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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 25TH SEPTEMBER, 2006. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.00PM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

1. ATTENDANCE & APOLOGIES:

IN ATTENDANCE:

COUNCILLORS: DL Needham Presiding Member
AW Wigg
KR Murphy
JC Star
EE Brown
WJ Kirkpatrick
MJ Geurds

OFFICERS: Mr S Bell Acting Chief Executive Officer
Mr D Long 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 Leave of Absence
JE Price
Cr Elect M Harris

GALLERY: 10

2. PUBLIC QUESTION TIME:

2.1 Response To Previous Public Questions Taken On Notice
Nil

3. PUBLIC STATEMENT TIME:

Public Statement Time commenced at 7.04pm

Dianna Jolly, Serpentine

Mrs Jolly is a resident of Serpentine and looking at the use of bridal paths and trails in the area. The Reserve from Wattle Road through to Utley Road is not accessible. Gates are difficult to open. There are cattle freely running backwards and forwards across the reserve. There are concerns from the community about the inaccessibility and it is very difficult to take horses through this area. She suggested that this trail is not only used for horse riding but for all the community to use ie BMX bikes, walking (but not motorbikes). Mrs Jolly suggested that Council should maintain the reserve, mow the area and keep it clear. Some parts of the reserve are sprayed each year which are now totally dead and suggested re-vegetating this area.

David Cechelle – Urban Pacific

Comments on the two supplementary reports. Fully support the Town Planning Scheme amendment report. Comments regarding Bush Forever report. Point E – 50m wide buffer. Urban Pacific Limited (UPL) would like to remove any specification on the buffer as it is covered elsewhere in the report. Mr Cechelle questioned why the buffer has been chosen, as there is no technical or scientific reason for this. UPL would like to work together on this

matter and to come up with a joint solution. UPL also requested that Point I, part (vi) be removed.

There has been a comprehensive report compiled on the spring survey, this was considered by State Government agencies and accepted. To undertake another survey would be an inadequate use of funds. Any reference regarding buffers (ie 10m and 50m buffers) should be worked on together at a later date.

Gerald Bergsma, Lightbody Road

On behalf of the residents of Lightbody Road who have worked with Councillors regarding the state of their road. The residents have concerns with the report that is going to Council tonight. Mr Bergsma gave background of meeting with the Director Engineering and a subsequent petition to Council (which included comments). The residents of Lightbody Road are unhappy with the Officers Report. He highlighted page 50 of the agenda, where 20 signatures have been received. He outlined that the signatures were those of drivers and the users of Lightbody Road. He felt that the record was not correctly stated and that only two concerns were addressed in the report. There were five concerns that were left off. Page 53 of the report states that the proposed realignment works would result in the loss of land, the actual impact on agriculture is nil. Drainage problems have been addressed by upgrade work done in the past 18 months. The comment regarding fuel costs is unacceptable. The landowners are willing to give up land on corners. It is unacceptable if Council votes on not sealing Lightbody Road. The residents are not asking for an immediate commitment to seal the road, but would like to have this put back on the forward financial plan. The road is dangerous, particularly in summer. Mr Bergsma asked Councillors to consider the proposal as emailed to Councillors prior to this meeting.

Kay Fleetwood, Lightbody Road

Gave her opinion of the condition of Lightbody Road where she has lived there for the past 20 years. There has been 50 cars pulled back onto their wheels and 80 pulled back onto the road in past years – it is a dangerous road. The gravel road around the bends has become a single vehicle track and when meeting oncoming traffic they become dangerous. No school bus will travel on the road, school children have to be dropped at either end. Children sometimes have to ride their bikes along the road. There is not enough room to walk down the road safely.

Lorretta Oud, Lightbody Road

Spoke against the recommendation to Council. Ms Oud felt that because there was no solution proposed, residents concerns were not being fully heard by Council. There was a lack of seriousness. She outlined the safety and health reasons. Her property and house is becoming intolerable to live in with the dust in summer. There are certain times of the day that her family is unable to go outside. The residents of Lightbody Road have been dealt with unfairly with regard to the condition of this road. It is a mistake to make a recommendation on facts and figures. As a resident on Lightbody Road the traffic on the road is significant enough to cause serious safety and health issues. She asked Councillors not to accept the Officers recommendation.

Public Statement time concluded at 7.23pm

4. PETITIONS & DEPUTATIONS:

Nil

5. PRESIDENT'S REPORT:

Nil

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Cr Wigg declared a financial interest in item CGAM020/09/06 REQUEST FOR REVIEW FOR USE OF LICENCE FEE – MUNDIJONG SPORTING GROUNDS as he is a member of the SJ Grammar School Board and a financial guarantor.

Cr Star and Cr Needham declared an interest of impartiality in the item CGAM023/09/06 WAIVER OF UTILITY CHARGES FOR MUNDIJONG MEETING PLACE as they are members of the Board of SJ Landcare Inc.

Cr Wigg declared an interest of impartiality in item CGAM023/09/06 WAIVER OF UTILITY CHARGES FOR MUNDIJONG MEETING PLACE as he is a member of the SJ Landcare Management Group.

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 – 28th August, 2006

COUNCIL DECISION

Moved Cr Star seconded Cr Brown
That the minutes of the Ordinary Council Meeting held on 28th August, 2006 be confirmed.
CARRIED 7/0

7.2 Special Council Meeting Minutes – 1st September, 2006

COUNCIL DECISION

Moved Cr Wigg seconded Cr Kirkpatrick
That the minutes of the Special Council Meeting held on 1st September, 2006 be confirmed.
CARRIED 7/0

7.3 Special Council Meeting Minutes – 19th September, 2006

COUNCIL DECISION

Moved Cr Brown seconded Cr Wigg
That the minutes of the Special Council Meeting held on 19th September, 2006 be confirmed.
CARRIED 7/0

REPORTS OF COMMITTEES:

SD027/09/06 PROPOSED TOWN PLANNING SCHEME AMENDMENTS – MUNDIJONG/WHITBY DISTRICT STRUCTURE PLAN AREA (A0858)		
Proponent:	Serpentine Jarrahdale Shire	In Brief The purpose of this report is for Council to consider a request to use Section 126 of the Planning and Development Act, initiate two amendments to Town Planning Scheme No. 2 (TPS 2) within the Mundijong/Whitby cell and resolve not to proceed with existing Amendment No. 119 to Town Planning Scheme No. 2 (TPS 2).
Owner:	Not applicable	
Officer:	Jocelyn Ullman – Senior Strategic Planner	
Signatures Author:		
Senior Officer:		
Date of Report	30 August 2006	
Previously	SD141/06/06; SD123/04/06	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Council has considered the progress of the Mundijong/Whitby District Structure Plan process in a number of previous reports to Council in April and June 2006 (SD123/04/06 and SD141/06/06). Nominations for participants in the Community Consultation Group have closed with approximately 30 nominations being received.

The purpose of this report is for Council to consider a request from Urban Pacific Ltd to use Section 126 of the Planning and Development Act, initiate two amendments to Town Planning Scheme No. 2 and resolve not to proceed with existing Amendment No. 119 to TPS 2.

A plan showing the Urban Pacific Ltd landholdings is with the attachments marked SD027.1/09/06.

Comments:

This Report contains a number of significant proposals relating to the following issues:

1. Section 126 of the Planning and Development Act 2005;
2. Proposed Scheme Amendment No. 152;
3. Proposed Scheme Amendment No. 153;
4. Development Areas;
5. Request for consent to advertise proposed Scheme Amendments;
6. TPS 2 – Amendment No. 119;
7. Development Contribution Areas; and

1. Section 126 - Planning and Development Act 2005

“126. Zoning amended by region planning scheme

- (1) *If a region planning scheme delineates land comprised in a local planning scheme as a reserve for any public purpose, then the local planning scheme, in so far as it operates in relation to that land, is, by force of this section and without any further action under this Act, amended to such extent (if any) as is necessary to give effect to the reservation under the region planning scheme.”*

Urban Pacific Ltd (UPL) have requested Council consider the use of Section 126 a new power included in the Planning and Development Act 2005, in particular section 126(3)(b). The intent of this provision is that where land was zoned 'Urban' under a Region Scheme, and either the Region Scheme was published, or a Region Scheme Amendment was published for public consultation, the full scheme amendment process for the local government Scheme would be unnecessary, as further public consultation would not be required.

However, as this new provision has not been tried it is unclear if it was intended to be used in the situation of the lifting of 'Urban Deferred' zoned land. No other local authority has used this new provision to date.

As a result of the complexity of this provision, the unknown implications of using Section 126, questions on how the EPA might become involved in the District Structure Plan process and the Section being untried in WA, officers sought legal advice from Council's solicitors.

The main points for consideration from this legal advice are summarised below:

- A change of zoning of land ordinarily involves a scheme amendment. That is ordinarily the case under either a regional planning scheme or a local planning scheme. The procedure for amending a regional planning scheme is set out in Division 3 or Part 4 of the Planning and Development Act 2005 (P & D Act), though provision is made in Division 4 for minor amendments to a regional planning scheme.
- In the case of the normal and minor amendment of a regional planning scheme (Metropolitan Region Scheme (MRS) in the Shire's case) requires compliance with the Environmental Protection Authority (EPA) referral provisions of sections 38 and 39 of the Act. The procedures for both the normal amendment and the minor amendment of a regional planning scheme involve public consultation.
- The amendment of a local planning scheme involves referral for EPA assessment under sections 81 and 82, and advertising for public inspection under section 84 of the Planning and Development Act 2005.
- In ordinary circumstances, an amendment to a regional planning scheme and a local planning scheme involves referral to the EPA and public consultation.
- The transfer of land from the "Urban Deferred" zone to the "Urban" zone is intended by the MRS to be a specially simplified process. Clause 27 of the MRS outlines this process.
- From their research of the legislation that the process outlined by clause 27 of the MRS is contrary to the provisions of the P & D Act, and for that reason void and ineffective. This was discussed with DPI representatives who advised that they had not previously recognised the problem. There is no clear answer that avoids the problem however, it could be expected that an amendment to the P & D Act will be made in the near future to remove legal doubt on this point, and that it is likely that some attempt will be made to validate clause 27 and procedures undertaken both prospectively and retrospectively.
- WAPC could not properly transfer the UPL from the 'Urban Deferred' zone to the 'Urban' zone without at least complying with the EPA referral provisions of sections 38 and 39 of the P & D Act. The issue of the land going from 'Urban Deferred' to 'Urban' would therefore be dealt with by the EPA in connection with the MRS amendment.

Conclusion

The use of Section 126(3) of the P & D Act can be used to expedite the process of rezoning the UPL land from 'Rural' to 'Urban Development' under Council's TPS 2 without going through the traditional planning amendment process. It is considered in the Shire's best interest to zone all land currently not zoned 'Urban Development' within the Mundijong/Whitby cell to 'Urban Development', as soon as possible. This will ensure the protection of the future of the cell and require that a Structure Plan be prepared before any development or subdivision in the area can be approved.

The use of Section 126(3) requires the local government to first agree with the use of the provision and then request the Commission to amend the local planning scheme automatically at the time the Commission publishes in the Government Gazette the amendment to the region scheme. Without the support of the local government Section 126(3) cannot be used.

Council's Senior Strategic Planner has discussed the implications of the use of Section 126 with officers from the Department for Planning and Infrastructure, EPA and UPL's town planners, Roberts Day, and it has been agreed that the use of Section 126 is not appropriate given its uncertainty and Council's desire to involve the community as much as possible in the planning for the future of the Mundijong/Whitby area. Therefore it is recommended that UPL's request to consider the use of Section 126 is not supported. However it is proposed that Scheme Amendment No. 152 and 153 be initiated immediately to ensure that all land within the Mundijong/Whitby cell is zoned 'Urban Development'. This is discussed further in Sections 2 and 3 of this Report below.

2. Proposed Scheme Amendment No. 152

A number of amendments to Council's TPS 2 have been initiated in the past to introduce the 'Urban Development' zone to the Mundijong/Whitby urban cell (Amendment No. 69 and 119).

These amendments did not rezone the whole cell largely due to the uncertainty regarding sand mining over the Whitby land. Section 6 of this Report discusses Amendment No. 119 in more detail.

There are a number of inconsistencies between the MRS and TPS 2 relating to the 'Urban', 'Urban Deferred' and 'Urban Development' zones in the Mundijong/Whitby cell. These are shown in **SD027.2/09/06**. Proposed Amendment No. 152 will rectify these inconsistencies.

Amendment No. 152 has been split into three land areas. **SD027.3/09/06 shows the proposed amendment areas**. The details of each proposal are outlined below:

- A. Lot 9500 Mundijong Road (formally known as part of Lot 499 Mundijong Road)**
– This land is owned by Mundella Farms Pty Ltd and is zoned 'Urban' under the MRS and 'Rural' under TPS 2. The extent of the 'Urban' zone under the MRS is bounded by the highway reservation in the MRS required for the Tonkin Highway connection to the South Western Highway.

Amendment No. 152 proposes to rezone Lot 9500 Mundijong Road from 'Rural' to 'Urban Development' with a 'Development Area No. 1' designation.

- B. Remaining land within Cell** – This land is in multiple ownerships and includes the following:
- All land zoned 'Special Rural No. 9';
 - Lots 100 and 101 Keirnan Street;
 - Part of Lot 492 Galvin Road;
 - Lot 0 Galvin Road;
 - Crown Land Reserve 4395 South Western Highway

This land is zoned 'Urban Deferred' under the MRS. The land is zoned 'Special Rural No. 9' and 'Rural' under TPS 2.

- C. Paterson Street Commercial Strip** – TPS 2 currently zones the Mundijong commercial strip as 'Commercial'. This would prevent the District Structure Plan provisions applying to this land and therefore is proposed to be included in the 'Urban Development' zone.

Amendment No. 69 to TPS 2 introduced the 'Urban Development' zone text provisions to the Scheme and rezoned the majority of Mundijong (and Byford) to 'Urban Development'. However, it is unclear from reviewing the amendment documents why the 'Commercial' zone was left intact. The existing commercial strip is a critical part of the existing and future Mundijong/Whitby area and therefore should be subject to a requirement for structure planning and a Developer Contribution Scheme is enabled under the 'Urban Development' zone.

Conclusion

Proposed Scheme Amendment No. 152 will introduce the 'Urban Development' zone and 'Development Area No. 1' to that land in the Mundijong/Whitby cell (excluding UPL land) that is not currently zoned 'Urban Development' to ensure the protection of the future of the cell and require that a Structure Plan be prepared before any development or subdivision in the area can be approved (**SD027.4/09/06 shows proposed Amendment No. 152**).

The Amendment also proposes the introduction of a description of 'Development Area No. 1' in Appendix 15 along with the purpose and any particular requirements that apply to DA No.1 which is discussed in more detail in Section 4 of this Report.

3. Proposed Scheme Amendment No. 153

Roberts Day Group on behalf of UPL has requested that a separate amendment to TPS 2 be initiated for their landholding to rezone their land, for the following reasons:

- The landholding is in one ownership and comprises a significant parcel of land with obvious edges;
- UPL have already lodged a request with the WAPC to lift the 'Urban Deferred' zone over the land. As such it has been the subject of recent comprehensive investigations which have identified issues relevant to urban development and either resolved these or demonstrated their capacity to be resolved at the later stages of structure planning and subdivision;
- Other landholdings within the District Structure Plan (DSP) area have not been the subject of such investigations and may be more constrained by issues such as drainage or have environmental values that require lengthy investigations and negotiations to quantify and resolve. If such issues arise they will require detailed attention and therefore result in delays in progressing all the land affected by the TPS amendment;
- Ownership in other parts of the DSP area is fragmented and landowners are not actively pursuing rezoning of their land to 'Urban Development' at this point in time. The rezoning of their land to 'Urban Development' is a consequence of its location in the DSP area and is being pursued by the Shire rather than by the landowners; and
- The Minister's instructions regarding the previously initiated amendment to rezone land in the DSP area was to exclude the Whitby landholding. If this amendment had proceeded the result would have been that two separate amendments were pursued, one for the Whitby landholding and one for the remaining area.

This request is supported given the points raised above. The initiation of a separate amendment relating only to UPL's land is not considered to have any significant impact from a strategic or statutory planning point of view on the future planning of the Mundijong/Whitby cell. This land has already undergone investigations as part of the lifting of the 'Urban Deferred' zone under the MRS.

Land subject to proposed Amendment No. 153 is described as Lot 302 and portion of Lot 399 Reilly Road, Lots 24, 25, 26, 27, 45 and portion of Lots 23 and 29 South Western Highway. All of the land owned by Urban Pacific is zoned 'Urban Deferred' under the MRS and zoned 'Rural' under TPS 2. Amendment No. 153 proposes to zone all of this land (except for that area identified as Bush Forever) as 'Urban Development' with a 'Development Area No. 2' designation (**SD027.5/09/06 shows proposed Amendment No.**

153). The designation of ‘Development Area No. 2’ is discussed further in Section 4 of this Report.

There is a large Bush Forever site in the north-east corner that is currently undergoing a Negotiated Planning Solution (this matter is discussed in item SD028/09/06). It is proposed that the Bush Forever area remains as ‘Rural’ under TPS 2, however, still be covered by ‘Development Area No. 2’. As with the existing 95ha in the northern part of Bush Forever site 354, eventually this ‘Rural’ zone area will be transferred to ‘Parks and Recreation’ under the MRS. The DA No. 2 designation will ensure that the Local Structure Plan produced for the Whitby land addresses all the requirements outlined in the Scheme and Appendix 15.

Consideration was given to including the Bush Forever site into ‘Reserves – Public Open Space’, however this may provide an opportunity for a claim of compensation for injurious affection to be lodged by UPL against Council.

Conclusion

Amendment No. 153 will introduce the ‘Urban Development’ zone and ‘Development Area No. 2’ to all of UPL’s land in Whitby with the exception of the Bush Forever site. This Amendment will ensure the protection of the future of the cell and require that a Structure Plan be prepared before any development or subdivision in the area can be approved. The Amendment also proposes the introduction of a description of ‘Development Area No. 2’ in Appendix 15 along with the purpose and any particular requirements that apply to DA No.2.

Amendment No. 153 also identifies Council’s Negotiated Planning Solution Boundary to Bush Forever No. 354 site and proposes to leave the Bush Forever land zoned as ‘Rural’ under TPS 2.

Although a separate amendment for the UPL land is supported both amendments will be lodged with the WA Planning Commission concurrently with a request for consent to advertise. The request for consent to advertise the amendments is discussed in Section 5 of this Report.

4. Development Areas

Section 5.18.1 of TPS 2 requires a Structure Plan for a Development Area, or for any particular part or parts of a Development Area, before recommending subdivision or approving development of land within the Development Area. Appendix 15 describes the Development Areas in more detail and set out the purpose and particular requirements that may apply to the Development Area.

This section of TPS 2 is confusing and should be reworked during the preparation of the new Town Planning Scheme. Amendment No. 113 is currently being progressed which will see the introduction of a Development Area and Development Contributions to TPS 2 for the Byford Structure Plan area.

Section 5.18.1.3 goes on further to state that *“the local government or the Commission may, as a condition of adopting or approving a Proposed Structure Plan, require a more detailed Structure Plan in future if the local government or the Commission considers that it will be necessary to provide additional detail to the proposals contained in the Proposed Structure Plan.”* This will be the case in the Mundijong/Whitby cell where Local Structure Plans will be required to follow on from the District Structure Plan.

Conclusion

Scheme Amendment No. 152 and 153 propose the introduction of two new Development Areas, one over UPL’s land and another over the remaining ‘Urban Development’ and proposed ‘Urban Development’ zones in the Mundijong/Whitby cell. **SD027.6/09/06 shows the proposed Development Areas.**

5. Request for Consent to Advertise Scheme Amendments

Planning Bulletin No. 29 outlines when local governments may advertise scheme amendments for public inspection without seeking the Commission's consent. Although proposed Scheme Amendments No. 152 and 153 do not contravene Planning Bulletin No. 29, given the complexity of the amendments, the differences between the existing MRS 'Urban Deferred' and 'Urban' zones and TPS 2 'Urban Development' zones and the history of previous scheme amendments, it is considered appropriate to request the WAPC grant consent to advertise Scheme Amendments No. 152 and 153. This approach was supported by DPI.

Conclusion

It is therefore recommended that Council request the WAPC grant consent to advertise Scheme Amendments No. 152 and 153.

6. TPS 2 – Amendment No. 119

In 1999, Council initiated Amendment No. 69 to TPS 2 to:

1. Introduce an Urban Development zone;
2. Rezone land in the Byford and Mundijong areas; and
3. Introduce provisions relating to the preparation and adoption of a structure plan and equitable sharing of infrastructure costs.

The WAPC advised Council in April 2000 that the former Minister for Planning had determined not to approve Amendment No. 69 until a number of modifications were effected. The most significant modification required was for the removal of most of the land in the Mundijong townsite between the South Western Highway, railway line and generally north of Watkins Road and Evelyn Street, from the Urban Development zone. Amendment No. 69 was gazetted on 16 June 2000.

In February 2001, Council initiated Amendment No. 119 to TPS 2 to rezone those parts of the Mundijong urban cell excluded from the Urban Development zone in Amendment No. 69.

The decision to initiate the amendment to TPS 2 was based on:

1. Council's long standing opposition to mineral sand mining in the Mundijong urban cell; and;
2. The need to bring the town planning scheme into line with the MRS where the land is zoned Urban Deferred.

In May 2003 the Hon Minister for Planning and Infrastructure granted consent for Amendment No. 119 to be advertised for public comment subject to the area north of Manjedal Brook being deleted from the 'Urban Development' zone proposal (Urban Pacific's land).

In November 2003, Council resolved to advise the WAPC that by complying with the Ministers directive the Shire would be unable to bring its TPS into conformity with the MRS and requested that the WAPC consider this anomaly and reconsider the inclusion of the land north of the Manjedal Brook in the 'Urban Development' zone.

The Scheme Amendment documents were modified but the Amendment was never advertised and has not been progressed any further. There also does not appear to be any response on file from the WAPC to Council's request to reconsider the land north of the Manjedal Brook in the 'Urban Development' zone. The Shire placed a request under Freedom of Information for further information on this matter. The WA Planning Commission provided the Shire with a copy of the planning report prepared in relation to this scheme amendment.

Conclusion

As there is no overriding planning benefit associated with the Amendment, considerable time has passed and the Amendment no longer addresses the current planning process for the Mundijong/Whitby cell, it is recommended that Council does not proceed with Amendment No. 119.

7. Development Contribution Areas

There is a priority need in the future to introduce Development Contribution Areas over the entire Mundijong/Whitby cell. An amendment to introduce these Areas will be initiated at the time of completing the District Structure Plan and any infrastructure requirements and costs are known.

Conclusion

An amendment to introduce Development Contribution Areas for the Mundijong/Whitby urban development cell will be initiated once the District Structure Plan has been prepared and any infrastructure requirements and costs are known. Clause 15.9 of Council's TPS 2 outlines the Development Contribution Areas and requirements, an amendment to introduce Development Contributions for the Mundijong/Whitby cell will involve a schedule to be inserted into Appendix 16 that outlines the development contribution works.

Statutory Environment:

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

Policy/Work Procedure Implications:

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

Financial Implications:

A budget of \$225,000 has been approved for the Mundijong/Whitby District Structure Plan project for 2006/2007. There will be costs for the preparation and advertising of the proposed Scheme Amendment documents.

Urban designer Malcolm McKay has been engaged as a facilitator on this project. Syrinx and Michael Taylforth have been engaged to address environmental matters. McLeods solicitors have provided legal advice on a number of matters.

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.

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.

2. Environment

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

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.
2. Encourage protection and rehabilitation of natural resources.
3. 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.
3. Develop tourism potential.
4. Promote info-technology and telecommuting opportunities.

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

Strategies:

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

Objective 3: Effective management of Shire growth

Strategies:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation

A Community Information Session was held in the evening on 16 August 2006 with approximately 150 people attending. The purpose of this session was to outline the process for the preparation of the Mundijong/Whitby District Structure Plan and initiate community participation in the enquiry by design process. Proposals to modify Town Planning Scheme No. 2 have not been discussed with the community formally. If the proposed Scheme Amendments are initiated, they will require advertising for a period of not less than 42 days

in accordance with the Planning and Development Act 2005 (as amended) and the Town Planning Regulations 1967 (as amended). All landowners within the Mundijong/Whitby urban cell will be notified in writing of the proposed Scheme Amendments and advertisements placed in the local newspapers.

Report Conclusion

This report considers a request from Urban Pacific Ltd for the use of Section 126 of the new Planning and Development Act and proposes to initiate two scheme amendments within the Mundijong/Whitby urban development cell.

After careful consideration by Council officers, it is recommended that:

1. Council declines the request to use Section 126 as this clause has been untried to date; and
2. Council initiates two amendments to TPS 2.

These proposals will see the ongoing orderly and proper planning of the cell continue with the introduction of the 'Urban Development' zone and Development Areas No. 1 and 2.

Voting Requirements: Normal

Officer Recommended Resolution:

- A. Council receives and notes the report on the Proposed Town Planning Scheme Amendment – Mundijong/Whitby District Structure Plan Area.
- B. Council advise Urban Pacific Ltd that it does not support the use of Section 126 of the new Planning and Development Act given the uncertainty of the use of the section and Council's desire to involve the community as much as possible in the planning for the future of the Mundijong/Whitby area.
- C. Council advise the Western Australian Planning Commission that it does not support Urban Pacific Ltd's request for the use of Section 126 of the new Planning and Development Act to expedite the Town Planning Scheme amendment process.
- D. Pursuant to Section 72 of the Planning and Development Act 2005, the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 be amended by:-

AMENDMENT NO. 152

1. Rezoning Lot 9500 Mundijong Road, Mundijong from 'Rural' to 'Urban Development';
2. Rezoning all land in Keirnan/Evelyn Street, Mundijong zoned 'Special Rural No. 9' to 'Urban Development';
3. Rezoning Lots 100 and 101 Keirnan Street, Mundijong from 'Rural' to 'Urban Development';
4. Rezoning part of Lot 492 Galvin Road, Mundijong from 'Rural' to 'Urban Development';
5. Rezoning Lot 0 Galvin Road, Mundijong from 'Rural' to 'Urban Development';
6. Rezoning Crown Land Reserve 4395 South Western Highway, Mundijong from 'Rural' to 'Urban Development';
7. Rezoning all lots on Paterson Street, Mundijong that are currently zoned 'Commercial' to 'Urban Development';

8. Amending the Scheme Map accordingly;
9. Including the following in Appendix 15 – Structure Plan Boundaries:

Ref. No.	Area	Provisions
DA 1	Mundijong (Urban Development Zone)	<ol style="list-style-type: none"> 1. A District Structure Plan is to be adopted to guide subdivision, land use and development and will cover Development Areas No. 1 and 2. Any Local Structure Plans prepared within Development Area No. 1 or 2 are to reflect the District Structure Plan. 2. The provisions of the Scheme shall apply to the land uses classified under the Structure Plan, in accordance with clause 5.18.6. 3. The local government may adopt Design Guidelines and Detailed Area Plans for any development precincts as defined on the Structure Plan. All development in such precinct is to be in accordance with the adopted guidelines and plans in addition to any other requirements of the Scheme and where there is any inconsistency between the design guidelines or plans and the Scheme, the Scheme shall prevail. 4. No subdivision or development of incompatible land uses will be supported within the separation distances associated with: <ul style="list-style-type: none"> ▪ Dairy on Lot 11 Taylor Road; ▪ Dairy on Lot 123 Randell Street; ▪ Saleyards on Lot 1 Galvin Street; ▪ Poultry Farm on Lot 2 Adamson Street; ▪ Poultry Farm on Lot 56 Shanley Road; ▪ Garden and hire business on Lot 410 Watkins Road; ▪ Stockfeeds on Lot 100 and 101 Keirnan Street; ▪ Council's Pound on Reserve 37149 Watkins Road; ▪ Council's Depot on Lots 50 and 222 Butcher Street; ▪ Telecommunications Tower on Lot 180 Shanley Road; ▪ Light Industrial uses located within the Special use zone (No. 6) Darling Views; until these uses cease or the separation distances are scientifically determined and approved by

Ref. No.	Area	Provisions
		<p>Council and the Department of Environment and Conservation. Separation distance requirements are to be determined in consultation with the Council and the Department of Environment and Conservation and are to be shown on the Structure Plan.</p> <p>5. In addition to the requirements of Clause 5.18.2 of this Scheme the following matter are to be addressed when preparing a Local Structure Plan(s) for the area:</p> <ul style="list-style-type: none"> ▪ Development interface with Bush Forever Sites 360 and 362 and Mandejal Brook; ▪ Preparation and implementation of a Management Plan for Bush Forever Sites 360 and 362; ▪ Buffers associated with wetlands and Mandejal Brook; and ▪ A minimum 50m buffer from the centre line of all watercourses to the top of the bank; <p>6. Noise attenuation measures will need to be addressed during the preparation of Local Structure Plans for those properties affected by noise from South Western Highway, the railway line, Mundijong Road, the proposed Tonkin Highway extension through to South Western Highway and any other major roads as identified by Council. These measures are to be to the satisfaction of the Council.</p>

10. Amending the Scheme Map to include Development Area No. 1 – DA 1 accordingly.

E. Pursuant to Section 72 of the Planning and Development Act 2005, the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 be amended by:-

AMENDMENT NO. 153

Resolved that Council, in pursuance of Part 5 of the Planning and Development Act 2005 amend the above Town Planning Scheme by:

1. Rezoning Lot 302 and portion of Lot 399 Reilly Road, Lots 24, 25, 26, 27, 45 and portion of Lots 23 and 29 South Western Highway, Whitby from 'Rural' to 'Urban Development';
2. Amending the Scheme Map accordingly;
3. Including the following in Appendix 15 – Structure Plan Boundaries:

Ref. No.	Area	Provisions
DA 2	Whitby (Urban Development Zone)	<ol style="list-style-type: none"> 1. A District Structure Plan is to be adopted to guide subdivision, land use and development and will cover Development Areas No. 1 and 2. Any Local Structure Plans prepared within Development Area No. 1 or 2 are to reflect the District Structure Plan. 2. The provisions of the Scheme shall apply to the land uses classified under the Structure Plan, in accordance with clause 5.18.6. 3. The local government may adopt Design Guidelines and Detailed Area Plans for any development precincts as defined on the Structure Plan. All development in such precinct is to be in accordance with the adopted guidelines and plans in addition to any other requirements of the Scheme and where there is any inconsistency between the design guidelines or plans and the Scheme, the Scheme shall prevail. 4. No subdivision or development of incompatible land use will be supported within the separation distances associated with: <ul style="list-style-type: none"> ▪ Extractive Industry on Lot 11 South Western Highway; ▪ Extractive Industry on Lot 344 South Western Highway; ▪ South Cardup Landfill on Lots 200 & 201 Shale Road; ▪ Sawmill, manufacture and distribution of timber and related products on Lots 2, 20, 60 and 21 Norman Road; ▪ Henley Park Motorcross track on Reserve 7125 South Western Highway; <p>until these uses cease or the separation distances are scientifically determined and approved by Council and the Department of Environment and Conservation. Separation distance requirements are to be determined in consultation with the Council and the Department of Environment and Conservation and are to be shown on the Structure Plan.</p> 5. In addition to the requirements of Clause 5.18.2 of this Scheme the following matters are to be addressed when preparing a Local Structure Plan(s) for the area: <ul style="list-style-type: none"> ▪ Development interface with Bush Forever Site 354 and Manjedal Brook;

Ref. No.	Area	Provisions
		<ul style="list-style-type: none"> ▪ Preparation and implementation of a Management Plan for Bush Forever Site 354; ▪ Bush fire risk and the preparation of an Emergency Management Plan; ▪ Buffers associated with the Conservation Category Wetlands along the railway line and Mandejal Brook; ▪ Buffers associated with wetlands and Mandejal Brook; ▪ A minimum 50m buffer from the centre line of all watercourses to the top of the bank; and ▪ Water Sensitive Urban Design and Drainage Management <p>6. Noise attenuation measures will need to be addressed during the preparation of Local Structure Plans for those properties affected by noise from South Western Highway, the railway line and any other major roads as identified by Council. These measures are to be to the satisfaction of the local government.</p>

4. Amending the Scheme Map to include Development Area No. 2 – DA 2 accordingly.
- F. Both Amendment documents are to be signed and the Western Australian Planning Commission is to be advised of Council's decision;
- G. A copy of the signed documents are to be forwarded to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act;
- H. Following receipt of formal advice from the Environmental Protection Authority that the Amendments should not be assessed under Section 48 of the Environmental Protection Act, the Western Australian Planning Commission be requested to give consent to advertise the Amendments in accordance with the Town Planning Regulations;
- I. Council resolves not to proceed with Amendment No. 119 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 and the WA Planning Commission be advised accordingly.

Committee Recommended Resolution:

- A. Council receives and notes the report on the Proposed Town Planning Scheme Amendment – Mundijong/Whitby District Structure Plan Area.
- B. Council advise Urban Pacific Ltd that it does not support the use of Section 126 of the new Planning and Development Act given the uncertainty of the use of the section and Council's desire to involve the community as much as possible in the planning for the future of the Mundijong/Whitby area.
- C. Council advise the Western Australian Planning Commission that it does not support Urban Pacific Ltd's request for the use of Section 126 of the new Planning and Development Act to expedite the Town Planning Scheme amendment process.
- D. Pursuant to Section 72 of the Planning and Development Act 2005, the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 be amended by:-

AMENDMENT NO. 152

1. Rezoning Lot 9500 Mundijong Road, Mundijong from 'Rural' to 'Urban Development';
2. Rezoning all land in Keirnan/Evelyn Street, Mundijong zoned 'Special Rural No. 9' to 'Urban Development';
3. Rezoning Lots 100 and 101 Keirnan Street, Mundijong from 'Rural' to 'Urban Development';
4. Rezoning part of Lot 492 Galvin Road, Mundijong from 'Rural' to 'Urban Development';
5. Rezoning Lot 0 Galvin Road, Mundijong from 'Rural' to 'Urban Development';
6. Rezoning Crown Land Reserve 4395 South Western Highway, Mundijong from 'Rural' to 'Urban Development';
7. Rezoning all lots on Paterson Street, Mundijong that are currently zoned 'Commercial' to 'Urban Development';
8. Amending the Scheme Map accordingly;
9. Including the following in Appendix 15 – Structure Plan Boundaries:

Ref. No.	Area	Provisions
DA 1	Mundijong (Urban Development Zone)	<ol style="list-style-type: none"> 1. A District Structure Plan is to be adopted to guide subdivision, land use and development and will cover Development Areas No. 1 and 2. Any Local Structure Plans prepared within Development Area No. 1 or 2 are to reflect the District Structure Plan. 2. The provisions of the Scheme shall apply to the land uses classified under the Structure Plan, in accordance with clause 5.18.6. 3. The local government may adopt Design Guidelines and Detailed Area Plans for any development precincts as defined on the Structure Plan. All development in such precinct is to be in accordance with the adopted guidelines and plans in addition to any other requirements of the Scheme and where there is any inconsistency between the design guidelines or plans and the Scheme, the Scheme shall prevail. 4. No subdivision or development of incompatible land uses will be supported within the separation distances associated with: <ul style="list-style-type: none"> ▪ Dairy on Lot 11 Taylor Road; ▪ Dairy on Lot 123 Randell Street; ▪ Saleyards on Lot 1 Galvin Street; ▪ Poultry Farm on Lot 2 Adamson Street; ▪ Poultry Farm on Lot 56 Shanley Road;

Ref. No.	Area	Provisions
		<ul style="list-style-type: none"> ▪ Garden and hire business on Lot 410 Watkins Road; ▪ Stockfeeds on Lot 100 and 101 Keirnan Street; ▪ Council’s Pound on Reserve 37149 Watkins Road; ▪ Council’s Depot on Lots 50 and 222 Butcher Street; ▪ Telecommunications Tower on Lot 180 Shanley Road; ▪ Light Industrial uses located within the Special use zone (No. 6) Darling Views; <p>until these uses cease or the separation distances are scientifically determined and approved by Council and the Department of Environment and Conservation. Separation distance requirements are to be determined in consultation with the Council and the Department of Environment and Conservation and are to be shown on the Structure Plan.</p> <p>5. In addition to the requirements of Clause 5.18.2 of this Scheme the following matter are to be addressed when preparing a Local Structure Plan(s) for the area:</p> <ul style="list-style-type: none"> ▪ Development interface with Bush Forever Sites 360 and 362 and Manjedal Brook; ▪ Preparation and implementation of a Management Plan for Bush Forever Sites 360 and 362; ▪ Buffers associated with wetlands and Mandejal Brook; and ▪ An adequate buffer to all watercourses from the top of the bank to protect the beds and banks of the stream; <p>6. Noise attenuation measures will need to be addressed during the preparation of Local Structure Plans for those properties affected by noise from South Western Highway, the railway line, Mundijong Road, the proposed Tonkin Highway extension through to South Western Highway and any other major roads as identified by Council. These measures are to be to the satisfaction of the Council.</p>

10. Amending the Scheme Map to include Development Area No. 1 – DA 1 accordingly.

E. Pursuant to Section 72 of the Planning and Development Act 2005, the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 be amended by:-

AMENDMENT NO. 153

Resolved that Council, in pursuance of Part 5 of the Planning and Development Act 2005 amend the above Town Planning Scheme by:

1. Rezoning Lot 302 and portion of Lot 399 Reilly Road, Lots 24, 25, 26, 27, 45 and portion of Lots 23 and 29 South Western Highway, Whitby from 'Rural' to 'Urban Development';
2. Amending the Scheme Map accordingly;
3. Including the following in Appendix 15 – Structure Plan Boundaries:

Ref. No.	Area	Provisions
DA 2	Whitby (Urban Development Zone)	<ol style="list-style-type: none"> 1. A District Structure Plan is to be adopted to guide subdivision, land use and development and will cover Development Areas No. 1 and 2. Any Local Structure Plans prepared within Development Area No. 1 or 2 are to reflect the District Structure Plan. 2. The provisions of the Scheme shall apply to the land uses classified under the Structure Plan, in accordance with clause 5.18.6. 3. The local government may adopt Design Guidelines and Detailed Area Plans for any development precincts as defined on the Structure Plan. All development in such precinct is to be in accordance with the adopted guidelines and plans in addition to any other requirements of the Scheme and where there is any inconsistency between the design guidelines or plans and the Scheme, the Scheme shall prevail. 4. No subdivision or development of incompatible land use will be supported within the separation distances associated with: <ul style="list-style-type: none"> ▪ Extractive Industry on Lot 11 South Western Highway; ▪ Extractive Industry on Lot 344 South Western Highway; ▪ South Cardup Landfill on Lots 200 & 201 Shale Road; ▪ Sawmill, manufacture and distribution of timber and related products on Lots 2, 20, 60 and 21 Norman Road; ▪ Henley Park Motorcross track on Reserve 7125 South Western Highway; <p>until these uses cease or the separation distances are scientifically determined and approved by</p>

Ref. No.	Area	Provisions
		<p>Council and the Department of Environment and Conservation. Separation distance requirements are to be determined in consultation with the Council and the Department of Environment and Conservation and are to be shown on the Structure Plan.</p> <p>5. In addition to the requirements of Clause 5.18.2 of this Scheme the following matters are to be addressed when preparing a Local Structure Plan(s) for the area:</p> <ul style="list-style-type: none"> ▪ Development interface with Bush Forever Site 354 and Mandjedal Brook; ▪ Preparation and implementation of a Management Plan for Bush Forever Site 354; ▪ Bush fire risk and the preparation of an Emergency Management Plan; ▪ Buffers associated with the Conservation Category Wetlands along the railway line and Mandejal Brook; ▪ Buffers associated with wetlands and Mandejal Brook; ▪ An adequate buffer to all watercourses from the top of the bank to protect the beds and banks of the stream; ▪ Water Sensitive Urban Design and Drainage Management <p>6. Noise attenuation measures will need to be addressed during the preparation of Local Structure Plans for those properties affected by noise from South Western Highway, the railway line and any other major roads as identified by Council. These measures are to be to the satisfaction of the local government.</p>

4. Amending the Scheme Map to include Development Area No. 2 – DA 2 accordingly.
- F. Both Amendment documents are to be signed and the Western Australian Planning Commission is to be advised of Council's decision;
- G. A copy of the signed documents are to be forwarded to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act;
- H. Following receipt of formal advice from the Environmental Protection Authority that the Amendments should not be assessed under Section 48 of the Environmental Protection Act, the Western Australian Planning Commission be requested to give consent to advertise the Amendments in accordance with the Town Planning Regulations;
- I. Council resolves not to proceed with Amendment No. 119 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 and the WA Planning Commission be advised accordingly.

Committee Note: The Officer Recommended Resolution was changed by amending Part D, number 9, part 5, dot point 4 and Part E, number 3, part 5, dot point 6 to read “An adequate buffer to all watercourses from the top of the bank to protect the beds and banks of the stream.”

SD027/09/06 SUPPLEMENTARY REPORT – PROPOSED TOWN PLANNING SCHEME AMENDMENTS – MUNDIJONG/WHITBY DISTRICT STRUCTURE PLAN AREA (A0858)

Comments

Urban Pacific Ltd (UPL) provided a submission on Report SD027/09/06 requesting that a number of points be considered when Council considers the Report at its full meeting on the 25 September 2006 (*in the attachments marked SD027.7/09/06 is a copy of the letter received from UPL*).

This Report is provided to supplement Report SD027/09/06 considered by the Sustainable Development Committee on the 19 September 2006 and to discuss and provide comments on the points raised by UPL.

Comments are also provided in this Report regarding a number of points raised by Councillors at the Sustainable Development Committee relating to some of the uses listed in proposed Appendix 15.

UPL raise a number of points in their submission provided to Councillors at the Sustainable Development Committee on the 19 September 2006. These points are summarised as:

1. UPL supports the proposal to initiate two amendments for the Mundijong/Whitby cell;
2. UPL agree that it is more appropriate for amendments be initiated to TPS 2 to bring it into line with the Metropolitan Region Scheme rather than using the untried and new Section 126 of the Planning and Development Act;
3. Request that the proposed amendments be referred to the Western Australian Planning Commission (WAPC) concurrently with the referral to the EPA (Review Recommendation H of Report SD027/09/06);
4. UPL question some of the requirements listed in Recommendation E3 of Report SD027/09/06 relating to provisions 4, 5 and 6 and request that they be removed.

A meeting was held with Roberts Day, UPL’s planning consultants, on the 20 September 2006 where the issues raised by UPL were discussed in more detail. These comments and points have been taken into consideration in preparing this Report.

Points two and three above are now discussed in more detail:

1. **Referral of proposed Amendments to WAPC** – UPL have requested that in the interest of expediency that the Council consider referring the proposed amendments to the WAPC concurrently with the referral to the EPA. UPL believes that this will enable the WAPC to consider the amendments in parallel with the EPA and enable advertising to commence immediately following the receipt of formal advice from the EPA.

Officer Comments

Section 81 of Planning and Development Act (P & D Act) requires local government to refer proposed amendments to the EPA forthwith for their consideration once the local government has resolved to adopt an amendment.

Section 25AA(1)(1a) of the Planning and Development Regulations states that if the WAPC gives its consent before the EPA has acted under Section 48 of the Environmental Protection Act (EP Act) the consent must be conditional on Section 7A2 of the P & D Act and Section 48C(6)(a) of the EP Act being complied with before the Amendments are advertised.

Section 48A of the EP Act allows 28 days for the EPA to respond to the local governments request to consider the amendments.

Conclusion

The legislation does not specifically state that an amendment is to be or could be referred to the WAPC and the EPA concurrently. Recommendation F of Report SD027/09/06 states that the WAPC is to be advised following Council's resolution of the initiation of Amendments No. 152 and 153, which would happen at the same time that the amendments are referred to the EPA for their consideration. It appears that UPL's request to refer the amendments to the WAPC for consent to advertise at the same time as referring the amendments to the EPA can be done under the legislation.

Given that the legislation provides for UPL's request to be entertained and there is sufficient safeguards under Section 25AA(1)(1a) of the Planning and Development Regulations to prevent the amendments from being advertising until EPA's consent has been granted, UPL's request is supported. Recommendation H has been modified to reflect the above.

2. **Proposed Appendix 15** – UPL consider that a number of the requirements proposed in Appendix 15 – Development Area 2 (Whitby) are more appropriately dealt with as part of the District and Local Structure Plans and subdivisions.

As discussed in Part 4 of Report SD027/09/06, Section 5.18.1 of TPS 2 requires a Structure Plan for a Development Area, or for any particular part or parts of a Development Area, before recommending subdivision or approving development of land within the Development Area. Appendix 15 is then to describe the Development Areas in more detail and set out the purpose and particular requirements that may apply to the Development Area.

The intent of proposed Appendix 15 – Development Area 2 (Whitby) is to outline specific requirements for this development area.

A meeting was held with UPL's planning consultants, Roberts Day, on the 20 September 2006, where UPL's concerns regarding Appendix 15 were discussed in more detail, subsequent notes have also been provided to Council's Senior Strategic Planner on the issues by Roberts Day. UPL's main concerns relate to:

- The need for the both Council and the DEC to determine and approve separation distances between those uses listed in point 4 of Appendix 15 – Development Area No. 2 (Whitby);
- That a situation may arise where the Council and the DEC have differing views on the separation distance;
- There already being existing state legislation and respective government agencies that deal with issues such as noise attenuation and buffers to existing land uses;

- Separation distances being required to be shown on the Structure Plan and this being interpreted to mean that they are to be scientifically determined and approved prior to the Structure Plan being finalised;
- The requirement for noise attenuation measures being addressed during the preparation of the Structure Plan and that the level of information required to address appropriate measures may not be available at this stage;
- Noise affected properties being identified by Council rather than the DEC/WAPC. A situation could arise where the Council and the DEC/WAPC have differing views;
- Some measures identified in the draft Statement of Planning Policy: Road and Rail Transport Noise are incompatible with achieving appropriate urban form; and
- The need for UPL to prepare and implement a Management Plan for Bush Forever Site 354 given that this site will eventually be the responsibility of the Crown.

Officers Comments

The following comments are made regarding these concerns:

- The DEC has adopted draft Guidelines for Separation Distances, that provide guidelines for the separation distances to a wide range of uses. The intent of listing specific land uses within Appendix 15 for both Development Areas is to ensure that when preparing structure plans that any proposed uses are not affected by the separation distances associated with existing land uses.

Point 4 acts as a warning to those who are wanting to develop in the area that there are a number of existing land uses in the area that require appropriate separation distances. If landowners want to develop land within the generic separation distances then they will need to scientifically prove that these separation distances do not affect their proposal. This requirement is not considered onerous and will ensure that any new development is protected from existing land uses.

The showing of separation distances on the Structure Plan is considered an appropriate planning tool to warn potential purchasers, Council and State Government agencies that there is an existing land use with an associated separation distance within the vicinity. Development in this area is prohibited until such time as that use ceases or the developer provides scientific evidence to prove that their proposal is not affected.

If the scientific data is not available at the time of the preparation of the structure plan then the generic separation distances outlined under the DEC's Guidelines would apply. It is unlikely that a situation would arise where the Council and the DEC would disagree on the separation distances or scientific data provided.

- Section 6 of the draft Statement of Planning Policy (SPP): Road and Rail Transport Noise (May 2005) states that the implementation of this Policy will be through the preparation of schemes and through the process of decision-making on rezonings, subdivisions and planning applications.

Point 6 of Appendix 15 – Development Area No. 2 (Whitby) requires noise attenuation measures be addressed as part of the Local Structure Plan for the area and therefore is implementing the draft SPP.

The draft SPP identifies a number of options for noise attenuation measures including separation of noise-sensitive development from noise sources, noise mitigation through infrastructure design and management (such as noise control at source, constructing the road or rail infrastructure in a cut, noise walls, landscaping mounds), noise amelioration through building design and notification of potential for noise nuisance. A number of these measures may need to be used to achieve appropriate noise attenuation.

Point 6 of Appendix 15 does not specify which measures are to be used, it states that noise attenuation measures will need to be addressed during the preparation of the Structure Plans. This is not considered an onerous requirement and warns landowners/developers of another specific issue to be addressed during the preparation of the Local Structure Plan.

- The requirement for UPL to prepare and implement a Management Plan for Bush Forever site 354 was included in Appendix 15, to ensure that until the site is handed over to the Crown that the land is not degraded. It also ensures that the land is maintained and management in an appropriate manner in the interim. It is unknown when the land will be transferred to the Crown and who will ultimately be responsible for the management of the site it is considered appropriate that UPL, being the current landowners, prepare and implement a Management Plan until such time as it is handed over.

It is agreed that this requirement could be reworded to clarify that the implementation of the Management Plan is only until the site is transferred to the Crown. Modifications have been made to Recommendation E3 point 5 of proposed Appendix 15 to reflect this requirement.

Conclusion

The requirements outlined in Recommendation E3 are not considered potentially detrimental to achieving an optimum planning outcome or onerous on the proponent. These requirements will ensure orderly and proper planning occurs during the preparation of Local Structure Plans, flags up front what requirements need to be addressed through the Local Structure Plan and highlight concerns raised by the EPA in their initial response to the WAPC on the lifting of the 'Urban Deferment' over the UPL land. It should be noted that the EPA does not have the power to formally consider a District Structure Plan however it is required to consider a proposed scheme amendment under Section 48 of the EP Act.

The proposed Appendix 15 also ensures that such documents as the draft Statement of Planning Policy: Road and Rail Transport Noise are implemented.

However, it is agreed that the requirement for the preparation and implementation of a Management Plan for Bush Forever site 354 could be reworded to clarify that this Plan is only to address the management of the site until the land is ceded to the Crown. Recommendation E3 point 5 of Appendix 15 has been modified to reflect this requirement.

It should also be noted that Development Area No. 1 (Mundijong) contains a similar provision which has also been modified to reflect the above interim Management Plan requirements.

Appendix 15 – List of Existing Uses

At the Sustainable Development Committee, clarification was sought over some of the uses listed in Appendix 15 – Development Area No. 1 (Mundijong) and Appendix 15 – Development Area No. 2 (Whitby). The following information is provided with regard to these uses:

Mundijong Saleyard

- The Saleyards are located on Lot 1 Evelyn Street and not Galvin Street;
- The Saleyards were leased to Statewide Livestock Services on the 30 June 1999, for a period of five (5) years, with expiry on 30 June 2004;
- The original lease agreement has provisions within the Schedule for a renewal option for a further term of five (5) years;
- A search of records indicates that whilst discussions were held with the lessee to renew the lease agreement for a further 3 years, this option was never exercised and the use of the premises has continued in accordance with clause 2.26, on a month by month basis, under the same terms and conditions of the original lease.
- In this instance, Council would be required to give only one months notice to the lessee to vacate the premises.

Hendley Park

- Appendix 15 should be corrected to read Hendley Park rather than Henley Park;
- Reserve 40950,(Location 2987) more commonly known as Hendley Park, was leased to the Lightweight Motor Cycle Club Inc. on 1 December 1991 for a period of fifteen (15) years, with expiry on 30 November 2011;
- Clause 19 of the lease provides for the termination of the agreement only if '*any covenant on the lessee's part herein contained or implied shall not be punctually performed or observed.*' The lease agreement does not contain a specific termination clause;
- Further legal advice would be required to ascertain what early termination options (if any) were available to Council, should the need arise.

Lots 48 and 221 Butcher Street should have also been included in Appendix 15 – Development Area No. 1 (Mundijong) to describe Council's Depot.

Lot 11 South Western Highway, containing the extractive industry, identified in Appendix 15 – Development Area No. 2 (Whitby) has also been recently subdivided and should be modified to Lot 202 South Western Highway.

Bush Forever Site No. 354

Part 3 of Report SD027/09/06 discussed proposed Amendment No. 153 and in particular the impact of the Negotiated Planning Solution for Bush Forever (BF) Site No. 354. The final boundary of the BF site will need to be reflected on Amendment No. 153 scheme maps. Any differences in the boundary of the BF site between Council and the WAPC's determination on the lifting of the 'Urban Deferment' can be addressed by the WAPC requesting Council to modify the amendment scheme maps prior to advertising.

Report Conclusion

The purpose of this Report is to provide supplementary advice to Council on Report SD027/09/06 following the receipt of a submission from Urban Pacific Ltd at Council's Sustainable Development Committee on the 19 September 2006.

After careful consideration by Council Officers of Urban Pacific Ltd's submission and subsequent meeting with Roberts Day, it is recommended that:

1. Council supports Urban Pacific Ltd's request to refer Amendment No. 152 and 153 concurrently to the Western Australian Planning Commission and Environmental Protection Authority and modify the Recommendation H of Report SD027/09/06 from:

"H. Following receipt of formal advice from the Environmental Protection Authority that the Amendments should not be assessed under Section 48 of the Environmental Protection Act, the Western Australian Planning Commission be requested to give consent to advertise the Amendments in accordance with the Town Planning Regulations;"

to read as follows:

- H. Request the Western Australian Planning Commission give consent to advertise the Amendments in accordance with the Town Planning Regulations. This request is to be undertaken concurrently with Recommendation G above. Forward a copy of the formal advice from the Environmental Protection Authority onto the Western Australian Planning Commission upon its receipt.
2. Council not support Urban Pacific Ltd's request to remove proposed Appendix 15 – Development Area No. 2 (Whitby) from Amendment No. 153. However, Council does support modifications being made to point 5 relating to the preparation and implementation of an interim Management Plan for Bush Forever Site 354. Council resolve to modify Report SD027/09/06 Recommendation E, number 3, dot point 2 from:

- "Preparation and implementation of a Management Plan for Bush Forever Site 354;"

to read as follows:

- Preparation and implementation of an interim Management Plan for Bush Forever Site 354. This Plan is to address management of the site until the site is ceded to the Crown.

SD027/09/06 REVISED OFFICER RECOMMENDATION

- A. Council receives and notes the report on the Proposed Town Planning Scheme Amendment – Mundijong/Whitby District Structure Plan Area.
- B. Council advise Urban Pacific Ltd that it does not support the use of Section 126 of the new Planning and Development Act given the uncertainty of the use of the section and Council's desire to involve the community as much as possible in the planning for the future of the Mundijong/Whitby area.
- C. Council advise the Western Australian Planning Commission that it does not support Urban Pacific Ltd's request for the use of Section 126 of the new Planning and Development Act to expedite the Town Planning Scheme amendment process.
- D. Pursuant to Section 72 of the Planning and Development Act 2005, the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 be amended by:-

AMENDMENT NO. 152

1. Rezoning Lot 9500 Mundijong Road, Mundijong from 'Rural' to 'Urban Development';
2. Rezoning all land in Keirnan/Evelyn Street, Mundijong zoned 'Special Rural No. 9' to 'Urban Development';
3. Rezoning Lots 100 and 101 Keirnan Street, Mundijong from 'Rural' to 'Urban Development';

4. Rezoning part of Lot 492 Galvin Road, Mundijong from 'Rural' to 'Urban Development';
5. Rezoning Lot 0 Galvin Road, Mundijong from 'Rural' to 'Urban Development';
6. Rezoning Crown Land Reserve 4395 South Western Highway, Mundijong from 'Rural' to 'Urban Development';
7. Rezoning all lots on Paterson Street, Mundijong that are currently zoned 'Commercial' to 'Urban Development';
8. Amending the Scheme Map accordingly;
9. Including the following in Appendix 15 – Structure Plan Boundaries:

Ref. No.	Area	Provisions
DA 1	Mundijong (Urban Development Zone)	<ol style="list-style-type: none"> 1 A District Structure Plan is to be adopted to guide subdivision, land use and development and will cover Development Areas No. 1 and 2. Any Local Structure Plans prepared within Development Area No. 1 or 2 are to reflect the District Structure Plan. 2 The provisions of the Scheme shall apply to the land uses classified under the Structure Plan, in accordance with clause 5.18.6. 3. The local government may adopt Design Guidelines and Detailed Area Plans for any development precincts as defined on the Structure Plan. All development in such precinct is to be in accordance with the adopted guidelines and plans in addition to any other requirements of the Scheme and where there is any inconsistency between the design guidelines or plans and the Scheme, the Scheme shall prevail. 4. No subdivision or development of incompatible land uses will be supported within the separation distances associated with: <ul style="list-style-type: none"> ▪ Dairy on Lot 11 Taylor Road; ▪ Dairy on Lot 123 Randell Street; ▪ Saleyards on Lot 1 Evelyn Street; ▪ Poultry Farm on Lot 2 Adamson Street; ▪ Poultry Farm on Lot 56 Shanley Road; ▪ Garden and hire business on Lot 410 Watkins Road; ▪ Stockfeeds on Lot 100 and 101 Keirnan Street; ▪ Council's Pound on Reserve 37149 Watkins Road;

Ref. No.	Area	Provisions
		<ul style="list-style-type: none"> ▪ Council's Depot on Lots 48, 50, 221 and 222 Butcher Street; ▪ Telecommunications Tower on Lot 180 Shanley Road; ▪ Light Industrial uses located within the Special use zone (No. 6) Darling Views; <p>until these uses cease or the separation distances are scientifically determined and approved by Council and the Department of Environment and Conservation. Separation distance requirements are to be determined in consultation with the Council and the Department of Environment and Conservation and are to be shown on the Structure Plan.</p> <p>5. In addition to the requirements of Clause 5.18.2 of this Scheme the following matters are to be addressed when preparing a Local Structure Plan(s) for the area:</p> <ul style="list-style-type: none"> ▪ Development interface with Bush Forever Sites 360 and 362 and Mandejal Brook; • Preparation and implementation of an interim Management Plan for Bush Forever Sites 360 and 362. This Plan is to address management of the sites until the site is ceded to the Crown. ▪ Buffers associated with wetlands and Mandejal Brook; and ▪ An adequate buffer to all watercourses from the top of the bank to protect the beds and banks of the stream; <p>6. Noise attenuation measures will need to be addressed during the preparation of Local Structure Plans for those properties affected by noise from South Western Highway, the railway line, Mundijong Road, the proposed Tonkin Highway extension through to South Western Highway and any other major roads as identified by Council. These measures are to be to the satisfaction of the Council.</p>

10. Amending the Scheme Map to include Development Area No. 1 – DA 1 accordingly.

E. Pursuant to Section 72 of the Planning and Development Act 2005, the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 be amended by:-

AMENDMENT NO. 153

1. Rezoning Lot 302 and portion of Lot 399 Reilly Road, Lots 24, 25, 26, 27, 45 and portion of Lots 23 and 29 South Western Highway, Whitby from 'Rural' to 'Urban Development';
2. Amending the Scheme Map accordingly;
3. Including the following in Appendix 15 – Structure Plan Boundaries:

Ref. No.	Area	Provisions
DA 2	Whitby (Urban Development Zone)	<ol style="list-style-type: none"> 1. A District Structure Plan is to be adopted to guide subdivision, land use and development and will cover Development Areas No. 1 and 2. Any Local Structure Plans prepared within Development Area No. 1 or 2 are to reflect the District Structure Plan. 2. The provisions of the Scheme shall apply to the land uses classified under the Structure Plan, in accordance with clause 5.18.6. 3. The local government may adopt Design Guidelines and Detailed Area Plans for any development precincts as defined on the Structure Plan. All development in such precinct is to be in accordance with the adopted guidelines and plans in addition to any other requirements of the Scheme and where there is any inconsistency between the design guidelines or plans and the Scheme, the Scheme shall prevail. 4. No subdivision or development of incompatible land use will be supported within the separation distances associated with: <ul style="list-style-type: none"> ▪ Extractive Industry on Lot 202 South Western Highway; ▪ Extractive Industry on Lot 344 South Western Highway; ▪ South Cardup Landfill on Lots 200 & 201 Shale Road; ▪ Sawmill, manufacture and distribution of timber and related products on Lots 2, 20, 60 and 21 Norman Road; ▪ Hendley Park Motorcross track on Reserve 7125 South Western Highway; until these uses cease or the separation distances are scientifically determined and approved by Council and the Department of Environment and Conservation. Separation distance requirements are to be determined in consultation with the Council and the Department of Environment and Conservation and are to be shown on the Structure Plan.

Ref. No.	Area	Provisions
		<p>5. In addition to the requirements of Clause 5.18.2 of this Scheme the following matters are to be addressed when preparing a Local Structure Plan(s) for the area:</p> <ul style="list-style-type: none"> ▪ Development interface with Bush Forever Site 354 and Manjedal Brook; • Preparation and implementation of an interim Management Plan for Bush Forever Site 354. This Plan is to address management of the site until the site is ceded to the Crown. ▪ Bush fire risk and the preparation of an Emergency Management Plan; ▪ Buffers associated with the Conservation Category Wetlands along the railway line and Mandejal Brook; ▪ Buffers associated with wetlands and Mandejal Brook; ▪ An adequate buffer to all watercourses from the top of the bank to protect the beds and banks of the stream; ▪ Water Sensitive Urban Design and Drainage Management <p>6. Noise attenuation measures will need to be addressed during the preparation of Local Structure Plans for those properties affected by noise from South Western Highway, the railway line and any other major roads as identified by Council. These measures are to be to the satisfaction of the local government.</p>

- 4. Amending the Scheme Map to include Development Area No. 2 – DA 2 accordingly.
- F. Both Amendment documents are to be signed and the Western Australian Planning Commission is to be advised of Council's decision;
- G. A copy of the signed documents are to be forwarded to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act;
- H. Request the Western Australian Planning Commission give consent to advertise the Amendments in accordance with the Town Planning Regulations. This request is to be undertaken concurrently with Recommendation G above. That Council forward a copy of the formal advice from the Environmental Protection Authority onto the Western Australian Planning Commission upon its receipt.
- I. Council resolves not to proceed with Amendment No. 119 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 and the WA Planning Commission be advised accordingly.

SD027/09/06 COUNCIL DECISION

Moved Cr Star seconded Cr Murphy

- A. Council receives and notes the report on the Proposed Town Planning Scheme Amendment – Mundijong/Whitby District Structure Plan Area.
- B. Council advise Urban Pacific Ltd that it does not support the use of Section 126 of the new Planning and Development Act given the uncertainty of the use of the section and Council’s desire to involve the community as much as possible in the planning for the future of the Mundijong/Whitby area.
- C. Council advise the Western Australian Planning Commission that it does not support Urban Pacific Ltd’s request for the use of Section 126 of the new Planning and Development Act to expedite the Town Planning Scheme amendment process.
- D. Pursuant to Section 72 of the Planning and Development Act 2005, the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 be amended by:-

AMENDMENT NO. 152

- 1. Rezoning Lot 9500 Mundijong Road, Mundijong from ‘Rural’ to ‘Urban Development’;
- 2. Rezoning all land in Keirnan/Evelyn Street, Mundijong zoned ‘Special Rural No. 9’ to ‘Urban Development’;
- 3. Rezoning Lots 100 and 101 Keirnan Street, Mundijong from ‘Rural’ to ‘Urban Development’;
- 4. Rezoning part of Lot 492 Galvin Road, Mundijong from ‘Rural’ to ‘Urban Development’;
- 5. Rezoning Lot 0 Galvin Road, Mundijong from ‘Rural’ to ‘Urban Development’;
- 6. Rezoning Crown Land Reserve 4395 South Western Highway, Mundijong from ‘Rural’ to ‘Urban Development’;
- 7. Rezoning all lots on Paterson Street, Mundijong that are currently zoned ‘Commercial’ to ‘Urban Development’;
- 8. Amending the Scheme Map accordingly;
- 9. Including the following in Appendix 15 – Structure Plan Boundaries:

Ref. No.	Area	Provisions
DA 1	Mundijong (Urban Development Zone)	<p>1 A District Structure Plan is to be adopted to guide subdivision, land use and development and will cover Development Areas No. 1 and 2. Any Local Structure Plans prepared within Development Area No. 1 or 2 are to reflect the District Structure Plan.</p> <p>2. The provisions of the Scheme shall apply to the land uses classified under the Structure Plan, in accordance with clause 5.18.6.</p> <p>3 The local government may adopt Design</p>

Ref. No.	Area	Provisions
		<p>Guidelines and Detailed Area Plans for any development precincts as defined on the Structure Plan. All development in such precinct is to be in accordance with the adopted guidelines and plans in addition to any other requirements of the Scheme and where there is any inconsistency between the design guidelines or plans and the Scheme, the Scheme shall prevail.</p> <p>4 No subdivision or development of incompatible land uses will be supported within the separation distances associated with:</p> <ul style="list-style-type: none"> ▪ Dairy on Lot 11 Taylor Road; ▪ Dairy on Lot 123 Randell Street; ▪ Poultry Farm on Lot 2 Adamson Street; ▪ Poultry Farm on Lot 56 Shanley Road; ▪ Garden and hire business on Lot 410 Watkins Road; ▪ Stockfeeds on Lot 100 and 101 Keirnan Street; ▪ Council’s Pound on Reserve 37149 Watkins Road; ▪ Council’s Depot on Lots 48, 50, 221 and 222 Butcher Street; ▪ Telecommunications Tower on Lot 180 Shanley Road; <p>until these uses cease or the separation distances are scientifically determined and approved by Council and the Department of Environment and Conservation. Separation distance requirements are to be determined in consultation with the Council and the Department of Environment and Conservation and are to be shown on the Structure Plan.</p> <p>5 In addition to the requirements of Clause 5.18.2 of this Scheme the following matter are to be addressed when preparing a Local Structure Plan(s) for the area:</p> <ul style="list-style-type: none"> ▪ Development interface with Bush Forever Sites 360 and 362 and Manjedal Brook; • Preparation and implementation of an interim Management Plan for Bush Forever Sites 360 and 362. This Plan is to address

Ref. No.	Area	Provisions
		<p>management of the sites until the site is ceded to the Crown.</p> <ul style="list-style-type: none"> ▪ Buffers associated with wetlands and Mandejal Brook; and ▪ An adequate buffer to all watercourses from the top of the bank to protect the beds and banks of the stream; <p>6 Noise attenuation measures will need to be addressed during the preparation of Local Structure Plans for those properties affected by noise from South Western Highway, the railway line, Mundijong Road, the proposed Tonkin Highway extension through to South Western Highway and any other major roads as identified by Council. These measures are to be to the satisfaction of the Council.</p>

10. Amending the Scheme Map to include Development Area No. 1 – DA 1 accordingly.

E. Pursuant to Section 72 of the Planning and Development Act 2005, the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 be amended by:-

AMENDMENT NO. 153

1. Rezoning Lot 302 and portion of Lot 399 Reilly Road, Lots 24, 25, 26, 27, 45 and portion of Lots 23 and 29 South Western Highway, Whitby from 'Rural' to 'Urban Development';
2. Amending the Scheme Map accordingly;
3. Including the following in Appendix 15 – Structure Plan Boundaries:

Ref. No.	Area	Provisions
DA 2	Whitby (Urban Development Zone)	<ol style="list-style-type: none"> 1. A District Structure Plan is to be adopted to guide subdivision, land use and development and will cover Development Areas No. 1 and 2. Any Local Structure Plans prepared within Development Area No. 1 or 2 are to reflect the District Structure Plan. 2. The provisions of the Scheme shall apply to the land uses classified under the Structure Plan, in accordance with clause 5.18.6. 3. The local government may adopt Design Guidelines and Detailed Area Plans for any development precincts as defined on the Structure Plan. All development in such precinct is to be in accordance with the adopted guidelines and plans in addition to any other requirements of the Scheme and where there is any inconsistency between the design guidelines or plans and the Scheme, the Scheme shall prevail.

Ref. No.	Area	Provisions
		<p data-bbox="688 212 1365 296">4. No subdivision or development of incompatible land use will be supported within the separation distances associated with:</p> <ul style="list-style-type: none"> <li data-bbox="743 331 1365 394">Extractive Industry on Lot 202 South Western Highway; <li data-bbox="743 430 1365 493">Extractive Industry on Lot 344 South Western Highway; <li data-bbox="743 529 1365 592">South Cardup Landfill on Lots 200 & 201 Shale Road; <li data-bbox="743 627 1365 711">Sawmill, manufacture and distribution of timber and related products on Lots 2, 20, 60 and 21 Norman Road; <li data-bbox="743 747 1365 810">Hendley Park Motorcross track on Reserve 7125 South Western Highway; <p data-bbox="730 846 1365 1087">until these uses cease or the separation distances are scientifically determined and approved by Council and the Department of Environment and Conservation. Separation distance requirements are to be determined in consultation with the Council and the Department of Environment and Conservation and are to be shown on the Structure Plan.</p> <p data-bbox="688 1123 1365 1249">5. In addition to the requirements of Clause 5.18.2 of this Scheme the following matters are to be addressed when preparing a Local Structure Plan(s) for the area:</p> <ul style="list-style-type: none"> <li data-bbox="730 1285 1365 1348">▪ Development interface with Bush Forever Site 354 and Manjedal Brook; <li data-bbox="730 1383 1365 1541">• Preparation and implementation of an interim Management Plan for Bush Forever Site 354. This Plan is to address management of the site until the site is ceded to the Crown. <li data-bbox="730 1577 1365 1640">▪ Bush fire risk and the preparation of an Emergency Management Plan; <li data-bbox="730 1675 1365 1759">▪ Buffers associated with the Conservation Category Wetlands along the railway line and Mandejal Brook; <li data-bbox="730 1795 1365 1858">▪ Buffers associated with wetlands and Mandejal Brook; <li data-bbox="730 1894 1365 1978">▪ An adequate buffer to all watercourses from the top of the bank to protect the beds and banks of the stream;

Ref. No.	Area	Provisions
		<ul style="list-style-type: none"> ▪ Water Sensitive Urban Design and Drainage Management <p>6. Noise attenuation measures will need to be addressed during the preparation of Local Structure Plans for those properties affected by noise from South Western Highway, the railway line and any other major roads as identified by Council. These measures are to be to the satisfaction of the local government.</p>

- 4. **Amending the Scheme Map to include Development Area No. 2 – DA 2 accordingly.**
- F. **Both Amendment documents are to be signed and the Western Australian Planning Commission is to be advised of Council’s decision;**
- G. **A copy of the signed documents are to be forwarded to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act;**
- H. **Request the Western Australian Planning Commission give consent to advertise the Amendments in accordance with the Town Planning Regulations. This request is to be undertaken concurrently with Recommendation G above. That Council forward a copy of the formal advice from the Environmental Protection Authority onto the Western Australian Planning Commission upon its receipt.**
- I. **Council resolves not to proceed with Amendment No. 119 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 and the WA Planning Commission be advised accordingly.**

CARRIED 7/0

Council Note: The Revised Officer Recommended Resolution was changed by deleting reference to the Saleyards and Residential Composite/Light Industrial area (Darling Views Estate).

SD028/09/06 NEGOTIATED PLANNING SOLUTION – BUSH FOREVER SITE 354, WHITBY (A0858/01)		
Proponent:	Serpentine Jarrahdale Shire	In Brief The purpose of this Report is for Council to consider a proposed boundary adjustment (Negotiated Planning Solution) to Bush Forever Site 354 by Cardno BSD on behalf of Urban Pacific Ltd. After investigation by Council officers and the Shire's consultants Syrinx, it is recommended that Council support an alternative boundary to that proposed by Cardno BSD.
Owner:	Not applicable	
Officer:	Jocelyn Ullman – Senior Strategic Planner	
Signatures Author:		
Senior Officer:		
Date of Report	12 September 2006	
Previously	SD141/06/06; SD123/04/06	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Bush Forever Site 354 occupies 149ha in the northern and north eastern section of Urban Pacific Ltd's (UPL) landholdings in Whitby. The Bush Forever (BF) site covers the entire area currently reserved for 'Parks and Recreation', approximately 95ha, and also extends into approximately 54ha of the land zoned 'Urban Deferred'.

Cardno BSD on behalf of UPL proposes a Negotiated Planning Solution (NPS) to that area of the BF site zoned 'Urban Deferred'. ***SD028.1/09/06 contains a map showing the proposed NPS boundary by Cardno BSD.***

In early July 2006, Cardno BSD, on behalf of UPL, put forward a proposal for the BF boundary within the 'Urban Deferred' portions of the site (***refer SD028.2/09/06 contains a map showing the original NPS boundary***). ***Syrinx vegetation communities is shown at attachment SD028.3/09/06 & the Syrinx NPS boundary is shown at attachment SD028.4/09/06.***

The purpose of this report is to consider Cardno BSD's NPS for Bush Forever Site 354 and consider advice from the Shire's Environmental consultant, in order to provide a recommendation on this matter to the WA Planning Commission.

Sustainability Statement

The effects this proposal may have on the biodiversity, existing and future land uses, and the economic viability of the management of the Bush Forever Site are discussed in this report.

Statutory Environment:

Draft Statement of Planning Policy 2.8 – Bushland Policy for the Perth Metropolitan Region
Bush Forever
Planning and Development Act 2005
Metropolitan Region Scheme

Policy/Work Procedure Implications:

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

Financial Implications:

The financial implications of the future management of Bush Forever Site 354 have not yet been costed. It is understood that the Department for Planning and

Infrastructure will seek to have the area of Bush Forever outside of the 'Parks and Recreation' reserve transferred to the Crown free of cost.

If this occurs, then the land is to be owned by the WA Planning Commission. All costs associated with the management of this land will be the responsibility of the WA Planning Commission and not Council.

The development interface area will be land contained within the proposed residential area, parts of this will be the responsibility of Council to manage.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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.

2. Environment

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

Strategies:

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

3. Economic

Objective 3: Effective management of Shire growth

Strategies:

1. Represent the interests of the Shire in State and Regional planning processes.
2. 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.
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:

Negotiated Planning Solutions on proposals to modify Bush Forever boundaries are carried out between the relevant local and state government agencies and landowners. There is no community consultation in this process.

Comment:

Site Visit

A site visit was conducted with attendance from the DPI – Bush Forever Office, Department of Environment and Conservation (DEC) and Shire officers. Following discussions on site, Cardno BSD modified the NPS boundary to ensure it includes all bushland areas of regional significance. This new NPS boundary differs from the previously proposed boundary in two ways:

1. The creekline that runs east to west across the southern section of the BF site is now totally included in the proposed NPS boundary, up to the present BF boundary. This revision has been made on the basis that portions of the creekline vegetation still have a structure in place, and have a conservation value higher than previously thought; and
2. The southern section of *Eucalyptus marginata* / *Allocasurina fraseriana* woodland has been included. This extension has been done on the basis that the additional area has an overstorey that is largely intact and as such provides a continuous canopy habitat for bird species.

The new NPS boundary deviates from the existing BF boundary by an area of 18ha.

Report from landowner's consultant – Cardno BSD

Cardno BSD report that after detailed investigation, it is concluded that the 18ha of this site proposed to be excluded from BF contains no 'Bushland' as it is defined in *EPA Guidance No. 10*. This conclusion has been drawn on the basis that the subject areas no longer exhibit a native vegetated structure. Cardno BSD therefore considers that the proposed NPS would retain all the core values of the site.

Report from Council's consultant – Syrinx Environmental

Council appointed Syrinx Environmental to investigate the site and provide an independent report on the quality of vegetation of the BF Site 354. The main points of this report are summarised below:

- Substantial previous vegetation, flora and fauna survey work has been undertaken in BF Site 354. BF plot data and previous vegetation mapping indicates that most of the vegetation belongs to two Threatened Ecological Communities. One of these sites is 20B (Eastern *Banksia attenuate* and/or *Eucalyptus marginata* woodlands) and the other 3B (*Corymbia calophylla*/*Eucalyptus marginata* woodlands on sandy clay soils of the southern Swan Coastal Plain). Both are listed as endangered and vulnerable respectively. The remaining areas of vegetation have also previously been determined by the DoE as regionally significant.
- A site inspection was carried out by officers of Syrinx Environmental in mid July 2006 where areas of intact vegetation were described and dominant species listed. However, a comprehensive floristic survey was not within the scope of the project and it is recommended that the proponent undertake a comprehensive floristic survey during the Spring period. The timing of the site inspection and survey by both consultants meant that many annual species were not present, including the Declared Rare Flora species *Drakaea elestica*.

- The vegetation of the site contains flora and vegetation which is significant at a regional, state and national level.
- The holes of a Priority 1 Fauna species of Trapdoor spider were located in the creekline running east-west through the centre of the UPL landholding. This species has not been identified on the site during previous surveys.
- Syrinx Environmental identified four vegetation communities in the areas that are affected by the NPS and as such makes recommendations on each community. This separation is reflected in the summary below:

Vegetation Communities

- Area 1 – Cardno BSD has proposed to reduce the BF boundary surrounding Area 1 to include only the area of intact vegetation, with a minimum buffer of approximately 30m.

The NPS boundary provides an adequate buffer for the vegetation, which appears to be relatively resilient due to the extensive herbaceous cover and poor soils. A more critical issue within this area will be to ensure an adequate water management strategy for the development to ensure the increased urban run-off does not exceed the capacity of the creek, or result in degeneration of water quality and adjacent vegetation.

The buffer width is considered appropriate, although at the bare minimum in the north west corner of the property. The laterite over clay soils in this area permits high subsurface flows to the creekline. Therefore, no untreated urban runoff should be allowed within the buffer between the vegetation and the BF boundary, and this area should be revegetated with native vegetation.

The resilience of the vegetation present suggests weed management will not be a major issue within Area 1.

- Area 2 – Cardno BSD has proposed to reduce the BF boundary surrounding Area 2 at the eastern extent, with an area of scattered mature trees over pasture proposed to be removed from the BF site.

As the soils in this section are sandy, the size and management of the buffer would be the most critical compared to the other areas in terms of future weed invasions. At the time of the site inspection the area did not have many weeds due to extensive grazing. Weed management could become a major issue once grazing is removed.

The vegetation in degraded condition close the BF boundary provides a buffer to the very good condition core of vegetation in this area. However, the close proximity of this boundary to known individuals of the DRF, *Drakaea elastica* (a disturbance opportunist), and the possibility that other plants may have been missed in previous surveys due to life form stages and survey limitations, suggests the original BF boundary remains the most appropriate at the eastern extent of Area 2.

Of particular concern in Area 2 is the protection of the Threatened Ecological Community (TEC) 20B (Eastern *Banksia attenuate* and/or *Eucalyptus marginata* woodlands). To ensure the long term integrity of this TEC, the NPS BF boundary which currently runs along the edge of the intact vegetation should be extended southwards to incorporate an extra 10m buffer to the area of bushland. Currently an area of degraded vegetation (approximately 30m wide) is providing some value as a buffer, however an extra 10m is required to provide further protection from future urban land uses.

This additional 10m buffer should be revegetated and managed as part of the BF site to ensure continuity of management of the whole area, particularly as it is anticipated weed control will become a major issue once grazing ceases.

Further justification for the additional area to the BF site is as follows:

- As the primary objective of BF is to achieve a comprehensive, adequate and representative system of protected areas, the ability to maintain the ecological viability of the vegetation communities present is clearly a high priority. The TEC within Area 2 contains the only area on the Whitby site where the ecological viability may not be maintained due to the sandy soils present, making it more susceptible to degradation from adjacent urban land uses compared with Area 1, 3 and 4;
 - The additional 10m buffer will also be of benefit for fauna as several very mature *Eucalyptus marginata* were present within the proposed buffer which are important fauna habitat for some hollow nesting species which use bushland areas to feed but use the mature trees to nest in.
- Area 3 – Cardno BSD has proposed to reduce the BF boundary in Area 3 along the entire boundary by between 100 to 200m to align with the existing fencing on the site.

For similar reasons to Area 2, the original BS boundary should be retained to the creekline and extend 50m on the southern side of the creekline. This will ensure the viability of Floristic Community Type (FCT) 1A, which is the northern most occurrence of this vegetation community.

The existing BF boundary should be retained for the following reasons:

- The area with the mature trees will provide a buffer to the vegetation in very good condition. Reducing the boundary will provide a too high a risk to this vegetation becoming degraded. The cleared area will provide an ideal opportunity to enhance the buffer to this vegetation.
- The close proximity of this boundary to known individuals of the DRF, *Drakea elastica* (a disturbance opportunist and which may establish in the currently cleared/grazed area).
- The previous record of the DRF, *Tetralia australiensis* occurring within Area 3.
- Protection of vegetation which is unusual regionally (FCT1a, a vegetation community usually found near Busselton).

It is recommended that revegetation is a suitable use for the area between the intact vegetation and the BF boundary. No fertilizers are to be used in any revegetation. The mature *Eucalyptus marginata*, *Corymbia calophylla* and *Nuytsia floribunda* remaining in this area should be retained for fauna habitat.

Officer Comment

This area should remain within the BF site and not be included as part of the Public Open Space requirements for the development.

- Area 4 – Cardno BSD has proposed to include the entire creekline that runs east to west up to the existing BF boundary.

Syrinx proposes that the NPS BF boundary should include an appropriate buffer to the creekline of 50m from the top of the full height bank on either side of the creekline. This is slightly different to the proposed Cardno BSD NPS boundary which appears to include a 50m buffer which has been measured from the centre of the creek rather than the bank. Syrinx also recommends that the 50m buffer on either side of the creekline should be implemented along the entire length of the creekline to the western boundary of the UPL site. This recommendation is supported.

The creekline floods into an area on the western boundary of the property and discharges to a wetland along the railway line on Soldiers Road. The vegetated areas along the rail reserve to the west of the site include 'Conservation Category' wetlands. As the proposed development may impact on these areas, setbacks to the wetlands must be taken into consideration during future planning of the site. Any proposals need to ensure that any changes in water runoff from the proposed development will not

impact on the current discharge site in terms of both conservation and flood protection from increased stormwater quantity or quality.

Syrinx proposes a number of management purposes for the 50m buffer to the creekline. These include:

- Suitable for passive recreation pursuits such as a dual use path, barbeques and benches;
- Planting of appropriate native species for a minimum 10m fringe from the edge of the BF boundary. This 10m fringe of vegetation will also provide extra protection from surface runoff into the creekline;
- No fertilizer is to be used in any landscaping in the 10m fringe;
- Maintaining water flows to protect the Trapdoor spiders.

Trapdoor spider holes were located in the creekline, which have not been identified on the site during previous surveys. The holes are likely to contain *Arbinitis inornatus* which is a Priority 1 Fauna species. Syrinx recommends that the Department of Environment and Conservation be requested to confirm the species.

The main impact of urban development on the Trapdoor spider is increased water flow into the creekline which could potentially impact upon the spiders habitat. It will be important to ensure there is no increased water flow from runoff into the creekline. Uncontrolled access to the creekline could also impact on the habitat of the spiders which inhabit the upper banks. Controlled access to the creekline at other locations along the creekline is suggested to minimise this impact.

Syrinx does not oppose the Cardno BSD recommended NPS boundary south of the creekline.

Development interface

Cardno BSD proposes a development interface of a road with dual use path as a hard boundary to the vegetation. ***SD028.5/09/06 shows this interface.***

This development interface of 15 metres in width is considered inappropriate as there is no surface water management of runoff from the road, dual use path or landscaping buffer. This issue was raised with Cardno BSD who has advised that *“this figure is only meant to be an indicative illustration to show the general land use relationship between urban areas and bushland areas.”* Whilst the figure may only be an indicative illustration it is not considered an appropriate development interface and should be removed from the Justification Report as if retained may only lead to an expectation by the developer that such a development interface is acceptable.

Syrinx was also requested to consider appropriate development interfaces along the NPS BF boundary. The following recommendations were made:

- Planting of appropriate native species for a minimum of 10m from the edge of the BF boundary along the boundaries of Areas 2, 3 and 4.
- No fertilizers to be used in any landscaping in this 10m fringe.
- Implementation of water sensitive urban design principles, including on-site retention and reuse of water, no direct discharge of nutrient enriched water to creeklines, no increased runoff into the creek or its 50m buffer.
- All houses are to front onto the vegetation with hard edges used as the boundary.

Officer Comment

The Executive have considered the issue of an appropriate interface between the Bush Forever boundary and residential lots. After considering the advice from Syrinx

Environmental and Shire officers, it is recommended that a minimum 50 metre buffer be required. The buffer can include (for example) but limited to:

- A wider road reserve 20-30 metres incorporating the carriageway, services, verge planting, pathways and drainage swales
- A separate drainage reserve or multiple use corridor
- Some areas of public open space (part of the 10% POS requirement for the subdivision); and;
- Adequate protection of property from the risk of bush fire

It is noted that this buffer distance will be the subject of ongoing discussions, negotiations and agreement during the Local Structure Planning process.

Note

Advice received to date has suggested that a suitable buffer for fire protection of up to 100 metres may be required.

Management of the Bush Forever site

- Syrinx Environmental were also asked to consider the future management of the Bush Forever site. Syrinx make the following comments/recommendations on the management of the BF site.
 - Concern that the ceding of the land to the Crown will result in minimal resources being available for the future management of the site. Urban development will place additional pressures on the bushland which may threaten the ecological viability and integrity of the bushland if not managed correctly with adequate resources for implementation;
 - Recommend the Shire pursue a covenanting option for the BF site whereby it is protected through the implementation of an appropriate management plan which addresses the key management issues of weed management, access management and fire management;
 - The Shire request that Urban Pacific undertake the development and implementation of a management plan for the site;
 - Access should be restricted in the area of Threatened Ecological Community 20B (in Area 2), due to the relative ease at which the soils in this area become disturbed. Threatened Ecological Community 3B which is present along the northern boundary is not as susceptible to degradation due to the relatively high resilience of this vegetation community;
 - Management of the Trapdoor spider habitat in the creekline needs to be addressed;
 - The dislocation of the Western Grey Kangaroo population present may also pose management problems in the future due to increased pressure on the intact vegetation areas.

Council officers raise significant concern over the potential threat of bush fire once the BF site is transferred to the Crown and grazing is removed. Hazard mapping for the Mundijong/Whitby and Jarrahdale regions will be carried out by Council over the next 12 months which will provide much needed information on the risk of fire in these areas.

Hence, as part of any management plan, access and weed management, fire protection, dieback and financial implications as a minimum need to be considered. In addition, all costs associated with the management of the BF site would be the responsibility of the WA Planning Commission.

Council's Community Emergency Services Manager has advised that there are a number of ignition sources (fires within the road reserves, electrical faults, vehicle accidents and ember attack) along Norman Road and South Western Highway that have seen bush fires adjacent to and inside the BF site.

Conclusion

A comparison of the total area of the BF Site 354 between the proposed Cardno BSD boundary and the Syrinx Environmental boundary is shown in the following table:

	Original Bush Forever	Cardno BSD NPS boundary	Syrinx Environmental NPS boundary
Total Area (ha)	149	131	140*
Reduction from original Bush Forever area		18ha or 12%	9ha or 6%

* includes 0.9ha of area not currently within Bush Forever boundary

The main difference between the two proposed boundaries is Syrinx's recommendation to retain the current BF boundary adjacent to Area 3 and the increase in 10m to the boundary south of Area 2.

This report allows Council to establish a formal position regarding the boundary of the BF Site 354. This position will then be presented to the WA Planning Commission to allow a final negotiated planning solution to be resolved on this matter.

Voting Requirements: Simple Majority

SD028/09/06 Committee/Officer Recommended Resolution:

- A. Council receives and notes the report and recommendations on the Negotiated Planning Solution proposed for the Bush Forever Site 354, Whitby.
- B. Council advise the Western Australian Planning Commission that it will not support the proposed Cardno BSD Negotiated Planning Solution boundary in the Areas 2 and 3 for the following reasons:
 - i) It is possible that Declared Rare Flora species *Drakaea elastica* is present in some of the more degraded areas of Area 3 and the proposed 100m reduction of the Bush Forever boundary may affect this species;
 - ii) There is a possibility that other plants may have been overlooked in previous surveys due to life form stages and survey limitations;
 - iii) As the primary objective of Bush Forever is to achieve a comprehensive, adequate and representative system of protected areas, the ability to maintain the ecological viability of the vegetation communities present is clearly a high priority. To ensure the long term integrity of the Threatened Ecological Community 20B, the Bush Forever boundary which currently runs along the edge of the intact vegetation should be extended southwards to incorporate an extra 10m buffer. This extra 10m buffer is to be revegetated and managed as part of the Bush Forever site and is required to provide further protection from urban land uses. The additional 10m buffer will also be of benefit for fauna as several mature *Eucalyptus marginata* are present within the proposed 10m area which are important fauna habitat;
 - iv) The Threatened Ecological Community within Area 2 contains the only area on the Whitby site where the ecological viability may not be maintained due to the sandy soils present, making it more susceptible to degradation from adjacent land uses compared to Areas 1, 3 and 4;
 - v) The extension of the boundary south of the creekline for 50m from the top of the full height bank will ensure the viability of Floristic Community Type 1A, a vegetation community usually found near Busselton; and
 - vi) Holes of a Priority 1 Fauna species of Trapdoor spider were located in the creekline running east-west through the centre of the UPL landholding.

- C. A copy of the Syrinx Environmental Report be forwarded to the Western Australian Planning Commission for their information.
- D. Council recommends to the Western Australian Planning Commission that a modified Negotiated Planning Solution boundary that addresses the points raised in B. above be adopted as outlined in this report.
- E. The Western Australian Planning Commission be advised that Council will not accept the development interface as proposed in Figure 5 of the Justification Report prepared by Cardno BSD and requests that this Figure be removed from the Report. The Council recommends that a minimum 50 metre wide buffer be provided between the Bush Forever Area and the edge of residential development. This buffer width will be the subject of further discussions and negotiations between the Shire and the proponent during the preparation and assessment of the Local Structure Plan for the property.
- F. The Western Australian Planning Commission be advised that Council will not support any or part of the Bush Forever site being granted as Public Open Space Credits. Urban Pacific will be required to meet the 10% minimum requirements for Public Open Space on their landholdings in addition to ceding the Bush Forever site to the Western Australian Planning Commission.
- G. The Western Australian Planning Commission be advised that Council supports the Bush Forever Site 354 land remaining in the 'Urban Deferred' zone under the Metropolitan Region Scheme until such time as the next Omnibus Amendment is initiated to the Metropolitan Region Scheme to rezone the area to a Reserve for 'Parks and Recreation'.
- H. The Western Australian Planning Commission be advised of Council's concerns of the long term management of Bush Forever Site 354 given that urban development will place additional pressures on the bushland which may threaten the ecological viability and integrity of the bushland if not managed appropriately. Adequate resources including human and financial will be required for implementation of a management plan for this land:
 - i) Council recommends that Urban Pacific Limited undertakes the preparation and implementation of a management plan for the Bush Forever land; and
 - ii) Western Australian Planning Commission prepares a comprehensive financial management plan for the future management of the Bush Forever site.
- I. Council advises Urban Pacific Ltd that:
 - i) The interface between the Bush Forever site and residential development needs careful planning when preparing a Local Structure Plan. Council will not accept a development interface as proposed in Figure 5 of the Cardno BSD Justification Report and requests that this Figure be removed from the Justification Report. The width of this buffer should be 50 metres and will be the subject of further negotiations between the Shire and proponent during the preparation and assessment of the Local Structure Plan for the property.
 - ii) An Emergency Management Plan for all of Urban Pacific Limited landholdings, is to be prepared that addresses all preventative, preparation, response and recovery matters to the satisfaction of Council. This Management Plan is to address Australian Standard 3959-1999 Construction of Buildings in Bush Fire Prone Areas and State Planning Policy 3.4 – Natural Hazards and Disasters (April 2006). Both of these documents should be taken into consideration by UPL when preparing their Local Structure Plan and in particular appropriate development setbacks/development interface that address the potentially high risk of bush fire to their land;
 - iii) The Shire request that Urban Pacific Limited undertake the preparation and implementation of a Management Plan for the Bush Forever land to the satisfaction of Council, in consultation with the Western Australian Planning Commission and other relevant State Government agencies. This Management Plan should include, but not be limited to:

- a) access being restricted in the area of Threatened Ecological Community 20B (in Area 2), due to the relative ease at which the soils in this area become disturbed;
 - b) Threatened Ecological Community 3B which is present along the northern boundary is not as susceptible to degradation due to the relatively high resilience of this vegetation community, management of the Trapdoor spider habitat in the creekline and weed control;
 - c) Dieback management; and
 - d) Fire management.
- iv) The dislocation of the Western Grey Kangaroo population present on the Urban Pacific landholding may pose management problems in the future due to increased pressure on the intact vegetation areas.
- v) Council will not support any or part of the Bush Forever site being considered as part of the 10 percent Public Open Space requirement. Urban Pacific will be required to meet the 10 percent minimum for Public Open Space on their landholdings, in addition to ceding the Bush Forever site to the Western Australian Planning Commission.
- vi) That a comprehensive floristic survey and report of the Bush Forever land be undertaken during Spring 2006 to identify plant species not actually present during the original survey.
- J. The Department of Conservation and Environment be advised that a Priority 1 Fauna species of Trapdoor spider was discovered within Bush Forever Site 354 which has not previously been identified on the site and a copy of the Syrinx Environmental Report be forwarded to the Department for their information and further investigation.

SD028/09/06 SUPPLEMENTARY REPORT – NEGOTIATED PLANNING SOLUTION – BUSH FOREVER SITE 354, WHITBY (A0858/01)

Comment

Urban Pacific Ltd (UPL) provided a submission on the above Report requesting that a number of points be considered when Council considers the Report at its full meeting on the 25 September 2006 (*in the attachments marked SD028.6/09/06 is a copy of the letter received from UPL*).

UPL raise a number of points in their submission provided to Councillors at the Sustainable Development Committee on the 19 September 2006. These points are summarised as:

1. A comprehensive flora survey was undertaken over the entire site during spring 2005. The timing and methodology of the 2005 spring survey specifically targeted significant species of Declared Rare Flora (DRF). These species were not located within the 18ha that are proposed to be removed from the Bush Forever site under Cardno BSD NPS proposal. In view of this it is totally unreasonable and scientifically unjustified for further spring survey to be conducted in 2006;
2. It is UPL's understand that the species of spider found at the site has not been verified. As the proposed NPS boundary does not propose the excision of the creekline (where the spider was found) from the Bush Forever site, and therefore the future management of the creekline area is only relevant;
3. The recommended 50m buffer between the Bush Forever and residential development is not supported and does not represent good management of the bush land. Details of the interface and land uses in proximity to the Bush Forever site should be addressed in detail during the preparation of the Local Structure Plan;
4. The recommended 50m buffer from the top of the bank of the central east-west creekline is not necessary in order to maintain the values of that creekline. The

proposed NPS boundary provides a buffer distances of between 40m and 120m to the top of the northern bank of the creekline, and between 20m and 30m to the top of the southern bank of the creekline;

5. The additional area proposed to be protected for conservation outside of the current Bush Forever site boundary goes against Bush Forever Policy and should be addressed through the local structure planning and subdivision process;
6. Roberts Day acting on behalf of UPL have also requested that a copy of the Syrinx Report be provided to UPL for their information.

At the request of Councillors a site inspection of the Bush Forever site was carried out on the afternoon of the 25 September 2006.

The following comments are made regarding UPL's concerns raised above:

Bush Forever

1. Flora Survey

The main argument put forward by Syrinx relates to disputes on the thoroughness of the flora survey and difference in the conclusions relating to appropriate buffers to declared rare flora (DRF). The DRF orchid (*Drakaea elastica*) is a disturbance opportunist, meaning it is possible that it may occur in the degraded bushland areas proposing to be excluded from the Bush Forever boundary.

Whilst the Officer's Recommendation did not contain a specific resolution requiring that a further spring survey be conducted, it is not considered unreasonable for such a survey to be carried out. It is not correct to argue that another flora survey is unjustified scientifically. The more scientific data that can be gathered, will allow a more informed decision to be made.

UPL has confirmed that the flora survey was undertaken whilst the land was being grazed. Council Officers are of the opinion that the bushland areas were heavily grazed. Monocots, including the rare orchid, are a favourite food for grazing animals due to the soft fleshy foliage. A targeted survey, of the DRF, after a period of time when grazing has ceased, is not considered unreasonable. This will confirm whether or not DRF exists in the area or has regenerated.

2. Priority One Trapdoor Spider

UPL are correct in stating that the species of spider found on the site has not been verified. However, the Syrinx Report did note the possible presence of Trapdoor Spider habitat on the banks of the creek. Syrinx have advised that following consideration of UPL's additional information that they agree that the proposed NPS will not impact on the spider, provided the corridor is appropriately managed.

3. Buffers to Bushland Areas

The intent of including a 50m buffer was to identify a starting point for any negotiations with UPL on an appropriate buffer distance to the Bush Forever site. One of the main concerns raised by Officers is the inclusion of Figure 5 in Cardno BSD's Justification Report which shows a 15 metre wide road reserve and this is considered an inappropriate management solution.

The reasons why a development interface of 50 metres is preferable to a 15 metre buffer is:

- Adequate separation from residential gardens and bush site (weeds) and hybridization

- Adequate control of storm water both in quantity and quality (water sensitive urban design)
- Adequate protection from the risk of bushfire
- Possibility of developing a multiple use corridor as an interface thereby reducing recreational pressure on a bush forever site
- Increasing the width of the road reserve to accommodate the carriageway, services, verge planting, footpaths, drainage swales and other community infrastructure.

4. **Buffer to the Central East-West Creekline**

It is considered that Cardno BSD were incorrect in their review of 'General Criteria for Protection of Wetland, Streamline and Estuarine Fringing Vegetation and Coastal Vegetation'. Cardno BSD stated that *"This criterion does not apply to any of the Zone areas A, B or C on the basis that they are not wetland, streamline, estuarine or coastal communities."* This is incorrect as creek lines are streamline communities (channel wetlands).

The Officer originally proposed a 50m buffer from the top of the full height of the bank of the central creek running east-west across the full length of UPL's land holding. UPL argue that a buffer of between 20m and 30m from the top of the full height of the bank of the central creek has been provided in the NPS. It is not considered that UPL have provided sufficient justification or identified the values of the creekline and therefore the 50m buffer from the top of the full height of the bank of the central creek should remain.

It should however be noted that this requirement was reflected in proposed Appendix 15 of Amendment No. 152 and 153, which was subsequently modified by the Sustainable Development Committee to:

"An adequate buffer to all watercourses from the top of the bank to protect the beds and banks of the stream."

5. **Additional Areas outside of Bush Forever**

As discussed in the Vegetation Communities – Area 2 section of Report SD028/09/06 Officer's proposed an additional 10m be included in the Bush Forever site along Area 2 to provide extra protection and ensure the long term integrity of the Threatened Ecological Community 20B which directly abuts the Bush Forever boundary. This additional 10m buffer should be revegetated and managed as part of the Bush Forever site to ensure continuity of management of the whole area, particularly as it is anticipated weed control will become a major issue once grazing ceases. As outlined further in Report SD028/09/06:

- As the primary objective of BF is to achieve a comprehensive, adequate and representative system of protected areas, the ability to maintain the ecological viability of the vegetation communities present is clearly a high priority. The TEC within Area 2 contains the only area on the Whitby site where the ecological viability may not be maintained due to the sandy soils present, making it more susceptible to degradation from adjacent urban land uses compared with Area 1, 3 and 4;
- The additional 10m buffer will also be of benefit for fauna as several very mature *Eucalyptus marginata* were present within the proposed buffer which are important fauna habitat for some hollow nesting species which use bushland areas to feed but use the mature trees to nest in.

It is not considered that the inclusion of an additional 10m buffer into the Bush Forever site abutting Area 2 goes against Bush Forever policy as suggested by UPL. The Bush

Forever site is a management boundary only and does not state that it can not be increased.

Given the above comments, UPL's suggested planning avenues that the local structure planning and subdivision process could address the conservation areas outside the Bush Forever site are not considered satisfactory. Therefore, UPL's request to delete point iii) Recommendation B is not supported.

Recommendation B provides advice only to the WAPC position on the Negotiated Planning Solution boundary provided by Cardno BSD on behalf of UPL.

Proposed Amendment No. 153 to TPS 2

It is worth noting that part 3 of Report SD027/09/06 discussed proposed Amendment No. 153 to TPS 2 which relates to the UPL landholding. The boundary of the 'Urban Development' zone and 'Rural' zone proposed under Amendment No. 153 is directly tied to the Negotiated Planning Solution boundary of Bush Forever site 354. Any differences in the boundary of the BF site between Council and the WAPC's determination on the lifting of the 'Urban Deferment' can be addressed by the WAPC requesting Council to modify the amendment scheme maps prior to advertising.

Conclusion

The purpose of this report is to provide supplementary advice to Council on Report SD028/09/06 following the receipt of a letter of request from UPL at Council's Sustainable Development Committee on the 19 September 2006.

After careful consideration it is recommended that:

7. Council does support Urban Pacific Ltd's request to amend Recommendation B part (v) "*An adequate buffer to all watercourses from the top of the bank to protect the beds and banks of the stream*"
8. Council does not support Urban Pacific Ltd's request to modify Recommendation B; point (iii) for the reasons outlined in the officer's report.
9. Council does not support Urban Pacific Ltd's request to delete the 50m development interface to the Bush Forever site recommended in Recommendation I, point i) for the reasons outlined in the officer's report.
10. Council provides a copy of the Syrinx Report to Urban Pacific Ltd.

SD028/09/06 REVISED OFFICER RECOMMENDATION

- A. Council receives and notes the report and recommendations on the Negotiated Planning Solution proposed for the Bush Forever Site 354, Whitby.
- B. Council advise the Western Australian Planning Commission that it will not support the proposed Cardno BSD Negotiated Planning Solution boundary in the Areas 2 and 3 for the following reasons:
 - i) It is possible that Declared Rare Flora species *Drakaea elastica* is present in some of the more degraded areas of Area 3 and the proposed 100m reduction of the Bush Forever boundary may affect this species;
 - ii) There is a possibility that other plants may have been overlooked in previous surveys due to life form stages and survey limitations;
 - iii) As the primary objective of Bush Forever is to achieve a comprehensive, adequate and representative system of protected areas, the ability to maintain

- the ecological viability of the vegetation communities present is clearly a high priority. To ensure the long term integrity of the Threatened Ecological Community 20B, the Bush Forever boundary which currently runs along the edge of the intact vegetation should be extended southwards to incorporate an extra 10m buffer. This extra 10m buffer is to be revegetated and managed as part of the Bush Forever site and is required to provide further protection from urban land uses. The additional 10m buffer will also be of benefit for fauna as several mature *Eucalyptus marginata* are present within the proposed 10m area which are important fauna habitat;
- iv) The Threatened Ecological Community within Area 2 contains the only area on the Whitby site where the ecological viability may not be maintained due to the sandy soils present, making it more susceptible to degradation from adjacent land uses compared to Areas 1, 3 and 4;
 - v) An adequate buffer to all watercourses from the top of the bank to protect the beds and banks of the stream.
 - vi) Habitat of a Priority 1 Fauna species of Trapdoor spider were located in the creekline running east-west through the centre of the UPL landholding.
- C. A copy of the Syrnix Environmental Report be forwarded to the Western Australian Planning Commission and Urban Pacific Ltd for their information.
- D. Council recommends to the Western Australian Planning Commission that a modified Negotiated Planning Solution boundary that addresses the points raised in B. above be adopted as outlined in this report.
- E. The Western Australian Planning Commission be advised that Council will not accept the development interface as proposed in Figure 5 of the Justification Report prepared by Cardno BSD and requests that this Figure be removed from the Report. The Council recommends that a minimum 50 metre wide buffer be provided between the Bush Forever Area and the edge of residential development. This buffer width will be the subject of further discussions and negotiations between the Shire and the proponent during the preparation and assessment of the Local Structure Plan for the property.
- F. The Western Australian Planning Commission be advised that Council will not support any or part of the Bush Forever site being granted as Public Open Space Credits. Urban Pacific will be required to meet the 10% minimum requirements for Public Open Space on their landholdings in addition to ceding the Bush Forever site to the Western Australian Planning Commission.
- G. The Western Australian Planning Commission be advised that Council supports the Bush Forever Site 354 land remaining in the 'Urban Deferred' zone under the Metropolitan Region Scheme until such time as the next Omnibus Amendment is initiated to the Metropolitan Region Scheme to rezone the area to a Reserve for 'Parks and Recreation'.
- H. The Western Australian Planning Commission be advised of Council's concerns of the long term management of Bush Forever Site 354 given that urban development will place additional pressures on the bushland which may threaten the ecological viability and integrity of the bushland if not managed appropriately. Adequate resources including human and financial will be required for implementation of a management plan for this land:
- i) Council recommends that Urban Pacific Limited undertakes the preparation and implementation of a management plan for the Bush Forever land; and
 - ii) Western Australian Planning Commission prepares a comprehensive financial management plan for the future management of the Bush Forever site.
- I. Council advises Urban Pacific Ltd that:
- i) The interface between the Bush Forever site and residential development needs careful planning when preparing a Local Structure Plan. Council will not accept a development interface as proposed in Figure 5 of the Cardno BSD Justification Report and requests that this Figure be removed from the Justification Report. The width of this buffer should be 50 metres and will be

- ii) the subject of further negotiations between the Shire and proponent during the preparation and assessment of the Local Structure Plan for the property. An Emergency Management Plan for all of Urban Pacific Limited landholdings is to be prepared that addresses all preventative, preparation, response and recovery matters to the satisfaction of Council. This Management Plan is to address Australian Standard 3959-1999 Construction of Buildings in Bush Fire Prone Areas and State Planning Policy 3.4 – Natural Hazards and Disasters (April 2006). Both of these documents should be taken into consideration by UPL when preparing their Local Structure Plan and in particular appropriate development setbacks/development interface that address the potentially high risk of bush fire to their land;
 - iii) The Shire request that Urban Pacific Limited undertake the preparation and implementation of an Interim Management Plan for the Bush Forever land to the satisfaction of Council, in consultation with the Western Australian Planning Commission and other relevant State Government agencies. This Interim Management Plan should include, but not be limited to:
 - a) access being restricted in the area of Threatened Ecological Community 20B (in Area 2), due to the relative ease at which the soils in this area become disturbed;
 - b) Threatened Ecological Community 3B which is present along the northern boundary is not as susceptible to degradation due to the relatively high resilience of this vegetation community, management of the Trapdoor spider habitat in the creekline and weed control;
 - c) Dieback management; and
 - d) Fire management.
 - iv) The dislocation of the Western Grey Kangaroo population present on the Urban Pacific landholding may pose management problems in the future due to increased pressure on the intact vegetation areas.
 - v) Council will not support any or part of the Bush Forever site being considered as part of the 10 percent Public Open Space requirement. Urban Pacific will be required to meet the 10 percent minimum for Public Open Space on their landholdings, in addition to ceding the Bush Forever site to the Western Australian Planning Commission.
 - vi) That a comprehensive floristic survey and report of the Bush Forever land be undertaken during Spring 2006 to identify plant species not actually present during the original survey.
- J. The Department of Conservation and Environment be advised that a Priority 1 Fauna species of Trapdoor spider was discovered within Bush Forever Site 354 which has not previously been identified on the site and a copy of the Syrnix Environmental Report be forwarded to the Department for their information and further investigation.

SD028/09/06 COUNCIL DECISION

Moved Cr Star seconded Cr Kirkpatrick

- A. Council receives and notes the report and recommendations on the Negotiated Planning Solution proposed for the Bush Forever Site 354, Whitby.**
- B. Council advise the Western Australian Planning Commission that it will not support the proposed Cardno BSD Negotiated Planning Solution boundary in the Areas 2 and 3 for the following reasons:**
 - i) It is possible that Declared Rare Flora species *Drakaea elastica* is present in some of the more degraded areas of Area 3 and the proposed 100m reduction of the Bush Forever boundary may affect this species;**
 - ii) There is a possibility that other plants may have been overlooked in previous surveys due to life form stages and survey limitations;**

- iii) As the primary objective of Bush Forever is to achieve a comprehensive, adequate and representative system of protected areas, the ability to maintain the ecological viability of the vegetation communities present is clearly a high priority. To ensure the long term integrity of the Threatened Ecological Community 20B, a buffer to the Bush Forever site is required and is to be managed to complement the Bush Forever site. This buffer is to be managed as part of the Bush Forever site and is required to provide further protection from urban land uses. The additional buffer will also be of benefit for fauna as several mature *Eucalyptus marginata* are present within the proposed area which are important fauna habitat;
 - iv) The Threatened Ecological Community within Area 2 contains the only area on the Whitby site where the ecological viability may not be maintained due to the sandy soils present, making it more susceptible to degradation from adjacent land uses compared to Areas 1, 3 and 4;
 - v) An adequate buffer to all watercourses from the top of the bank to protect the beds and banks of the stream.
- C. A copy of the Syrinx Environmental Report be forwarded to the Western Australian Planning Commission and Urban Pacific Ltd for their information.
- D. Council recommends to the Western Australian Planning Commission that a modified Negotiated Planning Solution boundary that addresses the points raised in B. above be adopted as outlined in this report.
- E. The Western Australian Planning Commission be advised that Council will not accept the development interface as proposed in Figure 5 of the Justification Report prepared by Cardno BSD and requests that this Figure be removed from the Report. The Council recommends an adequate buffer be provided between the Bush Forever Area and the edge of residential development. This buffer width will be the subject of further discussions and negotiations between the Shire and the proponent during the preparation and assessment of the Local Structure Plan for the property.
- F. The Western Australian Planning Commission be advised that Council will not support any or part of the Bush Forever site being granted as Public Open Space Credits. Urban Pacific will be required to meet the 10% minimum requirements for Public Open Space on their landholdings in addition to ceding the Bush Forever site to the Western Australian Planning Commission.
- G. The Western Australian Planning Commission be advised that Council supports the Bush Forever Site 354 land remaining in the 'Urban Deferred' zone under the Metropolitan Region Scheme until such time as the next Omnibus Amendment is initiated to the Metropolitan Region Scheme to rezone the area to a Reserve for 'Parks and Recreation'.
- H. The Western Australian Planning Commission be advised of Council's concerns of the long term management of Bush Forever Site 354 given that urban development will place additional pressures on the bushland which may threaten the ecological viability and integrity of the bushland if not managed appropriately. Adequate resources including human and financial will be required for implementation of a management plan for this land:
- i) Council recommends that Urban Pacific Limited undertakes the preparation and implementation of an Interim Management Plan for the Bush Forever land; and
 - ii) Western Australian Planning Commission prepares a comprehensive financial management plan for the future management of the Bush Forever site.
- I. Council advises Urban Pacific Ltd that:
- i) The interface between the Bush Forever site and residential development needs careful planning when preparing a Local Structure Plan. Council will not accept a development interface as proposed in

- Figure 5 of the Cardno BSD Justification Report and requests that this Figure be removed from the Justification Report. The width of this buffer should be approximately 50 metres and will be the subject of further negotiations between the Shire and proponent during the preparation and assessment of the Local Structure Plan for the property.
- ii) An Emergency Management Plan for all of Urban Pacific Limited landholdings is to be prepared that addresses all preventative, preparation, response and recovery matters to the satisfaction of Council. This Management Plan is to address Australian Standard 3959-1999 Construction of Buildings in Bush Fire Prone Areas and State Planning Policy 3.4 – Natural Hazards and Disasters (April 2006). Both of these documents should be taken into consideration by UPL when preparing their Local Structure Plan and in particular appropriate development setbacks/development interface that address the potentially high risk of bush fire to their land;
 - iii) The Shire request that Urban Pacific Limited undertake the preparation and implementation of an Interim Management Plan for the Bush Forever land to the satisfaction of Council, in consultation with the Western Australian Planning Commission and other relevant State Government agencies. This Interim Management Plan should include, but not be limited to:
 - a) access being restricted in the area of Threatened Ecological Community 20B (in Area 2), due to the relative ease at which the soils in this area become disturbed;
 - b) Measures to protect the management of the trapdoor spider, habitat in the creekline;
 - c) Weed control;
 - d) Dieback management; and
 - e) Fire management.
 - iv) The dislocation of the Western Grey Kangaroo population present on the Urban Pacific landholding may pose management problems in the future due to increased pressure on the intact vegetation areas.
 - v) Council will not support any or part of the Bush Forever site being considered as part of the 10 percent Public Open Space requirement. Urban Pacific will be required to meet the 10 percent minimum for Public Open Space on their landholdings, in addition to ceding the Bush Forever site to the Western Australian Planning Commission.

- J. The Department of Conservation and Environment be advised that a Priority 1 Fauna species of Trapdoor spider was discovered within Bush Forever Site 354 which has not previously been identified on the site and a copy of the Syrnix Environmental Report be forwarded to the Department for their information and further investigation and verification.

CARRIED 7/0

Council note: The Revised Officer Recommended resolution was changed in Part B iii) by removing the reference to the 10m buffer, deleting Part B (vi), Part E – removing the reference to the 50 metre wide buffer, Part H (i) - include word Interim, Part I change the wording in part (i), rewording (iii), deleting part vi) and reword Part J, because Council believes that the wording 'adequate' was sufficient for inclusion in the TPS, which would then allow the flexibility at the DSP level for individual determination of the buffer widths.

SD033/09/06 DELEGATED AUTHORITY FOR APPROVAL OF DETAILED AREA PLANS (A1047/03)		
Proponent:	Serpentine Jarrahdale Shire	In Brief To consider the delegation of authority for the approval of Detailed Area Plans to the Executive Manager Planning and Regulatory Services.
Owner:	Not applicable	
Officer:	Meredith Kenny – Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	8 May 2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background:

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

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

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

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

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

Sustainability Statement

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

Statutory Environment:

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

Policy/Work Procedure

Implications:

Nil

Financial Implications:

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

Strategic Implications:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

2. Improve customer relations service.

Community Consultation:

Not required.

Comment:

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

8.2 DELEGATION

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

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

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

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

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

Voting Requirements: Normal

SD033/09/06 Committee/Officer Recommended Resolution

PS-24 DETAILED AREA PLANS

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

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

R-CODING

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

SCHEME AND RESIDENTIAL DESIGN CODE VARIATIONS

2. The Scheme and Residential Design Codes are varied as described in these notations.

3. The requirements of the Scheme and Residential Design Codes shall be satisfied in all other matters however.

DESIGN ELEMENTS

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

ELEVATIONS, OUTDOOR LIVING AREAS AND POSTAL ADDRESSES

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

SETBACKS

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

GARAGES, VEHICULAR ACCESS & DRIVEWAYS

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

FENCING

16. Fencing within street setback areas (including rear laneways) and lot boundaries abutting public open space shall be designed and constructed in

- accordance with clause 3.2.5A5 of the Residential Design Codes (open feature fencing);
17. Fencing of boundaries between lots is to be installed in accordance with the following standard:
 - a) All side boundary fencing back from behind the building line is to be 1.8m high and fully installed prior to occupation of the dwelling.

OUTBUILDINGS

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

WASHING LINES & RUBBISH BINS

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

NOISE ATTENUATION FOR LOTS ADJACENT TO MAJOR ROADS

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

AIR CONDITIONING/COOLING UNITS & SOLAR HOT WATER SYSTEMS

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

NOTIFICATION TO PROSPECTIVE PURCHASERS

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

Advice Note:

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

SD033/09/06 NEW MOTION

Moved Cr Murphy

PS-24 DETAILED AREA PLANS

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

These provisions apply only to lots designated as cottage lots and which include rear lanes.

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

R-CODING

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

SCHEME AND RESIDENTIAL DESIGN CODE VARIATIONS

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

DESIGN ELEMENTS

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

ELEVATIONS, OUTDOOR LIVING AREAS AND POSTAL ADDRESSES

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

SETBACKS

8. Setbacks for development shall be in accordance with the following:

Rear setback:	Minimum 1.5m setback for house.
	Minimum 1m setback for garage.
Front setback:	Primary Street - minimum 4m setback

Secondary Street – minimum 1.5m.

Averaging of setback is not permitted.

Side setback:

Nil setback for garage to side boundary.

Minimum 2 metre solar setback along northern side boundaries.

Second storey setbacks to be in accordance with the Residential Design Codes.

(Parapet walls mean no eaves – we don't want that)

GARAGES, VEHICULAR ACCESS & DRIVEWAYS

9. **Garages shall be developed and accessed from the adjacent rear lanes only.**
10. **All vehicle access is to be from the rear laneway at all times.**
11. **Garages can be on boundary and flush kerbs can be made on lanes.**
12. **All driveways and crossovers shall be brick paved or asphalt sealed or other suitable materials to the satisfaction of the Shire.**

FENCING

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

OUTBUILDINGS

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

WASHING LINES & RUBBISH BINS

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

NOISE ATTENUATION FOR LOTS ADJACENT TO MAJOR ROADS

19. **Dwellings constructed on the subject lots shall be designed to comply with Australian Standard AS2107-2000 "Acoustics – Recommended Design Levels Reverberation Times for Building Interiors" and the Noise Levels of 45dB(A) Living and 40dB(A) Sleeping:**
 - a) **Design shall incorporate opening reductions of limiting the size of openings/windows facades facing (insert name).**
 - b) **Bedrooms shall be placed in the parts of the house furthest away from (insert name) Highway.**
 - f) **All glazing shall be 6mm thick laminated except on those facades faces 180 degrees away from (insert name) Highway.**
 - g) **All external doors shall be of solid core construction with seals.**

- h) All plasterboard in ceilings shall be 10mm thick with 50mm thick 12Kg/m² glass fibre blanket between ceiling joists.

AIR CONDITIONING/COOLING UNITS & SOLAR HOT WATER SYSTEMS

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

NOTIFICATION TO PROSPECTIVE PURCHASERS

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

Advice Note:

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

MOTION LAPSED FOR A WANT OF A SECONDER

During debate Cr Star foreshadowed that she would move a motion to defer Cr Murphy's changes on this matter to a future date if the motion under debate was defeated.

SD033/09/06 COUNCIL DECISION/FORESHADOWED MOTION

Moved Cr Star seconded Cr Wigg

That Council defer this item to a future date to consider Cr Murphy's changes.

CARRIED 7/0

Council Note: This item was deferred to allow Council time to consider the changes proposed by Cr Murphy.

SD034/09/06 LOCAL STRUCTURE PLAN – LOT 3 THATCHER ROAD, LOT 301 LARSEN ROAD, LOT 3 ALEXANDER ROAD & LOT 2 ABERNETHY ROAD, BYFORD (P05318/01)		
Proponent:	Koltasz Smith & Partners	In Brief To consider a Local Structure Plan for properties along Thatcher and Larsen Road, Byford. It is recommended that subject to the LSP being consistent with the Byford District Structure Plan (BDSP2006), that the LSP be advertised for public comment.
Owner:	Various	
Officer:	Ross Montgomery – Executive Manager Strategic Community Planning	
Signatures Author:		
Senior Officer:		
Date of Report	25 August 2006	
Previously	Not applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: August 2006 (original plan received September 2006)
 Advertised: To be undertaken
 Submissions: N/A
 Lot Area: 32.2 hectares
 L.A Zoning: Urban Development
 MRS Zoning: Urban Deferred and Urban
 Byford Structure Plan: To be consistent with BDSP2006
 Rural Strategy Policy Area: NA
 Rural Strategy Overlay: NA
 Municipal Inventory: NA
 Townscape/Heritage Precinct: NA
 Bush Forever: NA
 Date of Inspection: August 2006

Background

The land is situated south of Larsen Road in Byford just west of the railway and to the south of the Marri Grove Primary School.

At the end of 2005 the applicant submitted a Local Structure Plan (LSP) for the above land in Byford. Council resolved in March 2006 to defer advertisement of the LSP pending the outcome of a redesign of the LSP and completion of the review of the Byford Structure Plan (BSP).

A copy of the original Local Structure Plan is with the attachments marked SD034.1/09/06.

In particular the proposed layout was compromised by the diagonal distributor road and its poor impact on residential lots and their orientation. The subdivisional design and layout for this land needs to reconcile a multi-use drainage corridor, a primary school site (existing), a buffer zone to the equestrian area and the town centre distributor road linking Thomas Road to the new Byford Town Centre.

The issues associated with the difficulty of achieving a sound redesign heralded the need to more comprehensively revise the BSP.

The Council had agreed to consider application to undertake preliminary earthworks on the site during the BSP review. The applicant did not elect to take up this option, choosing to await the completion of the review.

Now the applicant has been briefed on the outcomes of the review studies and the changes proposed in the Byford District Structure Plan which will affect overall urban design, residential density and lot layout, they have indicated their eagerness to revise the LSP to accord with the BDSP2006 so this can be approved for advertisement at the same time as the BDSP2006.

Comment

The BDSP2006 creates more space and rationalises the road layout by designating the local distributor road to the western edge of the LSP area. This creates the opportunity for creating less through traffic in the neighbourhood and especially in that area close to the Primary School.

The realignment of the local distributor road also draws blocks and lots into a north-south east-west cardinal orientation. This makes a better opportunity for more lots to be designed with a long-axis running east-west thereby offering maximum opportunity for home builders to capture natural light and solar energy.

The BDSP2006 also proposes higher residential densities for the southern portion of the site and a small local shopping hub on the corner of Larsen Road and Byford Avenue.

The Shire traffic study estimates that the revised road hierarchy can accommodate public transport at the western edge of the LSP and encourage walkable local streets internally.

Other necessary matters to be incorporated into a revised LSP for the site include adequate drainage detention capacity in the multi-use corridor land to the east of Thatcher Road, a local park possibly to the south of the primary school and the discontinuation of Alexander Road to reduce through traffic in the neighbourhood.

Provided a revised LSP is to be prepared by the applicant consistent with the BDSP2006 to the satisfaction of the Executive Manager Planning and Regulatory Services then this LSP can be advertised for public comment.

Sustainability Statement

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

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

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

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

Statutory Environment:

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

Policy/Work Procedure Implications:

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

Financial Implications:

There are no Financial Implications to Council related to this application.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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

Strategies:

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

Objective 3: High level of social commitment

Strategies:

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

Community Consultation:

Required: Yes, as a requirement of the Town Planning Scheme

Comment:

The BDSP2006 is currently being advertised for a 28 day period.

The applicant needs to prepare a revised LSP to accord with the BDSP2006. The LSP should resolve in sufficient detail solar orientation for maximum number of lots, landscaping design for the multi-use corridor, drainage and road design specification and urban design details such as height, scale, bulk and combinative land uses.

In terms of expediting this matter and considering the forbearance of the applicant with respect to the BSDP2006 review process it is considered reasonable for the Council to agree in principle to delegate the advertisement of the LSP to the Executive Manager Planning and Regulatory Services provided the received plan is consistent with the BDSP2006.

Where the LSP does not coincide with the BDSP2006 this matter shall be referred back to Council for a determination.

Voting Requirements: Normal

SD034/09/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Kirkpatrick seconded Cr Brown

Council considers the request to advertise the Local Structure Plan (LSP) for Lot 3 Thatcher Road, Lot 301 Larsen Road, Lot 3 Alexander Road and Lot 2 Abernethy Road, Byford for public comment and resolves:

- 1. The applicant be required to modify the Local Structure Plan to ensure the Plan is consistent with the BDSP2006 for review by the Executive Manager Planning and Regulatory Services.**
- 2. Subject to 2 above, to the satisfaction of the Executive Manager Planning and Regulatory Services, that pursuant to Clause 5.18.3.2, Council determines that the revised Local Structure Plan is satisfactory for advertising.**
- 3. To advise the Department for Planning and Infrastructure of this resolution and undertake to liaise regarding the progress of the LSP and any related subdivisional matters.**

CARRIED 7/0

Cr Wigg declared a financial interest in item CGAM020/09/06 REQUEST FOR REVIEW FOR USE OF LICENCE FEE – MUNDIJONG SPORTING GROUNDS as he is a member of the SJ Grammar School Board and a financial guarantor and left the meeting at 7.57pm.

CGAM020/09/06		REQUEST FOR REVIEW FOR USE OF LICENCE FEE – MUNDIJONG SPORTING GROUNDS (RESERVE NO. 4486) (P00091/02)
Proponent:	SJ Grammar School	In Brief 1. To consider the request from Serpentine Jarrahdale Grammar School for a reduction in the licence fee for use of the Mundijong Sporting Grounds (Reserve no. 4486). 2. To consider the request from the Serpentine Jarrahdale Grammar School for a reduction in the legal fees associated with the Agreement.
Owner:	Shire of Serpentine Jarrahdale	
Officer:	Darren Long Director Corporate Services	
Signatures Author:		
Senior Officer:		
Date of Report	11/09/06	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.	
Delegation	Council	

Background

For some time Council has been actively supporting the community's vision to develop a high school in Mundijong. Once students have completed primary school, they currently travel out of the Shire and attend over twelve (12) different government and non-government high schools.

A feasibility study prepared for the Anglican Schools Commission and Council in 2003 identified the use of the Shire administration site and building as a potential suitable location for the school. The Shire administration building, car-park and hall are sited on Reserve 30867, located on the corner of Paterson Street and Mundijong Road, Mundijong. The study outlined the co-sharing of the Mundijong Sporting Grounds located on 'A' Class Reserve 4486 and the Shire library facilities on Reserve 4330.

Negotiations for the lease of the car park and Mundijong hall have been concluded and the formal agreement signed and executed. Negotiations are still continuing regarding an applicable fee to be inserted into the licence to the use of the sporting grounds (Reserve no. 4486).

The Principal of the Grammar School has requested clarification on two issues:

1. The discrepancy between what the School is being charged for the use of the Mundijong Sporting Grounds (Reserve no. 4486), as compared to the cricket and football clubs, considering all are non-profit bodies;
2. The cost of legal fees for drawing up the agreement, which are to be paid by the Grammar School.

A copy of the letter of request is with attachments marked [CGA020/09/06](#) (IN06/8996).

Sustainability Statement

Resource Implications and Use of local, renewable or recycled Resources:

The provision of a secondary school within the Shire will reduce greenhouse gas emissions by reducing the need for high school age children to travel outside the Shire for schooling.

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 Diversity:

The proposal will not directly impact on any particular social group. All buildings and facilities in the school should be designed to address disabled access and amenity requirements.

Statutory Environment:

- Serpentine-Jarrahdale Town Planning Scheme No. 2
- Metropolitan Region Scheme
- Local Planning Policy LPP16 Paterson Street Guidelines
- Western Australian Planning Commission's Development Control Policy DC 2.4 School Sites.
- Land Administration Act
- Local Government Act 1995

Financial Implications:

The proposed licence fee in the agreement is \$7,500 for the first year and \$10,000 for the second year.

The legal fees associated with the drafting of the licence are approximately \$6,500.

Strategic Implications:

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

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.
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.

Comment:

Licence Fee:

It is believed no comparison can be made on the grounds of the Grammar School being a non-profit body, like the Football Club. The football club consists of voluntary office bearers and players whose main aim is to take part in a recreational activity for enjoyment and pay a membership fee for that privilege. The Grammar School consists of a voluntary board, whose primary objective is the education of students. The board charges a fee to parents to pay qualified professionals to teach the students. There is a clear separation between the two. Whilst both may not generate a profit that has to be paid to share-holders, the football club is clearly a community based organization established for the social enjoyment of its members. The Grammar School has a commercial focus, ensuring it has sufficient funds to continue the education of the students, whilst also focusing on the long term financial viability of the School and the improvements of its asset base.

When comparing the licence fee proposed for the Grammar School for the use of the Mundijong Sporting Grounds (Reserve no. 4486) to the football club, there are some inconsistencies that arise from a use point of view. Currently the School has 50 students enrolled at the School. Students (not all) make use of the Mundijong Sporting Grounds (Reserve no. 4486) for approximately 15 minutes prior to school commencing, during the morning recess break, during lunch and afternoon recess, and all students use the Mundijong Sporting Grounds (Reserve no. 4486) once per week for a physical education session.

The football club uses the sporting grounds (Reserve no. 4486) for a football season, or a six month period, from 1 April to 30 September. During the football season, the junior (approximately 20 players) and senior clubs (approximately 40 players) train twice per week for approximately 1.5 hrs each session. The football club utilises the Mundijong Sporting Grounds (Reserve no. 4486) and pavilion every weekend during the football season.

Football is a considerably higher impact sport and has a more intense wearing effect on the turf than compared to the use by school students. On a frequency basis, the football club only utilises the Mundijong Sporting Grounds (Reserve no. 4486) for a six month period, which is a lesser period than the Grammar School.

Some similarities can be drawn on a use basis between the two groups, when taking into account the level of impact on the Mundijong Sporting Grounds (Reserve no. 4486) and extrapolating it out over a twelve month period. It would seem reasonable to expect the Grammar School to pay a similar annual fee to that of the football club, based on usage. Therefore it is recommended that the licence fee for the Grammar School for the use of the Mundijong Sporting Grounds (Reserve no. 4486) be reduced to \$2,000 (Ex GST) for the first year and \$3,000 (Ex GST) for the second year, due to the increase in student numbers in the second year.

Council Officers will commence a review of the fees applicable to other sporting clubs, including the football and cricket clubs, with a view to aligning them with use levels.

Legal Fees:

The Grammar School Principal, Dr Scott, has queried the amount of legal fees the School is responsible for which are associated with the drafting of the lease and licence.

Upon perusing the tax invoice issued to the Grammar School, it would seem that there are a small number of items listed that do not directly relate to the lease and licence agreements. These items should be paid for by Council.

The legal fees associated with the drafting of the lease and licence agreements do seem to be high, if considered in the context of the nature of the legal documents. However, it is

essential that Council is aware that numerous negotiations were required between Councils legal representatives and the Schools legal representatives to discuss particular clauses within the lease agreement. A number of changes were requested to the first draft of the lease document by the Grammar Schools legal counsel, which had significant implications and required Council Officers to obtain extensive legal advice. It is fair to state that if the School's legal representative had not requested a number of changes to the agreement, there would not have been so much time involved in obtaining legal advice and redrafting the agreements. It was a direct result of the requested changes by the School's legal representatives that necessitated considerable redrafting resulting in extra legal costs associated with the agreements.

In summation, it is believed there are costs on the tax invoice to the Grammar School that they should not be required to pay, due to the costs not being directly associated with the lease or licence agreement drafting. Discussions have been held with Council solicitors in relation to obtaining a breakdown of the account; indications are that it may take considerable time to provide the relevant detail.

In view of this potential time delay and the need to expedite the signing of the licence agreement, and a show of good faith, it is recommended that Council agree to pay \$2,200 (including GST) of the tax invoice.

Voting Requirements: ABSOLUTE MAJORITY

CGA020/09/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Brown seconded Cr Kirkpatrick
That Council:**

- 1. Reduce the licence fee, for the Serpentine Jarrahdale Grammar School to use the Mundijong Sporting Grounds (Reserve no. 4486), to a first year fee of \$2,200 (Inc. GST) and a second year fee of \$3,300 (Inc. GST); and advise the Grammar School accordingly;**
- 2. Contribute \$2,200 (Inc. GST) towards the Grammar School's legal costs associated with the drafting of the lease and licence agreements on the basis that particular costs invoiced on the account relate to other legal matters ;**
- 3. Advise the Grammar School of Councils decision in relation to the legal costs but also clarify that a number of changes were requested by the School's legal counsel, which resulted in considerable redrafting of the lease and the school incurring additional legal costs.**

CARRIED 6/0 ABSOLUTE MAJORITY

Cr Wigg did not vote and returned to the meeting at 7.58pm

CGA021/09/06		REQUEST TO HEAT SERPENTINE PAVILION (RS0180/12)
Proponent:	Armadale Home Help Inc.	In Brief That Council consider a request from Armadale Home Help Inc. to install an appropriate heating unit in the Serpentine Pavilion.
Owner:	Shire of Serpentine Jarrahdale	
Officer:	Darren Long Director Corporate Services	
Signatures Author:		
Senior Officer:		
Date of Report	11/9/06	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

At the ordinary meeting in May 2006, Council granted approval for Armadale Home Help Inc. to operate their Day Centre from the Eric Senior pavilion in Serpentine.

Armadale Home Help Inc has written to Council seeking approval to install appropriate apparatus to heat the Eric Senior Pavilion for their Day Centre Activities. The applicant also seeks Council support for a grant application to Lotterywest for funding to purchase the heating unit.

A copy of the letter of request is with attachments marked [CGAM021/09/06 \(IN06/7257\)](#).

Sustainability Statement

Use of local, renewable or recycled resources:

Locally Available:

The proposal involves utilizing a local facility for the provision of a service to residents of the Shire. The proposal will enable greater use of the Serpentine Pavilion. It is recommended that a “five star energy efficiency rating” heating unit be installed to ensure that the most efficient use of energy resources is achieved. This will enable Council to meet it’s goals under it’s Energy Efficiency Plan.

Economic Viability:

The proposed activities are deemed to be economically viable and research conducted by Armadale Home Help Inc. indicates that there is a need for the service within the local community. The proposal will also keep residents in a local atmosphere, rather than transporting them to locations outside the Shire district.

Armadale Home Help Inc. proposes to apply for Lotterywest funding to cover the cost of the heating unit.

Economic Benefits:

Discussions with the applicant indicate that the proposal will support the local economy by sourcing supplies from local businesses.

Statutory Environment:

Local Government Act 1995.
Public Building Regulations
Building Code of Australia

Financial Implications:

There may be no financial implications to Council for the purchase and installation of the unit. There are direct financial implications relating to the utility costs associated with the operation of the heating unit, as the applicant will not be paying any fee for the use of the facility. This will result in additional costs being borne by Council.

Strategic Implications:

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

1. People and Community

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

Strategies:

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

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.

Community Consultation:

Consultation has been undertaken with the Serpentine & Districts Pony Club and the Polo Crosse Club in relation to the installation of a heating unit in the Eric Senior pavilion. Both clubs have indicated that they have no objections to the proposal, but advise that they will not be contributing towards the purchase, installation or running costs of the heating unit.

Comment:

Armadale Home Help Inc. is a not for profit organisation that provides varied services to residents within the Shire of Serpentine Jarrahdale, including Day Centre activities.

The comfort of the elderly that attend the Day Centre activities is of paramount importance to Armadale Home Help Inc. The Eric Senior pavilion can get quite cold during the winter months, making it uncomfortable for the participants in the Day Centre.

The proposal to install heating unit in the Eric Senior pavilion will increase the comfort level of the pavilion for all users.

There will be specific compliance requirements that Armadale Home Help will need to ensure they meet, when the installation of the heating unit occurs. These compliance requirements involve the Public Building regulations and the Building Code of Australia. To ensure that the compliance requirements are met, it is suggested that prior to the installation of the heating unit, if the grant is successful, that Armadale Home help representatives meet with Council's Principal Building Surveyor and Principal Environmental health Officer.

It is recommended that Council grant in-principle approval for Armadale Home Help Inc to proceed with a grant application to install a heating unit to Eric Senior pavilion, subject to Council not incurring any costs associated with the heating unit's purchase and installation. Armadale Home Help Inc. be advised that the installation of any heating unit must be done to the satisfaction of Council's Principal Building Surveyor and Principal Environmental Health Officer. It is also recommended that Council write a letter of support for the grant application to Lotterywest.

Voting Requirements: Simple Majority

CGA021/09/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Wigg seconded Cr Kirkpatrick

1. That Council grant in-principle approval for Armadale Home Help Inc. to proceed with a grant application to install a “five star energy efficiency rating” heating unit to Eric Senior Pavilion subject to Council not incurring any costs associated with the heating unit’s purchase and installation;
2. That Council advise Armadale Home Help Inc. that the installation of any heating unit must be done to the satisfaction of Council’s Principal Building Surveyor and Principal Environmental Health Officer to ensure compliance with relevant legislation;
3. That Council write a letter to Lotterywest in support of the grant application submitted by Armadale Home Help Inc.

ADVICE NOTE:

Staff explore mechanisms that will assist to control usage of the heating unit.

CARRIED 7/0

Committee Note: A minor amendment was made to the Officer Recommended Resolution by way of an Advice Note for staff to explore mechanisms that will assist to control usage of the heating unit.

CGAM022/09/06 PROPOSAL TO UPGRADE MUNDIJONG SALES YARD(P00091/02)		
Proponent:	Statewide Livestock	In Brief To consider the request from Statewide Livestock Services to invest the monthly rental fee into upgrades to the Mundijong sale yards.
Owner:	Shire of Serpentine Jarrahdale	
Officer:	Darren Long Director Corporate Services	
Signatures Author:		
Senior Officer:		
Date of Report	06/09/06	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.	
Delegation	Council	

Background

At a Special Meeting held on 12th April 1999 Mr Waddell, from Statewide Livestock Services, advised he would be prepared to enter into a lease to operate a market if Council purchased the land at Mundijong Sale Yards. Based on the discussion at that meeting a resolution to not purchase the land was carried 5/3.

A second Special Meeting was held on 19th April 1999 where the Chief Executive Officer advised Council that the interest payment on the loan to purchase the land should be covered by the lease. At the Ordinary meeting held on 27th April 1999, Council resolved the following in relation to the purchase and subsequent lease of the Sale Yards located on lot 1 Galvin Road, Mundijong:

1. *A tender for \$165,000 be submitted and accompanied by 1% payment for the purchase of the ‘Mundijong Sale Yards’ and that the purchase of the property be the subject of a loan.*

2. *That a lease agreement be drawn up with Mr Ross Waddell as the lessee and that the lease agreement contain the following:*
- *First twelve months lease rental be at \$400 per month.*
 - *Second 12 months rental be at \$700 per month.*
 - *A term of 5 years plus a five year option to review be included.*
 - *A review of the lease agreement be conducted after two years with any new lease figure being not less than \$700 per month.*
 - *Solicitor's costs be the responsibility of the lessee.*

A formal lease agreement was then entered into by Council and Statewide Livestock Services.

In January 2002 Council considered a request from Statewide Livestock to vary the lease fee for the sale yards. In his letter Mr Waddell advised, *"We feel with the experience gained over the past two years of operating the sales it is obvious that under the current lease arrangement the property is not commercially viable. We are aware of the enormous community and recreational benefits to many people involved and are prepared to continue operating the sales if the Shire of Serpentine-Jarrahdale meets an agreement of conditions!*

- *Statewide Livestock will insure the property for Public Liability*
- *Statewide Livestock services will be responsible for water and electricity usage costs.*
- *Statewide Livestock services have sole right to the premises for a rental of \$200 per calendar month.*
- *The maintenance of amenities being – the canteen, toilets, fencing and water supply will be the responsibility of the Shire of Serpentine-Jarrahdale.*

If these conditions cannot be met, Statewide Livestock Services will cease operation as advised earlier in correspondence to your office on the afternoon of 16th January 2001 (sic)."

In response to the request from Statewide Livestock Services, Council resolved at its January 2002 Ordinary Meeting the following:

CRC084 COUNCIL DECISION/Officer Recommended Resolution

Moved Cr Richards seconded Cr Price

The lessee of Lot 1 Galvin Road, Mundijong be granted a reduced fee of \$300 per month for the period January 2002 to June 2002 on the basis that the lessee grant access to the financial records of operating the sale yards. A meeting be held between Council and Statewide Livestock in June 2002 to consider and discuss the terms of any variation to the lease conditions.

CARRIED 8/0

A meeting was held with Mr Waddell in June 2002 and further discussions were held by Council Officers during July and August 2002 in relation to the lease fee for the sale yards. Additional attempts were made during August, September and October 2002 to obtain financial records from the lessee to ascertain the level of viability of the sale yards and market operations. Despite several attempts, Mr Waddell only presented his financial statement for the six month period under review on 30 October 2002. The figures indicated a profit \$5,895 for the six month period under the \$300 per month lease payment arrangement.

The information provided signified that sales are run twice a month on the first and third Wednesday. Simple analysis of the data showed the profit per day of sale to be \$491. It was noted that three (3) of the costs provided by Statewide are annual costs; these being Rates of \$543, licensing of \$150 and insurance of \$1,745. By averaging these costs to a six (6) month period, the profit per sale increased to \$593, or \$1,186 per month.

After considering the above information, Council resolved at the November 2002 meeting as follows:

CRC055 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Simpson seconded Cr Price the lease of Lot 1 Galvin Road be granted at a reduced lease fee to a minimum of \$350 per month subject to:-

- 1. Council review the lease fee annually.*
- 2. Submission by lessee of a copy of financial statements for annual review.*

CARRIED 10/0 ABSOLUTE MAJORITY

The lease fee consequently reviewed during the budget deliberation process in 2004 and reset at the currently monthly rental of \$700.

Mr Waddell has since written to Council seeking Council to invest a consideration sum of money into upgrading the facilities at the sale yards, given their dilapidated state. Council declined to undertake any improvements to the sale yards due to the land being earmarked for urban development in the future.

Mr Waddell has been invoiced for the full amount of the rental fee under the lease agreement, being \$700/month.

Mr Waddell has submitted a letter of request, seeking Councils consideration of investing the monthly rental, plus an additional \$450 of his own funds, into upgrading the facilities at the sale yards, in lieu of paying the rent to Council. Mr Waddell has advised that he would be willing to substantiate the improvements with receipts and photographs to the Director Corporate Services.

A copy of the letter of request is with attachments marked [CGAM022/09/06 \(IN06/7760\)](#).

Sustainability Statement

Economic Viability and Benefit:

The Mundijong markets provide an excellent opportunity for locals to sell their animals and/or local produce. It is clear that the markets are not a significant financial operation but do provide a service to the local community that has a historical reference.

The economic viability of investing funds into upgrading a facility, when there are clear plans for the land to be used for urban development, must be questioned. There would be no economic benefit to the community in investing monies into a facility that will eventually be removed/relocated, unless the structures and facilities were able to be sold at market value at a future time.

Social Diversity:

The Mundijong markets play a specific role in providing social interaction, a rural lifestyle experience and a unique service to a diverse group of residents.

Statutory Environment:

Local Government Act 1995.

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

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

- (b) *waive or grant concessions in relation to any amount of money; or*
- (c) *write off any amount of money, which is owed to the local government.*

*** Absolute majority required.**

Financial Implications:

If Council supported the upgrade proposal, a revenue stream of \$8,400 would be redirected and invested into facility upgrades at the sale yards.

Strategic Implications:

1

People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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:

- 3 Develop tourism potential.

4 Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

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

Comment:

The Mundijong markets provide a unique experience to a niche market of local residents and visitors and generate some spin-off activity to the local economy. There are benefits in upgrading the existing facilities from a site and visitor amenity, and an animal welfare point of view.

The Mundijong sale yards land is in the process of being earmarked for major urban development, via the Mundijong/Whitby District Structure Plan. It is anticipated that this area of land will be developed in approximately 5-10 years. Any structures on the land will be removed/relocated to make way for residential developments.

The decision facing Council is whether it wishes to invest approx \$8,400 per annum, for the next 5-10 years, into a facility that may be removed/relocated to another site or demolished. There is also no guarantee that the improved structures will be a saleable asset in the future.

It is recommended that Council decline Mr Waddell's offer to invest the monthly rental, plus an additional amount of \$450 of his own funds, into upgrading facilities at the sale yards because it would not be the most effective use of Council funds.

Voting Requirements: Simple Majority

CGAM022/09/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Brown seconded Cr Kirkpatrick
 That Council:**

- 1. Decline Mr Waddell's offer to invest the monthly rental for the sale yard site into upgrading facilities;**
- 2. Advise Mr Waddell that the current monthly rental will remain in force for the use of the sale yard land.**

CARRIED 7/0

Cr Star and Cr Needham declared an interest of impartiality in the item CGAM023/09/06 WAIVER OF UTILITY CHARGES FOR MUNDIJONG MEETING PLACE as they are members of the Board of SJ Landcare Inc and this will not affect the way in which they vote on this item. Cr Wigg declared an interest of impartiality in item CGAM023/09/06 WAIVER OF UTILITY CHARGES FOR MUNDIJONG MEETING PLACE as he is a member of the SJ Landcare Management Group, this will not affect the way in which he votes on this item.

CGAM023/09/06 WAIVER OF UTILITY CHARGES FOR MUNDIJONG MEETING PLACE (A0289-03 A0847)		
Proponent:	SJ Landcare Inc.	In Brief That Council write off the utility charges invoiced to SJ Landcare Inc. associated with the Meeting Place.
Owner:	Shire of Serpentine Jarrahdale	
Officer:	Darren Long Director Corporate Services	
Signatures Author:		
Senior Officer:		
Date of Report	06/09/06	
Previously	SD020/08/05	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.	
Delegation	Council	

Background

The Serpentine Jarrahdale Shire has provided funding to SJ Landcare Inc for a number of years. An amount of \$60,000 has been set aside in the 2006/2007 budget as a direct funding contribution to SJ Landcare Inc. Since 2003 Council has established Service Level Accords (SLA's); signed agreements that specify the terms, conditions and performance criteria under which the funding is provided to the Landcare.

A Service Level Accord for 2005/2006 was developed in June and July of 2005, through discussions with SJ Landcare Inc. The 2005/2006 SLA was adopted at the August 2005 Ordinary Council Meeting. Council's resolution was as follows:

SD020/08/05 COUNCIL DECISION/Committee/Officer Recommended Resolution

Moved Cr Star seconded Cr Wigg

- 1. Council endorses the Service Level Accord as attached at SD020.2/08/05 between the Shire, the Land Conservation District Committee and Landcare SJ Inc for the 2005/2006 financial year.*

2. Council forwards the Service Level Accord as attached at SD020.2/08/05 to the Chair of the Land Conservation District Committee and the Chair of Landcare SJ Inc for their final endorsement and signing.
3. Council authorises the Shire President and the Chief Executive Officer to sign the Service Level Accord as attached at SD020.2/08/05.
4. The Landcare Centre are to provide an acquittal by 31 July 2006 on the \$55 000 expenditure against the approved Service Level Accord.

CARRIED 10/0

SJ Landcare Inc has written to Council advising that the Board has not signed off on the 2005/2006 SLA due to modifications being made to the final document without their prior consultation and agreement. The Board is concerned with three (3) sub-clauses within the document that were changed without any discussion. The sub-clauses of concern are:

- *Provision of water to The Meeting Place premises within Shire per building budget expenses above this will be charged to Landcare;*
- *Provision of electricity to The Meeting Place premises within Shire per building budget expenses above this will be charged to Landcare;*
- *Provision of gas for heating to The Meeting Place premises within Shire per building budget expenses above this will be charged to Landcare.*

SJ Landcare also advise in their letter that Council has granted access to the Meeting Place to a number of community groups, and it would be inappropriate for Landcare to pay utility expenses for the entire building.

SJ Landcare Inc. is requesting Council to consider writing off the portion of their invoice that relates to the utility charges (water, electricity and gas) for the Meeting Place.

A copy of the letter of request is with attachments marked [CGAM023/09/06](#) (IN06/8610).

Sustainability Statement

Effect on Environment and Resource Implications:

SJ Landcare Inc. is recognised as a leader within the industry, demonstrating best practice in many projects and also in the manner in which it interacts with the community.

Economic Viability and Benefit:

SJ Landcare inc. employs several staff, uses local resources and suppliers to complete on ground works and assists in preserving and improving the natural heritage of the area.

SJ Landcare Inc. has trialed many new approaches in order to protect valuable land and water resources.

Wherever possible locally produced or available resources are utilised for on-ground works and partnerships established.

Social – Quality of Life:

SJ Landcare Inc.'s success has been founded on strong community partnerships and significant community capacity building has been achieved.

Social and Environmental Responsibility:

The fundamental principles upon which SJ Landcare Inc. operates are based on environmental and social responsibility.

Social Diversity:

SJ Landcare inc. provides a service to a diverse range of residents, groups and agencies.

Statutory Environment: Local Government Act 1995.

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

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

*** Absolute majority required.**

Financial Implications:

Budget provisions for 2005/2006 for utilities at the Meeting Place were \$1,300. The actual amount expended on utilities for the Meeting Place was \$2,599.40. If Council were to support the requested write-off the impact would be a loss of \$1,299.40 in revenue.

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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.
- 4. Foster a strong sense of community, place and belonging.
- 5. Protect built and natural heritage for economic and cultural benefits.

Objective 3: High level of social commitment

Strategies:

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

2. Environment

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

Strategies:

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

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

Strategies:

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

3. Economic

Objective 1: A vibrant local community

Strategies:

2. Identify value-adding opportunities for primary production.
3. Develop tourism potential.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

1. Identify and implement best practice in all areas of operation.
2. Promote best practice through demonstration and innovation.
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.
3. Develop specific partnerships to effectively use and leverage additional resources.

Comment:

The SJ Landcare Inc. comment that the 'Meeting Place is used by a number of local community groups and it is inappropriate for Landcare to pay utility expenses for the entire building is valid. SJ Landcare Inc has very limited control over the utility charges incurred for the Centre, if other groups have as of right access to the Meeting Place. Landcare is also unable to restrict the frequency or length of use of any of the community groups utilising the centre, further limiting Landcare's control over utility charges to the Centre.

It is recommended that on the basis that SJ Landcare Inc. did not sign off on the Service Level Accord for 2005/2006 and did not accept responsibility for the additional utility charges over the 2005/2006 budget allocation; and that the Meeting Place is also used by a number of community groups, making it difficult to identify the utility costs on a user basis, that the utility charges associated with invoice 3786, be written off.

Voting Requirements: ABSOLUTE MAJORITY

CGAM023/09/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Murphy seconded Cr Brown
That Council:**

- 1. Write off the utility charges of \$1,299.40 associated with invoice 3786 for SJ Landcare Inc;**
- 2. Advise SJ Landcare Inc. that the utility charges associated with invoice 3786 have been written off due to the fact that a number of community groups, in addition to Landcare, also use the Meeting Place and it is inappropriate for SJ Landcare Inc to pay for the full utility costs associated with this facility.**

CARRIED 7/0 ABSOLUTE MAJORITY

CGAM024/09/06 LIGHTBODY ROAD MARDELLA – PETITION TO UPGRADE UNSEALED ROAD FORMATION TO BITUMEN SEAL (R0038)		
Proponent	Residents and users of Lightbody Road Mardella	In Brief A letter and petition has been received from Mr Gerald Bergsma on behalf of the residents and users of Lightbody Road for the Shire to consider the urgent bitumen sealing of Lightbody Road due to concerns over dust generation and road safety impacts.
Officer	Stephen Bell Director Engineering	
Signatures - Author:		
Senior Officer:		
Date of Report	10 September 2006	
Previously	OCM 28/03/1994 OCM 24/06/1996 OCM 31/07/2000 (AS005/07/00) OCM 28/08/2000 (AS015/08/00) OCM 23/10/2000 (AS026/10/00)	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

1. The Petition from the Residents of Lightbody Road

By letter and petition received 10 July 2006, the Shire is requested to consider the urgent bitumen sealing of Lightbody Road.

A copy of the letter and petition which was received on 10 July 2006 is attached marked [CGAM024/09/06](#) (IN06/7866)

The justification provided by the petitioners for Lightbody Road to be bitumen sealed is (quote):

- *Traffic has increased dramatically since road upgrade in 2005;*
- *Is dangerous in its current state, sharp bends, corrugations, and slippery;*
- *Many vehicles slide off the road every year resulting in injury and car damage;*
- *Dust creates respiratory problems for some humans and animals;*
- *Is the shortest way from Mardella and Serpentine to the freeway;*
- *Is one of the last remaining unsealed through roads in the centre of SJ Shire; and*
- *SJ Shire had made a commitment to bitumise Lightbody Road in writing to Eric Senior in March 1999.*

There were a total of twenty (20) signatories to the petition to upgrade Lightbody Road to bitumen seal. The breakdown of the petitioners is as follows:

- Four (4) signatures were received from one (1) family (Bergsma);
- Two (2) signatures were received from one (1) family (Oud);
- Fourteen (14) signatures were received from residents of Lightbody Road of which six (6) were from two (2) families (Bergsma and Oud);
- Five (5) signatures were received from owners of land not from Lightbody Road. In these instances, the owners were from Lowlands Road and Rapids Road respectively, and
- One (1) of the signatures received was not from the Serpentine Jarrahdale Shire.

Past Decisions of Council

Over the past ten (10) years or more, there has been considerable discussion at both the Committee and Council meeting level about the possible upgrade and use of Lightbody Road between Mundijong Road and Lowlands Road. Where such discussions have arisen the general consensus was that the road was to “remain as a local road function i.e. retains a low heavy vehicle truck usage relative for property access only and not to encourage through usage as a rat run. Any proposed upgrading of Lightbody Road would be to a maximum width of 5.5 metres to designate its low functional status.”

At the Technical Services Committee meeting held 10 June 1996, it was resolved:

1. *That Council consider the expenditure of \$35,000 in the 1996/1997 budget to install island treatment design on Lightbody Road at Mundijong Road and Lowlands Road intersections respectively.*
2. *That propose upgrading of Lightbody Road to a sealed standard shall reflect its local road functional status of 5.5m width.*
3. *That Council consider the staged programming of sealing Lightbody Road to its local road functional classification commencing in the 1997/1998 financial year.*

At its meeting held 31 July 2000, the Council considered an appropriate response to provide to the residents of Lightbody Road who had been previously given advice that the road would be sealed within a relatively short period of time but that such works were no longer considered to be a priority in Shire’s 2000 – 2004 Principal Activities Plan. At that meeting, the then Executive Manager Asset Services, Mr Robert Harris, wrote “*the tentative proposal that Lightbody Road be upgraded in the early future to a sealed pavement has been assessed and found to be generally of relatively low ranking in prioritising road preservation and improvement needs. There is a need for improvements to the road drainage and formation, and for resheeting of the gravel pavement. Having regard to traffic needs a bitumen road surface is not required for Lightbody Road. Improvements to a sealed road would incur higher initial construction costs and higher ongoing maintenance costs to Council.*”

At its Ordinary Council Meeting held 28 August 2000 the Council considered the imposition of a 12 tonne load limit on Lightbody Road to protect the gravel pavement from damage as a result of heavy vehicle usage and to restrict Lightbody Road being used as a short cut or thoroughfare, particularly by the heavy transport industry. At its meeting of 28 August 2000, the Council resolved that:

1. *Council initiate the closure of Lightbody Road between Mundijong Road and Lowlands Road to vehicles with a gross mass exceeding 12 tonne in accordance with provisions of Section 3.5 of the Local Government Act 1995.*
2. *Local public notice and written notice to prescribed persons inviting submissions on the proposal be given.*
3. *Submissions received be considered by the Council and the proposal be further considered at the October 2000 Ordinary Council meeting.*

Following the notice being publicly advertised and review of all submissions received, a further report was tabled at the Council’s meeting of 23 October 2000 where it was resolved:

1. *Council order the imposition of a 12 tonne gross load limit on Lightbody Road between Mundijong Road and Lowlands Road effective from the erection of regulatory signs.*
2. *Vehicles exceeding the load limit servicing abutting properties be granted exemption subject to the Executive manager Asset Services determining the road will not be unduly damaged by the traffic.*
3. *Upgrading of Lightbody Road be considered as part of the draft 2001 Principal Activity Plan review.*

3. Shire Road Funding

From 2001/2002 to 2005/2006 inclusive the Council has expended more than \$470,000 on the progressive upgrade of Lightbody Road. This upgrade has included widening of the road formation to 7.0 metres, strengthening the sub-grade, gravel resheeting, drainage improvements, and selective clearing where necessary to improve sight distance and/or road side hazards.

Whilst Lightbody Road has not been bitumen sealed, considerable funding has been allocated since 2001/2002 towards its upgrade at the expense of other roads in the Shire. The work undertaken in the 2005/2006 financial year represented the final stage of improvements to Lightbody Road. At this stage, no further improvements are identified in the Forward Financial Plan.

4. Past and Recent Traffic Counts

Traffic counts that were undertaken in **March 2002** are tabulated below:

Location	Traffic Volume (Vpd)	Speed	% HV	Av No. HV
200 metres south of Mundijong Rd	88	NA	25%	22
600 metres south of Mundijong Rd	62	NA	17%	11

NA = Not available HV = Heavy Vehicles

Traffic counts that were undertaken in **July 2006** are tabulated below:

Location	Traffic Volume (Vpd)	Speed	% HV	Av No. HV
South of Mundijong Road (sealed section of Lightbody Road north of access to holding yards).	147	69	24%	35
North of Lowlands Road	90	52.5	12%	11

Typically, traffic counts are undertaken in both the high and low seasons so that an average count can be derived. In addition, traffic counts are best undertaken when a gravel road is in its normal condition. Lightbody Road was inspected by the Director Engineering prior to and at the cessation of the traffic counts and the road was in good condition.

The traffic counts undertaken in March and July do not represent the high and low vehicle counts; hence the average count may be misleading.

5. Speed Environment

There is no sign posted speed limit for Lightbody Road. Accordingly, as Lightbody Road is unsealed it is subject to an open speed limit where motorists drive according the conditions. As evidenced by the traffic counts taken at respective ends of Lightbody Road, the travel speed is relatively low indicating that motorists drive well within the open speed limit. However, as the counts were taken within a relatively short distance of Mundijong Road and Lowland Road and no counts were undertaken mid block, it is therefore considered that the travel speed is not representative for the length of Lightbody Road.

There is currently a 12 tonne load limit in place at Lightbody Road which commences approximately 400 metres south of Mundijong Road and terminates at the junction of Lowlands Road. It would appear from the traffic counts that numerous vehicles in excess of the 12 tonne load limit utilise the road.

Sustainability Statement

Effect on Environment:

The realignment, construction, and bitumen sealing of Lightbody Road could impact the natural environment through the selective clearing of vegetation and disturbance of material during the construction process. Hence, there could be some reduction in biodiversity and water quality in the area.

Road widening may be required to facilitate flatter horizontal curves for enhanced road safety and travel times. Road widening would involve the partial subdivision of rural properties to allow for an improved road alignment. Hence, any loss of land for road widening purposes, albeit small, will reduce the area of land available for agricultural and other pursuits.

Sealing the road will eliminate dust emissions and enable the local residents and other road users to travel on a road free of corrugations and rutting, which are defects that exist from time to time on gravel roads. Hence, dust generation will be reduced to the adjacent vegetation corridors and to privately owned land.

It should be noted that vehicle speeds generally increase when unsealed roads are bitumen sealed. Therefore, where such consideration is given, the horizontal and vertical alignment, warning signage, improved drainage, guard fence, and other safety measures need to be improved to protect the road user from the natural and built environment.

Resource Implications:

The area that surrounds Lightbody Road is subject to flooding during the winter months. Accordingly, Lightbody Road may need to be raised to ensure that the road pavement and wearing course is above the ground water and surface water levels.

Gravel and bitumen will need to be sourced to allow for improvements to Lightbody Road. There are limited supplies of gravel available in the Shire for road building purposes and crude oil used to manufacture bitumen products is in short supply due to diminishing oil reserves. Both of the resources are finite but critical in the road construction process.

Use of Local, renewable or recycled Resources:

The existing road pavement would be recycled to form the sub-base during upgrade of Lightbody Road.

Economic Viability:

Lightbody Road is a local access road that services the agricultural and other pursuits of the area. Due to the relatively high cost of construction combined with low traffic volumes, the economic viability or benefit/cost of the project would be extremely low.

A road network that is sealed is obviously a socially more acceptable situation than one that is not. However, the additional cost required in sealing a road and thereafter maintaining and renewing it, is a financial burden which has its own social consequences.

Economic Benefits:

There may be increased economic benefits to the community by providing a road surface that facilitates increased travel times and uses, particularly if the road is improved to such a standard that facilitates removal of the 12 tonne load limit.

Social – Quality of Life:

The quality of life for the residents of Lightbody Road may be improved through the elimination of dust emissions and ability to travel on a road that is not subject to corrugations, rutting, potholes and the like.

History shows that traffic volumes and vehicle speeds generally increase when unsealed roads are bitumen sealed. In the case of Lightbody Road, this is expected to be the case

given it is a through road from Mundijong Road to Lowlands Road. Therefore, the local residents may in time start to question road safety and the resultant impact of traffic volumes and vehicle speed on their quality of life.

Social and Environmental Responsibility:

Sealing of any road provides a superior driving surface which results in an enhanced driving environment by removing the element of unpredictability which is inherent in an unsealed road surface. Nevertheless a driver is bound by law to drive with due care and attention to the prevailing conditions especially while driving on unsealed roads.

Social Diversity:

This proposal will have very little impact on Social Diversity.

Financial Implications:

From 2001/2002 to 2005/2006 inclusive the Council has expended more than \$470,000 on the progressive upgrade of Lightbody Road. This upgrade has included widening of the road formation to 7.0 metres, strengthening the sub-grade, gravel resheeting, drainage improvements, and selective clearing where necessary to improve sight distance and/or road side hazards.

The estimated cost to realign and bitumen seal Lightbody Road is in the vicinity of \$550,000 to \$600,000. However, the true cost would not be known until after the completion of a detailed design and investigations into the road widening to accommodate the new road alignment. Due to the volatile land prices at the present time, the cost to purchase the necessary land for road widening purposes may increase the estimate cost.

A road network that is sealed is obviously a sociably more acceptable situation than one that is not. However, the additional cost required in sealing a road and thereafter maintaining and renewing it, is a financial burden which has its own social consequences.

Statutory Environment:

Local Government Act 1995

Policy Implications:

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

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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

Strategies:

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

2. Environment

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

Strategies:

3. Encourage protection and rehabilitation of natural resources.

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

Strategies:

1. Implement known best practice sustainable natural resource management.

3. Economic

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

Strategies:

1. Improved freight, private and public transport networks.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

There has been consultation with Mr Gerald Bergsma and other petitioners in regards to the identified problems with Lightbody Road.

Comments:

Road Hierarchy

Kargotich Road is classified as a District Distributor Road that provides a north-south transport corridor within the Shire (ie. through link from Thomas Road to Lowlands Road). All of the district traffic including heavy transport utilises Kargotich Road and the road pavement, alignment, and carriageway width has been designed and constructed to meet the current and future transport demand at the district and local levels.

Lightbody Road runs parallel to and is west of Kargotich Road. Its junction with Mundijong Road is located 2.5 kilometres west of Kargotich Road and its junction with Lowlands Road is located 550 metres west of Kargotich Road and 150 metres east of Rapids Road. Accordingly, any proposal to partially realign or bitumen seal Lightbody Road will only duplicate an existing district transportation linkage and may lead to increased traffic volumes and speed on Lightbody Road. There may also be pressure from the heavy transport industry for Council to lift the 12 tonne load limit given the improvements to the alignment and wearing surface in Lightbody Road.

It is clear from past decisions of the Council that the community wish to see Lightbody Road remain as a local road rather than used as a thoroughfare. Hence, the bitumen sealing of the road may exacerbate use of the road as a thoroughfare unless measures to curb its use are installed when the road is upgraded to bitumen seal.

Existing Road Characteristics

Lightbody Road is approximately 5.1 kilometres in length, with the first 400 metres being sealed up to the entrance of the holding pens. From this point the horizontal alignment meanders along its entire length until intersecting with Lowlands Road. A short section of Lightbody Road is sealed at the Lowlands Road junction inclusive with a central median.

Some of the horizontal curves within Lightbody Road restrict travel speed due to their abruptness and sight distance is obscured due to the close proximity of vegetation adjacent to the road formation. Hence, if the Council was to consider the upgrade of Lightbody Road to bitumen seal then selective realignment of Lightbody Road and clearing of vegetation may be required.

The gravel formation is constructed to 7.0 metres in width with table drains on respective sides of the road formation. A large multi cell culvert exists 4.25 kilometres south of Mundijong Road which is 5.6 metres between kerbing. Any upgrade to Lightbody Road would necessitate widening the culvert for enhanced vehicle movements and road safety improvements, particularly for heavy transport if the load limitation was removed as part of the improvement process.

There has been significant work undertaken in recent years to improve the formation width, pavement thickness and material type, and road drainage. However, there was no work undertaken to improve the horizontal alignment. Further, as the road is located within low lying land it will be necessary to raise the height of the road pavement to ensure that the pavement and wearing course is elevated above the ground water and surface water levels. The estimated cost to upgrade the road to bitumen seal, including the acquisition of land for road realignment purpose, is estimated to be in the vicinity of \$550,000 to \$600,000. However, the land prices are rubbery given the volatile market at the present time and hence the estimated cost could be significantly more than that stated above.

Should Council Bitumen Seal Lightbody Road?

The Australian Roads Research Board (ARRB) publication Unsealed Roads Manual – Guidelines to Good Practice (2000) states that as a rule of thumb, it is difficult to justify the bitumen sealing of a road that carries in the vicinity of 100 vehicles per day, whereas if it is carrying over 250 vehicles per day it will probably be justified. In between these values is the grey area where a detailed assessment needs to be undertaken to determine the social, environmental, and economic benefits to the broader community.

Councils must strike a balance between the community's ideal road network and what the community can afford to pay to retain and develop that network. In recent times the Shire has expended approximately \$470,000 to improve Lightbody Road and the estimated cost to improve the alignment and seal the road is in the vicinity of \$550,000 to \$600,000. Therefore, given the low traffic volume combined with the relatively high implementation cost, the benefit cost is considered low. Hence, it is the recommendation of Council Officers that Lightbody Road not be bitumen sealed.

Voting Requirements: Simple Majority

CGAM024/09/06 Committee/Officer Recommended Resolution:

That:

- (1) Council advise the residents and users of Lightbody Road that at this time it does not support the partial realignment and bitumen sealing of Lightbody Road for the following reasons:
 - a) From 2000/2001 to 2005/2006 significant amounts of funding has been expended on the progressive upgrade of Lightbody Road to improve the performance and management of this road. The work undertaken has resulted in improvements to safety, ride quality, travel time, drainage, and reduced maintenance costs.
 - b) The Shire is not in a position to fund the partial realignment and bitumen sealing of Lightbody Road due to other more urgent road construction priorities.
 - c) The current standard of Lightbody Road is suitable for the number and types of vehicles using this road given Lightbody Road is load limited to 12 tonnes and thereby not accessible by heavy vehicles.
 - d) Lightbody Road is a local access road that services only a small number of rural properties and residences.
 - e) The bitumen sealing of Lightbody Road may lead to increased traffic volumes and speed and encourage its use as a thoroughfare from Mundijong Road to Lowlands Road.
- (2) Council investigates appropriate warning signage for installation at the various sharp curves along the length of Lightbody Road.

ADVICE NOTE:

That Council approach Main Roads to police heavy vehicle use on Lightbody Road.

Committee Note: A minor amendment was made to the Officer Recommended Resolution as an Advice Note requesting Main Roads to police heavy vehicles on Lightbody Road.

CGAM024/09/06 COUNCIL DECISION

Moved Cr Murphy seconded Cr Star

This matter be deferred to a future Council meeting to enable further studies to be carried out.

The studies are to include:

- 1. Measurement of traffic volume at several points along the gravel road;**
- 2. The future treatment or construction of the road into a cul-de-sac should be considered during the next review of the forward financial plan;**
- 3. Any other studies that the Director Engineering considers would be of assistance to Councils consideration of this matter;**
- 4. Council investigates appropriate warning signage for installation at the various sharp curves along the length of Lightbody Road.**

ADVICE NOTE:

**That Council approach Main Roads to police heavy vehicle use on Lightbody Road.
CARRIED 5/2**

Council Note: The Committee/Officer Recommended Resolution was changed to allow further research and studies to be completed to allow Council to make an informed decision on alternative solutions for Lightbody Road.

CGAM025/09/06 BRIDLE PATH ON A DRAINAGE RESERVE AND AN UNMADE ROAD RESERVE BETWEEN WATTLE ROAD AND UTLEY ROAD, SERPENTINE (A0819)		
Proponent:	Trails Working Group	<p>In Brief</p> <p>The Shire has received a request to open the unmade bridle path from Wattle Road to Utley Road.</p> <p>It is recommended that Council continue their present arrangement to allow for the adjacent owners of land to graze stock on the land comprising the unmade bridle path.</p>
Owner:	Vested under the care, control and management of the Serpentine Jarrahdale Shire	
Officer:	Paula Haro Reserves Officer	
Signatures Author:		
Senior Officer:	Nick Juricev Manager Engineering	
Date of Report	4 August 2006	
Previously	AS038/02/03	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

In 2003, Council received a petition from 25 residents requesting gates and stock be removed from an unformed section of road reserve and drainage reserve between Salmon Bark Road and Utley Road so that they did not have to dismount from their horses to open and close gates when entering or exiting the trail. Also four (4) letters from properties around the reserve were received requesting that the present arrangement to continue.

As a consequence of the receipt of the petition, an item was tabled at the Council's ordinary meeting of 10 February 2003, where it was resolved:

Moved Cr Wigg seconded Cr Star:

1. *Council continues with the present arrangement with landholders grazing/maintaining their adjacent sections of the reserve with the following conditions:*
 1. *Gates are never to be locked and there are clear signs directing riders entering to close gates.*
 2. *The residents grazing the reserve apply for a gate permit.*
2. *Council considers a stile or a gate latch after assessing the equestrian riders' requirements.*

Note: The officer's recommendation was changed as Council required specific needs of users of this thoroughfare to be assessed to ascertain whether any action on the stile or latch was required.

At its meeting held in August 2006, the Trails Working Group put forward a recommendation to Council that an investigation be undertaken to determine the action needed to open up a section of bridal path for the purposes of a trail from Wattle Road to Utley Road inclusive.

This section of trail is currently an unmade bridal path, and forms part of a drainage and road reserve which is fenced, gated, grazed and maintained under a Memorandum of Understanding (MOU) with the adjoining land owners. The Shire has previously granted both residents permission to graze stock and insurance has been taken out to cover any liability for this section of the reserve. There are two (2) gates that have been installed to prevent the escape of stock from the subject section of the reserve.

The draft Trails Master Plan for the Serpentine Jarrahdale Shire identifies the drainage reserve as a potential multiple use trail. Therefore it is a reserve that could be further developed in the future, with additional funding and resources, as a multi-use trail.

Horse riders currently access the unmade trail through unlocked gates and are required to open/close the gates when entering and exiting the reserve. In order for the trail to be opened up for unrestricted usage by horse riders, the current MOU that is in place with the adjacent landowners will need to be terminated. This would then enable the trail to be constructed and fenced and the gates removed.

Lovegrass and wild oats are problem weeds within the reserve. The weeds are currently controlled by the adjacent landowners who graze their stock in the reserve. If the gates and stock were to be removed and the reserve used as a dedicated bridle trail then the Shire would be required to maintain this area, inclusive of any fencing to be installed to control stock access to the bridle path. This would involve the inclusion of this area in the Engineering Services annual slashing and spraying program and require regular audits of the fencing for maintenance when required.

A copy of the location map is with attachments marked [CGAM025/09/06 \(IN06/10453\)](#)

Sustainability Statement

Effect on Environment: If grazing is to stop, slashing and spraying with chemicals will be required to keep the weeds down.

Resource Implications: Grazing presents a form of managing weeds and grasses without the need for burning fossil fuels. Additional ongoing Shire resources would be required to maintain the trail to an appropriate standard.

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

Economic Viability: The proposal would require Shire resources to remove the gates. It would also increase resources required to maintain the trail, these costs would be ongoing for the Shire.

Economic Benefits: The proposal will not provide added economic benefits to the community.

Social – Quality of Life: This proposal would allow horse riders to use the section of trail without passing through gates.

Social and Environmental Responsibility: The proposal would disband existing community partnerships with the residents grazing the land, while fostering other community partnerships with horse riders.

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

Statutory Environment: Local Government Act 1995

Policy/Work Procedure Implications: AP24 Weed Control.

Financial Implications: There would be financial implications related to the opening up of the trail. This includes removing the gates, completing the fencing for the full length of the trail and on-going bridle path and fence maintenance costs.

The 2006/2007 annual budget does not make any allowance for the removal of the gates, provision and maintenance of fencing, and the slashing and spraying of the environmental weeds.

If the trail is opened up for unrestricted horse use council will be required to undertake fire management measures due to the presence of weeds and other vegetation no longer controlled by the grazing of stock.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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

Strategies:

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

3. Economic

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

Strategies:

1. Improved freight, private and public transport networks.

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.

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.

Strategic Implications: The Trails Master Plan.

Community Consultation:

Surrounding land owners would need to be consulted in regards to the termination of the MOU.

Comment:

Currently the unmade bridal path can be accessed by horse riders through unlocked gates. The Shire has an MOU with two landholders to allow for the grazing of stock in the reserve on the provision that the area is fenced, gated and maintained by respective landowners.

If the trail is to be opened up by removal of the stock, fencing, and gates then the trail would need to be added to the Engineering Services bridal trail slashing and spraying program requiring additional Shire resources. In addition, funds would need to be sourced for the installation and maintenance of fencing and the ongoing maintenance of the reserve that encompasses the bridal trail. Such funding has not been set aside in the 2006/2007 annual budget.

Voting Requirements: Simple Majority

CGAM025/09/06 Officer Recommended Resolution:

That Council continues with the present Memorandum of Understanding with landholders in relation to the grazing of stock and maintenance of the fences and gates adjacent to their sections of the unmade bridal path from Wattle Road to Utley Road.

CGAM025/09/06 New Motion

5. That Council amends the present Memorandum of Understanding with landholders in relation to the grazing of stock and maintenance of the fences and gates adjacent to their sections of the unmade bridal path from Wattle Road to Utley Road.
6. The land is to be grazed only enough to reduce the fire hazard and the rest of the time the gates be left open.

LOST 3/2

CGAM025/09/06 COUNCIL DECISION/Committee Recommended Resolution

**Moved Cr Wigg seconded Cr Murphy
That the Trails Management Working Group in conjunction with the Council's Reserves Officer prepares a Management Plan, for the Reserve, in consultation with the users and the residents.
CARRIED 7/0**

Committee Note: The Officers Recommended Resolution was changed to clarify issues relating to grazing and fire hazard control with the view of the Trails Management Group gaining access for a trail.

CGAM026/09/06 KING ROAD PONY CLUB RESERVE 36950 EQUIPMENT SHED (RS0028/04)		
Proponent:	Peel Metropolitan Horse and Pony Club	In Brief
Owner:	Vested in the Serpentine Jarrahdale Shire	
Officer:	Paula Haro Reserves Officer	Council is requested to consider the proposed construction of an equipment shed on Reserve 36950 by the Peel Metropolitan Horse and Pony Club.
Signatures Author:		
Senior Officer:	Nick Juricev Manager Engineering	It is recommended that Council endorse the construction of the proposed equipment shed in provision of relevant building and planning approval.
Date of Report	14 August 2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Peel Metropolitan Horse and Pony Club have submitted a development application and planning application to build an equipment shed on Reserve 36950.

Reserve 36950, King Road Pony Club, Lot 427 King Road, Oldbury is vested with the Shire for the purpose of "Recreation".

Peel Metropolitan Horse and Pony Club have previously subleased the reserve from the Perth Hunt Club. In October 2004 under delegated authority by the Director of Sustainable Development, an additional arena and spectator shelter for the proponent was approved subject to conditions.

Existing infrastructure includes an arena, spectator shed, club house and toilet block.

Description of the proposed shed:

Construction: Footings 350 mm x 350 mm square x 600 mm deep, steel columns and rafters of GLAV 150C19

Dimensions: 12 m x 6 m, height of 2.4 m with gable roof of 0.6 m, four roller doors facing west

Material: 100 mm concrete slab base, colorbond wall cladding in mist green, zincalume roof cladding

A copy of the Form 1 Applications for approval to commence development are with attachments marked [CGAM026/09/06](#) and [CGAM026.1/09/06](#) (IN06/7597 and IN06/5072)

Sustainability Statement

Effect on Environment: No adverse environmental impacts will be caused by the proposed shed. The shed will be made of green colorbond steel and is not directly visible from the road.

Resource Implications: The location of the shed does not require removal of any vegetation.

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

Economic Viability: The Peel Metropolitan Horse and Pony Club will be funding the proposed shed; no cost will be incurred to Council.

Economic Benefits: The proposal will increase the Shire's resources/infrastructure as the development occurs on a Shire reserve.

Social – Quality of Life: The proposal benefits the members of the Peel Horse and Pony Club.

Social and Environmental Responsibility: The reserve is available for use by the Peel Metropolitan Horse and Pony Club.

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

Statutory Environment: Town Planning Scheme No. 2

Policy/Work Procedure Implications: AP26 Reserve Improvement/Development by the Community
Building Approval
Planning Approval

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 3: High level of social commitment
 2. Build key community partnerships.
- 3. Economic**
Objective 3: Effective management of Shire growth
Strategies:
 1. Enhance economic futures for Shire communities.
- 4. Governance**
Objective 1: An effective continuous improvement program
Strategies:
 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.
 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.

Community Consultation:

In accordance with work procedure *AP26 Reserve Improvement / Development by the Community* an application has been received and been tabled at the Reserve Working Group. The Reserves Working Group feels that the proposed shed will provide an important secure storage space and that the shed should be positioned in such a way that no vegetation is removed during the construction.

Comment:

The Peel Metropolitan Horse and Pony Club seek approval for the construction of a shed on Council land and as such Council approval is required.

Voting Requirements: **ABSOLUTE MAJORITY**

CGAM026/09/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Star seconded Cr Brown

- 1. Council endorse the construction of the proposed storage shed on Reserve 36950**
- 2. In accordance with Clause 8.2 of Town Planning Scheme No. 2 the Council delegate authority to the Executive Manager Planning & Regulatory Service to grant planning approval for the development.**
- 3. The applicant be advised that a building application be submitted prior to commencement of the works on-site.**

CARRIED 7/0 ABSOLUTE MAJORITY

CGAM027/09/06 MONTHLY FINANCIAL REPORT – JULY 2006 (A0924/06)	
Proponent:	Local Government Act 1995
Owner:	In Brief
Officer:	Casey Mihovilovich – Manager Finance Services
Signatures Author:	To receive the Monthly Financial Report as at 31 July 2006
Senior Officer:	
Date of Report	
Previously	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995
Delegation	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 2006/2007 budget. It ensures that allocations are undertaken in accordance with the adopted budget.

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.

Community Consultation:

No

Comment:

This report contains annual budget estimates, actual amounts of expenditure, revenue and income to the end of the month. It shows the material differences between the budget and actual amounts for the purpose of keeping Council abreast of the current financial position.

A copy of the Financial Report is included with the attachments and marked [CGAM027/09/06](#)

Voting Requirements: Simple Majority

CGAM027/09/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Murphy seconded Cr Wigg
Council receives the Monthly Financial Report, as at 31 July 2006, in accordance with Section 6.4 of the Local Government Act 1995.
CARRIED 7/0**

CGAM028/09/06 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent:	Director Corporate Services	In Brief To confirm the creditor payments made during August 2006
Owner:	N/A	
Officer:	S. O'Meagher – Finance Officer	
Signatures Author:		
Senior Officer:		
Date of Report	8 th September, 2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Comment:

In accordance with Local Government (Financial Management) Regulations 1996 13(1) Schedules of all payments made through the Council's Bank Accounts are presented to the Committee and to Council for their inspection. The list includes details for each account paid incorporating:

- a) Payees name
- b) The amount of the payment
- c) The date of the payment
- d) Sufficient information to identify the transaction

Invoices supporting all payments are available for the inspection of the Committee and Council. All invoices and vouchers presented to the Committee and to Council have been certified as to the receipt of goods and the rendition of services and as to prices, computations and costing and that the amounts shown were due for payment, is attached and relevant invoices are available for inspection.

Summary of creditor accounts paid and payable for the month of August 2006.

EFT10428 to EFT10578 Cheque number 36605 to 36672 totalling	\$ 841,445.64	MUNICIPAL FUND
	\$0	TRUST ACCOUNT
Nil	\$0	LOAN ACCOUNT
TOTAL	\$841,445.64	
Remaining balance outstanding (and yet to be paid) as at 31 August 2006	\$105,894.74	

A copy of the vouchers numbered 36605 to 36672 and EFT10428 to EFT10578 totalling \$841,445.64 for the month of August is included with the attachments and marked [CGAM028/09/06](#). (E06/4365)

Voting Requirements: Simple Majority

CGAM028/09/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Wigg seconded Cr Murphy

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

CARRIED 7/0

CGAM029/09/06 DEBTOR ACCOUNTS WITH A BALANCE IN EXCESS OF \$1,000 (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the statement of debtors over \$1,000 as at 31 August 2006
Owner:	Not Applicable	
Officer:	Megan Mateljan – Finance Officer - Debtors	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Comment:

DEBTOR NUMBER	AMOUNT \$	SINCE	FOR	DETAILS
771	\$1702.50		Repairs to assets and infrastructure – car accident in Byford	Payment arrangement entered into. Letter sent 24.01.2006 enclosing direct debit forms. Payment arrangement extended, however payments to increase to \$100 per week. Approved by Director Corporate Services. Direct debit arrangement fallen through, sent to Dun & Bradstreet for debt collection on 08.03.2006. Making fortnightly payments through Dun & Bradstreet.
769	\$13,425.19		Lease	Payment arrangements entered into. First instalment payment has been made. Payment arrangements approved by CEO. Invoice 22/06/2005 annual rent balance due \$1,000. Invoice 20.12.2005 annual rent \$4,950, invoice 20.01.2006 reimbursement electricity \$7,475.19.
39	\$10,803.10		Reimbursement Court Costs & Fines Illegal Slaughtering	Client to pay regular payments direct to Perth's Magistrates Court. Payments will be forwarded to Shire as soon as recovered.

Voting Requirements:

Simple Majority

CGAM029/09/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Brown seconded Cr Star
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 31st August 2006.
CARRIED 7/0**

CGAM030/09/06 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the sundry debtor balances as at 31 August 2006
Owner:	Not Applicable	
Officer:	Megan Mateljan – Finance Officer - Debtors	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Comment:

July 2006

Debtors over	3 months	\$31,331.38
	2 months	\$44,330.00
	1 month	\$249,208.67
	Current	\$26,025.00
	BALANCE	\$350,895.05

August 2006

Debtors over	3 months	\$74,749.39
	2 months	\$150,561.71
	1 month	\$25,838.00
	Current	\$110,350.80
	BALANCE	\$361,499.90

Voting Requirements: Simple Majority

CGAM030/09/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Brown seconded Cr Kirkpatrick
Council receive and note the report on Sundry Debtor Outstanding Accounts as at 31st August 2006.
CARRIED 7/0**

CGAM031/09/06 RATE DEBTORS REPORT (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the rates report as at 31 August 2006
Owner:	Not Applicable	
Officer:	V Tapp – Finance Officer - Rates	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Comment:

2005/2006 (At 31 August 2006)			2004/2005 (At 31 August 2005)			2005/2006 (At 30 June 2006)		
	RATES	RUBBISH		RATES	RUBBISH		RATES	RUBBISH
	\$	\$		\$	\$		\$	\$
Outstanding 30/6/05	\$146,310	\$136,342	Outstanding 30/6/04	\$270,342	\$87,605	Outstanding 30/6/05	\$209,024	\$115,453
Deferred pensions 30/06/05	-\$91,204		Deferred pensions 31/08/04	-\$79,525		Deferred pensions 30/06/05	-\$79,525	
Total	\$55,106		Total	\$190,817		Total	\$129,499	
Levied 2005/2006 - 1 July	\$5,562,140	\$710,524	Levied 2004/2005 - 1 July	\$4,546,188	\$711,199	Levied 2005/2006 - 1 July	\$0	\$0
Bushfire Levy	\$0		Bushfire Levy	\$0	\$0	Bushfire Levy	\$0	
ESL	\$293,703		ESL	\$258,891		ESL	\$295,494	
Interim Rates	\$104,196		Interim Rates	\$4,272	\$0	Interim Rates	\$0	
2004/2005 Penalty	\$29,023		2003/2004 Penalty	\$739	\$0	2004/2005 Penalty	\$0	
Receipts	-\$54,783	-\$8,527	Receipts	-\$1,700,827	-\$323,304	Receipts	-\$5,199,381	-\$689,635
Bushfire Levy Received	-\$303		Bushfire Levy Received	-\$2,718		Bushfire Levy Received	-\$8,319	
ESL Receipts	-\$333	\$0	ESL Receipts	-\$101,008		ESL Receipts	-\$289,710	\$0
Less Deferred Pensions	-\$91,204		Less Deferred Pensions	-\$71,125		Less Deferred Pensions	-\$91,204	
Outstanding	\$5,988,749	\$838,339	Outstanding	\$3,204,755	\$475,500	Outstanding	\$55,106	\$136,342
Instalment Owing		\$0	Instalment Owing		\$0	Instalment Owing		\$0
Other Outstanding		6,827,088	Other Outstanding			Other Outstanding		55,106
Total Outstanding (Excluding Deferred)		6,827,088	Total Outstanding (Excluding Deferred)		\$3,680,255	Total Outstanding (Excluding Deferred)		191,448
Collection Percentages			Collection Percentages			Collection Percentages		
Rates	Rubbish	ESL	Rates	Rubbish	Bushfire	Rates	Rubbish	ESL
0.94%	1.01%	0.11%	35.28%	40.47%	#DIV/0!	97.18%	83.49%	98.64%

	Balance	Number of
	Owing	Properties
	\$39,023	19
- Payment Arrangements	\$6,089	3
- Summons Notice	\$1,855	1
- Summons	\$10,668	4
- Warrant	\$20,746	3
- Paid	\$0	0
- Means Inquiry	\$0	0
- Judgement	\$1,617	1
Overdue Rates	\$51,945	83
Current Rates	\$5,903,216	4,544
Interim Rates	\$0	0
Further Investigation/Possible Corrections	\$0	0
Subject to Settlement	\$5,392	1
Re-issued Notices	\$0	0
Pensioners - current year rates	\$769,978	728
Pensioners to be claimed or adjusted	\$12,049	0
Minor Balances (\$0 to \$99.99)	\$4,510	177
	\$6,827,088	5,564

Payment Arrangements

Of the 19 properties subject to payment arrangement, 3 are overdue for payment. Of these, 2 are behind by one payment and will be monitored, 1 is behind by 2 payments, this 1 will be sent a letter.

Collection Agency - Dun & Bradstreet

The total now referred for collection since 2003 is 994 properties with total debts of \$1,150,112.59. There are currently, 12 properties active with debts of \$40,975.11 that remain with Dun & Bradstreet.

Instalments (Overdue)

Nil

Interim Rates

There are no current Interims

Further Investigation

There is 1 outstanding item, it is subject to settlement.

Pensioners - Outstanding Claims

Investigation is continuing in consultation with State Revenue Department to resolve the outstanding rebate claims. Manual pension claims are being processed to reduce this outstanding amount

Overdue Assessments

There are 83 overdue Assessments. These include 28 that have been taken of Payment Arrangements and will be sent a letter to demand payment in full within 7 days or they will be sent to Councils debt collector. Of the remaining 55 the amounts outstanding will be shown on their annual rate notices as arrears.

CGAM031/09/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Brown seconded Cr Murphy
Council receive and note the report on the Rate Debtors accounts as at 31 August
2006.
CARRIED 7/0**

CGAM032/09/06 INFORMATION REPORT		
Proponent:	Director Corporate Services	In Brief
Owner:	Not Applicable	
Officer:	Various	To receive the information report to 31 st August 2006
Signatures Author:		
Senior Officer:		
Date of Report	8 th September, 2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

CGAM033.1/09/06. INTEREST ON INVESTMENTS (A0073)

Bank	Maturity Date	Purpose	Terms	Balance	Anticipated Interest
Reserve Funds					
Bendigo Bank	29.09.2006	Tourism Reserve	5.95%	\$30,946.83	\$443.94
Bendigo Bank	29.09.2006	Gravel Pit Reserve	5.95%	\$24,585.21	\$352.68
Bendigo Bank	29.09.2006	Leave Reserve	5.95%	\$117,826.37	\$1,690.24
Bendigo Bank	29.09.2006	Waste Reserve	5.95%	\$0.00	\$0.00
Bendigo Bank	29.09.2006	Renewable Energy Reserve	5.95%	\$19,733.49	\$283.08
Bendigo Bank	29.09.2006	Community Facilities Reserve	5.95%	\$103,393.37	\$1,483.20
Bendigo Bank	29.09.2006	Investment Reserve	5.95%	\$190,312.17	\$2,730.07
Bendigo Bank	29.09.2006	Plant Reserve	5.95%	\$258,457.97	\$3,707.63
Bendigo Bank	29.09.2006	Admin Building Reserve	5.95%	\$209,508.87	\$3,005.45
Bendigo Bank	29.09.2006	Emergency Reserve	5.95%	\$24,493.00	\$351.36
Bendigo Bank	29.09.2006	Road Reseals Reserve	5.95%	\$0.00	\$0.00
Bendigo Bank	29.09.2006	Jarrahdale Heritage Park	5.95%	\$258,774.57	\$3,712.17
Bendigo Bank	29.09.2006	Developer Contribution	5.95%	\$34,348.58	\$492.74
				\$1,272,380.43	\$18,252.56
Telstra Shares	Telstra Shares as at 31 st August, 2006 \$3.60		7.33%	\$11,730.00	
Bendigo Bank	Bendigo & Districts community Development Services Ltd shares @ \$1			\$10,000.00	
				\$1,294,110.43	\$18,252.56
Special Purpose Investments					
Bank West	28.09.2006	Darling Downs Capital	5.98%	\$81,453.30	\$1,201.05
Bendigo Bank	04.11.2006	Byford Youth forum	5.60%	\$5,847.74	\$82.54
TOTAL INVESTMENTS				\$87,301.04	\$1,283.59
MUNICIPAL INVESTMENTS					

Nil	\$0.00	\$0.00
TOTAL	\$0.00	\$0.00
TOTAL INVESTMENTS		
	\$1,381,411.47	\$19,536.15

FUNDS INVESTED FROM ACCOUNTS		
Reserve Funds		\$1,294,110.43
Special Purpose Investments		\$87,301.04
Municipal Investments		\$1,381,411.47
INTEREST EARNED		
Interest for August 2006		\$81.39
Previous interest		\$379.58
		\$460.97
BANKS RESERVES INVESTED WITH		
BankWest	5.90%	\$81,453.30
Bendigo Bank	92.53%	\$1,278,228.17
Byford & Districts Community Development Shares	0.72%	\$10,000.00
Telstra Shares	0.85%	\$11,730.00
	100.00%	\$1,381,411.47

CGAM032.2/09/06 RESERVES ADVISORY GROUP MEETING HELD AUGUST 15 2006

A copy of the Minutes of the Reserves Advisory Group meeting held in the Councillors Lounge 15th August 2006 is included with the attachments marked [CGAM032.2/09/06 \(E06/4110\)](#)

CGAM032.3/09/06 THE TRAILS WORKING GROUP

A copy of the Minutes of the Trails Working Group meeting August 8th, 2006 is included with the attachments marked [CGAM032.3/09/06 \(E06/4029\)](#).

CGAM033.4/09/06 DELEGATED AUTHORITY (A0039-02)

AS – 4 Road Closures

The Director Engineering be granted delegated authority to approve or refuse the use of roads under the care, control and management of the Council for cycle time trials and/or bicycle races.

The Peel Cycle Club was granted approval for Cycle time trials and/bicycle races.subject to the following:-

- Roads not being closed at any time.
- Signs and marshals being in position to protect cyclists and give advance warning to the motoring public.
- All litter to be cleared from the site/s.
- Abide by the road traffic regulations and rules at all times.
- The organizing body having a protective insurance policy to the value of \$5 million and a copy of the certificate of currency for the policy being forwarded to Council, 7 days before the event.

In the following locations and dates:

- BONZER MEMORIAL INDIVIDUAL TIME TRIALS - 11/10/06, 18/10/06, 25/10/06, 01/11/06, 08/11/06, 15/11/06, 22/11/06, 29/11/06, 06/12/06 & 13/12/06.
- BRIAN WHITEWAY MEMORIAL TWO-UP TIME TRIALS - 10/01/07, 17/01/07, 24/01/07, 31/01/07, 07/02/07, 14/02/07, 21/02/07, 28/02/07, 07/03/07 & 14/03/07.
- THE TIMEKEEPER'S TIME TRIAL – 25/03/07.
- HOPELANDS SCHOOL TIME TRIAL – 11/03/07.

AF-27 Authority to Call Tenders

Approval was granted to invite tenders from works and services in accordance with the provision of the Local Government Act 1995 and Council's Purchasing Policy CSP2 for the following:

1. Provision of winning and stockpile of 30,000 tonnes ferticrete.
2. Green Waste Collection.

CGAM032.5/09/06 ROADWISE (A0491/01)

A copy of the minutes of the meeting held on 23rd August, 2006 is with attachments marked [CGAM032.5/09/06 \(E06/4406\)](#)

CGAM032/09/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Star seconded Cr Brown
 The information report to 8th September, 2006 to be received.
 CARRIED 7/0**

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

OCM012/09/06		DELEGATION TO CHIEF EXECUTIVE OFFICER TO WAIVE FEES AND CHARGES RELATING TO DEVELOPMENT APPLICATIONS AND BUILDING LICENCES FROM COMMUNITY ORGANISATIONS (A0039-02)
Proponent	Serpentine Jarrahdale Shire	In Brief That Council consider delegating authority to the Chief Executive Officer (CEO) to waive fees, associated with planning and building applications for community organisations, where they are undertaking works or constructing structures, on Council managed reserves.
Officer	Darren Long – Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	21 st September 2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare a financial interest as per the requirements of the Local Government Act 1995.	
Delegation	Council	

Background

Council receives numerous requests from community organisations each year seeking approval to undertake works, or construct structures, on reserves under the care, control and

management of Council. These requests usually involve the lodging of a development or building application, which attracts a fee.

If the application is approved by Council, the usual request following advice of approval subject to payment of the requisite fee is a waiver of the associated planning or building licence fee. As there is no delegation in place, this request has to go to Council for consideration, which can take up to four (4) weeks.

Statutory Environment:

5.42. Delegation of some powers and duties to CEO

(1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

** Absolute majority required.*

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation

5.43. Limits on delegations to CEO's

A local government cannot delegate to a CEO any of the following powers or duties:-

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (h) any power or duty that requires the approval of the Minister or the Governor; or
- (i) such other powers or duties as may be prescribed.

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

(1) Subject to subsection (2) and any other written law, a local government may:-

- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;
- (b) waive or grant concessions in relation to any amount of money; or
- (c) write off any amount of money, which is owed to the local government.

** Absolute majority required.*

(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

(3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.

Policy Implications: There are no policy implications associated with this proposal.

Financial Implications: The waiving of any fee or charge has an impact on Councils financial position. The financial impact of this proposed delegation is estimated to cost Council approximately \$1,500 per annum, however if granted, future budget provisions can be made to accommodate the projected waiver amount.

Strategic Implications: There are no strategic implications associated with this proposal.

Community Consultation: Not Required.

Comments

In every case, Councils planning approval or building licence will not be issued until the applicant has paid the appropriate fees. The issuing of the approval or licence can be delayed up to six (6) weeks at times, if the community organisation fails to submit a fee waiver request with their initial application.

To reduce the inconvenience to community organisations' in these situations, it is recommended that a delegation of authority be implemented. The institution of delegated authority to the Chief Executive Officer to approve a waiver of the relevant planning approval fee, or building licence fee, associated with the application would expedite the approvals process for community organisations.

It is also recommended that particular conditions be imposed on the delegation to allow it to operate within set parameters, such as:

1. The maximum limit for waiving a planning fee being set at \$250.00;
2. The maximum limit for waiving a building licence fee being set at \$250.00;
3. No as of right fee waivers being granted. The community organisation must apply in writing to the Chief Executive Officer and formally seek the fee waiver.

Voting Requirements: **ABSOLUTE MAJORITY**

OCM012/09/06 COUNCIL DECISION/Officer Recommended Resolution

Moved Cr Murphy seconded Cr Kirkpatrick

That the Chief Executive Officer be granted delegated authority to waive planning approval and building licence fees for community organisations where they are undertaking works, or constructing structures, on reserves under Councils care, control and management subject to the following:

1. **The maximum waiver amount for any planning fee shall be \$250.00;**
2. **The maximum waiver amount for any building licence fee shall be \$250.00;**
3. **The community organisation must apply in writing seeking the fee waiver.**

CARRIED 7/0 ABSOLUTE MAJORITY

9. CHIEF EXECUTIVE OFFICER'S REPORT

OCM013/09/06		INFORMATION REPORT	
Proponent	Acting Chief Executive Officer	In Brief Information Report for the month of September, 2006.	
Officer	S Langmair – PA to the Chief Executive Officer		
Signatures - Author:			
Senior Officer:			
Date of Report	21 st September, 2006		
Previously			
Disclosure of Interest			
Delegation	Council		

OCM013.1/09/06 COMMON SEAL REGISTER REPORT – AUGUST, 2006 (A1128)

The Common Seal Register Report for the month of August, 2006 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the attachments marked OCM034.1/09/06.(E02/5614)

OCM013.2/09/06 USE OF DELEGATION REPORT (A0039-02)

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

CS-9 Internal & External Funding Applications Seeking Council Endorsement

Letter of support – Regional Development Scheme Application – PEDU Business Development Manager (OC06/6346).

OCM013.3/09/06 POLICY FORUM – September, 2006 (A0429/05)

The following items were discussed at the September, 2006 Policy forum:

ITEMS FOR PRELIMINARY DISCUSSION	
1.	Discussion item - Lifestyle Villages for over 45's
2.	Landcare - Revised SLA adopted by Council but not endorsed/signed off by Landcare due to the inclusion of responsibility to Landcare for operating charges associated with the meeting Place, in excess of budget provisions
3.	SJ Grammar School - Request for review of proposed Licence fee for use of Mundijong Oval
4.	WALGA – Strategic Directions Workshop – seeking input into Issues and Options Paper
5.	Serpentine Railway Station Proposed Disposal of Land - Lease 5088 - Further Information
6.	Conflict of Interest Scenarios –“Sponsorship from the private sector”

OCM013.4/09/06 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – SBS SELF HELP RETRANSMISSION SUBSIDY SCHEME (A0163/06)

In the attachments marked OCM013.4/09/06 (IN06/9519) is an Info Page which is self explanatory from the Western Australian Local Government Association regarding the SBS Corporation's Self Help Retransmission Scheme. The Association is looking to assess the interests of Councils In (i) delivering a SBS retransmission service and (ii) working collaboratively to access funding to develop a feasibility study.

**OCM013.5/09/06 PEEL ECONOMIC DEVELOPMENT UNIT MINUTES AUGUST, 2006
(A0839-06)**

The Minutes of the Peel Economic Development Unit Meeting held on 24th August, 2006 are in the attachments marked OCM013.5/09/06. (IN06/11137).

**OCM013.6/09/06 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT
2006 (A0435)**

A copy of the National General Assembly of Local Government Program and Registration for this years conference "Pushing the Agenda" is included with the attachments and marked OCM013.6/09/06. Early bird registration and fees will need to be made on or before 6th October, 2006.

Council has included \$6,000 in the 2006/07 budget for Eastern States Conferences and delegations, however under Policy CSP25 where conferences attended by Councillors involves interstate travel, and is not identified specifically in the budget, the Council will need to approve attendance at such conferences.

OCM013/09/06 COUNCIL DECISION/Officers Recommended Resolution

**Moved Cr Star seconded Cr Brown
The Information Report to 21ST September, 2006 is received.
CARRIED 7/0**

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 8.30pm.

13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

SD024/09/06 BUILDING INFORMATION REPORT		
Proponent:	N/A	In Brief
Owner:	N/A	
Officer:	Jason Robertson - Principal Building Surveyor	Information report
Signatures Author:		
Senior Officer:		
Date of Report	4 September 2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM051/06/04	

SD024/09/06 Committee Decision/Officer Recommended Resolution

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

SD025/09/06 HEALTH INFORMATION REPORT		
Proponent:	N/A	In Brief
Owner:	N/A	
Officer:	Tony Turner - Principal Environmental Health Officer	Information report
Signatures Author:		
Senior Officer:		
Date of Report	8 September 2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM051/06/04	

SD025/09/06 Committee Decision/Officer Recommended Resolution

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

SD026/09/06 SERPENTINE JARRAHDALÉ SHIRE WATER CAMPAIGN™ LOCAL ACTION PLAN (A1016)		
Proponent:	Serpentine Jarrahdale Shire	In Brief A summary of Serpentine-Jarrahdale's progress to date in the ICLEI water campaign and planned future actions.
Owner:	N/A	
Officer:	Michael Taylforth - Acting Environmental Co-ordinator & Glen Byleveld - Water Campaign Officer, SJ Landcare Inc	
Signatures Author:		
Senior Officer:		
Date of Report	11 September 2006	
Previously	E007/11/03, E015/02/03, E004/08/02, E002/07/02	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM054/05/03	

SD026/09/06 Committee Decision/Officer Recommended Resolution:

**Council receives and notes the progress report on the preparation of the Local Action Plan for Serpentine Jarrahdale Shire in relation to the ICLEI Water Campaign.
CARRIED 7/0**

SD029/09/06 DRAFT DETAILED AREA PLAN 2. FOR REDGUM BROOK RESIDENTIAL ESTATE (S129301)		
Proponent:	Gray and Lewis	In Brief To consider a draft Detailed Area Plan setting out design requirements for the future development of (15) R30 density cottage lots within the Byford Central subdivision. It is recommended that, subject to some minor modifications, the draft Detailed Area Plan be approved in accordance with clause 5.18.5.1(c)(i) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.
Owner:	Thomas Road Developments	
Officer:	Meredith Kenny – Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	8 September 2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM046/05/04	

SD029/09/06 Committee Decision/Officer Recommended Resolution

A. Detailed Area Plan 2. for Redgum Brook estate be approved in accordance with clause 5.18.5.1(c)(i) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 subject to the following provisions being incorporated on the plans:

R-CODING

1. The Residential Design Code applying to these lots is R30.

SCHEME AND RESIDENTIAL DESIGN CODE VARIATIONS

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

DESIGN ELEMENTS

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

ELEVATIONS, OUTDOOR LIVING AREAS AND POSTAL ADDRESSES

5. The postal and street address is to be the street at the front of the dwelling and not the rear laneway.
6. Access for utilities is to be from the street frontages of the lots only.

SETBACKS

7. Setbacks for development shall be in accordance with the following:

Rear setback:	Minimum 1.5m setback for house. Minimum 1m setback for garage.
Front setback:	Primary Street - minimum 4m setback Secondary Street – minimum 1.5m. Averaging of setback is not permitted.
Side setback:	Nil setback for garage to side boundary. Parapet walls may be developed along the both side boundaries of Lots 503, 504 and 507-510. Parapet walls may be developed along the southern side boundaries of Lots 512-514, 645 and 646. Minimum 2 metre solar setback along northern side boundaries of lots 511-514, 645 and 646. Second storey setbacks to be in accordance with the Residential Design Codes.

GARAGES, VEHICULAR ACCESS & DRIVEWAYS

8. Garages shall be developed and accessed from the adjacent rear lanes only.
9. Garages shall be a maximum two car width only (maximum 6m external width).
10. All vehicle access is to be from the rear laneway at all times.
11. Each house shall have a driveway and crossover completed prior to occupation of the house.
12. Maximum width of crossover shall be 6m.
13. All driveways and crossovers shall be brick paved or asphalt sealed or other suitable materials to the satisfaction of the Shire.

FENCING

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

OUTBUILDINGS

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

WASHING LINES & RUBBISH BINS

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

AIR CONDITIONING/COOLING UNITS & SOLAR HOT WATER SYSTEMS

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

NOTIFICATION TO PROSPECTIVE PURCHASERS

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

Advice Note:

1. Planning approval is not required for the construction of a dwelling on any lot within the area covered by the Detailed Area Plan (including lots with a land area less than 350 square metres) except where variations to the provisions of the Detailed Area Plan are sought.
- B.** Within ten days of the date of this resolution, a copy of the approved Detailed Area Plans 2 for Redgum Brook estate be sent to the Western Australian Planning Commission in accordance with clause 5.18.5.1(e) of the Shire of Serpentine-Jarrahdale's Town Planning Scheme No. 2.

CARRIED 7/0

Committee Note: The Officer Recommended Resolution was changed by amending condition 13 to include other suitable materials to the satisfaction of the Shire and amending condition 15 a) to clarify that the fencing is to be back from behind the building line. The Presiding Member advised that this was a minor amendment which did not alter the intent of the Officer Recommended Resolution.

SD030/09/06 DRAFT DETAILED AREA PLAN 3. FOR REDGUM BROOK RESIDENTIAL ESTATE (S130779)		
Proponent:	Gray and Lewis	<p>In Brief</p> <p>To consider a draft Detailed Area Plan setting out design requirements for the future development of five R30 density cottage lots within Stage 5 of the Redgum Brook subdivision.</p> <p>It is recommended that, subject to some minor modifications, the draft Detailed Area Plan be approved in accordance with clause 5.18.5.1(c)(i) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.</p>
Owner:	Thomas Road Developments	
Officer:	Meredith Kenny – Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	8 September 2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM046/05/04	

SD030/09/06 Committee Decision/Officer Recommended Resolution

A. Detailed Area Plan 3. for Redgum Brook estate be approved in accordance with clause 5.18.5.1(c)(i) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 subject to the following provisions being incorporated on the plans:

R-CODING

- 1. The Residential Design Code applying to these lots is R30.**

SCHEME AND RESIDENTIAL DESIGN CODE VARIATIONS

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

DESIGN ELEMENTS

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

ELEVATIONS, OUTDOOR LIVING AREAS AND POSTAL ADDRESSES

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

SETBACKS

8. Setbacks for development shall be in accordance with the following:
 - Rear setback: Minimum 1.5m setback for house.
Minimum 1m setback for garage.
 - Front setback: Primary Street - minimum 4m setback
Secondary Street – minimum 1.5m.
Averaging of setback is not permitted.
 - Side setback: Nil setback for garage to side boundary.
Parapet walls may be developed along the both side boundaries of Lots 582-584.
Second storey setbacks to be in accordance with the Residential Design Codes.

GARAGES, VEHICULAR ACCESS & DRIVEWAYS

9. Garages shall be developed and accessed from the adjacent rear lanes only.
10. Garages shall be a maximum two-car width only (maximum 6m external width).
11. An alternative garage location may be approved along the adjacent rear laneway of Lots 582-584 subject to design.
12. All vehicle access is to be from the rear laneway at all times.
13. Each house shall have a driveway and crossover completed prior to occupation of the house.
14. Maximum width of crossover shall be 6m.
15. All driveways and crossovers shall be brick paved or asphalt sealed or other suitable materials to the satisfaction of the Shire.

FENCING

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

OUTBUILDINGS

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

WASHING LINES & RUBBISH BINS

20. Clothes lines and rubbish bin storage must be screened from view of the street and public open space area by masonry walls or other methods of construction to match the materials used for the dwelling and with a height of 1.8 metres.

21. **A paved bin pad is to be provided inside the lot abutting the boundary to the rear laneway for pickup of bins by waste disposal contractors.**

AIR CONDITIONING/COOLING UNITS & SOLAR HOT WATER SYSTEMS

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

NOTIFICATION TO PROSPECTIVE PURCHASERS

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

Advice Note:

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

- B. **Within ten days of the date of this resolution, a copy of the approved Detailed Area Plan 3 for Redgum Brook estate be sent to the Western Australian Planning Commission in accordance with clause 5.18.5.1(e) of the Shire of Serpentine-Jarrahdale's Town Planning Scheme No. 2.**

CARRIED 7/0

Committee Note: The Officer Recommended Resolution was changed by amending condition 15 to include other suitable materials to the satisfaction of the Shire and amending condition 17 a) to clarify that the fencing is to be back from behind the building line. The Presiding Member advised that this was a minor amendment which did not alter the intent of the Officer Recommended Resolution.

SD031/09/06 DRAFT DETAILED AREA PLAN 4. FOR REDGUM BROOK RESIDENTIAL ESTATE (S130779)		
Proponent:	Gray and Lewis	In Brief
Owner:	Thomas Road Developments	
Officer:	Meredith Kenny – Senior Planner	To consider a draft Detailed Area Plan setting out design requirements for the future development of eight R30 density cottage lots within Stage 5 of the Redgum Brook subdivision.
Signatures Author:		
Senior Officer:		
Date of Report	8 September 2006	
Previously		It is recommended that, subject to some minor modifications, the draft Detailed Area Plan be approved in accordance with clause 5.18.5.1(c)(i) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM046/05/04	

SD031/09/06 Committee Decision/Officer Recommended Resolution

A. Detailed Area Plan 4. for Redgum Brook estate be approved in accordance with clause 5.18.5.1(c)(i) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 subject to the following provisions being incorporated on the plans:

R-CODING

1. The Residential Design Code applying to these lots is R20.

SCHEME AND RESIDENTIAL DESIGN CODE VARIATIONS

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

DESIGN ELEMENTS

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

ELEVATIONS, OUTDOOR LIVING AREAS AND POSTAL ADDRESSES

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

SETBACKS

- 8. Setbacks for development shall be in accordance with the following:**
- Rear setback:** Minimum 1.5m setback for house.
Minimum 1m setback for garage.
 - Front setback:** Primary Street - minimum 4m setback
Secondary Street – minimum 1.5m.
Averaging of setback is not permitted.
 - Side setback:** Nil setback for garage to side boundary.
Parapet walls may be developed along the both side boundaries of Lots 521-522.
Parapet walls may be developed along the southern side boundaries of Lots 517-520.
Minimum 2 metre solar setback along northern side boundaries of lots 516-520.
Second storey setbacks to be in accordance with the Residential Design Codes.

GARAGES, VEHICULAR ACCESS & DRIVEWAYS

- 9. Garages shall be developed and accessed from the adjacent rear lanes only.**
- 10. Garages shall be a maximum two-car width only (maximum 6m external width).**
- 11. An alternative garage location may be approved along the adjacent rear laneway of Lots 517-522 subject to design.**
- 12. All vehicle access is to be from the rear laneway at all times.**
- 13. Each house shall have a driveway and crossover completed prior to occupation of the house.**
- 14. Maximum width of crossover shall be 6m.**
- 15. All driveways and crossovers shall be brick paved or asphalt sealed or other suitable materials to the satisfaction of the Shire.**

FENCING

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

OUTBUILDINGS

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

WASHING LINES & RUBBISH BINS

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

AIR CONDITIONING/COOLING UNITS & SOLAR HOT WATER SYSTEMS

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

NOTIFICATION TO PROSPECTIVE PURCHASERS

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

Advice Note:

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

B. Within ten days of the date of this resolution, a copy of the approved Detailed Area Plan 4 for Redgum Brook estate be sent to the Western Australian Planning Commission in accordance with clause 5.18.5.1(e) of the Shire of Serpentine-Jarrahdale’s Town Planning Scheme No. 2.

CARRIED 7/0

Committee Note: The Officer Recommended Resolution was changed by amending condition 15 to include other suitable materials to the satisfaction of the Shire and amending condition 17 a) to clarify that the fencing is to be back from behind the building line. The Presiding Member advised that this was a minor amendment which did not alter the intent of the Officer Recommended Resolution.

SD032/09/06 DRAFT DETAILED AREA PLAN 5. FOR BYFORD CENTRAL RESIDENTIAL ESTATE (A0710)		
Proponent:	Gray and Lewis	<p>In Brief</p> <p>To consider a draft Detailed Area Plan setting out design requirements for the future development of four lots in Portwine Avenue coded R30 and facing an area of public open space within the Byford Central subdivision.</p> <p>It is recommended that, subject to some minor modifications, the draft Detailed Area Plan be approved in accordance with clause 5.18.5.1(c)(i) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.</p>
Owner:	Byford Central Pty Ltd	
Officer:	Meredith Kenny – Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	8 May 2006	
Previously	SD008/07/06; SD147/06/06; SD135/05/06; SD095/02/06	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM046/05/04	

SD032/09/06 Committee Decision/Officer Recommended Resolution

- A. Detailed Area Plan 5. for Byford Central estate be approved in accordance with clause 5.18.5.1(c)(i) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 subject to the following provisions being incorporated on the plans:**

R-CODING

- 1. The Residential Design Code applying to these lots is R30.**

SCHEME AND RESIDENTIAL DESIGN CODE VARIATIONS

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

DESIGN ELEMENTS

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

ELEVATIONS, OUTDOOR LIVING AREAS AND POSTAL ADDRESSES

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

SETBACKS

- 8. Setbacks for development shall be in accordance with the following:**

Rear setback:	Minimum 1.5m setback for house. Minimum 1m setback for garage.
Front setback:	Primary Street - minimum 4m setback Secondary Street – minimum 1.5m. Averaging of setback is not permitted.
Side setback:	Nil setback for garage to side boundary. Parapet walls may be developed along the southern side boundaries of Lots 421-423. Minimum 2 metre solar setback along northern side boundaries.

Second storey setbacks to be in accordance with the Residential Design Codes.

GARAGES, VEHICULAR ACCESS & DRIVEWAYS

- 9. Garages shall be developed and accessed from the adjacent rear lanes only.**

10. Garages shall be a maximum two-car width only (maximum 6m external width).
11. An alternative garage location may be approved along the adjacent rear laneway of Lots 421 and 422 subject to design.
12. All vehicle access is to be from the rear laneway at all times.
13. Each house shall have a driveway and crossover completed prior to occupation of the house.
14. Maximum width of crossover shall be 6m.
15. All driveways and crossovers shall be brick paved or asphalt sealed or other suitable materials to the satisfaction of the Shire.

FENCING

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

OUTBUILDINGS

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

WASHING LINES & RUBBISH BINS

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

AIR CONDITIONING/COOLING UNITS & SOLAR HOT WATER SYSTEMS

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

NOTIFICATION TO PROSPECTIVE PURCHASERS

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

Advice Note:

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

B. Within ten days of the date of this resolution, a copy of the approved Detailed Area Plan 5. for the Byford Central estate be sent to the Western Australian Planning Commission in accordance with clause 5.18.5.1(e) of the Shire of Serpentine-Jarrahdale’s Town Planning Scheme No. 2.

CARRIED 7/0

Committee Note: The Officer Recommended Resolution was changed by amending condition 15 to include other suitable materials to the satisfaction of the Shire and amending condition 17 a) to clarify that the fencing is to be back from behind the building line. The Presiding Member advised that this was a minor amendment which did not alter the intent of the Officer Recommended Resolution.

SD035/09/06 PLANNING INFORMATION REPORT		
Proponent	Executive Manager Planning & Regulatory Services	In Brief Information Report.
Officer	Lisa Fletcher - Support Officer Planning & Regulatory Services	
Signatures – Author:		
Senior Officer:		
Date of Report	1 September 2006	
Previously		
Disclosure of Interest		
Delegation	Committee – in accordance with resolution SM046/05/04	

SD035/09/06 Committee Decision/Officer Recommended Resolution

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