current subdivision approval for 2.0ha development in accordance with the guide plan. It is considered that the adopted subdivision guide plan does not reflect the most sustainable planning principles or ideas so any chance to amend the design of the subdivision to create a development that is more compatible with the objectives of Council should be embraced. The proposed subdivision design is supported by Council staff with minor amendments requested with respect to proposed drainage corridors and vegetation and nutrient management. Through the recommendation to the WAPC that the subdivision be approved subject to specific and strict conditions, these issues are able to be addressed through the preparation of relevant plans and working together with the subdivider to achieve a sustainable outcome.

It is therefore advised that Council recommended to the WAPC that the revised plan of subdivision for Lot 5082 Thomas Road, Oakford be conditionally approved.

**Voting Requirements:** Normal

### **Officer Recommended Resolution:**

Council recommends to the Western Australian Planning Commission that the proposed subdivision on Lot 5082 Thomas Road, Oakford be approved subject to the following conditions:

- 1 Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road(s) connected to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost.
- 2 The subdivider is to comply with the requirements of the Shire of Serpentine-Jarrahdale Engineering Standards for Subdivisional Development subject to any modifications required as a consequence of any conditions of this approval to the satisfaction of the Western Australian Planning Commission.
- 3 The subdivision to be connected to sewer to the satisfaction of the Local Authority.
- 4 Street corners within the subdivision being truncated to the standard truncation of 14.0 metres to the satisfaction of the Western Australian Planning Commission.
- 5 The cul-de-sac heads being designed and constructed to the satisfaction of the Western Australian Planning Commission.

- 6 A cul-de-sac head being constructed where the proposed subdivisional road intersects the boundary of the adjoining western property to the satisfaction of the Western Australian Planning Commission.
- 7 Satisfactory arrangements being made with the Local Government Authority for the upgrading of the intersection of Hopkinson Road and the proposed subdivisional road to the satisfaction of the Local Authority.
- 8 The battle-axe legs being constructed and drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.
- 9 The construction of a temporary link road between the subject site and Hopkinson Road, to the satisfaction of the Western Australian Planning Commission.
- 10 The subdivider constructing the bridal paths (including the emergency access between proposed Lots 8 and 9) in accordance with the plan of subdivision to the satisfaction of the Western Australian Planning Commission. The emergency access link between proposed Lots 8 and 9 is to be shown on the Diagram of Survey and widened to a minimum width of 8.0 metres.
- 11 Street intersections being designed and constructed to the satisfaction of the Western Australian Planning Commission.
- 12 Satisfactory arrangements being made with the Shire for the construction and drainage of the proposed road network to the satisfaction of the Western Australian Planning Commission.
- 13 The land being graded and stabilised at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.
- 14 The land being filled and/or drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission, and any easements and/or reserves necessary for the implementation thereof, being provided free of cost.
- 15 Lot 56 is to be deleted and set aside for the specific purpose of a drainage and sewer reserve.
- 16 The subdivider shall prepare and implement a Drainage Management Plan prior to clearance of subdivision to the satisfaction of the Shire and Western Australian Planning Commission. The Plan is to be prepared in accordance with best management practices for water sensitive urban design, focussing on nutrient stripping capabilities within the drainage system and the on site detention and retention of drainage flows. Those drainage easements required by the Shire shall be provided to the Shire free of cost at the time of subdivision to provide for the ongoing maintenance of the drainage system.  
Drainage infrastructure as may be required by the Shire to be developed within reserves being shown on the Diagram of Survey (Deposited Plan) as such and granted free of cost and vested to that Authority under section 20A of the Town Planning and Development Act 1928 to the satisfaction of the Western Australian Planning Commission.
- 17 The drainage basin is to be incorporated into a reserve and shall be designed based on a Flood Average Recurrence Interval ('ARI') of 1 in 10 years to the satisfaction of the Western Australian Planning Commission.
- 18 The drainage reserve along the southern property boundary is to be widened to a minimum width of 10.0 metres to allow the construction of a bridle path.
- 19 The drainage easement as shown on the eastern property boundary is to be widened to a minimum width of 5.0 metres and incorporated as a drainage reserve in accordance with the Subdivision Guide Plan.
- 20 The applicant providing a geotechnical report certifying that the land is physically capable of development, to the satisfaction of the Western Australian Planning Commission.
- 21 Street lighting being provided within all new subdivisional roads and at the intersection of Hopkinson Road and the interim connecting road leading to the subdivision to the satisfaction of the Western Australian Planning Commission.
- 22 The proposed future public open space being shown on the Diagram or Plan of Survey as a "Reserve for Recreation" and vested in the Crown under section 20A of the Town Planning and Development Act 1928, such land to be ceded free of cost

- and without any payment of compensation by the Crown to the satisfaction of the Western Australian Planning Commission.
- 23 Compliance with the standards and provisions of the Shire of Serpentine-Jarrahdale's Town Planning Scheme No. 2 to the satisfaction of the Western Australian Planning Commission.
- 24 The subdivider making arrangements satisfactory to the Western Australian Planning Commission to ensure that prospective purchasers of the lots created will be advised of those provisions of the Shire of Serpentine-Jarrahdale's Town Planning Scheme No. 2 which relates to the use and management of the land.
- 25 Arrangements being made to the satisfaction of the Western Australian Planning Commission to ensure that prospective purchasers of the proposed lots abutting Thomas and Hopkinson Roads are made aware of the existing road reservation for the Tonkin Highway and that dwellings on the lots may need to be designed and constructed to mitigate any impacts arising from the existence of the regional road network.
- 26 Measures being taken to the satisfaction of the Western Australian Planning Commission to ensure identification and protection of any vegetation on the site worthy of retention prior to commencement of site works.
- 27 The subdivider shall prepare for Council approval and thereafter implement a Landscape and Vegetation Plan prior to any site works for the subdivision or public open space areas to the satisfaction of the Western Australian Planning Commission.
- 28 The subdivider is to lodge a bond or bank guarantee with the Local Authority to ensure the survival of remnant vegetation and the management of weeds and revegetation in accordance with the approved Landscape and Vegetation Management Plan.
- 29 The subdivider shall either maintain the trees and shrubs planted on private land until the land is sold, or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the Shire and Western Australian Planning Commission.
- 30 The subdivider shall be responsible for the maintenance of developed public open space and roadside swales for a period of two years from the date of completion of public open space development to the satisfaction of the Western Australian Planning Commission.
- 31 Technical drawings and detailed specifications of all proposed subdivisional infrastructure and servicing works being approved by the Shire prior to the commencement of site works (including the clearing of vegetation). The applicant is advised to liaise with the Shire regarding the required form of the construction drawings.
- 32 Uniform fencing to be provided along the boundaries of all the proposed lots abutting the nominated 'Public Open Space', 'Drainage Reserve' and battleaxe legs and backing onto Thomas Road and the Tonkin Highway reserve, and are to be constructed by the subdivider to the satisfaction of the Western Australian Planning Commission.
- 33 All existing structures are to be removed from the proposed lots to the satisfaction of the Western Australian Planning Commission.
- 34 Arrangements being made to the satisfaction of the Western Australian Planning Commission to define building envelopes on each of the proposed lots, including survey and pegged mark-out of the envelopes on-site, and to ensure that prospective purchasers of the proposed lots are made aware of such.
- 35 A Fire Management plan being prepared and implemented for the subdivision to the satisfaction of the Local Authority.
- 36 The subdivider to install and construct fire hydrants and Strategic Firebreaks/Emergency Access ways to the specification and satisfaction of the Local Authority.

Advice Notes:

- 1 The subdivider is advised to liaise with the Shire regarding the detailed requirements for drainage, particularly in relation to the incorporation of Water Sensitive Urban Design Principles ensuring that the drainage system is designed to maximise infiltration of stormwater runoff as close to the source as possible and piped networks are as small as practicable and incorporate pollutant and sediment trapping devices prior to outfall to infiltration areas incorporated into public open space or multiple use areas.
- 2 The Shire advises that it will not support the burning of cleared vegetation on-site.
- 3 No activities associated with the subdivision site works causing noise and/or inconvenience to neighbours being carried out after 6.00pm or before 7.00am Monday to Saturday, and not at all on Sunday or public holidays to the satisfaction of the Western Australian Planning Commission.
- 4 The Western Australian Planning Commission's approval to subdivision should not be construed as an approval of development on any of the lots proposed.
- 5 The subdivider is advised that no indigenous vegetation or trees shall be destroyed or cleared except, but subject to the landowner obtaining the prior consent of the Shire in writing, where the clearing is required for the purpose of a firebreak on the approved Fire Management Plan, or for an approved dwelling, outbuilding, fence, drainage systems, driveways and/or to accommodate approved development for the subject land.

**SD048/10/05 COUNCIL DECISION/Committee Recommended Resolution:**

**Moved Cr Star seconded Cr Wigg**

**Council recommends to the Western Australian Planning Commission that the proposed subdivision on Lot 5082 Thomas Road, Oakford be approved subject to the following conditions:**

- 1 **Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road(s) connected to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost.**
- 2 **The subdivider is to comply with the requirements of the Shire of Serpentine-Jarrahdale Engineering Standards for Subdivisional Development subject to any modifications required as a consequence of any conditions of this approval to the satisfaction of the Western Australian Planning Commission.**
- 3 **The subdivision to be connected to sewer to the satisfaction of the Local Authority.**
- 4 **Street corners within the subdivision being truncated to the standard truncation of 14.0 metres to the satisfaction of the Western Australian Planning Commission.**
- 5 **The cul-de-sac heads being designed and constructed to the satisfaction of the Western Australian Planning Commission.**
- 6 **A cul-de-sac head being constructed where the proposed subdivisional road intersects the boundary of the adjoining western property to the satisfaction of the Western Australian Planning Commission.**
- 7 **Satisfactory arrangements being made with the Local Government Authority for the upgrading of the intersection of Hopkinson Road and the proposed subdivisional road to the satisfaction of the Local Authority.**
- 8 **The battle-axe legs being constructed and drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.**
- 9 **The construction of a temporary link road between the subject site and Hopkinson Road, to the satisfaction of the Western Australian Planning Commission.**
- 10 **The subdivider constructing the multi use trail (including the emergency access between proposed Lots 8 and 9) in accordance with the plan of subdivision to the satisfaction of the Western Australian Planning Commission. The emergency access link between proposed Lots 8 and 9 is to**

- be shown on the Diagram of Survey and widened to a minimum width of 8.0 metres. The developer is to construct safety wooden mazes and emergency vehicle entrance gates at the end of the multi use trails to the satisfaction of the Shire and at the developers cost. Totem poles indicating permitted and not permitted uses are also to be constructed.
- 11 Street intersections being designed and constructed to the satisfaction of the Western Australian Planning Commission.
- 12 Satisfactory arrangements being made with the Shire for the construction and drainage of the proposed road network to the satisfaction of the Western Australian Planning Commission.
- 13 The land being graded and stabilised at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.
- 14 The land being filled and/or drained at the subdivider's cost to the satisfaction of the Western Australian Planning Commission, and any easements and/or reserves necessary for the implementation thereof, being provided free of cost.
- 15 Lot 56 is to be deleted and set aside for the specific purpose of a drainage and sewer reserve.
- 16 The subdivider shall prepare and implement a Drainage Management Plan prior to clearance of subdivision to the satisfaction of the Shire and Western Australian Planning Commission. The Plan is to be prepared in accordance with best management practices for water sensitive urban design, focussing on nutrient stripping capabilities within the drainage system and the on site detention and retention of drainage flows. Those drainage easements required by the Shire shall be provided to the Shire free of cost at the time of subdivision to provide for the ongoing maintenance of the drainage system. Drainage infrastructure as may be required by the Shire to be developed within reserves being shown on the Diagram of Survey (Deposited Plan) as such and granted free of cost and vested to that Authority under section 20A of the Town Planning and Development Act 1928 to the satisfaction of the Western Australian Planning Commission.
- 17 The drainage basin is to be incorporated into a reserve and shall be designed based on a Flood Average Recurrence Interval ('ARI') of 1 in 10 years to the satisfaction of the Western Australian Planning Commission.
- 18 The multi use trail/drainage reserve along the southern property boundary is to be widened to a minimum width of 10.0 metres to allow the construction of a multi use trail.
- 19 The drainage easement as shown on the eastern property boundary is to be widened to a minimum width of 5.0 metres and incorporated as a drainage reserve in accordance with the Subdivision Guide Plan.
- 20 The applicant providing a geotechnical report certifying that the land is physically capable of development, to the satisfaction of the Western Australian Planning Commission.
- 21 Street lighting being provided within all new subdivisional roads and at the intersection of Hopkinson Road and the interim connecting road leading to the subdivision to the satisfaction of the Western Australian Planning Commission.
- 22 The proposed future public open space being shown on the Diagram or Plan of Survey as a "Reserve for Recreation" and vested in the Crown under section 20A of the Town Planning and Development Act 1928, such land to be ceded free of cost and without any payment of compensation by the Crown to the satisfaction of the Western Australian Planning Commission.
- 23 Compliance with the standards and provisions of the Shire of Serpentine-Jarrahdale's Town Planning Scheme No. 2 to the satisfaction of the Western Australian Planning Commission.
- 24 The subdivider making arrangements satisfactory to the Western Australian Planning Commission to ensure that prospective purchasers of the lots created will be advised of those provisions of the Shire of Serpentine-Jarrahdale's Town Planning Scheme No. 2 which relates to the use and management of the land.

- 25 Arrangements being made to the satisfaction of the Western Australian Planning Commission to ensure that prospective purchasers of the proposed lots abutting Thomas and Hopkinson Roads are made aware of the existing road reservation for the Tonkin Highway and that dwellings on the lots may need to be designed and constructed to mitigate any impacts arising from the existence of the regional road network.
- 26 Measures being taken to the satisfaction of the Western Australian Planning Commission to ensure identification and protection of any vegetation on the site worthy of retention prior to commencement of site works.
- 27 The subdivider shall prepare for Council approval and thereafter implement a Landscape and Vegetation Plan prior to any site works for the subdivision or public open space areas to the satisfaction of the Western Australian Planning Commission.
- 28 The subdivider is to lodge a bond or bank guarantee with the Local Authority to ensure the survival of remnant vegetation and the management of weeds and revegetation in accordance with the approved Landscape and Vegetation Management Plan.
- 29 The subdivider shall either maintain the trees and shrubs planted on private land until the land is sold, or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the Shire and Western Australian Planning Commission.
- 30 The subdivider shall be responsible for the maintenance of developed public open space and roadside swales for a period of two years from the date of completion of public open space development to the satisfaction of the Western Australian Planning Commission.
- 31 Technical drawings and detailed specifications of all proposed subdivisional infrastructure and servicing works being approved by the Shire prior to the commencement of site works (including the clearing of vegetation). The applicant is advised to liaise with the Shire regarding the required form of the construction drawings.
- 32 Uniform fencing to be provided along the boundaries of all the proposed lots abutting the nominated 'Public Open Space', 'Drainage Reserve' and battleaxe legs and backing onto Thomas Road and the Tonkin Highway reserve, and are to be constructed by the subdivider to the satisfaction of the Western Australian Planning Commission.
- 33 All existing structures are to be removed from the proposed lots to the satisfaction of the Western Australian Planning Commission.
- 34 Arrangements being made to the satisfaction of the Western Australian Planning Commission to define building envelopes on each of the proposed lots, including survey and pegged mark-out of the envelopes on-site, and to ensure that prospective purchasers of the proposed lots are made aware of such.
- 35 A Fire Management plan being prepared and implemented for the subdivision to the satisfaction of the Local Authority.
- 36 The subdivider to install and construct fire hydrants and Strategic Firebreaks/Emergency Access ways to the specification and satisfaction of the Local Authority.
- 37 A 0.1 metre pedestrian access way being provided along the rear boundary of the lots abutting Thomas Road to prevent vehicle access to Thomas Road.
- 38 Provision of reticulated water to all lots.
- 39 Installation of a telecommunications conduit within the road reserve to be vested in the Shire.

**Advice Notes:**

- 1 The subdivider is advised to liaise with the Shire regarding the detailed requirements for drainage, particularly in relation to the incorporation of Water

- Sensitive Urban Design Principles ensuring that the drainage system is designed to maximise infiltration of stormwater runoff as close to the source as possible and piped networks are as small as practicable and incorporate pollutant and sediment trapping devices prior to outfall to infiltration areas incorporated into public open space or multiple use areas.**
- 2 The Shire advises that it will not support the burning of cleared vegetation on-site.**
  - 3 No activities associated with the subdivision site works causing noise and/or inconvenience to neighbours being carried out after 6.00pm or before 7.00am Monday to Saturday, and not at all on Sunday or public holidays to the satisfaction of the Western Australian Planning Commission.**
  - 4 The Western Australian Planning Commission's approval to subdivision should not be construed as an approval of development on any of the lots proposed.**
  - 5 The subdivider is advised that no indigenous vegetation or trees shall be destroyed or cleared except, but subject to the landowner obtaining the prior consent of the Shire in writing, where the clearing is required for the purpose of a firebreak on the approved Fire Management Plan, or for an approved dwelling, outbuilding, fence, drainage systems, driveways and/or to accommodate approved development for the subject land.**
- CARRIED 9/0**

Committee Note: The Officer Recommended Resolution was amended by changing the word bridle path to multi use trail in conditions 10 and 18, adding additional words to condition 10 to specify that the developer is to construct safety wooden mazes and emergency vehicle entrance gates at the end of the multi use trails to the satisfaction of the Shire and at the developers cost. Totem poles indicating permitted and not permitted uses are also to be constructed and adding conditions 37, 38 and 39.

Cr Murphy declared a financial interest in Item SD049/10/05 PROPOSED SUBDIVISION - LOTS 29 & 30 ORTON ROAD, OAKFORD which refers to a block of land upon which his residence is built. Cr Murphy left the meeting at 7.19pm.

SD049/10/05 PROPOSED SUBDIVISION - LOTS 29 & 30 ORTON ROAD, OAKFORD (S129183)		
Proponent:	Wellard Surveys	In Brief  The Western Australian Planning Commission ("WAPC") have requested the Shire provide comment and recommendation regarding a subdivision application submitted for Lots 29 and 30 Orton Road, Oakford. The application seeks to subdivide the lots into two lots each. As the subdivision application is inconsistent with Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, the Shire's Rural Strategy, the Metropolitan Region Scheme and Statement of Planning Policy No. 2.5 ( <i>Agriculture and Rural Land Use Planning</i> ), it is recommended the Shire respond to the WAPC recommending refusal of the subdivision application.
Owner:	KR Murphy & U Peters (L29) RJ & FD Doyle (L30)	
Officer:	Andrew Trosic - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	18 October 2005	
Previously	NA	
Disclosure of Interest	Cr Murphy declared a direct financial interest as the report relates to an area of land in which his property is located.	
<b>Delegation</b>	<b>Council</b>	

Owner: KR Murphy & U Peters (Lot 29)  
RJ & FD Doyle (Lot 30)  
Owner's Address: 641 Orton Road, Oakford 6121 (Lot 29)  
657 Orton Road, Oakford 6121 (Lot 30)  
Applicant: Wellard Surveys  
Applicant's Address: 202 Bertram Road, Wellard 6170  
Date of Receipt: 25 August 2005  
Advertised: NA  
Submissions: NA  
Lot Area: 4.161ha (Lot 29)  
4.151ha (Lot 30)  
L.A Zoning: Rural  
MRS Zoning: Rural  
Byford Structure Plan: NA  
Rural Strategy Policy Area: Rural  
Rural Strategy Overlay: NA  
Municipal Inventory: NA  
Townscape/Heritage Precinct: NA  
Bush Forever: NA  
Date of Inspection: NA

### **Background:**

The Western Australian Planning Commission ("WAPC") have requested the Shire provide comment and recommendation regarding a subdivision application submitted for lots 29 and 30 Orton Road, Oakford. The application seeks to subdivide the lots into two lots each as follows:

- Lot 29 - Currently one lot of 4.161ha
  - Two lots proposed at 2.001ha and 2.159ha
- Lot 30 - Currently one lot of 4.151ha
  - Two lots proposed at 2.0ha and 2.150ha

As the subdivision application is inconsistent with Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 ("Scheme"), the Shire's Rural Strategy, the Metropolitan Region Scheme ("MRS") and Statement of Planning Policy No. 2.5 (*Agriculture and Rural Land Use Planning*) ("SPP No. 2.5"), it is recommended the Shire respond to the WAPC recommending refusal of the subdivision application.

As the subdivision application for Lots 29 and 30 Orton Road, Oldbury, involves land with an ownership interest of a Shire Councillor, the application has been referred to full Council for consideration. This is appropriate given the need for Council to maintain a very high standard of probity for elected members and all employees of the Shire, so that no actual or perceived conflicts of interest can arise from private activities of a commercial or financial nature.

As stated, it is recommended the Shire respond to the WAPC recommending refusal of the subdivision application.

***A copy of the proposed subdivision plan is with attachments marked SD049.1/10/05.***

### **Sustainability Statement:**

***Effect on Environment:*** The subdivision application is considered to lack proper regard for both local conditions and land capability for further development. With regard to the environment, it is considered that both lots are incompatible of accommodating any further development, due to their small size, limited land capability and the presence of environmental constraints. This makes them unsuited for any form of further subdivision.



**Resource Implications:** It is considered that subdivision of the lots will severely reduce their already limited potential for agricultural use. This is considered to have negative land resource implications for the Shire.

**Use of Local, renewable or recycled Resources:** Not applicable

**Economic Viability:** As mentioned, subdivision of the lots will severely reduce their already limited potential for agricultural use. This will hence impact on economic viability for the Shire generally.

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

**Social – Quality of Life:** This application will have no negative impact on the quality of life of the community.

**Social and Environmental Responsibility:** Considering the inconsistent nature of the subdivision application with both local and state planning policy, it is considered that the subdivision application be recommended for refusal.

**Social Diversity:** This application will have no negative impact on the social diversity of the community.

**Statutory Environment:** Town Planning and Development Act 1928  
Metropolitan Region Town Planning Scheme Act 1959  
Metropolitan Region Scheme 1963  
Western Australian Planning Commission Act 1985  
Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2

**Policy/Work Procedure Implications:** Shire of Serpentine-Jarrahdale Rural Strategy  
Statement of Planning Policy No. 1 (*State Planning Framework*)  
Statement of Planning Policy No. 2 (*Environmental and Natural Resources*)  
Statement of Planning Policy No. 2.1 (*Peel-Harvey Catchment*)  
Statement of Planning Policy No. 2.5 (*Agriculture and Rural Land Use Planning*)

**Financial Implications:** There are no Financial implications to Council related to this application/issue.

**Strategic Implications:** This proposal relates to the following Key Sustainability Result Areas:-  
**2. Environment**  
*Objective 2: Strive for sustainable use and management of natural resources*  
Strategies:  
1. Implement known best practice sustainable natural resource management.  
**3. Economic**  
*Objective 3: Effective management of Shire growth*  
Strategies:  
3. Integrate and balance town and rural planning to maximise economic potential.  
**4. Governance**  
*Objective 3: Compliance to necessary legislation*

**Strategies:**

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

**Community Consultation:**

This application does not require public consultation.

**Comment:**

Succinctly, the following recommendations for refusal are proposed to be referred by the Shire to the WAPC:

- "1. *The proposed subdivision does not comply with relevant Scheme objective (b) and the intent of the 'Rural' zone pursuant to the Scheme. These state:*

*"(b) to zone land for the purposes described in the Scheme so as to promote the orderly development of the land by making suitable provisions for land use;*

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

*The above Scheme provisions both advocate the orderly and proper planning of 'Rural' zoned land within the Shire, so as to achieve land use viability in perpetuity. As part of this, a minimum 40ha land area requirement is applied for subdivision within the 'Rural' zone to ensure that all lots created for rural purposes will maintain a suitable land area for ongoing rural use. As the proposed subdivision creates lot sizes far below the minimum 40ha land area requirement, it is recommended for refusal. Furthermore, in the absence of suitable justification to show that the proposed lots meet relevant land capability and environmental constraint assessment, the proposed subdivision is further inconsistent with the Scheme.*

2. *The proposed subdivision does not comply with the Shire's Rural Strategy which identifies the subject land within the Rural Policy Area. This Policy Area stipulates a minimum lot size of 40ha for subdivision, with proposed lots also needing to meet relevant land capability and environmental constraint assessment to justify subdivision. As the proposed subdivision cannot achieve a 40ha minimum lot size, the application does not comply with the Rural Strategy or Scheme.*
3. *The land is zoned 'Rural' in the MRS where the WAPC does not favour further subdivision/fragmentation of land in a manner which does not guarantee, in perpetuity, the ongoing agricultural potential of such land and the locality. The proposed subdivision, based on the reasons already mentioned above, is not considered to guarantee the agricultural potential of the subject land.*
4. *Through being inconsistent with the Shire's Scheme and Rural Strategy, the proposed subdivision is inconsistent with Statement of Planning Policy No. 2.5 (Agriculture and Rural Land Use Planning Policy) and DC Policy 3.4 (Subdivision of Rural Land).*
5. *Approval of the subdivision would create an undesirable precedent for the WAPC to consider subdivision of other 'Rural' zoned lots in the locality in a manner which is not consistent with the Scheme or Rural Strategy. This is not recommended for reasons of proper and orderly planning."*

Given the extent of inconsistency of the subdivision application with the Scheme, Rural Strategy and associated policy, it is recommended the Shire respond to the WAPC recommending refusal of the subdivision application for the above reasons.

**Voting Requirements:** Normal

**SD049/10/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Star seconded Cr Richards**

**Council, following assessment in accordance with the Shire's District Town Planning Scheme No. 2, Rural Strategy and other associated policy, the Shire recommends that the application be refused for the following reasons:**

- 1. The proposed subdivision does not comply with relevant Scheme objective (b) and the intent of the 'Rural' zone pursuant to the Scheme. These state:**

**“(b) to zone land for the purposes described in the Scheme so as to promote the orderly development of the land by making suitable provisions for land use;**

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

**The above Scheme provisions both advocate the orderly and proper planning of 'Rural' zoned land within the Shire, so as to achieve land use viability in perpetuity. As part of this, a minimum 40ha land area requirement is applied for subdivision within the 'Rural' zone to ensure that all lots created for rural purposes will maintain a suitable land area for ongoing rural use. As the proposed subdivision creates lot sizes far below the minimum 40ha land area requirement, it is recommended for refusal. Furthermore, in the absence of suitable justification to show that the proposed lots meet relevant land capability and environmental constraint assessment, the proposed subdivision is further inconsistent with the Scheme.**

- 2. The proposed subdivision does not comply with the Shire's Rural Strategy which identifies the subject land within the Rural Policy Area. This Policy Area stipulates a minimum lot size of 40ha for subdivision, with proposed lots also needing to meet relevant land capability and environmental constraint assessment to justify subdivision. As the proposed subdivision cannot achieve a 40ha minimum lot size, the application does not comply with the Rural Strategy or Scheme.**
- 3. The land is zoned 'Rural' in the MRS where the WAPC does not favour further subdivision/fragmentation of land in a manner which does not guarantee, in perpetuity, the ongoing agricultural potential of such land and the locality. The proposed subdivision, based on the reasons already mentioned above, is not considered to guarantee the agricultural potential of the subject land.**
- 4. Through being inconsistent with the Shire's Scheme and Rural Strategy, the proposed subdivision is inconsistent with Statement of Planning Policy No. 2.5 (Agriculture and Rural Land Use Planning Policy) and DC Policy 3.4 (Subdivision of Rural Land).**
- 5. Approval of the subdivision would create an undesirable precedent for the WAPC to consider subdivision of other 'Rural' zoned lots in the locality in a manner which is not consistent with the Scheme or Rural Strategy. This is not recommended for reasons of proper and orderly planning.**

**CARRIED 8/0**

Cr Murphy returned to the meeting at 7.20pm

Cr Wigg declared an interest of proximity in item SD050/10/05 REQUEST TO INITIATE SCHEME AMENDMENT TO REZONE LOT 128 CROSSING VIEW & LOT 129 OLD BRICKWORKS ROAD, BYFORD as he owns a property in the proximity of the item under discussion. Cr Wigg left the meeting at 7.21pm.

SD050/10/05 REQUEST TO INITIATE SCHEME AMENDMENT TO REZONE LOT 128 CROSSING VIEW & LOT 129 OLD BRICKWORKS ROAD, BYFORD (A1300)		
Proponent:	Dykstra & Associates	In Brief  Request for Council to initiate a scheme amendment to rezone the above properties from "Rural" to "Special Use – Landscape Protection" to enable the creation of five lots. The request was presented to the September 2005 meeting where Council resolved to defer determination of the request until the October 2005 meeting. A further deferral has been requested by the applicant.
Owner:	P Radford	
Officer:	Meredith Kenny - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	5 October 2005	
Previously	SD039/09/05	
Disclosure of Interest	Lisa Fletcher – Support Officer Sustainable Development has a proximity interest Cr Wigg declared an interest of impartiality as he owns a property in the area	
<b>Delegation</b>	<b>Council</b>	

Owner: P Radford  
 Owner's Address: Lot 129 Old Brickworks Road, Byford WA 6122  
 Applicant: Dykstra & Associates  
 Applicant's Address: Unit 6, 2954 Albany Highway, Kelmscott 6111  
 Date of Receipt: 18 April 2005  
 Advertised: Not Applicable at this stage  
 Submissions: N/A  
 Lot Area: 10.1854 hectares  
 L.A Zoning: Rural  
 MRS Zoning: Rural  
 Byford Structure Plan: N/A  
 Rural Strategy Policy Area: Rural Living B  
 Rural Strategy Overlay: N/A  
 Municipal Inventory: Nil  
 Townscape/Heritage Precinct: N/A  
 Bush Forever: No  
 Date of Inspection: 25 July 2005

### **Background**

#### *Previous Consideration by Council*

This report was previously considered by the Council at the Ordinary Council Meeting held on 27 September 2005. At that meeting the Council resolved as follows:

#### "SD039/09/05 COUNCIL DECISION/Committee Recommended Resolution:

*Moved Cr Star seconded Cr Scott*

*That item SD039/09/05 be deferred to the October Sustainable Development Committee meeting as the applicant wishes to provide further information on the proposal to the Shire and supports a deferral of this item.*

**CARRIED 9/0**

*Request for Further Deferral*

Shire officers met with the landowner and the proponent on 3 October 2005 to discuss the issues raised in the report on the proposed rezoning. At that meeting the proponent and landowner advised that they would not have sufficient time to prepare additional information for consideration by the Council with regard to the issues raised given the short period between the Council meeting and the closure of the agenda for the October round of meetings. Consequently, the proponent has now submitted a written request for a further deferral of the matter as follows:

*Consideration of proposed Scheme Amendment No. 147 be deferred, pending receipt of further information by the applicant responding to issues raised by Council Staff including, but not limited to, Fire Management and Landscape Protection".*

Details of the proposal were included in the September Sustainable Development agenda.

### Conclusion

Given the proponent's request for a further deferral, it is recommended to Council to defer consideration of the proposal pending submission of further information by the applicant addressing the issues raised in the officer's report.

No appeal rights exist under any town planning legislation with regard to a Council's decision to refuse to initiate a scheme amendment.

**Voting Requirements:** Normal

### **SD050/10/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Hoyer seconded Cr Kirkpatrick  
Determination of the request to initiate a scheme amendment to Town Planning Scheme No. 2 to rezone Lot 129 Old Brickworks Road and Lot 128 Crossing View, Byford from "Rural" to "Special Use - Landscape Protection" be deferred pending submission of further information by the applicant addressing issues raised in the officer's report.  
CARRIED 8/0**

Cr Wigg returned to the meeting at 7.22pm

SD051/10/05 PROPOSED MODIFICATION OF SCHEME AMENDMENT NO. 140 FOR FINAL APPROVAL – SPECIAL USE ZONES 3. AND 4. JARRAHDAL ROAD, JARRAHDAL (P05576/43)		
Proponent:	Serpentine Jarrahdale Shire	In Brief  It is proposed to modify Amendment No.140 to the Shire of Serpentine-Jarrahdale's Town Planning Scheme No. 2 for the purpose of adding additional permissible land uses to Special Use zones 3. and 4. in Jarrahdale and ratifying which land parcels the uses will be permitted on. It is recommended that the modified amendment be adopted for advertising.
Owner:	As above	
Officer:	M Kenny - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	4 October 2005	
Previously	SD064/04/05, P061/01/04	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

Owner: Serpentine Jarrahdale Shire  
 Owner's Address: 6 Paterson Street, Mundijong  
 Applicant: As Above  
 Applicant's Address: As Above  
 Date of Receipt: N/A  
 Advertised: 20 January – 4 March 2005  
 Submissions: Three from referral authorities  
 Lot Area: 22 hectares  
 L.A Zoning: Special Use  
 MRS Zoning: Rural  
 Byford Structure Plan: N/A  
 Rural Strategy Policy Area: Town & Village Urban  
 Rural Strategy Overlay: N/A  
 Municipal Inventory: Jarrahdale Historic Timber Town  
 Townscape/Heritage Precinct: N/A  
 Bush Forever: N/A  
 Date of Inspection: N/A

## **Background**

### Initiation

Amendment No. 140 was initiated by Council at its meeting of 27 January 2004 at which time it was resolved as follows:-

### "CRP061/01/04 COUNCIL DECISION/Committee Recommended Resolution:

*Moved Cr Star seconded Cr Price*

*That pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 (Appendix 2 – Special Use Zones) be amended as follows:*

1. *After "3.(e)" In the "Description of Land" column insert as follows:*

*(f) Lot 814 Jarrahdale Road, Jarrahdale.*

2. *In the "Permitted Use" column after "Interpretive/ Tourist Centre", insert as follows:*

*Timber Mill.*

*Aged or Dependent Persons Dwelling.*

*Holiday Accommodation.*

3. *Amending 4. by inserting after "...Location 663 Ronan Road, Jarrahdale", "being Lots 807 to 812 (Inc.) Millars Road".*
4. *Amending the "Permitted Use" for 4. By deleting "Timber Mill" and inserting in its place "Single House (P), "Industry: Cottage (SA)", "Home Occupation (AA)", and "Home Business (AA).*

*CARRIED 10/0"*

Final Adoption

Following public advertising and referral of the amendment to service authorities and government agencies the amendment was referred back to Council for final adoption on 25 April 2005. At that meeting Council resolved as follows:

"SD064/04/05 COUNCIL DECISION/Committee/Officer Recommended Resolution

*Moved Cr Star seconded Cr Price*

1. *Council endorses the schedule of submissions prepared in respect of Amendment No. 140 to Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.*
2. *Council adopts for final approval Amendment No. 140 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 for the purposes of a textual amendment to the Scheme Text to allow for additional uses to be undertaken within the 'Special Use' zone, subject to the following modifications being undertaken:*
  - i. *In the 'Permitted Use' column after clause 2, insert clause 3 as follows:*
    3. *All development on the eastern portion of Lot 814 Jarrahdale Road, Jarrahdale shall be referred to the Water Corporation for comment prior to final determination by Council.*
3. *The amendment documentation, once modified in accordance with 2. above, be signed and sealed and then submitted to the WA 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 Hon. Minister for Planning and Infrastructure.*

*CARRIED 7/0"*

Proposed Modifications

Continuing work with regard to the implementation of the Jarrahdale Heritage Master Plan has identified a need to expand the range of land uses permissible on the lots covered by that plan particularly with regard to the range of commercial and tourist oriented uses. The proposed additional modifications to Amendment 140 are discussed in detail in this report.

Sustainability Statement

**Effect on Environment:** The proposed amendment will in itself not result in a change to the natural or built environment. However, future land use proposals will enable Council to require improvement to the environment, which would be particularly beneficial in the context of the subject land. The scope for other land uses and development prospects increases the potential for site remediation and rehabilitation to take place.

**Resource Implications:** The proposed amendment will facilitate more efficient use of the available land resource in Jarrahdale townsite. Future land use and development applications would be subject to specific planning and environmental controls.

**Use of Local, renewable or recycled Resources:** The amendment facilitates more efficient use of available land resource in Jarrahdale townsite.

**Economic Viability:** The amendment will in itself not result in a change of land use or development, however, the scope for alternative land uses and developments will increase the potential vitality and economic activity within Jarrahdale Townsite.

**Economic Benefits:** The proposed text amendment will also facilitate positive economic benefits by allowing a presently under used site to have the potential to accommodate a variety of compatible land uses and will enable local employment opportunities in a variety of fields.

**Social – Quality of Life:** The change in zoning will allow Council to consider a number of potential land uses and development in accordance with the Jarrahdale Heritage Park Management Plan. The development of the site offers the potential to create an environmentally responsive and socially beneficial outcome.

**Social and Environmental Responsibility and Social Diversity:** The proposal enables an additional area of land to be considered for planning which will be integrated with community expectations and participation where appropriate. The Scheme Amendment will in itself not result in a change of land use or development but will allow for a variety of uses.

**Statutory Environment:** Town Planning and Development Act 1928  
Town Planning Regulations 1967  
Metropolitan Region Town Planning Scheme Act 1967  
Town Planning Scheme No. 2

**Policy/Work Procedure Implications:** PS05A – Assessment of Proposed Town Planning Scheme Amendments.

**Financial Implications:** Council will be required to pay for the advertising of the scheme amendment. Funds are allocated in the budget for advertising of scheme amendments.

**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.
6. Ensure a safe and secure community.

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

Strategies:

2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.
3. Design and develop clustered neighbourhoods in order to minimise car dependency.
4. Foster a strong sense of community, place and belonging.
5. Protect built and natural heritage for economic and cultural benefits.

*Objective 3: High level of social commitment*

Strategy:

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

**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 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.

**Community Consultation:**

In accordance with the requirements of the *Town Planning and Development Act 1928* and *Town Planning Regulations 1967*, the amendment was advertised for public comment and referred to relevant government authorities for 42 days. No public submissions were received. Three submissions were received from government authorities and these were detailed in item SD064/04/05 contained in the minutes of the Ordinary Council Meeting held on 25 April 2005.

A modification was made to the amendment as a result of the comment received from the Water Corporation being the addition of a clause requiring the referral of any development proposal on the eastern portion of Lot 814 to the Water Corporation for comment.

It will be necessary to re-advertise the amendment for six weeks if the modifications proposed in this item are adopted by the Council.

**Comment**

***An extract from Town Planning Scheme No. 2 showing the current provisions that apply to Special Use zones 3. and 4. are with attachments marked SD051.1/10/05.***

When initiated, Amendment 140 proposed to:

1. Add the following permitted uses to Special use Zone 3.:  
  
Timber Mill  
Aged or Dependent Persons Dwelling.  
Holiday Accommodation.
2. Amend the "Land Description" column of Special Use Zone 4. by inserting after "...Location 663 Ronan Road, Jarrahdale", "being Lots 807 to 812 (Inc.) Millars Road".
3. Modify the "Permitted Use" column for Special Use Zone 4 to delete the use of Timber Mill and add the uses of Single House, Industry – Cottage, Home Business and Home Occupation.

When Council finally adopted Amendment 140 at the Ordinary Meeting of Council held on 25 August 2005 the amendment was further modified to add a clause to the "Permitted Use" column of Special Use Zone 3 to require the referral of all development proposals for the eastern portion of Lot 814 to the Water Corporation in line with the response received from the Water Corporation.

**Proposed Additional Modifications to Amendment 140**

The aim is to allow a restricted range of mixed business uses within Special Use Zone 3 in keeping with the vision of the park as detailed in the master, conservation and interpretive plans prepared for the park including:

1. Small-scale light and service industrial uses such as fine furniture manufacture, boutique breweries, fine food manufacture (ie cheeses, confectionary, preserves, bakery), art and craft workshops, clothing and footwear manufacture, printing;

2. Bed and breakfast establishments;
3. Child minding centre;
4. Educational Establishment; and
5. Private Recreation.

In addition, it is recommended that the land use of Bed and Breakfast be added as a discretionary use that may be permitted by the Council on the residential properties on Millars Road, Staff Street and in the Woodlot subdivision (Special Use Zone 4.). The size of bed and breakfast establishments are restricted under Council policy PP1 as follows:

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

The Staff Street residential properties and the Woodlot subdivision lots also need to be added to the land description for Special Use Zone 4 as these lots have been created in the interim since the amendment was initiated. Previously these properties along with the Millars Road cottages comprised part of Location 663 and as such the existing uses permitted in Special Use zones 3. and 4. (ie timber mill, market, museum etc.) were possible uses on these lots. It is not appropriate for this to continue as the Council created these lots as residential properties only.

The proposed additional modifications to Special Use Zones 3 and 4 are described in detail below:

1. Add current lot numbers for Heritage Park land to the “Land Description” column of Special Use Zone 3 and clearly identify where all of the properties in this Special Use zone are located.
2. Delete existing clauses 1. and 2. and replace with the following new clauses 1. to 5.
  1. The following uses are Permitted (P) on all properties listed in the Description of Land column for this Special Use zone:  
  
Single House  
Car Park  
Civic Building  
Public Recreation
  2. The following uses after being advertised in accordance with clause 6.3 of the Scheme may be permitted at the discretion of Council on all properties listed in the Description of Land column for this Special Use zone:  
  
Cottage Industry  
Home Business  
Home Occupation  
Art Gallery  
Studio  
Museum  
Bed and Breakfast  
Aged and Dependent Persons Dwellings  
Holiday Accommodation
  3. The following uses after being advertised in accordance with clause 6.3 of the Scheme may be permitted at the discretion of Council on the properties described in (e) of the Description of Land column for this Special Use zone:

Farriery  
Market  
Office  
Restaurant  
Shop  
Interpretive/Tourist Centre  
Child Minding Centre  
Educational Establishment  
Private Recreation  
Timber Mill  
Industry - Light (see clause 5. below)  
Industry - Service (see clause 5. below)

4. All development shall be restricted to designated areas within the Special Use zone in accordance with the Jarrahdale Heritage Park Master Plan (as amended) and shall comply with the Heritage Provisions of Part V of the Scheme.
  5. The development of "Industry – Light" and "Industry – Service" shall be restricted to small-scale light and service industrial uses such as, but not limited to, fine furniture manufacture, boutique breweries, fine food manufacture (ie cheeses, confectionary, preserves, bakery), art and craft workshops, clothing and footwear manufacture and printing at the discretion of the Council.
3. Amend the "Land Description" column of Special Use Zone 4 by adding ", Lots 816 to 821 Staff Street and lots within the area designated as the Woodlot subdivision being Lots 820-826 Jarrahdale Road corner Kingsbury Drive, Jarrahdale" after "Millars Road".
  4. Adding the land use "Bed and Breakfast (SA)," between "Industry: Cottage (SA)," and "Home Occupation (AA)" to the "Permitted Use" column of Special Use Zone 4.

***All the modifications to Special Use zones 3. and 4. proposed by Amendment 140 (including those previously adopted by the Council and those now proposed here) have been put into the format in which they will appear in Appendix 2. of the Scheme and this is with the attachments marked SD051.2/10/05.***

It is recommended that Council now:

1. Revoke the resolution with regard to the final adoption of Amendment 140 that was carried at the Ordinary Meeting of Council held on 25 April 2005; and
2. Adopt the additional modifications as set out in this report and the modification required by the Water Corporation.

**Voting Requirements:**

One third of all Council members required to support motion SD051A/10/05

**Absolute Majority required to revoke motion SD064/04/05**

**Simple Majority required to carry motion SD051B/10/05**

**SD051A/10/05 Committee/Officer Recommended Resolution**

Pursuant to the Regulation 10 of the Local Government (Administration) Regulations 1996 Motion SD064/04/05 made on 25 April 2005 be revoked.

**SD051A/10/05 COUNCIL DECISION**

Moved Cr Price seconded Crs Brown, Star and Wigg  
That Council seeks to rescind Committee Decision SD064/04/05 from Committee Meeting held on 19<sup>th</sup> April, 2005.  
CARRIED 9/0 ABSOLUTE MAJORITY

**SD051A/10/05 COUNCIL DECISION**

Moved Cr Price seconded Crs Richards, Hoyer and Star  
That Committee Decision SD064/04/05 from Committee Meeting held on 19<sup>th</sup> April 2005 be rescinded.  
CARRIED 9/0 ABSOLUTE MAJORITY

**SD051B/10/05 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Star seconded Cr Price

1. Pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), Amendment 140 to the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 as initiated by the Council on 27 January 2004 be modified as follows:

- a) In the "Description of Land" column of Appendix 2 for Special Use zone 3., inserting after the words Jarrahdale Road, the wording "Millars Road, Berwick Street, Lang Street and Brook Road," .
- b) In the "Description of Land" column of Appendix 2 for Special Use zone 3., inserting after the words "Part Cockburn Sound Location 663" the wording "being Lots 4, 5, 1338, 2495, 801, 804, 814, 815 and 200 Jarrahdale Road and known as the Jarrahdale Heritage Park.
- c) In the "Permitted Use Column" of Appendix 2 for Special Use Zone 3., delete existing clauses 1. and 2. and replace with the following new clauses 1. to 6.:

1. *The following uses are Permitted (P) on all properties listed in the Description of Land column for this Special Use zone:*

*Single House  
Car Park  
Civic Building  
Public Recreation*

2. *The following uses after being advertised in accordance with clause 6.3 of the Scheme may be permitted at the discretion of Council on all properties listed in the Description of Land column for this Special Use zone:*

*Cottage Industry  
Home Business  
Home Occupation  
Art Gallery  
Studio  
Museum  
Bed and Breakfast  
Aged and Dependent Persons Dwellings  
Holiday Accommodation*

- 3. The following uses after being advertised in accordance with clause 6.3 of the Scheme may be permitted at the discretion of Council on the properties described in (e) of the Description of Land column for this Special Use zone:**

**Farriery  
Market  
Office  
Restaurant  
Shop  
Interpretive/Tourist Centre  
Child Minding Centre  
Educational Establishment  
Private Recreation  
Timber Mill  
Industry - Light (see clause 5. below)  
Industry - Service (see clause 5. below)**

- 4. All development shall be restricted to designated areas within the Special Use zone in accordance with the Jarrahdale Heritage Park Master Plan (as amended) and shall comply with the Heritage Provisions of Part V of the Scheme.**

- 5. The development of "Industry – Light" and "Industry – Service" shall be restricted to small-scale light and service industrial uses such as, but not limited to, fine furniture manufacture, boutique breweries, fine food manufacture (ie cheeses, confectionary, preserves, bakery), art and craft workshops, clothing and footwear manufacture and printing at the discretion of the Council.**

- 6. All development on the eastern portion of Lot 814 Jarrahdale Road, Jarrahdale shall be referred to the Water Corporation for comment prior to final determination by the Council.**

**d) Amend the "Land Description" column of Appendix 2 for Special Use Zone 4 by inserting after the words "Part of Cockburn Sound Location 663" the wording "being Lots 807 to 812 Millars Road, Lots 816 to 821 Staff Street and within the area designated as the Woodlot Subdivision being Lots 820-826 Jarrahdale Road and Kingsbury Drive, Jarrahdale", and deleting the words "Ronan Road,".**

**e) Amend the "Permitted Use" column of Appendix 2 for Special Use Zone 4 by deleting the words "Timber Mill" and Inserting the following words:**

**Single House (P)  
Industry - Cottage (SA)  
Bed and Breakfast (SA)  
Home Occupation (AA)  
Home Business (AA)**

- 2. Pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), Amendment 140 to the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 as modified in 1. above be adopted.**

- 3. The amendment documentation, once modified in accordance with 2 above, be signed and sealed and then submitted to the Environment Protection Authority for assessment under Section 48A of the Environmental Protection Act.**

**4. Subject to receipt of the Environmental Protection Authority's advice under Section 48A of the Environmental Protection Act that the amendment does not require formal assessment, the modified amendment be advertised in accordance with the provisions of the Town Planning Regulations 1967 for not less than 42 days.**

**CARRIED 9/0**

SD052/10/05 CONSIDERATION OF ADOPTION OF SCHEME AMENDMENT NO. 141 FOR FINAL APPROVAL - LOT 54 RANDELL ROAD, MARDELLA (A1253)		
Proponent:	Kelvin Oliver	In Brief  Amendment No. 141 to Town Planning Scheme No. 2 is presented to Council for consideration for adoption for final approval. It is recommended that the amendment be adopted for final approval subject to modifications.
Owner:	Mundella Foods Pty Ltd	
Officer:	Brad Gleeson - Manager Planning and Regulatory Services	
Signatures Author:		
Senior Officer:		
Date of Report	6 October 2005	
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	
<b>Delegation</b>	<b>Council</b>	

Owner: Mundella Foods Pty Ltd  
 Owner's Address: 46 Randell Road, Mardella  
 Applicant: Kelvin Oliver  
 Applicant's Address: 7 Kobus Heights, Roleystone  
 Date of Receipt: 31 August 2004  
 Advertised: Not applicable at this stage  
 Submissions: N/A  
 Lot Area: 25.4 ha  
 L.A Zoning: Rural  
 MRS Zoning: Rural  
 Byford Structure Plan: N/A  
 Rural Strategy Policy Area: Farmlot  
 Rural Strategy Overlay: N/A  
 Municipal Inventory: N/A  
 Townscape/Heritage Precinct: N/A  
 Bush Forever: N/A  
 Date of Inspection: 5 October 2004

### **Background**

Amendment No. 141 to Town Planning Scheme No. 2 (TPS 2) was initiated by Council on 22 November 2004. The proposal is to rezone the subject lot from 'Rural' to 'Farmlot', providing for the subdivision and development of the land in accordance with the subdivision guide plan and special provisions to be introduced in Appendix 4C of the Scheme.

In accordance with Council's resolution, the amendment was referred to the Environmental Protection Authority (EPA) as required by section 7A1 of the Town Planning and Development Act. The EPA has indicated that the amendment would not be subject to formal environmental assessment. The following advice was given regarding environmental factors:

*(a) Effluent disposal*

*It is noted that the proposed subdivision is to be serviced by on-site effluent disposal systems. Alternative treatment units (ATU's) should be utilised in consultation with the Department of Environmental Protection in accordance with the environmental quality objectives of the Environmental Protection (Peel Inlet – Harvey Estuary) Policy 1992.*

*(b) Nutrient Management*

*The subject land is within the policy area of the Peel Harvey Catchment Area. Therefore, any subsequent development needs to be in accordance with the Environmental Protection (Peel Inlet – Harvey Estuary) Policy 1992. As noted in the proposed scheme provisions, the Council is to consult with the Department of Environment to ensure Discretionary (AA) land uses do not involve excessive nutrient export.*

*(c) Retention of remnant vegetation and re-vegetation*

*The proposed scheme provisions relating to the retention of remnant vegetation and the requirement for the preparation of a Landscape and Vegetation Management Plan (including the need for revegetation) are supported.*

*(d) Noise, Dust, Odour and Vibration*

*Whilst it is noted that the existing cheese factory is unlikely to significantly impact on the amenity of future residents in the area, it is agreed that any potential impacts will need to be addressed and subsequently managed by the subdivider. The scheme provisions relating to this, including the need for a memorial on the titles and compliance with the Environmental Protection (Noise) Regulations 1997 are supported.*

*Under the provisions of Section 48A(a) of the Environmental Protection Act the above scheme amendment is now deemed assessed by the EPA.*

Following receipt of the EPA's advice, the amendment proceeded to advertising for a period of 42 days in accordance with the Town Planning Regulations 1967.

Buffer distances between industrial and sensitive land uses

The Environmental Protection Authority (EPA) has released a draft document relating to the Separation Distances between industrial and sensitive land uses. The document is used to assist proponents, consultants and decision making authorities to gain additional information on the EPA's views in relation to aspects of the environmental impact assessment process and assessment of development proposals and scheme amendments.

The report states that proponents and decision making authorities should take all reasonable and practical measures to protect the environment. The advice relates to the use of generic buffer distances between industrial and sensitive land uses to avoid conflict between incompatible land uses.

The study identifies that for food production, the impacts are noise and odour and a buffer of 100 – 300 metres (depending on size and type of product) is recommended. For dairies, the impacts are noise, dust and odour and a buffer of 500 metres is recommended.

Odour and noise modelling

In response to the EPA document relating to buffer distances, Council resolved that the applicant was required to:

1. *Complete an odour and noise modelling study including field truthing of the property for the dairy and cheese factory and a dust management plan for the dairy;*

2. *Forward a copy of this report referred to the Shire and the Department of Environment for review and comment; and*
3. *Undertake any changes that are necessary to the subdivision guide plan as a result of the recommendations of the odour and noise modelling study and dust management plan:*  
*prior to Council considering to grant final approval to the scheme amendment.*

In accordance with the Council's requirements, the following studies were completed:

#### Dust

The applicant commissioned a study to ensure dust factors from the dairy and cheese factory were considered as part of the rezoning proposal. The report submitted stated:

*The main sources of dust onsite are likely to be the feed storage facility and the paddocks associated with the feedlot. It is unlikely that the dairy facilities will have any potential dust sources as the facilities are all on a hardstand and generally fully enclosed. Dust issues are likely to be more of a concern during the dry summer months, and are likely to primarily be associated with the night and irrigation paddocks. There is also the potential for dust emissions to be associated with the delivery of feed to the storage shed, as well as the use of the feedlot area.*

*It is unlikely that the dairy facilities will have any potential dust sources as the facilities will all be on a hardstand, generally fully enclosed and no dust generating activities are like to occur onsite. The owners advise that livestock practices onsite and stock rotation are undertaken to best practice and given the distance of the three night paddocks, effluent disposal application paddocks alleviate these concerns.*

*It is not expected that there will be any dust implications associated with the cheese factory operations. Whilst it was noted that there was an unsealed road behind the cheese factory, there are only two slow vehicle movements along this per day and there is unlikely to have any detrimental environmental impact.*

Staff support the findings from this study relating to dust impacts.

#### Odour modelling

The applicants commissioned GHD to undertake an odour modelling study for this land. The report has been reviewed by the Principal Environmental Health Officer and is summarised below:

##### Background

*Mundella Foods is applying for a re-zoning of part of Lot 54 Randell from Rural to Farmlet. Within the subdivision there is a cheese factory and a feed shed for the dairy and small feedlot on land adjacent to Lot 54.*

*The dairy is a relatively small operation producing 6000 litres per day and the cheese factory produces mainly soft or wet style cheeses. The holding yards at the rear dairy is approximately 200 metres from the nearest proposed building envelope in Lot 3. The cheese factory on Lot 2 is approximately 40 metres from the edge of the building envelope of Lot 3.*

*Both the dairy and the cheese factory produce odour and noise and the cumulative impacts from both these activities was difficult to assess with just site assessments and the proposal, against the EPA's guidance for separation distances between industry and sensitive land use. Therefore the proponent was required to undertake a study and provide sound site specific technical analysis of the dispersion of odour and noise to facilitate a more accountable assessment of the risk of activity impacts.*



### GHD's Measured Odour Concentrations and Odour Impact Criteria

Odour sampling was undertaken on 10 August 2005 and samples were taken from several locations around the dairy and from the cheese factory wastewater tanks. The methods were in compliance with AS/NZS 4323.2:2001 the benchmark for determining odour concentrations by dynamic olfactometry.

Atmospheric conditions and structural references were recorded and samples sent to an approved laboratory for odour measurements by a dynamic olfactometer, a device for estimating the intensity of the sense of smell by presenting diluted air samples to panellists. The odour concentrations at the sources (as outlined in the report) are detailed below:

#### 3.1 Odour Concentrations

Table 1 indicates the sample odour from each of the three samples taken. Copies of the full results from The Odour Unit are contained within Appendix B.

Table 1 Odour Sampling Results

Sample Location (Sample ID)	Date & Time	Raw Odour Concentration (OU)	Corrected Odour Concentration (OU) <sup>[1]</sup>
Dairy Building (DB)	10/08/05 6:57am	128	98
50m downwind of dairy (DWD 50)	10/08/05 6:30am	83	53
Cheese Factory Wastewater Tank (CFWW)	10/08/05 7:24am	3330	3300

[1] A conservative bag blank correction of 30 OU has been subtracted from all results, as this is a conservative minimum odour concentration measurable by the methods employed

The results indicate that the wastewater from the cheese factory wastewater tank contained the highest odour concentration, followed by the sample within the dairy and downwind from the dairy consecutively. This is consistent with field observations of odour concentrations

**A copy of the map showing Odour Modelling Results is with Attachments marked SD052.1/10/05.**

The odour concentrations at the sources are high and wind movement may carry away odorous gases emitted from these two primary sources. Odour annoyance may occur when a person exposed to odours perceives it as unwanted. The major factors relevant to perceived odour annoyances are:

- Offensiveness (a mixture of odour concentration, odour intensity, odour character and hedonic tone);
- Duration of exposure to the odour;
- Frequency of the odour occurrence; and
- Tolerance and expectation of the receptor.

In essence, odour Impact assessment uses the sample inputs of source odour concentration (OU), ventilation rates and emission strength (odour emission rates), topography information together with meteorological data (one-two year data), and then applies an air dispersion model (eg Ausplume or Auspuff) to model odour dispersion about the source.

*GHD has applied these methodologies and has plotted odour concentrations based on the DoE's "Green Light" 2OU, 99.5%ile, 3min, and 4OU 99.9%ile, 3min, then the 5OU and 10 OU 99.9%, 3min contours as selected values for odour impact criteria. Importantly the WA Water Corporation has invested considerable effort in assessing odour emissions from wastewater treatment plants in residential WA and has adopted a 5OU, 99.9%ile 3 minute odour concentration to assess buffers and predict complaint thresholds.*

#### GHD Results and Recommendations

*The odour assessment and modelling has been conducted to determine the risk that unacceptable odours may be experienced by residence on the proposed 6 farmlet lots. GHD has stated in their assessment report that the emission result calculations show that during normal operations, the dairy is clearly a more significant odour source than the Cheese Factory and any odour will predominantly originate from this source.*

*The modelling results are conservative, the sampling of the effluent ponds did not indicate any significant emissions and considered to be low background sources usual for a rural location.*

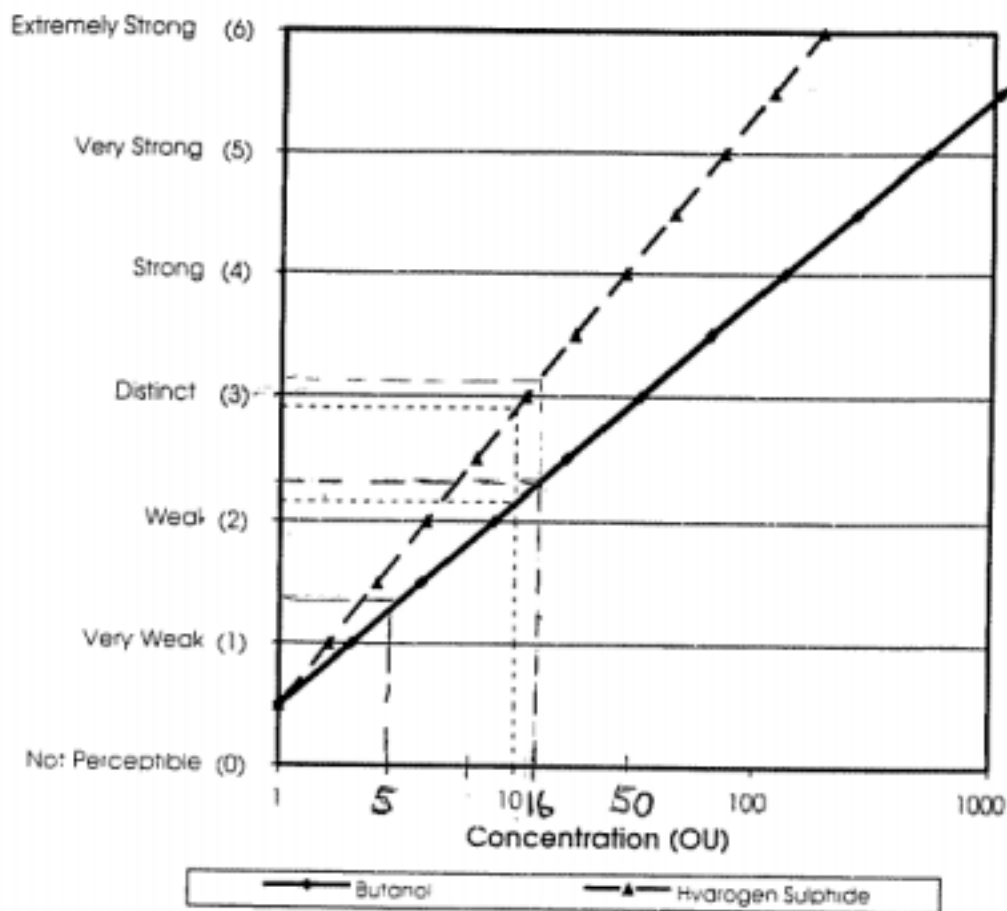
*An important comment in the report states, "The model contours suggest that there is the potential for 3 minute average odour concentrations of between 5OU and 16OU for up to 44 hours per year. The character and hedonic tone of the odour will be that of an operating dairy, and consist of mild cattle and fresh cattle manure. The odour character is in keeping with the rural location."*

The Principal Environmental Health Officer advises that the OU's detailed in the paragraph above and taken from GHD's report, exceeds the recommended odour criteria. GHD rationalise this by stating that, *"It must also be kept in mind that this proposal will occur in a rural location. The EPA's Guidance states that if the 'green light criteria' are not achieved the proposal should not be approved **unless** particular circumstances justify approval such as"* Surrounding land uses are relatively insensitive to odour impacts (eg other rural activities with their own odour).

There may be periods when portions of the subdivision will be impacted on by odour from the dairy and the levels may exceed the 5OU's used by the Water Corporation as a reference for levels to expect complaints. However, their criteria is being applied to residential zoned lots and rural (farmlet) owners may accept these rural odours at higher levels.

The graph detailed below demonstrates the difference between 5OU's, 10OU's and the 16OU's and how the level of the odour is perceived. The lines drawn in the graph may demonstrate the offensive nature of the odour. If we assume that the odour from the dairy is the dotted line in a residential population, and the solid line a rural or farmlet setting. The graph shows that there is a difference in perception and assumes a lower risk of annoyance in rural areas at the same levels of between 5 and 16OU's.

Department of Environmental Protection – Odour Methodology Guideline



*Figure 1: Relationship between Perceived Odour Intensity and Odour Concentration for Butanol and Hydrogen Sulphide (as reported in the German standard VDI 3882) using the Weber-Fechner Law.*

The GHD's assessment appears to have applied all the correct methodologies and complied with the relevant standards taken a grab sample to ground truth and sampled odour from 2 primary sources.

The report has indicated that GHD has been conservative in its estimated modelled odour dispersion based on DoE Guidances odours will be perceived from the dairy for periods and up to 200 metres from the holding yards at the rear of the dairy buildings. The report advocates that the character of the odour is in keeping with background odours and the rural location.

Therefore based on the results of GHD's study it can be assumed that the proposed surrounding land uses will be relatively insensitive to the odour from the dairy and even though the cheese factory wastewater system produces a very strong odour at the source it is being managed by containment and masking with a deodoriser. Staff support the findings of this study relating to odour impacts.

#### Environmental noise assessment report

The applicants were initially required by Council to modify the cheese factory up front to ensure replacement of the weatherproof louvers serving the compressor and refrigeration

unit area with 600mm deep acoustic louvers having the minimum noise reduction shown in Table 7 of the Herring Storer Acoustics report.

The applicants have since commissioned Herring Storer Acoustics to undertake this study for this land. The study has been reviewed by the Principal Environmental Health Officer and is summarised below:

*Herring Storer's revised report dated 5 September 2005 was undertaken after the construction of a solid 4 metre sound wall around the eastern and northern façade of the cheese factory where plant is located. As a result of the revised field truthing they do not recommend any further works be undertaken on the cheese factory above what has now been done.*

*Noise has also been assessed twice and after the first assessment some attenuation works were undertaken. The second report indicated that a site visit on 8 August 2005 showed that levels have been reduced to an L10 of 29 dB some 6 dB below assigned levels required in the EPA's noise regulations at the closest lot, lot 3.*

*Therefore the noise assessment by Herring and Storer Acoustic clearly demonstrates that there will not be a noise nuisance from the dairy or the cheese factory which is the primary noise source.*

Staff support the findings of this study relating to noise impacts.

#### Department of Environment

The Department of Environment (DoE) were forwarded copies of these reports submitted by the applicant and requested to review the information. To date, a formal response has not been provided by the DoE. Staff have held discussions with staff at DoE about the reports and issues associated with the proposal and no major issues have been raised about the technical information provided in these reports.

#### Sustainability Statement

**Effect on Environment:** Rezoning of the property to Farmlet will enable the Shire to require the rehabilitation and enhancement of the property. The limited remnant vegetation on the property can be protected and revegetation can be undertaken on the property. This will assist in improving biodiversity and enable the provision of additional animal habitats.

**Resource Implications:** No reticulated water will be provided within the estate. Individual landowners will be required to provide a minimum potable water supply of not less than 90 000 litres.

**Economic Viability/Benefits:** The proposal will attempt to address its external costs through the preservation and enhancement of biodiversity (through revegetation, drainage management, the use of ATU's for effluent disposal and the implementation of land use controls).

**Social and Environmental Responsibility and Social Diversity:** The rezoning and subsequent subdivision will enable improvement to the existing road network through road upgrading contributions. The larger lots will provide an alternative to the smaller lifestyle lots in the local area.

#### Statutory Environment:

Town Planning and Development Act  
Town Planning Regulations  
Town Planning Scheme No. 2  
Rural Strategy

#### Policy/Work Procedure

**Implications:**

State of Planning Policy No. 1 (State Planning Framework)  
State of Planning Policy No. 2 (Environmental and Natural Resources)  
Statement of Planning Policy No. 2.1 (Peel-Harvey Catchment)  
Statement of Planning Policy No. 2.5 (Agriculture and Rural Land Use Planning)  
LPP 4 – Revegetation  
LPP 6 – Water Sensitive Design  
LPP 9 – Multiple Use Trails within the Shire

**Financial Implications:**

Future ongoing costs to the Shire to maintain new areas within the subdivision eg multiple use corridor, roads, multiple use trails.

**Strategic Implications:**

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

**2. Environment**

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

Strategies:

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

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

Strategies:

1. Implement known best practice sustainable natural resource management.

**3. Economic**

*Objective 1: A vibrant local community*

Strategies:

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

*Objective 3: Effective management of Shire growth*

Strategies:

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

**4. Governance**

*Objective 3: Compliance to necessary legislation*

Strategies:

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

**Community Consultation:**

The amendment was advertised for public comment for a period of 42 days in accordance with the requirements of the Town Planning Regulations. A total of 6 submissions were received.

***The submission are detailed and addressed in the schedule of submissions provided with the attachments marked SD052.2/10/05.***

## **Comment:**

### Planning Context

#### Rural Strategy

The strategy identifies the land as suitable for Farmlet development, subject to compliance with certain criteria and guidelines which must be addressed in order to justify the development of land. These matters include:

- Regional and local zoning implications.
- Local strategies and structure planning.
- Environmental impact.
- Land management controls.
- Surface drainage issues.
- Vegetation preservation and revegetation.
- Onsite disposal of effluent.

Town Planning Scheme No. 2 states the following objectives and scheme provision for the Farmlet zone:

*“The purpose and intent of the Farmlet zone is described within the Council's Rural Strategy as amended and adopted by Council and the State Planning Commission dated April 1994.*

**5.13.2** *The Farmlet zone is intended to cater for a range of lots between four and forty hectares to allow for a variety of lot sizes in accordance with the objectives and guidelines of the Rural Strategy.*

**5.13.3** *Before including land within the Farmlet zone, the Council will require the owners or developers of the land to prepare a submission in support of its inclusion and any submission shall include those matters set down in sub-clause 5.9.3 of this Scheme.*

**5.13.4** *A guaranteed rainwater supply of 90,000 litres will be required to new lots proposed on land within the Farmlet zone.*

**5.13.5** *A description of the land included in the Farmlet zone together with land uses permitted and any special provisions relating to the land are set out in Appendix 4C.*

**5.13.6** *There shall be a plan of subdivision entitled Subdivision Guide Plan for each specified parcel of land included in the Farmlet zone endorsed by the Shire Clerk and approved by the State Planning Commission.”*

### Subdivision Guide Plan

The applicant has submitted a revised subdivision guide plan detailing the building envelopes setback 200 metres from the dairy as recommended by GHD. The building envelope from Lot 3 is setback 40 metres from the cheese factory which is considered acceptable by the noise consultants.

***A copy of the original Plan is with attachments marked SD052.3/10/05.***

***A copy of the modified Plan is with attachments marked SD052.4/10/05.***

### Conclusion

It is recommended that the scheme provisions be modified to reflect the works undertaken to attenuate noise at the cheese factory as well as the odour modelling studies that have been

completed. Clauses 14 and 15 of the scheme amendment stated:

- “14. The subdivider shall modify the cheese factory to ensure replacement of the weatherproof louvers serving the compressor and refrigeration unit area with 600mm deep acoustic louvers having the minimum noise reduction show in Table 7 of the Herring Storer Acoustics report and a further noise assessment of the factory once the louvers have been installed, demonstrating compliance with the Environmental Protection (Noise) Regulations 1997 at the nearest proposed residence to the satisfaction of Council.
15. The subdivider shall undertake any necessary modifications or works to the dairy and cheese factory that may be proposed within the odour, dust and noise reports to the satisfaction of Council.”

It is recommended that clause 14 and 15 be deleted and replaced with a new clause 14, which states:

14. The owner of Lot 2 shall ensure any noise from the cheese factory is contained within specified limits of the Herring Storer Acoustics report and the Environment Protection (Noise) Regulations at all times to the satisfaction of the Shire.

**Voting Requirements:** Normal

**SD052/10/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

Moved Cr Star seconded Cr Kirkpatrick

1. Council endorses the schedule of submissions prepared in respect of Amendment No. 141 to Town Planning Scheme No. 2.
2. The subdivision guide plan being modified in accordance with the modified Plan B shown in attachment SD052.4/10/05, including identifying areas of revegetation, firebreaks and multiple use corridors.
3. Subject to 2 above to the satisfaction of the Executive Manager Planning and Regulatory Services, Council adopts for final approval Amendment No. 141 to Town Planning Scheme No. 2 for the purposes of rezoning of Lot 54 Randell Road, Mardella from ‘Rural’ to ‘Farmlot’, subject to the special provisions designed for inclusion under Appendix 4C of the Scheme being replaced with the following modified special provisions:

(a) SPECIFIED AREA OF LOCALITY	(b) SPECIAL PROVISIONS TO REFER TO (a)
9. Lot 54 Randell Road, Mardella	1. Within the Farmlot zone the following land uses are permitted, or are permitted at the discretion of the Council.  Use classes permitted (P) Single House Public Recreation Public Utility  Discretionary Uses (AA) Ancillary Accommodation Home Occupation Rural Use Stables  All other uses are prohibited.  2. In exercising its discretion in respect to AA uses.

<b>(a) SPECIFIED AREA OF LOCALITY</b>	<b>(b) SPECIAL PROVISIONS TO REFER TO (a)</b>
	<p>the Council having regard to the Planning Guidelines for Nutrient Management shall only permit such uses when it is satisfied following consultation with the Department of Environment and any other relevant government agency that the land use does not involve excessive nutrient application or clearing of land.</p> <p>3. No dwelling shall be approved by the Council unless it is connected to an alternative domestic waste water treatment system as approved by the Department of Health with an adequate phosphorus retention capacity, as determined by the Department of Environment and with the base of the system or the modified irrigation area being the required distance above the highest known water table.</p> <p>4. All buildings and effluent disposal systems to be located within the building envelopes defined on the Subdivision Guide Plan unless otherwise approved in writing by the Shire.</p> <p>5. No indigenous vegetation and trees shall be destroyed or cleared except, but subject to the developer of the estate/landowner obtaining the prior consent in writing of the Council, where such vegetation is dead, diseased or where the clearing if required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems and/or driveways, to accommodate a 'Rural Use.</p> <p>6. The subdivider shall prepare and implement a Landscape and Vegetation Management Plan to the satisfaction of Council, in accordance with the Subdivision Guide Plan to plant a minimum of 20 percent of the land with indigenous trees, shrubs, groundcover and aquatic plants at a density of 1700 stems per hectare in areas for visual screening and not less than 18, 000 stems per hectare within and along watercourses and drainage lines, to the satisfaction of the Council prior to the transfer of a lot(s) to a new owner.</p> <p>7. The subdivider shall erect fencing adjacent to revegetation areas and either maintain the trees and shrubs planted until the land is sold or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of the fence adjacent to revegetation areas and those trees and shrubs planted by the subdivider to the satisfaction of the Council.</p> <p>8. The subdivider shall prepare and implement a Fire Management Plan that identifies the need for and the construction requirements relative to strategic firebreaks, water supplies and</p>



<b>(a) SPECIFIED AREA OF LOCALITY</b>	<b>(b) SPECIAL PROVISIONS TO REFER TO (a)</b>
	<p>equipment and any other fire management requirements that may be deemed necessary to the specification and satisfaction of the local authority and the Bush Fires Board of WA.</p> <p>9. Notwithstanding the obligations of the subdivider under Clause 5.13.7e of the Scheme the subdivider shall drain the land and provide detention areas in accordance with any drainage concept plan provided prior to the commencement of on ground works. Those easements and reserves required by Council including a drainage corridor, shall be provided to the Council free of cost at the time of subdivision to provide for the ongoing maintenance of drainage system components.</p> <p>10. At the time of the building application for each lot a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained, and proposals for tree planting and maintenance.</p> <p>11. The keeping of horses, sheep, goats, cattle or other grazing animals, where permitted shall be subject to the prior, written approval of Council. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture WA for the applicable pasture types. Vegetation planted by the developer, and remnant vegetation must be fenced from grazing livestock in order to protect vegetation.</p> <p>12. The subdivider to upgrade Randell Road and to construct a multiple use trail on the unconstructed road reserve adjacent to the property to the satisfaction of Council.</p> <p>13. A memorial shall be placed on the titles advising prospective purchasers that the lots may be affected by nuisances from the cheese factory and dairy.</p> <p>14. The owner of Lot 2 shall ensure any noise from the cheese factory is contained within specified limits of the Herring Storer Acoustics report and the Environment Protection (Noise) Regulations at all times to the satisfaction of the Shire.</p>

**CARRIED 9/0**

**Committee Note:** The Officer Recommended Resolution was changed via a minor amendment to condition 3 (6) to require 20 percent of the land to be revegetated, rather than 25 percent. This is consistent with the approved scheme provision on the adjoining Webb Road land. The Presiding Officer did not feel that this substantially changed the Officer's Recommended Resolution.

CGAM044/10/05		EUROPEAN HOUSE BORER PROGRAM (A0641-02)	
Proponent:	Department of Agriculture	In Brief  Council is requested to conditionally agree to authorize staff from the European Borer Program to remove dead pine material from land under the care and control of the shire and install Trap Poles on public land.	
Owner:	Shire of Serpentine Jarrahdale		
Officer:	MC Beaverstock Director Asset Services		
Signatures Author:			
Senior Officer:			
Date of Report	3 October 2005		
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		
<b>Delegation</b>	<b>Council</b>		

### **Background**

The Department of Agriculture and Forest Products Commission are jointly managing the European House Borer (EHB) Program which was established after the detection of EHB in Parkerville in January 2004. The program has focused on State-wide surveillance and containment activities over the last 12 months and it is believed that through this program EHB has been detected relatively early and its eradication from Western Australia is possible in the long term.

EHB has been found in two main clusters (Perth Hills and Gnangarra/Ellenbrook), four isolated suburbs and four pine plantations. To date, EHB has not been found in structural timber but is occurring in dead pine trees / logs and dead branches on live pine trees.

As EHB affected material has been found in Serpentine Jarrahdale shire, it is necessary to develop strategies for managing the threat in the area. Regulations are being developed which aim to limit the movement of untreated pine and reduce the level of suitable habitat. The removal of dead pine material is seen as a critical task in the eradication of the pest.

The Department of Agriculture and Forest Products Commission have requested approval from Council to remove dead pine material from land under the care and control of the shire and install Trap Poles to detect the presence of the Borer. This work would be undertaken at the cost of the EHB Program.

### **Sustainability Statement**

***Effect on Environment:*** At present the EHB appears only to affect seasoned (dry) softwood and is limited to dead pine material. Its eradication is deemed necessary to prevent environmental damage to softwoods.

***Economic Viability:*** Softwoods such as pine are used extensively in the building industry due to their structural capabilities and relatively low cost as a building material. If EHB is not eradicated it may result in economic impacts on the plantation and building industries which will be directly borne by consumers.

All works undertaken as part of this proposal will be borne by the EHB program. EHB have the potential to structurally weaken pine trees, creating a potential liability for Council on lands under its care and control.

**Statutory Environment:** Regulations being developed at present to assist in the control of EHB will likely require local government

assistance with enforcement and compliance. At present all activities are under the control of the Department of Agriculture.

Authorisation of staff of the EHB Program to remove dead pine material from shire land and install Trap Poles requires signing of an agreement by the Chief Executive Officer. As such an Absolute Majority decision of Council is required permitting the CEO to sign the relevant documents.

**Policy/Work Procedure Implications:**

There are no work procedures/policy implications directly related to this application/issue as the removal of dead trees is exempt under the Town Planning Scheme.

**Financial Implications:**

There are no Financial implications to Council related to this application/issue as all costs associated with the removal of dead pine material and installation of Trap Poles will be borne by the EHB Program.

**Strategic Implications:**

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

**1. People and Community**

*Objective 1: Good quality of life for all residents*

Strategies:

6. Ensure a safe and secure community.

**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.
6. Value, protect and develop biodiversity.

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

Strategies:

1. Implement known best practice sustainable natural resource management.

**3. Economic**

*Objective 1: A vibrant local community*

Strategies:

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

*Objective 3: Effective management of Shire growth*

Strategies:

1. Enhance economic futures for Shire communities.

**4. Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

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

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

Strategies

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

*Objective 3: Compliance to necessary legislation*

Strategies:

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:**

Consultation and awareness activities relating to EHB will be undertaken as part of the implementation of the EHB Program by the Department of Agriculture and Forrest Products Commission. Where available, relevant information will be placed on the shires website.

**Comment:**

The removal of material to assist in the eradication of this pest is supported. It has been requested that staff of the EHB Program are authorized to arrange for the installation of Trap Poles and the removal of dead pine material from land under the care and control of the Shire, as they deem necessary for the control of the EHB. Approval is recommended subject to the Shire being advised of any activities proposed to be undertaken on its land prior to commencement of works. In the interests of ensuring the community are fully informed of the bio-security threat of this pest, it is recommended that the shire is advised of any detection of EHB within the district.

**Voting Requirements:**

**ABSOLUTE MAJORITY**

**CGAM044/10/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Wigg seconded Cr Price**

**Council:**

1. Authorise staff of the European House Borer Program, as they deem necessary for the control of the European House Borer, to arrange for the removal of dead pine material from land under the care and control of the shire subject to the shire being advised of any activities proposed to be undertaken on its land.
2. Authorise staff of the European House Borer Program to arrange for the installation of Trap Poles on land under the care and control of the shire subject to proposed locations being to the satisfaction of the Director Asset Services.
3. Requests the Department of Agriculture and Forrest Products Commission to make available information to the shire regarding detection of European House Borer within the district of Serpentine Jarrahdale.
4. Delegates authority to the Chief Executive Officer to sign agreements between Council and the Department of Agriculture relating to Parts 1 and 2 of this resolution.

**CARRIED 9/0ABSOLUTE MAJORITY**

CGAM045/10/05 WORK PROCEDURE CSWP50 PAYMENT OF ENTITLEMENTS UNDER SHIRE OF SERPENTINE JARRAHDAL OPERATIONAL ENTERPRISE AGREEMENT 1998 – PRODUCTIVITY GAINS THROUGH REDUCTION OF SICK LEAVE (A1048)		
Proponent:	Director Asset Services	In Brief  Council is requested to adopt a change to the current Work Procedure CSWP50 which reflects past commitments made to Operations employees in relation to the payment of Sick Leave entitlements on retirement / resignation under the Operational Enterprise Agreement 1998.
Officer:	MC Beaverstock Director Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	28 September 2005	
Previously	CGAM027/03/05 29 March 2005	
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	
<b>Delegation</b>	<b>Council</b>	

### **Background**

In 1998 Council and its Operations employees negotiated an Enterprise Bargaining Agreement (the Shire of Serpentine Jarrahdale Operational Enterprise Agreement) which was certified by the Industrial Relations Commission on 16 December 1998.

The Agreement contained a clause, typically used in the initial development of local government Operations Enterprise Bargaining Agreements at that time, which was intended to provide incentive to employees to accrue sick leave entitlements which would result in productivity gains for the organization. The clause was based on a percentage of all accrued sick leave being paid out upon retirement / resignation however a graduated scale was applied which rewarded higher accruals with a higher percentage being paid out.

Prior to the Agreement being negotiated, Council had an arrangement in place with its Operations employees where all accrued sick leave was paid out up to a maximum of 50 working days equivalent (380 hours). This was a unique provision in local government at its time however was originally introduced with the same intention as the Agreement clause, being to encourage employees to accrue sick leave rather than use it irresponsibly.

The Agreement clause attempted to recognize the previous arrangement through mention of its existence, however specifically stated that the calculation of the sick leave payout was applicable only to sick leave accrued after the certification of the Agreement. Technically this voided eligibility for employees to be paid out any entitlements accrued prior to 16 December 1998.

In March 2005 a report was presented to Council following discussions between the Director Asset Services, Operations employees representatives, a representative of the Western Australian Shire Councils, Municipal Roads Boards, Health Boards, Parks, Cemeteries and Racecourses, Public Authorities and Water Boards Union (LGRCEU) and Councils Industrial Advocate, the Chamber of Commerce and Industry (CCI). At its meeting of 29 March 2005, Council resolved to adopt a new Work Procedure which it believed acknowledged those employees disadvantaged by the Agreement clause through payment of the first 380 hours accrued after 16 December 1998 at full pay rates and any additional accruals as per the Agreement formula.

The adopted Work Procedure was presented to Operations employees however, through the LGRCEU, employees have advised that they believe they remain disadvantaged as accruals

prior to 16 December 1998 are not eligible for payment. Employees involved in the negotiations of the Agreement claim, although there is no documented evidence of it being agreed, that the Chief Executive Officer at the time made a commitment that those people employed prior to 16 December 1993 would be eligible for payment of sick leave accruals in full between 16 December 1993 and 16 December 1998 up to a maximum of 50 days (380 hours).

Operations employees have proposed that the Work Procedure is modified to retain the original commitment for those commencing prior to 16 December 1993 then all employees subject to the Agreement payout formula for sick leave accrued after certification in 1998. Payment of sick leave accruals would occur as follows:

**A. Employees commencing prior to 16 December 1993**

Accrual from start date to 16 December 1998 paid out at 100% up to 380 hours

Accrual from 16 December 1998 to retirement/resignation date paid out as per following formula:

1 – 200 hours	20%
200 – 400 hours	40%
400 – 600 hours	60%
600+ hours	80%

*e.g. employee commencing on 1 April 1992 having accrued 493 hours as at 16 December 1993 and 312 hours between 16 December 1998 and retirement would be entitled to 380 hours X 100% plus 312 hours X 40%*

**B. Employees commencing after 16 December 1993**

Accrual from 16 December 1998 to retirement/resignation date paid out as per following formula:

1 – 200 hours	20%
200 – 400 hours	40%
400 – 600 hours	60%
600+ hours	80%

*e.g. employee commencing on 27 October 1996 having accrued 437 hours between 16 December 1998 and retirement would be entitled to 437 hours X 60% (leave accrued prior to 16 December 1998 is not included).*

**A copy of the current Work Procedure CSWP50 is with attachments marked [CGAM045-10-05.doc](#).**

**Sustainability Statement**

**Economic Viability:** The proposal is seen as rewarding employees who have accrued sick leave entitlements, recognizing the positive effect this has on team productivity, while not exposing Council to a major financial liability.

**Economic Benefits:** The proposal will provide economic benefits through good industrial relations with employees. Provision of the Sick Leave Clause encourages and rewards good productivity levels which enables works within the shire to be undertaken with low overhead costs.

**Social – Quality of Life:** The Sick Leave Clause provides opportunity for employees to be rewarded on retirement / resignation if sick leave entitlements are not used. Equally, in the

event of an employee being ill, sick leave accruals ensure a source of income is available while incapable of attending work.

**Social and Environmental Responsibility:** The proposal is socially responsible as it benefits employees who have contributed to high productivity within Operations.

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

**Statutory Environment:**

The Municipal Employees (Western Australia) Award 1999 (Federal) provides for accrual of sick leave at the rate of one sixth of a week for each completed month of service with the employer. This entitlement is the equivalent of 10 days (76 hours) per annum.

**Policy/Work Procedure**

**Implications:**

Amended Work Procedure

**Financial Implications:**

There are 5 employees who commenced employment with the shire prior to 16 December 1993 of which 4 have accrued over 380 hours at the time of certification of the Agreement and one employee has accrued 295 hours. One employee who has accrued over 380 hours has subsequently used all sick leave for its intended purpose and, as this has already been paid, is not applicable at this time.

Under the claim by employees the current equivalent payout is in the order of:

Pre 16 December 1993 employees

1,435 hours X 100%

320 hours X 40%

210 hours X 20%

Total liability = 1,605 hours

Post 16 December 1993 employees

530 hours X 40%

270 hours X 20%

Total liability = 266 hours

Based on current wages, the financial liability to Council at present is approximately \$32,000 which is marginally higher than the estimate of \$21,000 under the currently adopted Work Procedure.

Payments under this scheme would be funded from the Leave Reserve Account which currently contains \$118,000. It will be necessary to ensure ongoing contributions are made to this Reserve which accommodate future sick leave accruals and other purposes such as long service leave.

**Strategic Implications:**

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

**4. Governance**

*Objective 1: An effective continuous improvement program*

**Strategies:**

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

Operations employees have been consulted through the LGRCEU.

**Comment:**

The sick leave payout clause in the 1998 Agreement has been a point of contention between the shire, Operations employees and LGRCEU due to it not reflecting commitments made by the Chief Executive Officer of the time during negotiations and the clause being contradictory in nature by referring to previous arrangements but technically voiding them by excluding any sick leave accruals prior to certification.

It is the view of the Director Asset Services that Operations employees entered into the Agreement in good faith on the understanding that previous benefits relating to sick leave payouts would be retained. Due to poor wording within the document, minimal records being kept of the negotiation process and Management representatives leaving the employment of the shire, it is not possible to clarify exactly what was committed by both parties.

The employees affected by the clause have been with the shire for some 16 to 20 years and it is felt that their commitment to their employer should be recognized through clarification of the sick leave payout to reflect the good faith in which the employees entered into the Agreement.

**Voting Requirements:** Normal

**CGAM045/10/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Hoyer seconded Cr Kirkpatrick  
Council amends Work Procedure CSWP50 Payment of Entitlements Under Shire of Serpentine Jarrahdale Operational Enterprise Agreement 1998 – Productivity Gains Through Reduction Of Sick Leave, as follows:**

**CSWP50 PAYMENT OF ENTITLEMENTS UNDER SHIRE OF SERPENTINE JARRAHDAL OPERATIONAL ENTERPRISE AGREEMENT 1998 – PRODUCTIVITY GAINS THROUGH REDUCTION OF SICK LEAVE  
Responsibility: Director Corporate Services**

**Review:**

**Original Date Adopted:CGAM027/03/05 - 29.03. 05 – Ordinary Council Meeting**

**Payments to Operations employees of entitlements under Clause 17 (Productivity Gains Through Reduction Of Sick Leave) of Serpentine Jarrahdale Operational Enterprise Agreement 1998 shall be calculated as follows:**

**A Employees commencing prior to 16 December 1993**

**Accrual from start date to 16 December 1998 paid out at 100% up to 380 hours.**



**Accrual from 16 December 1998 to retirement / resignation date paid out as per following formula:**

1 – 200 hours 20%  
200 – 400 hours 40%  
400 – 600 hours 60%  
600+ hours 80%

*e.g. employee commencing on 1 April 1992 having accrued 493 hours as at 16 December 1993 and 312 hours between 16 December 1998 and retirement would be entitled to 380 hours X 100% plus 312 hours X 40% X hourly rate at time of retirement / resignation.*

**Note:** In the event that an employee has less sick leave entitlements at the time of retirement/resignation than were accrued as at 16 December 1998, the lower entitlement accrual will be used for the purposes of the calculation.

**B. Employees commencing after 16 December 1993**

**Accrual from 16 December 1998 to retirement / resignation date paid out as per following formula:**

1 – 200 hours 20%  
200 – 400 hours 40%  
400 – 600 hours 60%  
600+ hours 80%

*e.g. employee commencing on 27 October 1996 having accrued 437 hours between 16 December 1998 and retirement would be entitled to 437 hours X 60% X hourly rate at time of retirement/resignation. (Leave accrued prior to 16 December 1998 is not included).*

**CARRIED 9/0**

Cr Wigg declared a financial interest in item CGAM048/10/05 SERPENTINE JARRAHDAL GRAMMAR SCHOOL – NON EXCLUSIVE LEASE OF MUNDIJONG HALL as a guarantor to the Serpentine Jarrahdale Grammar School. Cr Wigg left the meeting at 7.25pm.

CGAM048/10/05		SERPENTINE JARRAHDAL GRAMMAR SCHOOL – NON EXCLUSIVE LEASE OF MUNDIJONG HALL (A1118)
Proponent:	Serpentine Jarrahdale Grammar School Inc.	In Brief  Council is requested to authorize the Chief Executive Officer to, on behalf of Council, negotiate and enter into a short-term lease for the non-exclusive use of the Mundijong Hall.
Owner:	Serpentine Jarrahdale Shire	
Officer:	MC Beaverstock Director Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	11 October 2005	
Previously	SCM02/09/05 2 September 2005	
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	
<b>Delegation</b>	<b>Council</b>	

### **Background**

At its Special Council meeting of 2 September 2005, Council resolved to grant in-principle approval for the temporary co-location of the proposed high school with the existing Shire administration on Reserve 30867. The in-principle approval was subject to a number of conditions being met, including the Minister for Planning and Infrastructure granting a change of reserve purpose to incorporate education establishment.

Council has since been advised by the Minister that the reserve purpose change will be granted and this is being progressed at present. The Serpentine Jarrahdale Grammar School Inc. are progressing the planning for the school including procuring infrastructure and entering into discussions with Shire administration regarding access to and use of facilities.

A condition of the in-principle approval is that the school enters into a legal agreement with the Shire for the non-exclusive use of the community hall and provision by the school towards the cost of maintaining this facility. Correspondence has been received from the school requesting that Council consider entering into a short term, non-exclusive lease over the hall up until the commencement of the formal two year agreement. The intent of the initial lease is to provide for the school an office for meeting with parents, students, suppliers and generally coordinate the activity leading up to the placement of transportable classrooms on site.

The school has requested that Council give consideration to the short term lease being entered into on the basis of a contribution by the school of \$100 per week towards the costs of maintaining the building.

### **Sustainability Statement**

**Economic Benefits:** The school has the potential to both directly and indirectly provide employment opportunities (ie teaching, administrative and maintenance jobs in the school and external jobs such as bus services).

**Social – Quality of Life:** It is not considered that the use of the Mundijong Hall will have any negative impacts on the community with regard to access to the facility as the proposed lease arrangement will be non-exclusive allowing other uses of the Hall to continue.

**Social Diversity:** The proposal will not directly impact on any particular social group.

**Statutory Environment:**

As Council are being requested to endorse the use of the Mundijong Hall at a lower rate than that adopted in the 2005-06 Budget, and authorise the Chief Executive Officer to enter into a short term lease arrangement for the use of the facility, an absolute majority decision is required.

**Policy/Work Procedure Implications:**

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

**Financial Implications:**

In the initial period of operation, prior to the placement of transportable classrooms on the site, the intention is to create an office facility in the Hall which would be either in the existing Bar room or Meeting room. The current Day Rate Casual Hire for these rooms is \$7.00 per hour and \$10.00 per hour respectively. Based on a contribution of \$100 per week this is the equivalent of up to 14 hours facility hire.

At this stage no estimate of weekly hour requirements has been made, however it is likely that it will exceed 14 hours. As such Council would effectively be permitting the hire of facilities at a lower hourly rate than adopted in the 2005-06 Schedule of Fees and Charges.

**Strategic Implications:**

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

**1. People and Community**

*Objective 1: Good quality of life for all residents*

Strategies:

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

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

Strategies:

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

*Objective 3: High level of social commitment*

Strategies:

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

**3. Economic**

*Objective 1: A vibrant local community*

Strategies:

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

**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.
4. Balance resource allocation to support sustainable outcomes.
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.
3. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

**Community Consultation:**

No community consultation has been undertaken with regard to entering into an agreement with the school regarding the use of the Mundijong Hall, however any lease arrangement would be non-exclusive so community access to the facility is retained in some form. This approach will be continued through the development of a formal agreement for use of the Hall when the school becomes operational.

The proposed use of the Hall is consistent with any group making a booking for time that is currently free. While it is not necessary to consult the community it is considered appropriate that current user groups are advised of the arrangement so that community perceptions are managed.

**Comment:**

While the request by the Serpentine Jarrahdale Grammar School for a weekly payment to Council of \$100 is likely to be below the equivalent of the hourly rate in the 2005-06 Schedule of Fees and Charges, this will be a short term arrangement only. The total income for the Hall rental will likely exceed normal income during this period as the facility is not currently highly utilized.

It is recommended that Council support the request by the school and authorize the Chief Executive Officer to negotiate the terms and conditions of the short-term arrangements.

**Voting Requirements:                      ABSOLUTE MAJORITY**

**CGAM048/10/05    Committee/Officer Recommended Resolution:**

**Moved Cr Star seconded Cr Brown**

**Council authorize the Chief Executive Officer to negotiate and enter into, on behalf of Council, a short-term lease agreement with the Serpentine Jarrahdale Grammar School Inc for the non-exclusive use of the Mundijong Hall to conclude no later than 31 December 2005 or when a formal lease for use of Reserve 30867 is signed, whichever is the sooner.**

**AMENDMENT**

**Moved Cr Star seconded Cr Price**

**To add part B:**

**Council would bear the costs of the drafting of the short term lease agreement however puts the Serpentine Jarrahdale Grammar School Board on notice that the Board will be expected bear the cost of the preparation of the long term formal lease.**

**After debate the presiding person then put the amendment which was CARRIED 8/0**

**The presiding person then put the amended motion:**

**COUNCIL DECISION**

**A Council authorize the Chief Executive Officer to negotiate and enter into, on behalf of Council, a short-term lease agreement with the Serpentine Jarrahdale Grammar School Inc for the non-exclusive use of the Mundijong Hall to conclude no later than 31 December 2005 or when a formal lease for use of Reserve 30867 is signed, whichever is the sooner.**

**B Council would bear the costs of the drafting of the short term lease agreement however puts the Serpentine Jarrahdale Grammar School Board on notice that the Board will be expected bear the cost of the preparation of the long term formal lease.**

**CARRIED 8/0 ABSOLUTE MAJORITY**

**Council Note:** The Committee/Officer Recommended Resolution was changed by adding part B regarding the costs of drafting short and long term leases.

Cr Wigg returned to the meeting at 7.31pm.

CGAM049/10/05	BYFORD CENTENARY 2006 (A0167-02)	
Proponent:	Byford Progress Association	In Brief  That Council consider a request from the Byford Progress Association to sponsor the Byford Centenary 2006 event by way of waiving the fees for the hire of the Byford Hall.
Owner:	Shire of Serpentine Jarrahdale	
Officer:	Elizabeth Cox A/Director Corporate Services	
Signatures Author:		
Senior Officer:		
Date of Report	4/10/05	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

**Background**

A letter has been received from the organizers of the Byford Centenary 2006 event seeking Council's support by way of waiving the fees for the hire of the Byford Hall for the major event on the 4 November 2006. Planning is underway for the day long festivities. Whilst most of the activities will take place in the afternoon, the group has requested the use of the hall for the day to assist with the setting up activities. It is proposed that a children's concert will be held in the town square concurrent with displays and afternoon tea in the hall.

**Sustainability Statement**

Heritage and Culture: The community planning committee have yet to announce the details of the celebrations to mark this significant community milestone. This is an opportunity for the community to gain an insight into the lives of our pioneers who worked so diligently to

establish our community. The occasion will also provide us with the opportunity to reflect on the past and celebrate our achievements.

**Economic Viability:** The organizing committee are seeking additional funding opportunities to support the event.

**Economic Benefits:** These celebrations will draw a number of people and their families back to Byford to rediscover their roots.

**Social – Quality of Life** The request provides an opportunity for Council to support through sponsorship this significant milestone for the community of Byford.

### **Statutory Environment:**

#### **Financial Implications:**

In waiving the hire fees of the hall, meeting room and kitchen for the day Council would be supporting the event in principle to the value of \$370 (2005/2006 charges). The community will need to pay the Bond and any other charges pertaining to the event. The value of the fees to be waived will be known after Council has considered in the 2006/2007 budget.

#### **Strategic Implications:**

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

#### **1. People and Community**

*Objective 1: Good quality of life for all residents*

##### Strategies:

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:

1. Foster a strong sense of community, place and belonging.
2. Protect built and natural heritage for economic and cultural benefits.

#### **3. Economic**

*Objective 1: A vibrant local community*

##### Strategies:

1. Develop tourism potential by exposing the community to the metropolitan area of Perth.

#### **4. Governance**

*Objective 3: Compliance to necessary legislation*

##### Strategies:

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

### **Comment:**

Supporting the community of Byford by way of waiving the hire of hall fees demonstrates positive support to the community. The community are planning a number of activities to celebrate this memorable milestone therefore it is considered appropriate for Council to consider the waiving of hall hire fees for the 4<sup>th</sup> November 2006.

**Voting Requirements:** Normal

**CGAM049/10/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

Moved Cr Hoyer seconded Cr Richards

1. Council supports the Byford Centenary Celebrations by including in the 2006/2007 Budget the waiving of an amount equal to the hire of the Byford Hall, Kitchen and Meeting Room for the Byford Centenary Celebrations on the 4<sup>th</sup> November 2006.
2. Council notifies the Byford Progress Association of this decision.

**CARRIED 9/0**

CGAM050/10/05 QUARTERLY FINANCIAL REPORT – SEPTEMBER 2005 (A0924/05)		
Proponent:	Local Government Act 1995	In Brief  To receive the September quarter financial report and approve the recommended changes to the adopted budget 2005/2006.
Owner:		
Officer:	C Green – Manager Corporate Services	
Signatures Author:		
Senior Officer:		
Date of Report	30/09/05	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995	
Delegation	Council	

**Background**

As per the new Regulation 34 each Local Government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month with the following detail -

- The annual budget estimates,
- The operating revenue, operating income, and all other income and expenses,
- Any significant variations between year to date income and expenditure and the relevant budget provisions to the end of the relevant reporting period,
- Identify any significant areas where activities are not in accordance with budget estimates for the relevant reporting period,
- Provide likely financial projections to 30 June for those highlighted significant variations and their effect on the end of year result,
- Include an operating statement, and
- Any other required supporting notes.

**Sustainability Statement:**

This review provides an indication of current allocation of resources to provide services as adopted in the 2005/2006 budget. It ensures that allocations are undertaken in accordance with the adopted budget and proposes any changes required to maintain the most efficient use of the available resources.

**Statutory Environment:**

Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996 require that financial activity statement reports are provided each month reporting on the sources and applications of funds, as set

out in the annual budget under regulation 22(1)(d) for that month. The report is to be presented at either the next ordinary meeting after the end of the month, or if not prepared in time to the next ordinary meeting after that meeting.

**Policy Implications:**

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

**Financial Implications:**

As provided within the report

**Strategic Implications:**

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

**Comment:**

The financial report format was changed in September 2004 to match the budget format. This change has been undertaken to assist Councillors and the public in comparing the current situation with the adopted budget.

This report will indicate all significant variations that are considered to effect the end of year result and other budget changes as a result of previous reviews of the budget requirements. Where a variation is not considered to significantly effect the end of year result or is anticipated to correct itself prior to the end of year no comment has been made. Changes to budget allocations from the September quarter review are indicated in *italics* with the resolution number provided adjacent to the account description.

***A hard copy of the Financial Report is with attachments marked [CGAM050-10-05.pdf](#). The Report reflects the period to 30 September 2005.***

**GENERAL PURPOSE FUNDING**

**RAR601      Rate Discount Allowed**

The actual expenditure in this account is \$24,000 more than budget, due to a greater amount of rates being received by the discount date. Approximately 60% of rates were received by the discount date, which is a great result. This amount is offset by the extra rates levied in RAR120.

**RAR120      Rates Income**

An extra \$30,000 of rates income was levied due to final adjustments to the rate model. As explained above this extra income is offset against the extra expenditure in Rate Discounts.

**GOVERNANCE**

**OGC530      Legal Expenses**

The Shire is currently dealing with a large number of appeals to the State Administrative Tribunal. The major appeals currently being contested relate to extractive industry licence conditions and decisions related to development applications for poultry farms. There will be significant legal costs to defend these appeals, particularly the poultry farm development applications. These costs include legal costs and employing planning and environmental



consultants to undertake research, prepare witness statements, participate in mediation sessions and hearings, travel and accommodation costs for interstate consultants.

The budget includes \$40,000 for legal expenses, however, to date approximately \$25,700 has been spent. It is expected that the legal costs for the financial year are likely to be greater than the amount budgeted. This account will be closely monitored over the next 3 months and reviewed again at the mid-year review.

## RECREATION AND CULTURE

### JCR730 John Crescent Reserve

This account covers ground maintenance including the Byford Rainforest. Current maintenance expenditure is shown as \$2,350, which is 52% of its total budget expenditure. Solar powered lighting within this reserve has not been in operation for the last few weeks due to the batteries reaching its end of life. The replacement cost is estimated around \$5,000 and therefore it is requested that this account allocation is increased by \$5,000 to \$9,500. The \$5,000 will be offset against the extra rates income.

## GENERAL COMMENTS

Being the first quarter there are no significant issues to be considered. The estimated brought forward balance for the year is shown on the rate setting statement with the actual figure also provided. This actual figure is subject to confirmation with the audit to occur in October and reflects fairly with the budget. Once the audit is completed and the figure finalised any required adjustment will be made at the mid year review.

A summary of the recommended changes appears in the matrix below:

ACCOUNT DETAIL	PREVIOUS BUDGET	RECOMMENDED BUDGET AMENDMENT	BALANCE
Opening Balance			0
Rate Discount Allowed	55,000	79,000	-24,000
Rate Income	4,815,975	4,847,000	6,000
John Crescent Reserve	4,500	9,500	1,000
Closing Balance			<b>1,000</b>

Voting Requirements: **ABSOLUTE MAJORITY**

### **CGAM050/10/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Wigg seconded Cr Richards**

- Council receives the September 2005 Quarterly Financial Report in accordance with Section 6.4 of the Local Government Act 1995.**
- Council adopts the following budget adjustments to the 2005/2006 statutory budget:-**

ACCOUNT DETAIL	PREVIOUS BUDGET	RECOMMENDED BUDGET AMENDMENT	BALANCE
Opening Balance			0
Rate Discount Allowed	55,000	79,000	-24,000
Rate Income	4,815,975	4,847,000	6,000
John Crescent Reserve	4,500	9,500	1,000
Closing Balance			<b>1,000</b>

**CARRIED 9/0 ABSOLUTE MAJORITY**

Cr Star, Cr Wigg and Cr Needham declared an interest of impartiality in item CGAM056/10/05 DARLING 200 RALLY – PROPOSAL TO USE JARRAHDALÉ HERITAGE PARK AS A SERVICE PARK as members of the SJ Landcare Board and Management Committee and that this would not effect how they vote on the matter.

CGAM056/10/05 DARLING 200 RALLY – PROPOSAL TO USE JARRAHDALÉ HERITAGE PARK AS A SERVICE PARK (P05576/44)		
Proponent:	Light Car Club of WA (Inc)	In Brief  Council is requested to give consent to Light Car Club of WA for use of part of Jarrahdale Heritage Park for a service park for the Darling 200 Rally.
Owner:	Shire of Serpentine Jarrahdale	
Officer:	Cary Green – Manager Corporate Services	
Signatures Author:		
Senior Officer:		
Date of Report	14 <sup>th</sup> October 2005	
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	<b>Council</b>	

### **Background**

Light Car Club of WA (inc) again seeks Council consent to utilise a section of the Jarrahdale Heritage Park as a service park for two days over the period of the Darling 200 Rally.

The Light Car Club of WA is proposing to conduct a car rally in the area to the east of Jarrahdale on Saturday 26<sup>th</sup> November 2005 as the final round of the West Australian Clubman Cup Rally Championship (Darling 200 Rally). They held the same event at the Jarrahdale Heritage Park last year and the event was a success with no negative feedback from the community and no incidents recorded.

***A copy of the proposed routes planned to be used for the competition is included with the attachments and marked CGAM056.1/10/05.***

Given the geographic location and the resources available for the race, the event organisers have identified an area of Jarrahdale Heritage Park and access to the old office building as being suitable for a service park. A service park would entail things such as a headquarters management centre, servicing of vehicles, and refuelling station.

### **Sustainability Statement**

***Effect on Environment:*** Servicing of any of the vehicles will be carried out on tarpaulins within the Jarrahdale Heritage Park.

***Resource Implications:*** Infrastructure such as roads under the care and control of the Shire being made to be reinstated satisfactorily following the event.

***Use of Local, renewable or recycled Resources:*** The proposal would provide the use of local stores by event organizers, participants and spectators.

***Economic Viability:*** There will not be ongoing costs or funding required for the Shire in the future.

**Economic Benefits:** The proposal will provide economic benefits to the community such as employment creation and tourism generator where event organizers, participants and spectators would utilize businesses such as the general store.

**Social – Quality of Life:** All servicing and refuelling of vehicles will be in a central controlled area. The quality of life would not be hindered from this proposal.

**Social and Environmental Responsibility:** The applicant is required to obtain necessary approvals from relevant state government agencies including the WA Police service, Department of Conservation and Land Management, Water and Rivers Commission and Water Corporation of WA.

**Social Diversity:** The proposal does not disadvantage any social groups within the community, rather it aims to cater for all sectors of the community.

**Statutory Environment:** Town Planning and Development Act 1928 (as amended)  
Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.  
Metropolitan Region Scheme

**Policy/Work Procedure Implications:** Rural Strategy

**Financial Implications:** The proposal does not have an impact on budgeted income or expenditure in the current year. If the project comes on stream it will have indirect benefits through tourist visitation and media exposure.

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

**1. People and Community**

*Objective 1: Good quality of life for all residents*

Strategies:

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

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

Strategies:

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.

**3. Economic**

*Objective 1: A vibrant local community*

Strategies:

1. Attract and facilitate appropriate industries, commercial activities and employment.
3. Develop tourism potential.
4. Promote info-technology and telecommuting opportunities.

**4. Governance**

*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:**

Required: No

The applicant would however be required to notify effected land property owners.

**Comment:**

The endorsement of this application for road closures has been undertaken by Asset Services under delegated authority.

***A copy of the Lease is included with the attachments and marked CGAM056.2/10/05.***

**Voting Requirements: ABSOLUTE MAJORITY**

**CGAM056/10/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Price seconded Cr Kirkpatrick**

1. Council gives its consent to enter into a lease agreement for the use of Lot 814 Jarrahdale Road (Jarrahdale Heritage Park) as a service park for two days 25<sup>th</sup> November 2005 and 26<sup>th</sup> November 2005 for Darling 200 Rally.
2. A lease fee of \$220 be charged and provided to Serpentine Jarrahdale Landcare to use in the verge tree planting program to offset carbon emissions.
3. The Chief Executive Officer and Shire President be authorised to sign the lease attached with this report and marked CGAM056.2/10/05.

**CARRIED 7/2 ABSOLUTE MAJORITY**

CGAM057/10/05		REQUEST TO WAIVE FEES FOR HIRE OF ERIC SENIOR PAVILION (RS0180/12)
Proponent:	Cr Needham – Shire President	In Brief  Council is requested to waive the fees for hiring of the Eric Senior Pavilion for the funeral service of the late Connie Senior.
Owner:	Serpentine Jarrahdale Shire	
Officer:		
Signatures Author:		
Senior Officer:		
Date of Report	18 <sup>th</sup> October 2005	
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	

**Voting Requirements: ABSOLUTE MAJORITY**

**CGAM057/10/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

Moved Cr Price seconded Cr Wigg  
The hire fees for the Eric Senior Pavilion be waived for the funeral service of the late Mrs Connie Senior.  
**CARRIED 9/0 ABSOLUTE MAJORITY**

**8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Nil

**9. CHIEF EXECUTIVE OFFICER'S REPORT**

OCM12/10/05 INFORMATION REPORT	
Proponent	Chief Executive Officer
Officer	J Abbiss - Chief Executive Officer
Signatures - Author:	
Senior Officer:	
Date of Report	20 <sup>th</sup> October, 2005
Previously	
Disclosure of Interest	
Delegation	Council

OCM12.1/10/05 COMMON SEAL REGISTER REPORT –SEPTEMBER, 2005 (A1128)

***The Common Seal Register Report for the month of September, 2005 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the attachments marked OCM12.1/10/05 (E02/5614)***

OCM12.2/10/05 EXECUTIVE OFFICER STRATEGIC DEVELOPMENT REPORT – OCTOBER, 2005 (A0436-05)

***The Executive Officer Strategic Development report of priorities to 18<sup>th</sup> October, 2005 is with the attachments marked OCM12.2/10/05 (E05/5580)***

OCM12.3/10/05 USE OF DELEGATION REPORT – SEPTEMBER, (A0039-02)

The Chief Executive Officer exercised the following delegations during the month of September, 2005:

CS-9 Internal & External Funding Applications Seeking Council Endorsement

- \* In principle support pending budget and council support – Peel Development Commission Infrastructure Strategy (OC05/5855)
- \* Letter of support – Harvest Highway – Regional Development Scheme Application (OC05/5813)
- \* Letter of support – Peel Marketing Alliance – Regional Development Scheme Application (OC05/5812)
- \* Letter of support – Mundijong Thoroughbred & Standardbred Trainers – Regional Development Scheme Application (OC05/5810)
- \* Letter to Minister for Communications, Information Technology and Arts re ABC funding restoration (OC05/5826)
- \* Letter of support – Peel Economic Development Unit application for Regional Development Scheme funding for integrated regional workforce strategy (OC05/6020)
- \* Letter of support Peel Economic Development Unit application for Peel regional infrastructure strategy (OC05/5021)
- \* Letter of support – Regional Heritage Advisor for Peel Region (OC05/6022)
- \* Letter of support – Byford & Districts Country Club – Regional Development Scheme Application (OC05/6040)
- \* Letter of support – Community Water Grant (OC05/6060)
- \* Letter of support – Communicating NRM in Northern Peel – Regional Development Scheme Application (OC05/6055)
- \* Letter of support for quality relationships alliance application to Regional Development Scheme (OC05/6006)
- \* Letter of support – Country City Challenge – Regional Development Scheme application (OC05/6150)

CS-7 Hire of Community Bus

Use of community bus 19.10.05 free of charge – Crime Prevention Group.

OCM12.4/10/05 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION –  
PEEL ZONE MEETING - SEPTEMBER 2005 (A1164)

***The Minutes of the WALGA Peel Zone meeting held on 29<sup>th</sup> September, 2005; President's Report for September/October 2005; Presentation by Department of Planning and Infrastructure and the Department of Local Government & Regional Development notes for WALGA Peel Zone meeting 29<sup>th</sup> September, 2005 are in the attachments marked OCM12.4a/10/05; OCM12.4b/10/05; OCM12.4c/10/05 and OCM12.4d/10/05 (IN05/10293)***

OCM12.5/10/05 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION –  
STATE COUNCIL SUMMARY MINUTES – OCTOBER, 2005 (A1164)

***The WALGA State Council summary minutes for 5<sup>th</sup> October, 2005 meeting are in the attachments marked OCM12.5/10/05.(IN05/10891)***

OCM12.6/10/05 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION –  
SOUTH EAST METROPOLITAN ZONE MEETING – SEPTEMBER,  
2005 (A1164)

***The WALGA South East Metro Zone meeting minutes for 28<sup>th</sup> September, 2005 meeting are in the attachments marked OCM12.6/10/05 (E05/5588)***

**OCM12/10/05 COUNCIL DECISION/Officer Recommended Resolution**

**Moved Cr Price seconded Cr Hoyer  
The Information Report to 20<sup>th</sup> October, 2005 is received.  
CARRIED 9/0**

**10. URGENT BUSINESS:**

Nil

**11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:**

Nil

**12. CLOSURE:**

There being no further business the Presiding Member closed the meeting at 7.42pm.

**13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:**

SD041/10/05 BUILDING INFORMATION REPORT		
Proponent:	N/A	In Brief  Information report
Owner:	N/A	
Officer:	Wayne Chant - Principal Building Surveyor	
Signatures Author:		
Senior Officer:		
Date of Report	3 October 2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM051/06/04	

**SD041/10/05 COMMITTEE DECISION/Officer Recommended Resolution**

**That Council accepts the September 2005 Building Information Report.  
CARRIED 7/0**

SD042/10/05 HEALTH INFORMATION REPORT		
Proponent:	N/A	In Brief  Information report
Owner:	N/A	
Officer:	Tony Turner - Principal Environmental Health Officer	
Signatures Author:		
Senior Officer:		
Date of Report	6 October 2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM051/06/04	

**SD042/10/05 COMMITTEE DECISION/Officer Recommended Resolution**

**That Council accepts the Health Information Report for September 2005.  
CARRIED 7/0**



SD043/10/05 COMMUNITY DEVELOPMENT INFORMATION REPORT		
Proponent:	Not applicable	In Brief  Information report
Owner:	Not applicable	
Officer:	Carole McKee - Acting Executive Manager Strategic Community Planning	
Signatures Author:		
Senior Officer:		
Date of Report	1 October 2005	
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	
<b>Delegation</b>	<b>Committee – in accordance with resolution SM051/06/04</b>	

**SD043/10/05 COMMITTEE DECISION/Officer Recommended Resolution**

**That Council accepts the September 2005 Community Development Information Report.  
CARRIED 7/0**

SD044/10/05 PROPOSED ASTRONOMICAL OBSERVATORY, COHUNU SITE - LOT 1 NETTLETON ROAD, BYFORD (P00893/04)		
Proponent:	Scott Hambley Architect	In Brief  The applicant seeks the removal of two of the conditions of the planning approval granted on 12 August 2005 for the proposed astronomical observatory to be constructed on the Cohunu site.
Owner:	N Sorbello	
Officer:	Meredith Kenny - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	26 July 2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report has a declared interest.	
<b>Delegation</b>	<b>Committee in accordance with resolution SM051/06/04</b>	

**SD044/10/05 COMMITTEE DECISION/Officer Recommended Resolution:**

**The planning approval issued for the observatory building on Lot 1 Nettleton Road, Byford on 12 August 2005 be amended by:**

- 1. Deleting condition 4. and renumbering the conditions consecutively thereafter.**
- 2. Deleting the word "ramped" from condition 24.**

**CARRIED 7/0**

SD053/10/05 PLANNING INFORMATION REPORT		
Proponent	Executive Manager Planning & Regulatory Services	<b>In Brief</b>  Information Report.
Officer	Lisa Fletcher – Support Officer Sustainable Development	
Signatures – Author:		
Senior Officer:		
Date of Report	3 October 2005	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee in accordance with resolution SM051/06/04</b>	

**SD053/10/05 COMMITTEE DECISION/Officer Recommended Resolution**

The Planning Information Report to 11 October 2005 be received.  
**CARRIED 7/0**

CGAM043/10/05 BRIGGS ROAD, BYFORD - SPEED ZONING REVIEW (R0158)		
Proponent:	Main Roads WA	<b>In Brief</b>  Council is requested to support the request from Main Roads WA to reduce the 70km/hr speed zone from Thomas Road to Abernethy Road on Briggs Road to 50km/hr.
Owner:	Shire of Serpentine-Jarrahdale	
Officer:	Bryce Coelho	
Signatures Author:		
Senior Officer:		
Date of Report	30 September 2005	
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.	
<b>Delegation</b>	<b>Committee - in accordance with resolution SM046/05/04</b>	

**CGAM043/10/05 COMMITTEE DECISION/Officer Recommended Resolution:**

Moved Cr Kirkpatrick seconded Cr Wigg:  
Council support Main Roads Western Australia recommendation to reduce the speed zoning on Briggs Road, Byford from Thomas Road to Abernethy Road from 70km/hr to 50km/hr.  
**CARRIED 7/0**

CGAM046/10/05		RFT C03/2005-06 SUPPLY AND INSTALLATION OF AUTOMATIC IRRIGATION SYSTEM (A1299)
Proponent:	Shire of Serpentine Jarrahdale	In Brief  Council is requested to award tender RFT C03/2005-06 for the supply and installation of an automatic irrigation system at the Serpentine Horse and Pony Club, Serpentine.
Owner:	Not applicable	
Officer:	Jason Elliott – Technical Officer	
Signatures Author:		
Senior Officer:		
Date of Report	4 October 2005	
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	<b>Committee in accordance with resolution SM051/06/04</b>	

**CGAM046/10/05 COMMITTEE DECISION/Officer Recommended Resolution:**

**Council award Contract C03/2005-06 Supply and Installation of Automatic Irrigation System to Water Dynamics Quinti & Co for the lump sum price of \$64,099.54 (inc GST);  
CARRIED 7/0**

Committee Note: Installation to be completed in consultation with the Serpentine Horse and Pony Club to ensure sprinkler types are suitable and works do not interfere with activities on the Reserve.

CGAM047/10/05		TRAFFIC MANAGEMENT AND ROAD SAFETY AROUND SCHOOLS (A0491)
Proponent:	Western Australian Local Government Association	In Brief  Council is requested to provide officers comments as a response to the request for comment on the Road Safety Around Schools Taskforce report on Guidelines, Policies and Procedures for Road Safety at New and Existing Schools.
Officer:	MC Beaverstock Director Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	6 October 2005	
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	<b>Committee in accordance with resolution SM051/06/04</b>	

**CGAM047/10/05 COMMITTEE DECISION/Officer Recommended Resolution:**

**Council provide a copy of this item as its response to the request for comments regarding the Road Safety Around Schools Taskforce Report: Guidelines, Policies and Procedures for Road Safety at New and Existing Schools.  
CARRIED 7/0**

<b>CGAM051/10/05 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)</b>		
Proponent:	Director Corporate Services	In Brief  To confirm the creditor payments made during September 2005
Owner:	N/A	
Officer:	S. O'Meagher – Finance Officer	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Committee in accordance with resolution SM046/05/04</b>	

**CGAM051/10/05 COMMITTEE DECISION/Officer Recommended Resolution:**

Council notes the payments authorised under delegated authority and detailed in the list of invoices for the month of September, presented to the Corporate Governance & Asset Management Committee and to Council, per the summaries set out above include Creditors yet to be paid and in accordance with the Local Government (Financial Management) Regulations 1996.  
**CARRIED 7/0**

<b>CGAM052/10/05 DEBTOR ACCOUNTS WITH A BALANCE IN EXCESS OF \$1,000 (A0917)</b>		
Proponent:	Director Corporate Services	In Brief  To receive the statement of debtors over \$1,000 as at 30 September 2005
Owner:	Not Applicable	
Officer:	Tracy Mladenovic – Finance Officer	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Committee in accordance with resolution SM046/05/04</b>	

**CGAM052/10/05 COMMITTEE DECISION/Officer Recommended Resolution:**

Council receive and note the report on Debtors accounts with a balance in excess of \$1,000 outstanding for 90 days or greater as at 30 September 2005.  
**CARRIED 7/0**

CGAM053/10/05 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)		
Proponent:	Director Corporate Services	In Brief  To receive the sundry debtor balances as at 30 September 2005
Owner:	Not Applicable	
Officer:	Tracy Mladenovic – Finance Officer	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Committee in accordance with resolution SM046/05/04</b>	

**CGAM053/10/05 COMMITTEE DECISION/Officer Recommended Resolution:**

**Council receive and note the report on Sundry Debtor Outstanding Accounts as at 30 September 2005.  
CARRIED 7/0**

CGAM054/10/05 RATE DEBTORS REPORT (A0917)		
Proponent:	Director Corporate Services	In Brief  To receive the rates report as at 30 September 2005
Owner:	Not Applicable	
Officer:	V Tapp – Finance Officer - Rates	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Committee in accordance with resolution SM046/05/04</b>	

**CGAM054/10/05 COMMITTEE DECISION/Officer Recommended Resolution:**

**Council receive and note the report the Rate Debtors accounts as at 30 September 2005.  
CARRIED 7/0**

CGAM055/10/05		INFORMATION REPORT	
Proponent:	Director Corporate Services	In Brief  To receive the information report to 7 October 2005	
Owner:	Not Applicable		
Officer:	Various		
Signatures Author:			
Senior Officer:			
Date of Report			
Previously			
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	<b>Committee in accordance with resolution SM046/05/04</b>		

**CGAM055/10/05 COMMITTEE DECISION/Officer Recommended Resolution:**

The information report to 7 October 2005 be received.  
**CARRIED 7/0**