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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 TUESDAY 26<sup>TH</sup> APRIL, 2005. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.04PM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

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**1. ATTENDANCE & APOLOGIES:**

IN ATTENDANCE:

**COUNCILLORS:** DL Needham ..... Presiding Member  
JE Price  
AW Wigg  
WJ Kirkpatrick  
THJ Hoyer  
JC Star  
JA Scott

**OFFICERS:** Ms J Abbiss ..... Chief Executive Officer  
Mr M Beaverstock ..... Director Asset Services  
Mr G Dougall ..... Director Corporate Services  
Ms C Eldridge ..... Acting Director Sustainable Development  
Mrs S Langmair ..... Minute Secretary

**APOLOGIES:** Cr KR Murphy  
IJ Richards

**GALLERY: 3**

**2. PUBLIC QUESTION TIME:**

2.1 Response To Previous Public Questions Taken On Notice

John Dwyer, 35 Pollard Cross West, Cardup

Q. Why is the Council being asked to authorise sale of land and property which the community built and funded and provides a resource for a new growing community in the area for the future?

A. Council currently has a lease arrangement for Lot 0 Karbro Drive with the Cardup Christian Community Church. This lease agreement has recently been extended for a further three (3) years with the provision that there will be no further extension of the agreement. The Forward Financial Plan indicates that this property will be sold with the funds used to assist the extension or construction of the Administration building.

Q. Why is Council being asked to follow a sales process outside of normal guidelines? Whilst Section 3.58 (3a and 3b) may legally allow the process it seems they are being used for convenience not for the benefit of ratepayers.

A. Council has decided at the OCM to further investigate the sale of Lot 0 Karbro Drive and this investigation will include the manner in which the property is disposed. Council is obliged by law to follow the process for the disposal of property as set out in the Local Government Act, sec 3.58 (3a, 3b). This process will be followed.

Q. Why is the sale price recommended by the sub-committee \$187,000 which is under market price evaluation in 2003 and certainly would be well under market place now given the sale price of properties in the immediate vicinity in recent times?

- A. As stated above Council has decided to further investigate the sale of Lot 0 Karbro Drive and part of this investigation process will be to have a new valuation performed by an independent valuer. Once this valuation is completed council will have more detailed information on which to make a decision. There will be other conditions placed on the sale of the property that will need to be taken into consideration, such as the current lease the Church group hold, and the commitment by Council to honour this lease.

### **3. PUBLIC STATEMENT TIME:**

Public statement time commenced at 7.06 pm

Norman Kanair, 44 Kings Park Road, West Perth

Regarding the Thomas Road development. Thanked Council for the past and future dealings (from 1996 to 2010)

Tammara Mayers, 20 Silich Court, Mundijong

Statement regarding Item SD067/04/05 Proposed Ancillary Accommodation – Lot 230 (No. 20) Silich Court, Mundijong wanted to assure Council that the proposed ancillary accommodation would be finished off properly, including landscaping, and when complete would be a credit to the property and the street.

Public statement time concluded at 7.11pm

### **4. PETITIONS & DEPUTATIONS:**

Nil

### **5. PRESIDENT'S REPORT:**

Nil

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

Carlie Eldridge declared an interest in Item CGAM060/04/05 as it relates to her contract of employment as Acting Director Sustainable Development.

Glen Dougall declared an interest in Item CGAM060/04/05 as it relates to his resignation as Director Corporate Service and a gift from Council.

Mick Beaverstock declared an interest in Item SD057/04/05 as it relates to the proposed shed is on his property.

### **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 Minutes – 29<sup>th</sup> March, 2005**

#### **COUNCIL DECISION**

**Moved Cr Price seconded Cr Star**

**That the minutes of the Ordinary Council Meeting held on 29<sup>th</sup> March, 2005 be confirmed.**

**CARRIED 7/0**

**REPORTS OF COMMITTEES:**

SD051/04/05 COMMUNITY FUNDING PROGRAM (A1173-03)		
Proponent:	Serpentine Jarrahdale Shire	In Brief  Council is asked to nominate three Council representatives from separate wards to sit with the Community Development Officer on the 2005/06 Community Funding Program Working Group
Owner:	Not applicable	
Officer:	Robyn Brown - Community Development Officer	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously	CRD 20/03/04, CRD10/01/03, CRD43/03/02, CRD19/01/01, CRD17/06/00	
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	
<b>Delegation</b>	<b>Council</b>	

**Background**

Policy CSP8 Financial Assistance – Requests include the following for the selection of the members of the Shire’s Community Funding Program Working Group:

- 1(d) *That three Council representatives from separate wards be nominated each year to sit with the Community Development Officer on the Community Funding Program Working Group.*

**Sustainability Statement**

**Economic Viability:** The program places high priority on projects that show potential to attract other funding and enable the groups to become more self sufficient.

**Economic Benefits:** The program supports a variety of projects that bring economic benefit to the community through employment of local contractors, events that attract locals and tourists to business areas, and through the funding of small group projects that may not get funding elsewhere.

**Social – Quality of Life:** The program supports the local volunteers who run facilities and organise activities and projects which provide a rich quality of life in this area.

**Social and Environmental Responsibility:** The program is designed to be socially responsible through building up the community and enabling full participation in its implementation. The program creates opportunities for the community to participate and foster partnerships.

**Social Diversity:** The program does not disadvantage any social groups and provides for diversity in our community including youth, seniors, indigenous, ethnic minorities, disabled and families.

**Statutory Environment:** The program is advertised in January each year with a closing date of 31 March as per Policy CSP8 Financial Assistance - Requests

**Policy/Work Procedure**

**Implications:** Policy CSP8 Financial Assistance – Requests includes the following for the selection of the members of the Shire’s Community Funding Program Working Group:  
*1(d) That three Council representatives from separate wards be nominated each year to sit with the Community Development Officer on the Community Funding Program Working Group.*

**Financial Implications:** Up to \$20,000 to be requested in each year’s budget as per Policy CSP8

**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 3: High level of social commitment*

Strategies:

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

**4 Governance**

*Objective 1: An effective continuous improvement program*

Strategy:

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

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

Strategy

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

**Community Consultation**

The program is in itself a community consultation process by way of consulting the community groups on their funding needs.

The community funding program for 2005/6 was advertised in the Examiner and placed on the Shire’s website. In addition, guidelines and application forms were sent to all community groups listed within the Shire.

**Comment**

The Working Group will meet in late April once the Community Development Officer has conducted the initial processing and evaluation of the applications submitted. The recommendations of the Working Group will be presented through the May 2005 Sustainable Development Committee agenda.

**Voting Requirements:** Normal

**Officer Recommended Resolution:**

Council nominates Cr ....., Cr .... and Cr .... representing three separate wards, as per Council Policy CSP8, to sit on the 2005/06 Community Funding Program Working Group to recommend 2005/2006 funding grants to Council.

**SD051/04/05 COUNCIL DECISION/Committee Recommended Resolution:**

**Moved Cr Hoyer seconded Cr Star**

**Council nominates Cr Wigg, Cr Murphy and Cr Scott representing three separate wards, as per Council Policy CSP8, to sit on the 2005/06 Community Funding Program Working Group to recommend 2005/2006 funding grants to Council.**

**CARRIED 7/0**

Committee Note: The Officer Recommended Resolution was changed by adding in the names of Cr Wigg, Cr Murphy and Cr Scott.

SD060/04/05 DRAFT LOCAL STRUCTURE PLAN FOR CONSIDERATION OF ADOPTION – LOT 9000 THOMAS ROAD, BYFORD (A1248)		
Proponent:	Gray & Lewis Planning Consultants	In Brief
Owner:	Thomas Road Developments Ltd	To consider for adoption the draft Local Structure Plan for residential neighbourhood development on Lot 9000 Thomas Road within the Byford Structure Plan area. The draft Local Structure Plan proposes the staged development of approximately 380 residential lots of average R20 density; part provision of a designated neighbourhood centre; a local neighbourhood node; a multiple use corridor and associated drainage basin; public open space areas of local and neighbourhood parks and; an associated traffic and pedestrian movement network.  It is recommended that the draft Local Structure Plan be adopted by Council (subject to modification) in accordance with clause 5.18.3.7 of the Scheme, and sent to the WA Planning Commission with a request for final approval.
Officer:	Andrew Trosic – Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	19 April 2005	
Previously	SD007/01/05	
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	<b>Council</b>	

Owner:	Thomas Road Developments Ltd
Applicant:	Gray & Lewis Planning Consultants
Date of Receipt:	4 November 2004
Advertised:	Yes - 28 days
Submissions:	Five - All from referral authorities and stating no objection
Lot Area:	70.25ha (Note: 21.67ha not included within the draft local structure plan area north of multiple use corridor)
L.A Zoning:	Urban Development
MRS Zoning:	Urban and Urban Deferred
Byford Structure Plan:	Residential (R20, R30-R60); Neighbourhood Centre; Neighbourhood Node; Multiple Use Corridor; Drainage Basin; Local and Neighbourhood Parks; Traffic and Pedestrian Movement Network
Rural Strategy Policy Area:	N/A
Rural Strategy Overlay:	N/A
Municipal Inventory:	N/A



Townscape/Heritage Precinct: N/A  
Bush Forever: N/A  
Date of Inspection: Various site inspections undertaken

### **Background**

The draft local structure plan was previously considered by Council at its meeting held on 24 January 2005 to determine its appropriateness for advertising under clause 5.18.3.2 of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 ("the Scheme"). Council resolved (SD007/01/05) that the draft Local Structure Plan was satisfactory for advertising subject to the provision of further details and modifications to address a number of pertinent matters. These were:

- i. Providing for the district distributor road connecting Thomas Road and the town centre as per the Byford Structure Plan;*
- ii. The need for the draft Local Structure Plan to adequately address the requirements of the Byford Urban Stormwater Management Strategy, particularly in relation to minimum fill amounts, drainage detention requirements (11,000m<sup>3</sup> required), the movement of stormwater through roadside swales and water quality/quantity monitoring;*
- iii. Alterations to the proposed central grouped housing site to provide for a maximum R30-R40 density and rear laneway access;*
- iv. Extension of the R12.5 designated area along Fawcett Road opposite existing Lot 51 to better interface with the 'Rural Residential' lots along Ballagar Road;*
- v. Preparation of a public open space schedule within the report to confirm the exact public open space calculations for the draft Local Structure Plan, including drainage areas within the multiple use corridor able to be given a 50% credit for such areas;*
- vi. The draft Local Structure Plan being redesigned to incorporate additional areas of public open space likely to be required by v) above, and these additional areas being located to the satisfaction of Council;*
- vii. The payment of \$3,780, being the application fee for assessment of the draft Local Structure Plan.*

Council also resolved that a number of other matters be addressed by the proponent during advertising of the draft Local Structure Plan. These concerned technical aspects of the draft Local Structure Plan and associated text, but did not pose substantial modifications to the plan that prevented advertising.

Following modification in relation to the above listed matters, the draft Local Structure Plan was advertised for a period of 28 days in accordance with clause 5.18.3.5 of the Scheme. This involved advertising in a newspaper circulating in the district, notice in writing to all affected landowners and referral to all relevant public authorities. All landowners within the Byford Trotting Complex west of Briggs Road were specifically contacted in writing regarding the proposal. Resulting from the advertising undertaken, five submissions were received, all from referral authorities and stating no objection to the draft Local Structure Plan (subject to conditions).

Clause 5.18.3.7 of the Scheme provides that, following advertising and the consideration of submissions received, the Council is to either:

- i. Adopt the Proposed Structure Plan with or without modifications; or*
- ii. Refuse to adopt the Proposed Structure Plan and give reasons for this to the Proponent.*

As the draft Local Structure Plan has now been appropriately modified to reflect the Byford Structure Plan and Byford Urban Stormwater Management Strategy, it is recommended for adoption. Further modifications are proposed, however, these do not fundamentally alter the draft Local Structure Plan and are required to ensure consistency with the Byford Structure Plan and to ensure an appropriate movement network is achieved. Considering that no

submissions in objection were received during advertising, the draft Local Structure Plan is viewed as an appropriate enhancement of the Byford Structure Plan reflecting the Council's chosen vision for the Byford locality. It is therefore recommended that the draft Local Structure Plan be adopted by Council, subject to modifications, and sent to the WA Planning Commission with a request for final approval as per the requirements of clause 5.18.3.9 of the Scheme.

***A copy of the final modified draft Local Structure Plan is with the attachments marked [SD060.1-04-05.tif](#)***

**Sustainability Statement:**

***Effect on Environment:*** The draft Local Structure Plan accords with the Byford Structure Plan and Byford Urban Stormwater Management Strategy, both of which focus on environmental sustainability as part of the urbanisation of Byford. The draft Local Structure Plan demonstrates compliance with these documents, with specific modifications having been undertaken in relation to the following matters:

- i. Ensuring water sensitive urban design treatments meet the requirements of the Byford Urban Stormwater Management Strategy;
- ii. The preparation of objectives for an irrigation strategy, utilising on site drainage and water reuse for irrigation needs;
- iii. The preparation of a detailed flora, fauna and environmental assessment in relation to mitigating impacts on the Baudin's Black Cockatoo, Carnaby's Black Cockatoo and Forest Red-Tailed Black Cockatoo species;
- iv. The provision of appropriate native and indigenous street trees along all local roads within the Local Structure Plan area, except for laneways, and at a density of no less than one per lot;
- v. An acid sulphate soils investigation being undertaken across the subject land at the time of subdivision to assess any areas of concerns (note that the subject land is not identified in a high risk acid sulphate soils area).

Generally speaking, the draft Local Structure Plan is considered to respond well to the noted physical and environmental characteristics of the land, having been modified a number of times to ensure the highest possible environmental outcomes are achieved. It is also noted that the draft Local Structure Plan includes an overall draft landscape concept plan for the development, which has been modified and is now generally supported. It provides for a strong native and indigenous vegetation theme throughout the development, passive recreational pursuits within the multiple use corridor and appropriate planting of drainage swales for maximum nutrient stripping capabilities.

The proponent has also advised that it may be appropriate to adopt design guidelines for the development of the land to achieve the desired neighbourhood environment. This would likely address the following aspects of development:

- i. Environmental Design;
- ii. Building form;
- iii. Roof form;
- iv. Corner sites;
- v. Garaging and access;
- vi. Setbacks;
- vii. Fencing;
- viii. Servicing.

This approach is supported, as design guidelines will help ensure a quality neighbourhood environment is created and lasts for the area. To this end it is recommended that design guidelines be maintained as part of adoption of the draft Local Structure Plan.

***Use of Local, Renewable or Recycled Resources:*** While there are no direct implications, it is recommended that the proponent be encouraged to use local contractors and materials

wherever possible in the eventual construction phase of the development. Also, the reuse of drainage and stormwater runoff in the irrigation of public open space and the multiple use corridor will be required.

**Economic Viability:** The draft Local Structure Plan is considered to be economically viable through its focus on environmental and resource sustainability and appropriate neighbourhood design. Through the clear commitment to environmental sustainability and water sensitive urban design as established under the Byford Structure Plan and Byford Urban Stormwater Management Strategy, it is expected that subsequent structure plans and detailed area plans will advocate these in their design. The draft Local Structure Plan is considered to do this.

In terms of neighbourhood design, this is based well on the framework of the Byford Structure Plan whereby a highly connected neighbourhood environment is promoted, with diversity in lot sizes, mixed uses and a highly connected, pedestrian focussed movement network. The draft Local Structure Plan accords with this.

**Economic Benefits:** The draft Local Structure Plan is considered to offer economic benefits through the development of an appropriately scaled urban village which accords with the Byford Structure Plan and Byford Urban Stormwater Management Strategy. Modifications have been undertaken in relation to a number of matters, and these have increased economic benefits as well as the social and environmental responsibility of the proposal. One important modification has been the reinstatement of the new district distributor road connecting Thomas Road with the new district centre for Byford. This was not originally reflected by the draft Local Structure Plan. Also, a modification is recommended to upgrade the north-south road linking Abernethy Road to Thomas Road to an integrator B - outside centre standard road, with a reserve width of 29.2 metres. This will ensure the likely traffic volume relying on this road for entry to Tonkin Highway from Thomas Road will be adequately handled by the road. As a portion of this road passes through Lot 9000, the draft Local Structure Plan needs to be appropriately modified. Resulting street block design needs to also ensure that no direct vehicle access is relied upon by lots fronting this road. This can be achieved through the use of local service roads and laneways, and will ensure that built development, rather than back fencing, still fronts the road.

It should also be noted that the proponent is in the process of submitting a Community and Economic Development Plan for the draft Local Structure Plan area. This is to include a memorandum of understanding between the proponent and Council in relation to per lot contributions toward a community development trust to assist with the funding of a community infrastructure plan, community facilities and services, a framework and principles for provision, roles and responsibilities and management processes.

**Social – Quality of Life:** The draft Local Structure Plan is considered to be socially responsible through a dedication to environmental sustainability and an integrated neighbourhood design which promotes social interaction. In relation to solar orientation and street block layout, approximately 70% of streets are aligned north/south and east/west allowing for good solar passive design potential. The remaining streets are on a north/north west or south west/west axis which is within the recommended alignment for effective solar orientation.

**Social and Environmental Responsibility:** The draft Local Structure Plan has been advertised to the community in accordance with the Scheme, thus enabling comment and involvement by local and interested residents. While no submissions from the public were received, this is considered to reflect that the local community view the draft Local Structure Plan as an appropriate design for the subject land.

**Social Diversity:** The draft Local Structure Plan, consistent with the Byford Structure Plan, provides for diversity in lot sizes ranging from R12.5 (800m<sup>2</sup>) to R30-R60 (300m<sup>2</sup>-180m<sup>2</sup>). An average density of R20 (500m<sup>2</sup>) is achieved over the site. However, this diversity in lot sizes

will promote social mix in the eventual development of the area, which is an evolving concept in the planning of new communities within Western Australia.

**Statutory Environment:** Town Planning and Development Act 1928  
Metropolitan Region Town Planning Scheme Act 1959  
Western Australian Planning Commission Act 1985  
Town Planning Scheme No. 2

***Metropolitan Region Scheme Town Planning Scheme Act 1959:*** The majority of the subject land is zoned 'Urban' under the Metropolitan Region Scheme, except for a small portion in the southeast corner of the site. This is zoned 'Urban Deferred', and extends along the northern and western boundaries of the 13 'Rural Residential' lots recently created on Ballagar Road. To realise development in the 'Urban Deferred' portion of the subject land, it will need to be transferred to the 'Urban' zone of the Metropolitan Region Scheme as provided for under clause 27 of the *Metropolitan Region Scheme Town Planning Scheme Act 1959*.

'Urban Deferred' zonings will generally only be lifted where there is a Local Structure Plan proposed or approved over the subject land, and all issues which necessitated the original 'Urban Deferred' zoning have been adequately addressed. In the case of Byford, an 'Urban Deferred' zoning was instigated around the Byford Trotting Complex, recognising that while urban development in the wider town site was appropriate, planning around the immediate trotting complex had to be carefully approached. This planning had to recognise that the trotting complex would likely remain in place as part of the urbanisation of Byford, and therefore appropriate buffers, lot sizes and land uses would need to immediately surround the complex.

This issue has been appropriately addressed as part of the draft Local Structure Plan, through the provision of larger, lower density lots in the portion of the subject land still zoned 'Urban Deferred' under the Metropolitan Region Scheme. These lots have been nominated with an R12.5 coding (average lot size 800m<sup>2</sup>), and exist on the north and west sides of Ballagar Road facing the existing row of 'Rural Residential' lots. While the row of 'Rural Residential' lots provides the land use buffer to the trotting complex under the Byford Structure Plan, having an additional row of larger residential lots provides a better interface to development and hence a more appropriate neighbourhood outcome. This also further buffers the higher density residential land from the trotting complex.

***Town Planning Scheme No. 2:*** The Scheme establishes the statutory framework to facilitate the planning, subdivision and development of land within the 'Urban Development' zone. This is done through:

- i. Introducing a procedure for the preparation and adoption of structure plans; and
- ii. Introducing development contribution area provisions for the equitable sharing of costs for essential services and urban infrastructure.

With regard to i), clause 5.18 of the Scheme makes provision for the preparation of structure plans and detailed area plans. The procedure for the adoption of a structure plan, whether that be at the district or local level, is in accordance with clause 5.18.3 of the Scheme which specifies timeframes for advertising, consideration of submissions by Council and referral to the WA Planning Commission.

With regard to ii), consultants have recently been engaged by the Shire to prepare a development contribution plan for the Byford Structure Plan. This study should be completed soon and will necessitate an amendment to the Scheme. In the current absence of such, however, clause 5.18.1.5 of the Scheme states:

*"5.19.1.5 Where a Development Contribution Plan is necessary but is not in effect, the local government may support subdivision or approve development where the Owner has made other arrangements satisfactory to the local government"*

*with respect to the Owner's contribution towards the provision of Infrastructure in the Development Contribution Area."*

It is proposed to reach negotiated agreements with developers in the Byford area in respect to developer contributions until such time as the necessary infrastructure funding mechanism is in place in the Scheme. A legal agreement will need to be prepared and entered into between the proponent and landowner and the Shire at the time of considering a subdivision application for the land.

**Policy/Work Procedure**

**Implications:**

Byford Structure Plan  
Byford Urban Stormwater Management Strategy  
Local Planning Policy No. 6 – Water Sensitive Design  
Liveable Neighbourhoods Draft Operational Policy  
(Edition 3)

**Financial Implications:**

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

**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.
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.

**2. Environment**

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

Strategies:

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

**3. Economic**

*Objective 1: A vibrant local community*

Strategy:

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

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

Strategy:

1. Improved freight, private and public transport networks.

*Objective 3: Effective management of Shire growth*

Strategy:

1. Enhance economic futures for Shire communities.

#### **4. Governance**

*Objective 3: Compliance to necessary legislation*

Strategy:

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

### **Community Consultation**

Following modification in accordance with Council's earlier resolution, the draft Local Structure Plan was advertised for a period of 28 days in accordance with clause 5.18.3.5 of the Scheme. This involved advertising in a newspaper circulating in the district, notice in writing to all affected landowners and referral to all relevant public authorities. All landowners within the Byford Trotting Complex west of Briggs Road were specifically contacted in writing regarding the proposal. Resulting from advertising, five submissions were received, all from referral authorities and stating no objection to the draft Local Structure Plan (subject to conditions).

Each submission received has been specifically summarised, and addressed with a planning comment and staff recommendation. It should be noted that no specific modifications are required as a result of the submissions received. It is also noted that no submissions from the general public were received, possibly reflecting a community view that the draft Local Structure Plan is an appropriate design for the subject land.

***A copy of the schedule of submissions is with the attachments marked [SD060.2-04-05.doc](#)***

### **Comment**

Assessment of the draft Local Structure Plan has been undertaken in accordance with the Byford Structure Plan and Byford Urban Stormwater Management Strategy, both of which guide the intended urban vision for the Byford townsite. While setting a number of generic objectives and criteria relevant to the whole Byford locality, the following specific requirements are established through the Byford Structure Plan and Byford Urban Stormwater Management Strategy and directly affect the draft Local Structure Plan area:

- i. The identification of a drainage line/multiple use corridor running north east to south west across the site, and locally significant remnant vegetation along this corridor (particularly in the north east corner);
- ii. The width of the multiple use corridor needing to be consistent with the Byford Urban Stormwater Management Strategy recommended widths for drainage and public open space;
- iii. An average annual maximum groundwater level of only 1 - 0.5 metres below the surface level of the site, with this intersecting the surface in lower lying areas;
- iv. Possible issues of acid sulphate soils in susceptible areas across the site;
- v. Potential impacts on the threatened Baudin's Black Cockatoo, Carnaby's Black Cockatoo and Forest Red-Tailed Black Cockatoo species within the area, through the destruction of Marri (*Eucalyptus calophylla*) trees which form part of their feeding pattern;

- vi. The buffer to the Byford Trotting Complex extending within the area, and the need for this to be appropriately addressed;
- vii. The need to provide an appropriate development interface with the existing 'Rural Residential' lots along Ballagar Road;
- viii. The need to provide land for the neighbourhood centre and neighbourhood node as designated by the Byford Structure Plan;
- ix. The need to provide for the new district distributor road connecting Thomas Road and the new Byford town centre;
- x. The provision of services within the multiple use corridor;
- xi. The need to ensure that the draft Local Structure Plan and eventual development is based implicitly on the Byford Urban Stormwater Management Strategy;
- xii. The need for the draft Local Structure Plan to be reflective of the objectives of the Byford Structure Plan, particularly relevant to urban form; provision of a neighbourhood focus; diversity of lot sizes; environmental sustainability; water sensitive urban design; energy efficiency; predominant solar orientation of lots; local employment opportunities and; effective provision of public open space;
- xiii. The provision of appropriate, higher density, mixed use urban land around the designated neighbourhood centre and neighbourhood node;
- xiv. The provision of a local service road adjacent to the Tonkin Highway Primary Regional Road Reservation;
- xv. The provision of footpaths along all streets, with dual use paths on both sides of neighbourhood connectors;
- xvi. Passive recreational opportunities being provided within the multiple use corridor, rather than it being used as major thoroughfares within high volumes of pedestrian traffic;
- xvii. Public open space provision to be consistent with the Byford Structure Plan and Byford Urban Stormwater Management Strategy;
- xviii. The need to provide appropriate detention volume and capabilities within the Local Structure Plan area, within close proximity of the multiple use corridor to limit the need for piped drainage, and to be of minimum storage capacity as per the Byford Urban Stormwater Management Strategy;
- xix. Appropriate landscaping and urban artwork being implemented as part of development.

In relation to the above requirements, several modifications were required to the draft Local Structure Plan to bring it into conformity with the Byford Structure Plan and Byford Urban Stormwater Management Strategy. These modifications fall into two categories:

- i. Those required to be undertaken prior to advertising, as they constituted actual changes to the draft plan; and
- ii. Those required to be undertaken during advertising, as they concerned technical aspects of the draft Local Structure Plan and text but did not pose substantial changes to the plan itself that prevented advertising.

The first set of modifications were undertaken following Council's resolution, allowing for the draft Local Structure Plan to commence advertising.

The second set of modifications concerned more technical aspects of the draft Local Structure Plan and text. While not constituting substantial changes to the draft Local Structure Plan, the modifications were required to ensure that the draft Local Structure Plan could demonstrate compliance with the objectives and requirements of the Byford Structure Plan, Byford Urban Stormwater Management Strategy and associated local and state planning policy. Each modification is discussed following, with a planning comment provided to explain the work which was undertaken in complying with the required changes.

- i. *A detailed flora, fauna and environmental assessment being undertaken in relation to identifying any Marri (Eucalyptus calophylla) trees across the subject land which are significant in the feeding cycle of the Red-Tail, Black or Baudin Cockatoos*

*(Calyptorhynchus funereus latirotris). Any trees which are identified as significant are required to be protected through inclusion in the multiple use corridor, areas of public open space or verge mediums;*

This assessment has been completed by the proponent, and reveals that the majority of Marri trees found to have a medium to high feeding potential are located centrally along the multiple use corridor and in the northern portion of the subject land which is not covered by the draft Local Structure Plan. As this northern portion of the subject land will also need to have a Local Structure Plan prepared for it by the proponent/landowner, opportunity will exist in protecting the identified Marri trees which exist in this area. To this end it is recommended that Council, as part of adopting the draft Local Structure Plan for the southern portion of Lot 9000 Thomas Road, resolves to advise the proponent and landowner that the future Local Structure Plan for the northern portion of the subject land will need to demonstrate suitable protection of the Marri trees identified in the feeding tree assessment dated March 2005.

**A copy of the feeding tree assessment map with the draft Local Structure Plan overlaid is with the attachments marked [SD060.3-04-05.tif](#)**

- ii. The development of an Irrigation Plan for the multiple use corridor and local areas of public open space, demonstrating the use of drainage runoff in the irrigation of these areas;

An irrigation strategy has been prepared for the draft Local Structure Plan, focusing on water reuse initiatives in the irrigation of public open space areas for the development. A number of objectives have been identified within the strategy, with these further expanded into priority actions for each identified objective. This is considered very useful in guiding the eventual construction phase of the subdivision, ensuring identified objectives are followed and respected. These are summarised as follows:

**Minimising irrigated area:** *The minimization of manicured turf areas requiring irrigation is the most effective method of reducing water use and reducing adverse environmental impacts. It is proposed that only a small percentage of the public open space allocation be irrigated to a high level of manicured presentation. These areas are nonetheless required to provide social, recreational and aesthetic elements to the development. The balance of the public open space allocation will consist of various native plantings and grasses capable of survival without broad scale irrigation beyond the initial establishment phase.*

**Using water sensitive design principles:** *The use of water sensitive design principles is recommended as part of the landscape design and approval stage of the development. These principles may include detailed landscape design of public space to minimise water needs; contained water overflow systems; retention of existing vegetation; installation of swales; flush kerb overflow from roads; leaky pipe systems and similar measures and; undertaking final grading to maximize infiltration or direct surface runoff to needed areas. This requires an integrated approach and interaction between the planning, landscape and engineering disciplines.*

**Targeted and staged planting:** *The installation of native plantings and grasses at suitable times of the year enable establishment without artificial watering. It is recommended that pre-planting of buffers, screening, trees and grasses occur as soon as practical to enable an established landscape to be in place upon commencement of residential activity. The timing of planting to coincide with winter rains enables plants and native grasses to be installed with a higher than usual success rate without irrigation being required for the critical landscape establishment phase. The retention of existing vegetation assists in this element.*

**Installing nutrient stripping basins and controls:** *These will enable the containment and treatment of any nutrient load that may exist as a result of new urban development. The use of suitable native vegetation will minimize the infiltration or flow of excess nutrients beyond the site. The careful design of these nutrient stripping basins may satisfy two requirements;*



*the reduction of nutrients and the passive watering of landscape areas. It is recommended that investigations review the possibility of designing basins to maximize base areas and direct flows in such a manner as to provide water to as large an area of landscape as possible. This will reduce the need for irrigation for establishment or continued plant survival.*

**Consideration of alternate water sources:** *Other than utilizing the mains system, the other options may be to install a commercial bore capable of watering the entire project from the superficial aquifer, domestic bores capable of targeted watering to various specific areas, utilization of the creek line for temporary storage and irrigating from the retained water or a combination of the above. Further investigations are required to accurately determine a suitable and approvable approach. It is likely that there will be iron stain issues that will require resolution and test bores are suggested to determine this issue as well as water availability.*

**Detailed irrigation implementation:** *The installation of the irrigation system may include the following elements to minimize water use. The installation of subsurface irrigation systems; water flow meters and timers; rain meters; low flow pipes and sprays where required; careful design of the system to minimize over spray onto hard surfaces; design of the irrigation station system to eliminate daylight watering.*

**Residential development initiatives:** *The incorporation of water sensitive design initiatives into the development's residential products will contribute to the process on individual private lots. These may include installation of rainwater tanks, reduced grass areas, native planting, subsurface irrigation, increased hard surfaces, installation of controlled sumps. The use of shared bores for small precincts or a number of lots may be preferable to the use of mains for private watering. The encouragement of native water wise species and designs as part of any approved landscape rebate package is to be encouraged.*

The above irrigation strategy is considered appropriate for inclusion into the draft Local Structure Plan with the exception of the use of mains water.

iii. *The provision of appropriate native and indigenous street trees along all local roads within the draft Local Structure Plan area, except for laneways, and at a density of no less than one per lot;*

This has been suitably addressed through the revised draft landscape concept plan and related provisions of the draft Local Structure Plan text.

iv. *All references to entry statements and/or signage being removed. The use of appropriate public art which reflects the nature and character of the area may be considered by Council;*

All references to entry statements and signage have been removed from the draft Local Structure Plan and text, with new objectives included for public art and other appropriate design initiatives within the development consistent with the Byford Structure Plan.

v. *The draft Landscape Concept Plan being modified in relation to all changes, and further extended to cover requirements for comprehensive landscaping and nutrient stripping opportunities within the multiple use corridor;*

The draft landscape concept plan has been suitably modified.

vi. *An acid sulphate soils investigation being undertaken across the subject land prior to lodgement of a subdivision application with the WA Planning Commission;*

Western Australian Planning Commission planning bulletin No. 64 reveals that the subject land is located within a low to medium risk area of acid sulphate soils. A preliminary geotechnical investigation has been undertaken across the subject land, and concludes that

soils are generally non-aggressive and have a low to negligible acid sulphate potential. This supports the identification made by the Western Australian Planning Commission.

In addition to this, the Byford Urban Stormwater Management Strategy requires that the subject land be filled 1.1 metres above the surface level to allow for the installation of subsoil drainage. This is significant, as drainage infrastructure will be installed through filling of the land, rather than excavation, which in turn limits the potential for disturbance of soils that may be prone to acidity.

Notwithstanding this, mandatory site specific investigations will be required as a subdivision condition to identify the presence of any acid sulphate soils and implement appropriate management practices will be taken to control any threat.

*vii. Prepare and submit a strategy for the provision of advanced telecommunications infrastructure to the local structure plan area to the satisfaction of the Shire;*

A similar strategy was undertaken for the Local Structure Plan adopted for Lots 1, 2 and 63 Thomas Road and Larsen Road, Byford (known as 'Byford Central'). In this case, it was resolved that the subdivider install a spare conduit for future telecommunication purposes at the time of subdivision. This would provide for the easy installation of advanced telecommunications infrastructure in the future once it was made available to the area. It is recommended that the same approach be taken for the draft Local Structure Plan for Lot 9000.

*viii. The preparation of design guidelines to control the eventual built form within the draft Local Structure Plan area;*

It is recommended that the draft design guidelines prepared for the development be supported as part of the draft Local Structure Plan.

***A copy of the design guidelines is with the attachments marked [SD060.4-04-05.tif](#)***

*ix. Submit a Community and Economic Development Plan for the Local Structure Plan area, to the satisfaction of Council. The Community and Economic Development Plan is to include a Memorandum of Understanding between the proponent and the Shire of Serpentine-Jarrahdale, relating to per lot contributions toward a Community Development Trust to assist with the funding of a community infrastructure plan, community facilities and services, a framework and principles for provision, roles and responsibilities and management processes;*

The proponent is in the process of finalising a draft Community and Economic Development Plan, including Memorandum of Understanding. It is recommended that adoption of the Plan and Memorandum of Understanding be required prior to clearance of the first stage of subdivision within the structure plan area. This will provide ample time to finalise the Plan and Memorandum of Understanding to Council's satisfaction, and is the approach also being taken for the Byford Central Local Structure Plan.

*x. Undertake investigations regarding required development contributions, in accordance with clause 5.19 of the Scheme in the event the Byford Developer Contribution Plan is not in effect at the time of subdivision.*

As discussed previously, consultants have been engaged by the Shire to prepare a development contribution plan for the Byford Structure Plan. This study once adopted by Council will necessitate an amendment to the Scheme. In the current absence of such, however, clause 5.18.1.5 of the Scheme states:

***"5.19.1.5 Where a Development Contribution Plan is necessary but is not in effect, the local government may support subdivision or approve development where the***

*Owner has made other arrangements satisfactory to the local government with respect to the Owner's contribution towards the provision of Infrastructure in the Development Contribution Area."*

In response to this, and as an interim measure, a condition of subdivision will be imposed requiring a separate legal agreement to be entered into between the proponent and Council. This legal agreement will require the proponent to make a proportional contribution to Council at the time of subdivision for the provision of arterial roads, public open space and associated facilities (including administrative costs) to service the Byford Structure Plan area. Once the required development contributions plan has been prepared and adopted, the legal agreement will link to compliance with this by the proponent.

#### Additional Amendments to the Plan

The final two modifications proposed have come about from further assessment of the draft Local Structure Plan undertaken during advertising and in compiling this report. The first is deletion of the R30 group housing site in the northeast corner of the subject land, between Thomas Road and the multiple use corridor. This is not consistent with the Byford Structure Plan, which identifies this portion of the subject land as part of the adjacent multiple use corridor. This reflects that built development in this area is not appropriate, as such serves as a focal entry point to the whole Byford Structure Plan area and should be appropriately managed and landscaped for this. It is therefore recommended that the group housing site be deleted, and this portion of the subject land be reinstated into the multiple use corridor.

The second modification concerns upgrading the north south road linking Abernethy Road to Thomas Road to an integrator B - outside centre standard road, with a reserve width of 29.2 metres. This will ensure the likely traffic volume relying on this road for entry to Tonkin Highway from Thomas Road will be adequately handled (anticipated volumes of up to 20,000 vehicle movements per day are expected). As a portion of this road passes through Lot 9000, the draft Local Structure Plan needs to be appropriately modified. Also, street block design needs to ensure that no direct vehicle access is relied upon by lots fronting this road. This can be achieved through the use of local service roads and laneways, and will ensure that built development, rather than back fencing, still fronts the road. As part of this modification it will also need to be separately acknowledged by Council that further traffic studies need to be done for the overall BSP, so that any other road upgrades can be appropriately identified and catered for initially. As this road will function as a district distributor road for the wider structure plan area (particularly for all land south of Abernethy Road), it will need to attract development contributions as provided for under clause 5319 of the Scheme.

#### Conclusion

As the draft Local Structure Plan has now been appropriately modified to reflect the Byford Structure Plan and Byford Urban Stormwater Management Strategy, it is recommended for adoption subject to modifications and sent to the WA Planning Commission with a request for final approval as per the requirements of clause 5.18.3.9 of the Scheme. The draft Local Structure Plan is viewed as an appropriate enhancement of the Byford Structure Plan reflecting the Council's chosen vision for the Byford locality.

#### Voting Requirements:

**ABSOLUTE MAJORITY**

**SD060/04/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Price seconded Cr Wigg**

1. Council, in pursuance with clause 5.18.3.9(a) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, endorses the schedule of submissions prepared in respect of the draft local structure plan advertised for Lot 9000 Thomas Road, Byford.
2. Council, in pursuance of clause 5.18.3.7(a) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, adopts the draft local structure plan for Lot 9000 Thomas Road, Byford, subject to the following modifications being undertaken first:
  - i. The revised and updated black cockatoo feeding tree assessment dated March 2005, irrigation strategy and stated objectives, the revised and updated landscape concept plan and the advanced telecommunications strategy being included within the draft local structure plan text;
  - ii. The R30 group housing site in the northeast corner of the subject land (between Thomas Road and the multiple use corridor) being deleted from the local structure plan and reinstated as part of the multiple use corridor. The draft local structure plan (including public open space schedule) and text being modified to suitably reflect this change;
  - iii. The north-south road within the local structure plan area linking Abernethy Road to Thomas Road being upgraded to an integrator B - outside centre standard road (as prescribed by the Liveable Neighbourhoods Draft Operational Policy), with a reserve width of 29.2 metres. The draft local structure plan and text being modified to suitably reflect this change;
  - iv. The resulting street block design adjacent to the new integrator B - outside centre standard road being modified to ensure that no direct vehicle access is relied upon by lots fronting this road. This is to be achieved through the use of local service roads and laneways, so as to ensure built development, rather than back fencing, fronting this road. The draft local structure plan and text being modified to suitably reflect this change;
  - v. The structure plan note relating to the restriction of lot access being modified as follows:

*“No direct vehicle access is permitted onto Thomas Road, Tonkin Highway or the north-south integrator B - outside centre road from any proposed lots fronting or partially fronting these roads. This is to be achieved through street block design which uses local service roads and laneways, so that built development, rather than back fencing, still fronts these roads. Any proposed lots fronting or partially fronting these roads are required to have a restrictive covenant placed on their certificate of title imposing the restriction of direct vehicle access.”*
  - vi. The structure plan note relating to dual use paths being modified to relate to both neighbourhood connectors and the integrator B road;
  - vii. The structure plan note over the northern portion of the draft local structure plan area being modified as follows:

*“Area north of existing creek line depicted on the Byford Structure Plan as R5 (2000m<sup>2</sup>) - R2.5 (4000m<sup>2</sup>) with single residential lot overlay. This area is subject to further investigation having regard to fill requirements, servicing costs and the suitable protection of Marri (Eucalyptus calophylla) trees identified as significant in the feeding tree assessment dated March 2005.”*
3. The Director Sustainable Development be authorised to:
  - i. Liaise with and provide advice to the proponent in relation to undertaking the modifications listed under 2.; and

- ii. Determine when the modifications listed under 2. have been undertaken to Council's satisfaction.
4. Following compliance with part 2. above, and in pursuance of clause 5.18.3.9 of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, the Director Sustainable Development be delegated authority from Council to forward to the WA Planning Commission within 21 days the draft local structure plan and:
  - i. A summary of all submissions and comments received by Council in respect of the draft local structure plan, and Council's decisions or comments in relation to these;
  - ii. Council's recommendation to the WA Planning Commission to modify and adopt the draft local structure plan; and
  - iii. Any other information that may be relevant to the WA Planning Commission's determination of the draft local structure plan.
5. In pursuance with clause 5.18.3.13 of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, the Director Sustainable Development be delegated authority from Council to consult with the WA Planning Commission should the WA Planning Commission require any modifications to this or any other draft local structure plan within the Byford Structure Plan area.
6. In pursuance of clause 5.18.3.14 of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, the Director Sustainable Development be delegated authority from Council to determine whether any modifications required by the WA Planning Commission are substantial, and if so whether this or any other draft local structure plan within the Byford Structure Plan area should be readvertised and referred back to Council for further determination.
7. In pursuance of clause 5.18.3.15 of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, the Director Sustainable Development be delegated authority from Council to formally adopt this or any other draft local structure plan within the Byford Structure Plan area once notified of the WA Planning Commission's approval, and forward a copy of the formally adopted local structure plan to the proponent, the WA Planning Commission and any other appropriate person or public authority.
8. The proponent be advised that the Community and Economic Development Plan including Memorandum of Understanding between the proponent and Council is required to be finalised and adopted prior to the first stage of subdivision being cleared by Council.
9. Council requests the Director Sustainable Development and Director Asset Services to undertake further traffic studies within the Byford Structure Plan area, so that the standards of road which need upgrading can be appropriately identified within the structure plan and all subsequent local structure plans. A further report is to be provided to Council on this matter.
10. The draft development contribution plan currently being prepared for the Byford Structure Plan area identifies the north-south road linking Abernethy Road to Thomas Road as infrastructure to be funded by contributions through the plan.

**CARRIED 7/0 ABSOLUTE MAJORITY**

SD061/04/05 PROPOSED SUBDIVISION – LOT 9000 THOMAS ROAD, BYFORD (S125519)		
Proponent:	Gray & Lewis Planning Consultants	<p><b>In Brief</b></p> <p>To make recommendation to the WA Planning Commission regarding the proposed first stage of subdivision of the draft local structure plan for Lot 9000 Thomas Road, Byford. It is recommended that Council supports the subdivision application subject to the conditions contained in this report.</p> <p>It should also be noted that the draft Local Structure Plan is recommended for adoption by Council in item SD060/04/05 of this agenda.</p>
Owner:	Thomas Road Developments Ltd	
Officer:	Andrew Trosic - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	19 April 2005	
Previously	SD007/01/05	
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	
<b>Delegation</b>	<b>Council</b>	

Owner: Thomas Road Developments Ltd  
 Applicant: Gray and Lewis Planning Consultants  
 Date of Receipt: 16 June 2004  
 Advertised: N/A  
 Submissions: N/A  
 Lot Area: 70.25ha  
 L.A Zoning: Urban Development  
 MRS Zoning: Urban and Urban Deferred  
 Byford Structure Plan: Residential R20; Local Park; Traffic and Pedestrian Movement Network  
 Rural Strategy Policy Area: N/A  
 Rural Strategy Overlay: N/A  
 Municipal Inventory: N/A  
 Townscape/Heritage Precinct: N/A  
 Bush Forever: N/A  
 Date of Inspection: Various site inspections undertaken

### **Background**

The draft Local Structure Plan was previously considered by Council at its meeting held on 24 January 2005 to determine its appropriateness for advertising under clause 5.18.3.2 of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2. Council resolved (SD007/01/05) that the draft Local Structure Plan was satisfactory for advertising subject to the provision of further details and modifications to address a number of pertinent matters. Council also resolved that a number of other matters be addressed by the proponent during advertising of the draft Local Structure Plan. These concerned technical aspects of the draft Local Structure Plan and associated text, but did not pose substantial modifications to the plan that prevented advertising.

Following consideration of submissions received during advertising of the draft Local Structure Plan, it is recommended for adoption by Council in accordance with clause 5.18.3.7 of the Scheme. Item SD060/04/05 of this agenda deals with adoption of the draft Local Structure Plan.

In anticipation that the draft Local Structure Plan will be adopted by Council, the proponent has now requested that Council provide its comments and recommendations to the Western Australian Planning Commission (WAPC) regarding the proposed first stage of subdivision of

the draft Local Structure Plan area. In considering this first stage of subdivision, it should be noted that the draft Local Structure Plan is yet to be formally adopted pursuant to clause 5.18.3.15 of the Scheme.

The above reveals that further consideration of the draft Local Structure Plan will be required, and therefore considering any subdivision application prior to this must be done carefully to ensure the above processes are followed and fulfilled. Conditions have been included to ensure this takes place.

Given the progress of the draft Local Structure Plan to date, it is recommended that Council supports the proposed subdivision subject to the conditions contained in this report. Conditions have been imposed to ensure that the draft Local Structure Plan is formally adopted prior to subdivision taking place.

***The proposed subdivision plan is with the attachments marked [SD061.1-04-05.tif](#)***

### **Sustainability Statement**

As per item SD060/04/05 of this agenda which deals with adoption of the draft Local Structure Plan. The proposed subdivision is aligned with the draft Local Structure Plan.

#### **Statutory Environment:**

Town Planning and Development Act 1928  
Metropolitan Region Town Planning Scheme Act 1959  
Western Australian Planning Commission Act 1985  
Town Planning Scheme No. 2

#### **Policy/Work Procedure**

##### **Implications:**

Byford Structure Plan  
Byford Urban Stormwater Management Strategy  
Local Planning Policy No. 6 – Water Sensitive Design

#### **Financial Implications:**

Future ongoing costs to the Shire to maintain new public infrastructure within the development e.g. public open space, roads, pathways, street sweeping, inspection and cleaning of drainage pits, inspection of swales, management of landscaping etc. A legal agreement will also be entered into regarding development contributions pending the adoption of the Development Contribution Plan for Byford.

#### **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.
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.

## **2. Environment**

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

### Strategies:

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

## **3. Economic**

*Objective 1: A vibrant local community*

### Strategy:

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

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

### Strategy:

1. Improved freight, private and public transport networks.

*Objective 3: Effective management of Shire growth*

### Strategy:

1. Enhance economic futures for Shire communities.

## **4. Governance**

*Objective 3: Compliance to necessary legislation*

### Strategy:

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

## **Community Consultation**

Required: No

## **Comment**

The subdivision application seeks approval for the first stage of subdivision of the draft Local Structure Plan proposed for adoption by Council in accordance with clause 5.18.3.7 of the Scheme. Item SD060/04/05 of this agenda deals with adoption of the draft Local Structure Plan. While adoption by Council under clause 5.18.3.7 of the Scheme will generally signify acceptance of the draft Local Structure Plan, there is a further process of assessment that needs to be followed. This succinctly involves the following:

- i. Council must firstly adopt the draft Local Structure Plan in accordance with clause 5.18.3.7 of the Scheme;
- ii. Following this, the draft Local Structure Plan needs to be sent to the WAPC in accordance with clause 5.18.3.9 of the Scheme;
- iii. The WAPC is to then either approve the draft Local Structure Plan with or without modifications, or refuse to approve it;
- iv. In expectation that the WAPC will approve the draft Local Structure Plan with or without modifications, once notice of approval has been received the Local Structure Plan will need to be formally adopted pursuant to clause 5.18.3.15 of the Scheme. This will represent formal approval of the Local Structure Plan.



Given the progress of the draft Local Structure Plan to date, it is recommended that Council supports the proposed subdivision subject to the conditions contained in this report. Conditions have been imposed to ensure that the draft Local Structure Plan is formally adopted prior to subdivision taking place.

Finally, a further separate recommendation (part 2) has been included within this report granting the Chief Executive Officer delegation to make recommendation (including specifying recommended conditions) to the WAPC regarding all future subdivision applications within the Byford Structure Plan area where a local structure plan has been adopted under clause 5.18.3.15 of the Scheme. This will remove the need to report on each individual subdivision application to Council, realising that once a local structure plan has been adopted by Council under clause 5.18.3.15 of the Scheme, all subdivision applications will need to be compliant with it and hence Council's direction.

Delegation is currently granted to the Chief Executive Officer to make recommendations to the WAPC in respect of subdivision of land where a Detailed Area Plan has been approved by Council and it is proposed to extend the delegation to subdivision of land in areas where there is an adopted local structure plan.

### **Voting Requirements**

### **ABSOLUTE MAJORITY**

#### **SD061/04/05 COUNCIL DECISION/Committee/Officer Recommended Resolution**

##### **Moved Cr Price seconded Cr Wigg**

**A. Subject to the Local Structure Plan for the subject land being formally adopted first by Council in accordance with clause 5.18.3.15 of the Scheme, the Council supports the subdivision application dated 16 June 2004 (and amended on 23 February 2005) for Lot 9000 Thomas Road, Byford subject to the following conditions:**

- 1. The subdivider entering into a legal agreement with the Shire regarding the provision of proportional development contributions to the Shire pending the adoption of the Development Contribution Plan for Byford to the satisfaction of the Western Australian Planning Commission.**
- 2. The subdivider is to comply with the requirements of the Shire of Serpentine-Jarrahdale Engineering Standards for Subdivisional Development subject to any modifications required as a consequence of any conditions of this approval to the satisfaction of the Western Australian Planning Commission.**
- 3. No permanent entry statements to be erected other than public art approved by Council.**
- 4. Street corners within the subdivision being truncated to the standard truncation of 8.5 metres to the satisfaction of the Western Australian Planning Commission**
- 5. Street intersections being designed and constructed to the satisfaction of the Western Australian Planning Commission.**
- 6. Traffic control devices are to be designed and constructed in accordance with the requirements and specifications of the Shire for the subdivision to the satisfaction of the Western Australian Planning Commission.**
- 7. Satisfactory arrangements being made with the Shire for the construction, drainage and upgrading of Ballagar Road to the satisfaction of the Western Australian Planning Commission.**
- 8. The subdivider entering into a legal agreement with the Shire to construct (at the subdivider's cost) a dual use path between the subdivision and the existing footpath network in Byford.**
- 9. A dual use path or path being constructed on all road reserves within the subdivision, to the satisfaction of the Western Australian Planning Commission.**

10. Arrangements being made to the satisfaction of the Western Australian Planning Commission for the preparation and implementation of a Drainage and Nutrient Management Plan for the subject land, in accordance with the adopted Byford Urban Stormwater Management Strategy to meet the requirements of the Peel Harvey Environmental Protection Policy. The Drainage Management Plan is to be prepared and implemented at the cost of the subdivider and to the satisfaction of the Western Australian Planning Commission.
11. The land being connected to the comprehensive district drainage system and provided with an adequate outlet drainage system as depicted in the Byford Urban Stormwater Management Strategy at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.
12. The land being graded and stabilised at the subdivider's cost to the satisfaction of the Western Australian Planning Commission.
13. The land being filled in accordance with the Byford Urban Stormwater Management Strategy to the satisfaction of the Western Australian Planning Commission.
14. Subsoil drains to be located in accordance with the Byford Urban Stormwater Water Strategy and service pits and drainage easements to be placed to allow access to the subsoil drains for maintenance, to the satisfaction of the Western Australian Planning Commission.
15. Drainage infrastructure as may be required by the Shire to be developed within reserves being shown on the Diagram of Survey (Deposited Plan) as such and granted free of cost and vested to that Authority under section 20A of the Town Planning and Development Act 1928 to the satisfaction of the Western Australian Planning Commission.
16. Any required nutrient stripping treatments being designed, constructed and landscaped in accordance with water sensitive design principles and the Byford Urban Stormwater Management Strategy to maximise detention time and minimise the discharge of nutrients to meet the requirements of the Peel Harvey Environmental Protection Policy to the satisfaction of the Western Australian Planning Commission and the Department of Environment.
17. The applicant engaging a suitably qualified engineer to certify that the land does not contain any unsuitable landfill associated with or prior to subdivisional works and that the land is physically capable of residential development including road and dwelling construction to the satisfaction of the Western Australian Planning Commission.
18. Street lighting being provided within all new subdivisional roads to the satisfaction of the Western Australian Planning Commission.
19. Conduit and draw wires being provided adjacent to the frontage of all lots to accommodate future data cabling and ownership granted to the Shire free of cost to the satisfaction of the Western Australian Planning Commission.
20. The transfer free of cost of transformer and high voltage switchgear sites to Western Power Corporation, with the locations of the site(s) being to the satisfaction of the Western Australian Planning Commission on the advice of the Shire and Western Power Corporation.
21. The proposed future public open space at the end of Ballagar Road shown on the plan submitted by the applicant, being shown on the Diagram or Plan of Survey as a "Reserve for Recreation" and vested in the Crown under section 20A of the Town Planning and Development Act 1928, such land to be ceded free of cost and without any payment of compensation by the Crown to the satisfaction of the Western Australian Planning Commission.
22. Combined public open space and drainage reserves may be provided where the area of such reserves is in excess of 10 per cent of the gross area of the subdivision and their location and provision is to be agreed

- between the subdivider and the Shire are to be vested in the Crown under Section 20A of the Town Planning and Development Act 1928 and ceded free of cost to the Crown and without any payment of compensation by the Crown to the satisfaction of the Western Australian Planning Commission.
23. The subdivider submitting detailed landscaping and development plans to the Shire for approval prior to any site works for the subdivision or public open space areas to the satisfaction of the Western Australian Planning Commission.
  24. The subdivider shall be responsible for the maintenance of developed public open space and roadside swales for a period of two years from the date of completion of public open space development to the satisfaction of the Western Australian Planning Commission.
  25. Technical drawings and detailed specifications of all proposed subdivisional infrastructure and servicing works being approved by the Shire prior to the commencement of site works (including the clearing of vegetation). The applicant is advised to liaise with the Shire regarding the required form of the construction drawings.
  26. The carrying on of the subdivision must not cause a dust nuisance to neighbours during construction. The subdivider is required to submit a Dust Management Plan in accordance with the Shire's Guidelines for the Preparation of Dust Management Plans. This Plan is to be approved by the Shire's Environmental Health Services prior to the commencement of earthworks and complied with for the duration of the construction works.
  27. The proposed lot sizes to comply with the minimum land areas specified for land coded R12.5 in Statement of Planning Policy No. 3.1 (Residential Design Codes of WA) to the satisfaction of the Western Australian Planning Commission.
  28. No activities associated with the subdivision site works causing noise and/or inconvenience to neighbours being carried out after 6.00pm or before 7.00am Monday to Saturday, and not at all on Sunday or public holidays to the satisfaction of the Western Australian Planning Commission.

**Advice Notes:**

1. The subdivider and Western Australian Planning Commission are advised that formal adoption of the Local Structure Plan in accordance with clause 5.18.3.15 of the Scheme cannot be undertaken until the following has occurred:
  - i. Council must firstly adopt the draft Local Structure Plan in accordance with clause 5.18.3.7 of the Scheme;
  - ii. Following this, the draft Local Structure Plan needs to be sent to the Western Australian Planning Commission in accordance with clause 5.18.3.9 of the Scheme;
  - iii. The Western Australian Planning Commission is to then either approve the draft Local Structure Plan with or without modifications, or refuse to approve it;
  - iv. In expectation that the Western Australian Planning Commission will approve the draft Local Structure Plan with or without modifications, once notice of approval has been received the Local Structure Plan will need to be formally adopted pursuant to clause 5.18.3.15 of the Scheme. This will represent formal approval of the Local Structure Plan.  
It should also be noted that within this process there may be the need for further community consultation, if the Western Australian Planning Commission require modifications to the

**Local Structure Plan which are considered substantial enough by Council for further advertising.**

2. The subdivider is advised that the subject land is within the Peel Harvey Environmental Protection Policy and development must therefore meet the requirements of this policy. The Byford Urban Stormwater Management Strategy details how to meet the Peel Harvey Environmental Protection Policy requirements in the context of the Byford Structure Plan area.
3. The Shire and the subdivider are advised that unless otherwise agreed to by the Western Australian Planning Commission, the first Diagram or Plan of Survey (Deposited Plan) lodged for the Western Australian Planning Commission's endorsement shall include the Public Open Space required by this approval, identified as a Reserve for Recreation, and shall include the creation of other lots within the subdivision to ensure that the Public Open Space land is properly vested under Section 20A on transfer of those lots.
4. The subdivider is advised to liaise with the Shire regarding the detailed requirements for drainage, particularly in relation to the incorporation of Water Sensitive Urban Design Principles ensuring that the drainage system is designed to maximise infiltration of stormwater runoff as close to the source as possible and piped networks are as small as practicable and incorporate pollutant and sediment trapping devices prior to outfall to infiltration areas incorporated into public open space or multiple use areas.
5. The Shire advises that it will not support the burning of cleared vegetation on-site.
6. The subdivider and Western Australian Planning Commission are advised that the Shire considers this subdivision application to be premature considering the process which still needs to occur to realise final adoption of the Local Structure Plan. The subdivider is therefore advised that the Shire will not generally entertain this approach in any subsequent proposals within the Byford Structure Plan area.

**B. The Chief Executive Officer be delegated authority from Council to make recommendations (including specifying recommended conditions) to the WA Planning Commission regarding all future subdivision applications within the Byford Structure Plan area where a local structure plan has been formally adopted under clause 5.18.3.15 of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.**

**CARRIED 7/0 ABSOLUTE MAJORITY**

SD063/04/05 CONSIDERATION OF ADOPTION OF SCHEME AMENDMENT NO. 108 FOR FINAL APPROVAL - REZONING OF PART LOT 2 KARGOTICH ROAD & LOTS 6 & 9 SCOTT ROAD, MUNDIJONG FROM 'RURAL' TO 'FARMLET' (P01502/01)		
Proponent:	Gray & Lewis Land Use Planners	In Brief  Amendment No. 108 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 is presented to Council for consideration of adoption for final approval. It is recommended that the amendment be adopted for final approval subject to modification to suitably address the findings of the land capability assessment undertaken of the subject land.
Owner:	Mundijong Nominees Pty Ltd C Atwell, TS & L Davis	
Officer:	Andrew Trosic - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	19 April 2005	
Previously	P057/12/04; P168/10/02	
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	
<b>Delegation</b>	<b>Council</b>	

Owner: Mundijong Nominees Pty Ltd - Pt Lot 2  
C Atwell - Lot 6  
TS and L Davis - Lot 9

Applicant: Gray & Lewis Land Use Planners

Date of Receipt: Request for Council to initiate Scheme Amendment received on 10 November 1999  
Scheme Amendment initiated by Council on 28 October 2002

Advertised: Yes

Submissions: 6

Lot Area: Pt lot 2 - 151.2935ha  
Lot 6 - 4.0004ha  
Lot 9 - 4.0005ha

L.A Zoning: Rural

MRS Zoning: Rural

Byford Structure Plan: N/A

Rural Strategy Policy Area: Farmlet

Rural Strategy Overlay: Future Structure Planning/Investigation Area

Municipal Inventory: N/A

Townscape/Heritage Precinct: N/A

Bush Forever: N/A

Date of Inspection: Various site inspections undertaken

### **Background**

Amendment No. 108 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 ("the Scheme") was initiated by Council on 28 October 2002. This proposal to rezone Pt Lot 2 Kargotich Road, and Lots 6 and 9 Scott Road, Mundijong from 'Rural' to 'Farmlet', provided for subdivision and development in accordance with a draft subdivision guide plan and special provisions to be introduced into Appendix 4C of the Scheme.

In accordance with Council's resolution, the amendment was referred to the Environmental Protection Authority (EPA) as required by section 7A1 of the *Town Planning and Development Act 1928*. While indicating that the amendment would not be subject to formal

environmental assessment, the following advice was given by the EPA regarding environmental factors:

- i. *Environmental impacts associated with subdivision at a minimum lot size of 4ha were considered manageable, however any further subdivision below this would not be supported;*
- ii. *The majority of the subject land was mapped as multiple use wetland, and as such had a high water table and was subject to seasonal inundation in susceptible areas;*
- iii. *The subject land was located within the Peel-Harvey catchment where drainage management and nutrient export were significant issues that required careful consideration;*
- iv. *Specific details would be required regarding the nutrient stripping capacity of proposed drainage swales and detention basins to ensure that water quality objectives could be met;*
- v. *There was the need for a comprehensive nutrient and drainage management plan as part of subdivision, with the draft SGP and special provisions needing to reflect the outcomes of this plan;*
- vi. *The high water table across the subject land was likely to have significant implications for future road and dwelling construction, as well as future use of the proposed lots. This would require careful planning and environmental improvement as part of subdivision.*

Following receipt of the Environmental Protection Authority's advice, the amendment proceeded to advertising for a period of 42 days in accordance with the *Town Planning Regulations 1967*. Six submissions were received all of which raised similar concerns to that expressed by the Environmental Protection Authority. Of specific note were the submissions received from the Department of Environment, Department of Health, Water Corporation and an adjoining landowner which supported the concerns raised by the Environmental Protection Authority.

In response to these concerns, further assessment of the amendment was undertaken to ascertain what management practices had been included to address the identified environmental constraints. This revealed the absence of a detailed land capability assessment for the subject land, which would have otherwise provided the conclusions as to the best management practices to be implemented as part of subdivision and development of the land. A land capability assessment would have looked at including revegetation, density, distribution and types of planting, nutrient and drainage management, water sensitive design, management of the high water table and the general approach for long term environmental improvement of the land.

In light of there being no land capability assessment for the subject land, the amendment was referred back to Council on 20 December 2004. Council resolved (P057/12/04) that the amendment be deferred until further detailed information to address identified environmental constraints had been provided. This identified to the proponent that, while rezoning to 'Farmlot' was generally contemplated by the Shire's Rural Strategy, the chosen form of subdivision and development needed to include suitable management practices to control and improve environmental constraints. This approach was required not only from the Shire's policy platform, but also related statements of Planning Policy No. 2 (*Environmental and Natural Resources*) and No. 2.1 (*Peel-Harvey Catchment*).

Following the above direction of Council, the proponent submitted the required land capability assessment on 3 March 2005. Assessment of this by Shire officers reveals that a suitable approach to controlling and improving environment constraints has now been provided and, importantly, sets quantifiable recommendations which can be included as part of the special provisions for the land under appendix 4C of the Scheme. The land capability assessment sets management objectives for both environmental and geotechnical factors, allowing for a two-way approach toward improving the environmental state of the subject land. The assessment also identifies no subdivision for the most constrained eastern and

southern portions of the subject land, until such time that adequate environmental improvement has been demonstrated. This is considered to act as an incentive for the proponent to undertake the highest quality environmental management as part of the first stage of subdivision, so that future subdivision can occur more readily.

Accordingly, it is recommended that, subject to modifications to adequately incorporate the land capability assessment dated 10 February 2005, Council adopts the amendment and draft subdivision guide plan for final approval and forwards them to the WA Planning Commission with a request for the endorsement of final approval by the Hon. Minister for Planning and Infrastructure. It should be noted that modifications will include changes to the draft subdivision guide plan which reduces the number of lots for the first stage of subdivision and the inclusion of further special provisions under Appendix 4C of the Scheme. These modifications are not considered substantial and represent an improved development outcome for the subject land.

***A copy of the draft Subdivision Guide Plan modified in relation to the land capability assessment is with the attachments marked [SD063.1-04-05.tif](#)***

### **Sustainability Statement**

***Effect on Environment:*** The amendment and draft subdivision guide plan, once modified to incorporate the outcomes of the land capability assessment dated 10 February 2005, are considered to have a positive effect on the environment. This is through proposing a form of subdivision and development which takes adequate account of the environmental constraints inherent in the subject land. Such constraints have been comprehensively considered in the land capability assessment, with the draft subdivision guide plan and special provisions to be modified accordingly to ensure such reflects the assessment undertaken.

With regard to the list of recommended modifications, these focus on reducing nutrient load and export levels and controlling the high water table across the subject land through a range of geotechnical and environmental management practices. In terms of environmental practices, one important component is the requirement for a revegetation and rehabilitation plan to be implemented prior to clearance of subdivision. This will address the planting of appropriate deep rooted tree and shrub species across the subject land, and at a density and distribution that can demonstrate a reduction in the depth and extent of the water table across the land. The plan will also address an appropriate riparian planting schedule for the multiple use corridor dissecting the land, which will help in the restoration of this area to a flora and fauna link. A number of other functions and principles for revegetation have also been formulated for inclusion into the amendment and draft subdivision guide plan.

The modified draft subdivision guide plan provided with the land capability assessment also demonstrates the increased retention of existing remnant vegetation across the subject land, and the establishment of new vegetation to link these areas with the main multiple use corridor dissecting the site. The multiple use corridor itself incorporates a minimum 50 metre wide foreshore, which is to be created and ceded at the time of subdivision. It also attempts to recreate historic natural water flows across the subject land.

Finally, as part of the nutrient and drainage management plan approach, all water runoff in the first instance will be directed through roadside swales which will be planted and managed for maximum nutrient stripping capabilities. Following movement through swales, water runoff will then be directed into a detention basins within the multiple use corridor for further stripping, finally entering into the created creek line system.

***Resource Implications:*** The subject land is not serviced by either reticulated water or sewer, therefore requiring adequate on-site provision and management of these services. With specific regard to effluent disposal, the land capability assessment notes there are problematic areas of the land which have a high water table that perches in certain areas.

These areas, largely on the eastern and southern side of the land, have been excluded from the first stage of subdivision under the modified draft subdivision guide plan, with such only being available to subdivision once environmental improvements and repair have been demonstrated. This is considered to act as an incentive for the proponent to undertake the highest quality environmental management as part of the first stage of subdivision, so that future subdivision can occur more readily.

The land capability assessment also concludes that, over the remainder of the land, effluent disposal can be adequately achieved through the following:

- i. *Use of alternative waste water systems only;*
- ii. *Locating building envelopes out of lower lying areas and at least 30 metres from the created foreshore reserve;*
- iii. *Use of amended soils;*
- iv. *The specification of Ecomax or Envirosafe units where the water approaches closer than 0.5 metres at a maximum;*
- v. *The location of waste water disposal areas on areas of the filled building envelopes.*

**Use of Local, renewable or recycled Resources:** While no direct implications, it is recommended that the proponent be encouraged to use local contractors and materials wherever possible in the eventual construction phase of the subdivision. Also, the drainage and stormwater runoff from the roads will be treated in a water sensitive design manner.

**Economic Viability:** The amendment and draft subdivision guide plan, once modified to incorporate the outcomes of the land capability assessment dated 10 February 2005, will be economically viable in a way that incorporates external costs. This is particularly measured in relation to mitigating impacts on the environment, biodiversity, nutrient levels and the groundwater resource, as well as re-establishing historic creek line flows within the multiple use corridor. It is also expected that, following environmental improvement and repair, the majority of proposed lots would be able to be developed in accordance with the objectives and expectations held for the 'Farmlot' zone under the Scheme.

**Economic Benefits:** Economic benefits would result not only from additional lots and hence additional development within the Shire, but also environmental improvement being undertaken widely across the land. This would not be practically possible if the land was kept in broad acre ownership, as the costs of implementing such environmental improvement would have limited avenues for being off-set.

**Social - Quality of Life:** Subject to implementation in accordance with the land capability assessment dated 10 February 2005, the proposed rezoning and subdivision will provide for the full range of land uses and development expectations within the 'Farmlot' zone. This is considered to represent proper and orderly planning, whereby environmental regeneration features as a headlining objective for the rezoning.

**Social and Environmental Responsibility:** In terms of the Shire's social and environmental responsibility, it is recommended that the amendment and draft subdivision guide plan be proceeded with following the mentioned modifications above.

**Statutory Environment:**

Town Planning and Development Act 1928  
Metropolitan Region Town Planning Scheme Act 1959  
Town Planning Regulations 1967  
Western Australian Planning Commission Act 1985  
Shire of Serpentine-Jarrahdale Town Planning Scheme  
No. 2

**Policy/Work Procedure  
Implications:**

Shire of Serpentine-Jarrahdale Rural Strategy  
Statement of Planning Policy No. 1 (*State Planning  
Framework*)



Statement of Planning Policy No. 2 (*Environmental and Natural Resources*)

Statement of Planning Policy No. 2.1 (*Peel-Harvey Catchment*)

Statement of Planning Policy No. 2.5 (*Agriculture and Rural Land Use Planning*)

Local Planning Policy No. 6 (*Water Sensitive Design*)

Local Planning Policy No. 9 (*Multiple Use Trails within the Shire of Serpentine-Jarrahdale*)

**Financial Implications:**

Future ongoing costs to the Shire to maintain new areas within the subdivision e.g. multiple use corridor, roads, multi use trails, drainage swales, management of revegetation etc.

**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.
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.
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.
3. Encourage protection and rehabilitation of natural resources.
6. Value, protect and develop biodiversity.

**3. Economic**

*Objective 1: A vibrant local community*

Strategy:

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

*Objective 3: Effective management of Shire growth*

Strategy:

1. Enhance economic futures for Shire communities.

**4. Governance**

*Objective 3: Compliance to necessary legislation*

Strategy:

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

### **Community Consultation:**

The amendment and draft subdivision guide plan were advertised for public comment for a period of 42 days in accordance with the requirements of the *Town Planning Regulations 1967*. The advertising period ran from 21 February to 10 April 2003, and six submissions were received. Five of these were from government referral authorities while one was from a nearby landowner.

***The submissions are detailed and addressed in the schedule of submissions provided with the attachments marked [SD063.2-04-05.doc](#)***

The Environmental Protection Authority's advice is also included in the schedule, as it provides pertinent advice regarding the rezoning proposal.

### **Comment:**

The subject land is proposed to be zoned 'Farmlet' under the Scheme. This has a number of stated zone objectives, whereby any proposal to rezone land to 'Farmlet' should be assessed against to determine compliance. In considering the amendment and draft subdivision guide plan at hand, the following zone objectives are pertinent:

*F1 To provide opportunities for:*

- *small scale keeping and rearing of stock;*
- *small scale commercial and alternative agricultural pursuits;*
- *a 'productive rural-living' lifestyle in close proximity to urban areas;*
- *small scale, home based light industry;*
- *rural retreats;*

*where land is no longer viable for broad-scale agricultural production, or is in proximity to village centres and unsuitable for residential development density, or where environmental management is a priority.*

*F3 To provide opportunities for development that maintain the productive capacity of land.*

*F4 To provide control over the activities undertaken in association with:*

- *small scale keeping and rearing of stock;*
- *small scale commercial and alternative agricultural pursuits;*
- *a 'productive rural-living' lifestyle in close proximity to urban areas;*
- *small scale, home based light industry;*
- *rural retreats.*

*F5 To provide for the enhancement of landscape and natural values, and to establish managed areas within developments which may perform such roles as:*

- *buffer between rural and urban areas;*
- *nutrient removal from urban runoff;*
- *vegetation establishment and management;*
- *wetland protection and management;*
- *integrating vegetation networks (i.e. fauna movement corridors);*
- *reduction of surface stormwater flows from urban areas.*

These objectives provide for the creation of 'Farmlet' zoned areas where an appropriate form of land use viability can be offered, so as to encourage appropriately scaled rural uses to take place. While noting the environmental constraints associated with the subject land, the land capability assessment dated 10 February 2005 is considered to set achievable targets for environmental improvement and repair. Furthermore, the modified draft subdivision guide plan provided with the assessment identifies no subdivision for the most constrained eastern portion of the subject land, until such time that adequate environmental improvement has been demonstrated. This is considered to act as an incentive for the proponent to undertake the highest quality environmental management as part of the first stage of subdivision, so that future subdivision can occur more readily.

In terms of assessment against statements of planning policy made under section 5AA of the *Town Planning and Development Act 1928*, the following are of particular relevance to the proposal:

- i. Statement of Planning Policy No. 1 (*State Planning Framework*)
- ii. Statement of Planning Policy No. 2 (*Environmental and Natural Resources*)
- iii. Statement of Planning Policy No. 2.1 (*Peel-Harvey Catchment*)
- iv. Statement of Planning Policy No. 2.5 (*Agriculture and Rural Land Use Planning*)

These are assessed as follows:-

**Statement of Planning Policy No. 1 (State Planning Framework):** Statement of Planning Policy No. 1 (“SPP1”) essentially unites existing state wide and regional policies, strategies and guidelines within a framework which provides a context for decision making. It informs the WA Planning Commission, local government, and others involved in the planning process on those aspects of state level planning policy which are to be taken into account, and given effect to, in order to ensure integrated decision making occurs across all spheres of planning.

Apart from the other relevant statements of planning policy approved under section 5AA of the *Town Planning and Development Act 1928*, SPP1 also recognises that adopted planning strategies (like the Shire’s Rural Strategy) act as important considerations in all rezoning and development proposals. With regard to the rezoning proposal, this is considered to reflect the Shire’s Rural Strategy, as the Strategy identifies the subject land within the Farmlet Policy Area. This provides generally for a minimum lot size of 4 hectares, consistent with that demonstrated by the draft subdivision guide plan appurtenant to the amendment. The Rural Strategy also shows the land being subject to future structure planning and investigation, to determine the most appropriate land use and development form possible. Subject to the modifications encompassed in the land capability assessment dated 10 February 2005, the amendment is considered to reflect the Shire’s Rural Strategy and SPP1.

**Statement of Planning Policy No. 2 (Environmental and Natural Resources):** Statement of Planning Policy No. 2 is essentially a broad sector policy that defines the principles and considerations which represent good and responsible planning in terms of environment and natural resource issues. While it is not the intention to specifically list these objectives given their broad and logical nature, it is considered that the amendment complies with the general policy measures for ensuring protection of water resources, soils, land quality, biodiversity and landscape.

**Statement of Planning Policy No. 2.1 (Peel-Harvey Catchment):** Statement of Planning Policy No. 2.1 (“SPP2.1”) has been specifically developed to address the implications of land use planning, subdivision and development on nutrient load discharge into the Peel-Harvey estuarine system. The policy provides a number of objectives which must be considered in the assessment of planning proposals which fall within the catchment area. These objectives are aimed not only at preventing inappropriate development which is likely to lead to high levels of nutrient load discharge into the Peel-Harvey estuary, but also ensuring land capability assessment forms an important consideration for all proposed changes to land zonings.

In terms of assessment of the amendment and draft subdivision guide plan against SPP2.1, the following objectives are pertinent:

- i. *Ensuring that proposed changes to land zonings take account of land capability/suitability criteria;*
- ii. *Land used (or proposed to be used) for intensive agriculture which is likely to drain towards the Peel-Harvey Estuarine System being managed to reduce or eliminate nutrient export from the land;*
- iii. *The retention and rehabilitation of existing remnant vegetation;*
- iv. *A catchment target of 50 per cent of land area being established to deep rooted perennial plants;*

- v. *Remnant vegetation being retained along water courses, and margins being replanted to higher water-using vegetation, to maintain the stability of banks and exert some control on sediment and nutrient movement;*
- vi. *subdivision making provision for a drainage system which maximises the consumption and retention of drainage on site.*

The land capability assessment which has now been prepared for the amendment is considered to address these objectives set by SPP2.1. The assessment deals with analysis of the existing environment and hydrology of the site, and from this specifies geotechnical and environmental management practices to control and improve the nutrient discharge situation from the subject land. The assessment also incorporates detailed drainage and revegetation objectives to be implemented at the time of subdivision, with these aimed at lowering the water table, retaining water runoff within the internal drainage system and having high nutrient stripping capabilities in both road side swales and the multiple use corridor. Extensive revegetation of the land will also occur.

**Statement of Planning Policy No. 2.5 (Agriculture and Rural Land Use Planning):**

Statement of Planning Policy No. 2.5 (“SPP2.5”) is mostly concentrated on requiring town planning schemes to include the zones and relevant provisions outlined within the policy. As the Scheme was introduced a considerable time before SPP2.5, it does not include these zones or standard provisions. Notwithstanding this, SPP2.5 provides a number of generic objectives of which the following are considered to be relevant for assessment:

- i. *Protect agricultural land resources wherever possible by:*
  - *Discouraging land uses unrelated to agriculture from locating on agricultural land;*
  - *Minimising the ad hoc fragmentation of rural land; and*
  - *Improving resource and investment security for agricultural and allied industry production.*
- iii. *Minimise the potential for land use conflict by:*
  - *providing adequate separation distance between potential conflicting land uses;*
  - *introducing management requirements that protect existing agricultural land uses;*
  - *identify areas that are suitable and capable for intensive agricultural pursuits as agricultural priority areas; and*
  - *avoid locating new rural settlements in areas that are likely to create conflict with established or proposed agricultural priority areas.*

In respect to objective i), the amendment is considered to be compliant given that the Shire’s guiding policy instrument for the rezoning of rural land identifies the subject property within the Farmlet Policy Area. This provides generally for subdivision at minimum lot sizes of 4 hectares and contemplates a form of development which will incorporate environmental repair and long term viability of land use. The amendment and draft subdivision guide plan, incorporating the stated outcomes of the land capability assessment, is considered to meet this objective.

In respect to objective ii), the Shire’s Rural Strategy recognises the Farmlet Policy Area as providing a buffer between rural and urban areas. This is very relevant to the subject land, as rezoning to ‘Farmlet’ will allow it to operate as an appropriate buffer between the eastern adjoining Mundijong urban cell and ‘Rural’ zoned area west of Kargotich Road.

With regard to final assessment against local planning policies (“LPP”) No. 6 (*Water Sensitive Design*) and No. 9 (*Multiple Use Trails within the Shire of Serpentine-Jarrahdale*), the amendment and draft subdivision guide plan are considered to be compliant. The amendment incorporates objectives for water sensitive urban design as part of final subdivision, with these focused at the provision of roadside swales and a multiple use corridor with offline detention areas. The draft subdivision guide plan identifies the provision

of multiple use trails as per LPP9, with these to be provided by the subdivider at the time of subdivision.

### **Conclusion**

The land capability assessment undertaken for the subject land is now considered to adequately justify support for the amendment. As discussed through this report, the land capability assessment sets management objectives for both environmental and geotechnical factors, allowing for a two way approach toward improving the environmental state of the subject land to be pursued. Assessment against the Scheme, Rural Strategy relevant statements of planning policy and local planning policies also shows the amendment to be compliant. It is therefore recommended that, subject to modification to adequately incorporate the land capability assessment dated 10 February 2005, Council adopts the amendment and draft subdivision guide plan for final approval and forwards them to the WA Planning Commission with a request for the endorsement of final approval by the Hon. Minister for Planning and Infrastructure.

**Voting Requirements:** Normal

### **SD063/04/05 COUNCIL DECISION/Committee/Officer Recommended Resolution**

**Moved Cr Hoyer seconded Cr Star**

- 1. Council endorses the schedule of submissions prepared in respect of Amendment No. 108 to Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.**
- 2. Council adopts for final approval Amendment No. 108 to Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 for the purposes of rezoning Pt Lot 2 Kargotich Road, and Lots 6 and 9 Scott Road, Mundijong from 'Rural' to 'Farmlet', subject to the following modifications being undertaken first:**
  - i. The current draft subdivision guide plan being replaced with the modified draft subdivision guide plan dated 2 February 2005, and this plan being modified as follows:**
    - a) The 0.3 metre figure under the legend being changed to 0.5 metres to accurately relate to the plan;**
    - b) A section titled planning policy statements being included on the plan and the following policy statements being provided beneath it:**
      - 1. Subdivision, development and ongoing use of the land is to comply with Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 ("the Scheme"), and specifically the special provisions relevant to the land under appendix 4C of the Scheme. These special provisions detail, among other things:**
        - i. Permitted and discretionary uses;**
        - ii. Restriction on effluent disposal;**
        - iii. Protection of vegetation;**
        - iv. The requirement for a revegetation and rehabilitation plan to be prepared and implemented prior to clearance of subdivision, and this being based on achieving environmental improvements for the land;**
        - v. Maintenance responsibilities for planted trees and vegetation;**
        - vi. The requirement for a fire management plan to be prepared and implemented prior to clearance of subdivision;**

- vii. The requirement for a nutrient and drainage management plan to be prepared and implemented prior to clearance of subdivision;
  - viii. Fertiliser, stock and water pollution controls;
  - ix. The provision of multi use trails;
  - x. The creation of the multiple use corridor at the time of subdivision, being a minimum width of 50 metres and ceded as foreshore reserve.
2. In accordance with the special provisions contained under Appendix 4C of the Scheme, the area designated on the endorsed subdivision guide plan as subject to further investigation is not to be subdivided until such time that it can be demonstrated by the landowner that suitable environmental repair and improvement has been undertaken across the land to the satisfaction of the Council. This is to be demonstrated through evidence of revegetation and rehabilitation which has taken place, the reduction in nutrient loads and export levels from the land and the extent to which the average annual maximum groundwater level has been reduced. The Council will only support further subdivision where environmental repair and improvement can be clearly demonstrated, and the endorsed subdivision guide plan has been modified accordingly.
3. The proposed lot sizes are to comply with a minimum land area of 4 hectares, as specified under the Shire's Rural Strategy for the Farmlot Policy Area.
- c) Deleting the nutrient management and revegetation notes from the plan;
  - d) Including the multi use trail designation under the legend on the plan;
  - e) Including the concept revegetation details under the legend on the plan, with a note indicating that these are indicative only and subject to preparation of the revegetation and rehabilitation plan in accordance with the special provisions contained under Appendix 4C of the Scheme;
  - f) The area subject to further investigation being included under the legend on the plan;
  - g) Deleting the remaining 'concept revegetation plan' and 'note' boxes from the plan;
  - h) Reference to Lots 6 and 9 Scott Road being provided in the title block of the plan.
- ii. The land capability assessment dated 10 February 2005 being incorporated into the amendment documentation to the satisfaction of the Shire;
- iii. The current draft special provisions designated for inclusion under Appendix 4C of the Scheme being replaced with the following modified special provisions:
- 1. Within the 'Farmlot' zone the following uses are permitted, or are permitted at the discretion of the Council:
    - Permitted Uses ('P'):
      - i. Single House
      - ii. Public Recreation
      - iii. Public Utility
    - Discretionary Uses ('AA'):
      - i. Ancillary Accommodation
      - ii. Home Occupation
      - iii. Rural Use

**iv. Stables**

**All other uses are prohibited.**

**In exercising its discretion in respect of 'AA' uses, the Council having regard to the Planning Guidelines For Nutrient Management contained in the Shire of Serpentine-Jarrahdale Rural Strategy, shall only permit such uses where it is satisfied following consultation with relevant government agencies that the use does not involve excessive nutrient application or clearing of land, or risk of damage to any on site vegetation.**

- 2. No single house shall be approved by the Council unless it is connected to an alternative domestic waste water treatment system as approved by the Department of Health with an adequate phosphorus retention capacity, as determined by the Department of Environment and with the base of the system or the modified irrigation area being the required distance above the highest known water table.**
- 3. All buildings and effluent disposal systems to be located within the building envelopes defined on the subdivision guide plan unless otherwise approved in writing by the Shire.**
- 4. No indigenous vegetation or trees shall be destroyed or cleared except, but subject to the subdivider or landowner obtaining the prior written consent of the Council, where such vegetation is identified as structurally unsound by an arboriculturist or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage systems, driveways and/or to accommodate the permitted or discretionary uses identified under special provision 1.**
- 5. Notwithstanding special provision 4, no vegetation or trees shall be destroyed or cleared within the areas designated for revegetation on the endorsed subdivision guide plan or within the areas identified in the Revegetation and Rehabilitation Plan as required by special provision 6.**
- 6. The subdivider shall, in accordance with the land capability assessment dated 10 February 2005, prepare and implement prior to clearance of subdivision a Revegetation and Rehabilitation Plan for the land to the satisfaction of the Council. The plan is to specifically demonstrate the following:
  - i. Suitable planting of indigenous trees, shrubs and ground cover species over an area equivalent to at least 30 per cent of the total land parcel, and at a density which demonstrates to the satisfaction of the Council the long term lowering of the average annual maximum groundwater level across the land;**
  - ii. For the areas designated as multiple use corridor, drainage detention basin and drainage swale on the endorsed subdivision guide plan, the planting of appropriate riparian vegetation at a density to perform suitable nutrient stripping functions of generated water runoff in accordance with special provision 8 to the satisfaction of the Council.**The plan is to include details of a plant schedule, nominating each species, the spacings of each species, the numbers of plants required and the size of each plant to be used at the time of planting, together with the anticipated height of each plant at maturity.**
- 7. The subdivider shall either maintain the trees and shrubs planted until the land is sold, or shall plant sufficient numbers of trees and shrubs to allow for natural loss while still maintaining the**

- objectives of the land capability assessment and Revegetation and Rehabilitation Plan. Thereafter, the landowners of the subdivided lots shall be responsible for the maintenance and replacement (if and where necessary) of those trees and shrubs planted by the subdivider to the satisfaction of the Council.
8. The subdivider shall prepare and implement a Fire Management Plan prior to clearance of subdivision that identifies and implements the construction requirements relative to strategic firebreaks, fire hydrants, water supplies and equipment and any other fire management requirements that may be deemed necessary, to the specification and satisfaction of the Council and the Fire Emergency Services Authority.
  9. Notwithstanding the obligations of the subdivider under clause 5.13(7)(e) of the Scheme, the subdivider shall prepare and implement a Nutrient and Drainage Management Plan for the land prior to clearance of subdivision to the satisfaction of the Council and Department of Environment. The plan is to be based on the land capability assessment dated 10 February 2005, and is to specifically identify nutrient stripping capabilities of the drainage system to meet the requirements of the Peel-Harvey Environmental Protection Policy and Statement of Planning Policy No. 2.1 (Peel-Harvey Catchment). The plan is to include details for the long term monitoring and maintenance of stormwater treatments located within the multiple use corridor and the subdivision generally, and is to be prepared in accordance with best management practices for water sensitive urban design to the satisfaction of the Council.
  10. At the time of submitting a building application for each lot, a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shows site contours, any revegetation areas, the 30 metre foreshore reserve buffer adjacent to the 50 metre wide drainage corridor, drainage details, all existing trees and stands of vegetation, those trees and vegetation proposed to be removed and retained, and proposals for additional tree planting and maintenance.
  11. The keeping of horses, sheep, goats, cattle or other grazing animals, where permitted shall be subject to the prior, written approval of Council. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture WA for the applicable pasture types, and will be in accordance with Statement of Planning Policy No. 2.1 (Peel-Harvey Catchment). Vegetation planted by the subdivider, and all remnant vegetation must be fenced prior to the introduction of stock onto the property.
  12. All multi use trails as required by the Council in accordance with Local Planning Policy No. 9 (Multiple Use Trails within the Shire of Serpentine-Jarrahdale) shall be constructed at the subdivider's cost prior to clearance of the subdivision.
  13. The multiple use corridor as depicted on the endorsed subdivision guide plan shall be ceded to the Council at the time of subdivision as foreshore reserve of minimum width 50 metres.
  14. Notwithstanding the controls specified by provision 1, development and use of the land is subject to the provisions of the Water Corporation and Department of Environment by-laws applying to underground water supply and pollution control.
  15. The area designated on the endorsed subdivision guide plan as subject to further investigation is not to be subdivided until such time that it can be demonstrated by the landowner that suitable



environmental repair and improvement has been undertaken across the land to the satisfaction of the Council. This is to be demonstrated through evidence of revegetation and rehabilitation which has taken place, the reduction in nutrient loads and export levels from the land and the extent to which the average annual maximum groundwater level has been reduced. The Council will only support further subdivision where environmental repair and improvement can be clearly demonstrated, and the endorsed subdivision guide plan has been modified accordingly.

16. Subdivision of the land shall not take place until such time that all existing timber mill operations have ceased permanently to the satisfaction of the Council.

3. That the amendment documentation, once modified in accordance with 2. above, be signed and sealed and then submitted to the WA Planning Commission along with the endorsed schedule of submissions and steps taken to advertise the amendment with a request for the endorsement of final approval by the Hon. Minister for Planning and Infrastructure.

**CARRIED 7/0**

Committee Note: A minor amendment was made to part 2 iii provision 14 to include the Department of Environment as they are a relevant Government Agency with respect to underground water supply and pollution control. The Presiding Officer did not feel that this substantially changed the Officer's recommendation.

SD067/04/05 PROPOSED ANCILLARY ACCOMMODATION – LOT 230 (NO. 20) SILICH COURT, MUNDIJONG (P05692/03)		
Proponent:	Tammara Mayers	In Brief  The applicant is seeking planning approval for a transportable dwelling to be used as Ancillary Accommodation. It is recommended that the modified application not be supported and the ancillary accommodation be approved subject to the dwelling being located at the rear of the property.
Owner:	As Above	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	4 April 2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Owner: Tammara Mayers  
 Owner's Address: 20 Silich Court, Mundijong WA 6123  
 Applicant: As Above  
 Applicant's Address: As Above  
 Date of Receipt: 31 March 2005  
 Advertised: N/A  
 Submissions: N/A  
 Lot Area: 913m<sup>2</sup>  
 L.A Zoning: Urban Development  
 MRS Zoning: Urban  
 Byford Structure Plan: N/A  
 Rural Strategy Policy Area: N/A  
 Rural Strategy Overlay: N/A  
 Municipal Inventory: N/A  
 Townscape/Heritage Precinct: N/A

Bush Forever: N/A  
Date of Inspection: N/A

### **Background**

After referral to Council's Concept Forum meeting of 8 March 2005, the Director Sustainable Development refused, under delegation, an application for ancillary accommodation for the following reasons:

1. *It would not be appropriate in the interests of orderly and proper planning and preservation of the amenity of this residential area to grant approval for ancillary accommodation of the design, materials and finishes proposed.*
2. *The proposed building will have an adverse impact on the visual amenity of the street and adjacent properties by virtue of its design, materials and finish.*
3. *The second driveway and crossover required would have an adverse impact on the streetscape.*
4. *Approval of the proposal would constitute approval of a pseudo second dwelling or grouped dwelling.*

**A copy of the original site and elevation plans are with attachments marked [SD067.1-04-05.tif](#)**

### **Sustainability Statement**

***Effect on Environment and Resource Implications:*** The proposal will not require the removal of any existing vegetation on site.

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

***Economic Viability and Benefits:*** The dwelling will be economically viable in that it will enable the applicant to provide suitable accommodation for her mother whilst enabling her to live independently.

***Social – Quality of Life:*** The independent living accommodation will improve the quality of life for both the intended occupant and her family.

***Social and Environmental Responsibility:*** Not Applicable.

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

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

**Policy/Work Procedure Implications:** BP1 – Ancillary Accommodation & Rural Workers Dwellings

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

**Strategic Implications:** This proposal relates to the following Key Sustainability Result Areas:-  
**1. People and Community**  
*Objective 1: Good quality of life for all residents*  
**Strategies:**  
2. Develop good services for health and well being.  
3. Retain seniors and youth within the community.

4. Respect diversity within the community.

#### **4. Governance**

*Objective 3: Compliance to necessary legislation*

##### Strategies:

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

#### **Community Consultation:**

Community consultation was not required to be undertaken.

#### **Comment:**

The subject site is within the Mundijong townsite and is zoned Urban Development under Council's Town Planning Scheme No.2. A future subdivision overlay was placed by legal agreement over all of the lots within Silich Court to facilitate future subdivision when sewer becomes available. The future subdivision boundary for Lot 230 is indicated on the site plans.

The site contains a brick and zincalume home, which is under construction. The walls of the dwelling are rendered brickwork in a taupe colour. The proposed ancillary accommodation unit is a kit/transportable home, which will be constructed of cream coloured vinyl cladding and a zincalume roof. The ancillary accommodation is to be located alongside the existing dwelling and will face the street.

#### **Revised Plans submitted by the Applicant**

Since the previous application was refused, revised plans have been submitted by the applicant for further consideration by Council. Changes to the proposed development as shown on the revised plans as submitted by the applicant are as follows:

- The proposed patio linking the dwelling and the ancillary accommodation has been removed.
- Access to the ancillary accommodation will be via the existing crossover and driveway on the property. A separate crossover and driveway will not be constructed.
- A fake cladding wall is proposed to be constructed along the front of the dwelling in order to extend the width of the dwelling as seen from the street without increasing the living area of the structure.
- The front veranda has been improved in design and appearance.
- Balustrade has been included along the front of the dwelling to improve the appearance of the development from the street.

***A copy of the site and elevation plans revised by the applicant are with the attachments marked [SD067.2-04-05.tif](#)***

The changes as incorporated by the applicant on the revised plans marginally improve the appearance of the ancillary accommodation. The incorporation of the fake wall into the development to increase the width of the dwelling is not supported as it will result in a development that will be more imposing on site. The original dimensions of the transportable should be retained as it will be a much more visually appealing development at the original size with the proposed veranda and balustrade.

The removal of the patio behind the carports has resulted in the dwelling and transportable being separate from each other without being connected by a common structure. The carports of the transportable and the dwelling should be joined together as this will further improve the appearance from the street.

The revised design for the proposed dwelling is not considered to adequately address the Council's reasons for refusal. The issues that still remain outstanding are:

- The proposed dwelling does not present well to the street and visually impacts upon the amenity of the street and adjacent properties. The modifications only make a marginal improvement to the appearance of the dwelling from that originally submitted.
- The proposed dwelling has the same setback from the front boundary as the main dwelling. This gives the appearance from the street that a second dwelling or grouped dwelling exists on the land.

#### Revised plans with Shire modifications

The preferred location of the ancillary accommodation dwelling is at the rear of the existing house. This will allow the dwelling to be substantially hidden behind the main house and is setback approximately 20 metres back from the street. There would be no adverse impacts on the streetscape if the dwelling is located on this part of the property.

The existing wastewater system is located at the rear of the main house and includes a tank and two cells. The wastewater system is inadequate in size to accommodate both the existing house and proposed ancillary accommodation dwelling and would need to be upgraded. The upgraded wastewater system can be relocated to the side of the house where there is sufficient vacant land. It is noted that the relocation of the effluent disposal system would result in additional costs to the landowner but this will be offset by not having to make changes to the dwelling.

The revised shire modified plans relocating the ancillary accommodation to the rear of the house be supported subject to:

1. A carport and driveway access being provided for the dwelling as shown on the attached drawings.
2. The wastewater system being relocated from the rear of the lot to the side of the main dwelling.

***A copy of the revised site plan with Shire modifications is with attachments marked [SD067.3-04-05.tif](#)***

The Shire revised plans ensure the visual amenity of the shed is protected and a pseudo second dwelling is not constructed on the lot. The revised plans also allow for the future subdivision to take place without major modifications to the site and a vacant lot of 440m<sup>2</sup> can be created. This would meet the minimum lot size of R20 zoning anticipated for this area once it is sewered and a structure plan is in place.

The original application for ancillary accommodation on Lot 230 Silich Court, Mundijong was refused for reasons relating to design, appearance and possible impacts on the locality. Since that time, revised plans have been submitted by the applicant addressing a number of the concerns previously held by Council. The provision of the veranda and balustrade along the front of the transportable improves the appearance of the transportable and the removal of the patio between the dwelling and transportable reduces the combined roof area of the developments. Additional modifications to the revised plans as previously suggested further improve the proposal, specifically by ensuring that both carports are joined together to give the appearance of a double carport.

The modifications proposed, both by the applicant and the Shire, will help to ensure that the ancillary accommodation is constructed to a standard that is compatible with the locality and Council's planning policies.

**Voting Requirements:** Normal

**Officer Recommended Resolution:**

Council approves an application for Ancillary Accommodation on Lot 230 (#20) Silich Court, Mundijong subject to the following conditions:

1. The ancillary accommodation being relocated from the front of the property to the rear of the property in accordance with the attached site plan marked SD067.3/04/05. Revised site plans are to be submitted incorporating a driveway and carport adjacent to the ancillary accommodation dwelling to the satisfaction of the Director Sustainable Development.
2. The existing effluent disposal system being relocated from the existing location and upgraded to accommodate the two dwellings, to the satisfaction of the Principal Environmental Health Officer.
3. Any occupier of the ancillary accommodation shall be a member of the family of the occupier of the main dwelling.
4. A notification under Section 70A of the Transfer of Land Act is to be prepared in a form acceptable to the Department of Land Administration and lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot, prior to the issue of a Building Licence. This notification is to be sufficient to alert prospective landowners of the use restrictions of the ancillary accommodation as stipulated under Condition 1 of this approval. All costs associated with the fulfilment of this condition shall be met by the landowner.
5. The proposed carport and verandas are to be constructed within 60 days of the ancillary accommodation being placed on site.
6. A building licence is required to be obtained prior to the commencement of any development (including earthworks).
7. The carports of the dwelling and ancillary accommodation dwelling are to be joined in accordance with the approved development plans.
8. The driveway is to be widened to the satisfaction of the Shire to allow for access to the ancillary accommodation.
9. The specific approval of the Department of Health is required for effluent disposal prior to the commencement of development. Applications for effluent disposal apparatus are required to be submitted to the Council's Health Services and will then be forwarded on to the Health Department.
10. The ancillary accommodation is to be constructed of new materials.
11. Only materials identified in the schedule of colours, materials and finishes submitted on 22 February 2005, are to be used in the construction of the ancillary accommodation unless the prior written approval of the Shire is obtained.
12. The ancillary accommodation is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant legislation.
13. All driveway surfaces are to be constructed of a suitable material such as paving, road base, or coarse gravel to limit the generation of dust and sediments entering nearby creeks and drainage lines.
14. No direct discharge of stormwater into watercourses or drainage lines.
15. All stormwater runoff from roofs and hardstand areas to be disposed of on site.

LOST 3/4

**FORSHADOWED MOTION**

Cr Star forshadowed a motion to defer to the item to the April 2005 Ordinary Council Meeting to allow Officers the opportunity to present an alternate motion which permitted the Ancillary Accommodation to be located adjacent to the main residence if the motion under debate was defeated.

### **SD067/04/05 Committee Recommended Resolution**

The item be deferred to the April 2005 Ordinary Council Meeting to allow Officers the opportunity to present an alternate motion which permitted the Ancillary Accommodation to be located adjacent to the main residence.

Committee Note: A correction was made to the background of the report to reflect that the original application was refused under delegation as Council's Concept Forum is not a decision making forum.

### **SUPPLEMENTARY INFORMATION**

An alternative option for the location of the ancillary accommodation dwelling is on vacant land beside the house. This is the location originally proposed by the landowner.

***A copy of the revised site plan and elevations submitted by the applicant are with attachments (as attached to the committee agenda) marked [SD067.2-04-05.tif](#)***

The provision of the verandah and ballastrading along the front of the transportable improves the appearance of the transportable and the removal of the patio between the dwelling and transportable reduces the combined roof area of the developments. The carports of the ancillary accommodation dwelling and the main dwelling should be joined together as this will further improve the appearance from the street and will allow the use of only one shared driveway/crossover rather than two.

The changes as incorporated by the applicant on the revised plans marginally improve the appearance of the ancillary accommodation. The incorporation of the fake wall into the development to increase the width of the dwelling is not supported as it will result in a development that will be more imposing on site. The original dimensions of the dwelling should be retained as it will be more visually appealing at the original size with the proposed verandah and ballastrading.

The preferred form of development for this property is that the proposed dwelling be located at the rear of the main dwelling and the wastewater treatment system, when upgraded being relocated to the side of the main house to service both dwellings as per the original Officer Recommended Resolution.

However, if the ancillary accommodation dwelling is supported adjacent to the main dwelling, the following alternate motion is provided.

### **SD067/04/05 COUNCIL DECISION/Alternate Motion**

#### **Moved Cr Price seconded Cr Star**

- 1. The ancillary accommodation being redesigned in accordance with the attached site and elevation plans marked SD067.2/04/05. Revised site and elevation plans are to be submitted incorporating these changes to the satisfaction of the Director Sustainable Development.**
- 2. Any occupier of the ancillary accommodation shall be a member of the family of the occupier of the main dwelling.**
- 3. A notification under Section 70A of the Transfer of Land Act is to be prepared in a form acceptable to the Department of Land Information and lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot, prior to the issue of a Building Licence. This notification is to be sufficient to alert prospective landowners of the use restrictions of the ancillary accommodation as**

- stipulated under Condition 2 of this approval. All costs associated with the fulfillment of this condition shall be met by the landowner.
4. The proposed carport and verandahs are to be constructed within 60 days of the ancillary accommodation being placed on site.
  5. A building licence is required to be obtained prior to the commencement of any development (including earthworks).
  6. The carports of the main dwelling and ancillary accommodation dwelling are to be joined in accordance with the approved development plans.
  7. The specific approval of the Department of Health is required for effluent disposal prior to the commencement of development. Applications for effluent disposal apparatus are required to be submitted to the Council's Health Services and will then be forwarded on to the Department of Health.
  8. The ancillary accommodation is to be constructed of new materials.
  9. Only materials identified in the schedule of colours, materials and finishes submitted on 22 February 2005, are to be used in the construction of the ancillary accommodation unless the prior written approval of the Shire is obtained.
  10. The ancillary accommodation is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant legislation.
  11. The driveway is to be widened to the satisfaction of the Shire to allow for access to the ancillary accommodation dwelling.
  12. All driveway surfaces are to be constructed of a suitable material such as paving, road base, or coarse gravel to limit the generation of dust and sediments entering nearby creeks and drainage lines.
  13. No direct discharge of stormwater into watercourses or drainage lines.
  14. All stormwater runoff from roofs and hardstand areas to be disposed of on site.
  15. The ancillary accommodation dwelling and attached carport is to be removed from the property prior to the land being subdivided.

**CARRIED 7/0**

Council Note: Council has approved this ancillary accommodation in response to the exceptional circumstances relating to this proposal and to the Lot in question.

SD053/04/05 BYFORD BY THE SCARP – LANDSCAPE IRRIGATION PLAN (S123469)		
Proponent:	LWP Property Group	<p>In Brief</p> <p>The landscape masterplan for the Byford by the Scarp (RANAD) site was conditionally approved in December 2004. One of the key conditions related to sourcing water for irrigation.</p> <p>This report outlines a proposed solution for irrigation to the Byford by the Scarp development and approval is recommended subject to conditions.</p>
Owner:	Bradwell Pty Ltd	
Officer:	Carlie Eldridge - Manager Sustainable Communities	
Signatures Author:		
Senior Officer:		
Date of Report	4 April 2005	
Previously	Not applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

### **Background**

Council at its meeting of 20 December 2004 resolved that the Landscape Masterplan for the Byford by the Scarp development be conditionally approved. The key area that required further resolution to ensure a sustainable outcome was in regard to the irrigation, encompassing both design of the storage reservoir and the source of water. The related conditions are tabled below with the outcome of each in the comments section of this report.



Since receiving this approval, the developers have been trying to locate an adequate groundwater source. The approval was for irrigating 50% of their nine hectares of public open space in accordance with their approval. The following information has been provided by the developer since the approval:

*Amount of Water Required:*

*The amount of water required to irrigate up to 50% of the public open space allocation within Byford by the Scarp and Byford by the Brook has been based on a pumping rate of 28 litres per second. The area is approximately estimated at 9 hectares and shall be irrigated within a weekly pumping time of 40 hours.*

*Evaporation and Shortfall of Water:*

*Current site investigations reveal a superficial aquifer bore will deliver up to 2.5 litres per second or an artesian bore may deliver up to 10 litres per second. Whilst allowing for summer peak evaporation rate of 50 kilolitres per day and limiting the irrigation draw down to 200mm (as per Council's resolution), an area of approximately 5,000m<sup>2</sup> is required for this reservoir.*

*Groundwater Source:*

*Exploratory drilling has been undertaken at five locations within the Byford by the Scarp development area (Lots 521 and 523) east of the Highway and all were unsuccessful. Three sites were tested west of the railway line in the Byford by the Brook development area and one was successful.*

**Plans showing the test bore locations are with the attachments marked [SD053.1-04-05.pdf](#)**

**Proposed Water Source and Irrigation Solution:**

Based on the groundwater being available from the western side of the railway, the developers have proposed to use this as the water source to fill the reservoir to allow for irrigation for both Byford by the Brook and Byford by the Scarp. To achieve this they will need to bore under the Highway and then plan to use an existing culvert under the railway line.

**Plans showing the water sourcing strategy are with the attachments marked [SD053.2-04-05.pdf](#)**

**Sustainability Statement**

**Effect on Environment:** *Water Quality: stormwater management, waterways management*  
Water sensitive design and stormwater management are addressed in the masterplan. Water sensitive design refers to both the management of water quality and quantity within the total water cycle. The design includes areas of nutrient stripping within the public open space.

**Resource Implications:** *Water Use:* The objectives throughout the masterplan state that water use is to be minimised. In regard to the landscape design and the standard proposed, it is designed to maximise the reduction in water use with limited areas of grass and some irrigated planting areas. The areas of grass have been included to meet the social needs of the community for active open space. Fifty percent of the public open space is proposed to be irrigated. This calculation is for all turf and for the plants that are planted as advanced plant stock. Tube stock planting will not require irrigation. The plants, if planted at the correct time of year, usually need little or no irrigation to get established or be maintained if they are correctly selected.

Irrigation lakes filled with groundwater are not the most efficient means of providing irrigation for public open space. Alternative options of grey water reuse and stormwater capture systems would provide an optimal outcome with underground storage to reduce effects on groundwater sources and also reduce water loss through evaporation. For this development



grey water reuse was not considered viable by the developer due to the staged nature of the subdivision and also the planning already completed by the time the water issue was discovered. As groundwater is not available on the site and is available at a slow pumping rate on land owned by the developer on the opposite development site, the proposed irrigation lake provides a means to store the water to ensure the public open space can be watered. The developers have committed to only irrigating half of the public open space and also designing water efficient open spaces with limited lawn areas.

*Reservoir Function:* The reservoir accommodates a range of functions, stormwater detention and flood mitigation, irrigation water storage and also wetland habitat along the edges.

*Reservoir Design and Amenity:* The reservoir is proposed to be a permanent water body which is lined to maintain the irrigation water. Aeration will be provided to ensure stagnation does not occur. The reservoir will be designed to have natural edges that are planted banks with sedges on a 1:8 slope. There is a boardwalk to a section of the reservoir to allow residents to look over the area. It has been designed to be site responsive forming part of the overall drainage approach and systems located in the public open space and to blend into the landscape.

*Reservoir Technical Details:* The reservoir will be approximately 2.5 to 3 metres in depth. It will have a maximum drawdown of 200mm to ensure that large areas of banks are not exposed. The reservoir is now currently designed to irrigate a total of nine hectares, 4.5 hectares in both the Byford by the Scarp and Byford by the Brook developments. The current approval as per the landscape masterplan is for 4.5 hectares, allowing for irrigation of 50% of the total public open space within the Byford by the Scarp development. The current design (nine hectares) requires a reservoir of 4 500m<sup>2</sup> in area, the design approved by Council was for a reservoir of 3 000m<sup>2</sup> in area to irrigate 4.5ha.

Pipework Details provided by the applicant:

*Railway (no PVC ducts required):*

*Pipes:*

- (a) 150mm diameter steel lake fill line (live feed pipe)
- (b) 50mm diameter steel pipe sleeve for the control cabling
- (c) 200mm diameter steel pipe mainline (live feed pipe) (future - this is to irrigate from the reservoir to Byford by the Brook).

*These would all be attached to the culvert with a steel saddle.*

*Highway (under-road boring required):*

*Sleeves:*

- (a) 200mm diameter sleeve for the 150mm lake filling line
- (b) 100mm diameter sleeve for the cabling
- (c) 300mm diameter sleeve for the 200mm mainline (future - this is to irrigate from the reservoir to Byford by the Brook).

**Use of Local, renewable or recycled Resources:** The landscape design maximises the use of locally available resources wherever possible. The use of natural stone and laterite will be within public open space areas. Where possible recycled materials eg timber will be sourced for the project.

**Economic Viability:** In regard to the ongoing maintenance and management of the public open space areas a number of issues have been raised. A five year maintenance period including all operating costs for Byford by the Scarp was part of the approval of the landscape masterplan if there was to be an irrigation reservoir.

The irrigation costs have been estimated as follows (recirculating pump not included):

### Maintenance

General maintenance \$2,000 per year

### Replacement costs

Bore Hole pump to be replaced every 10 years at \$10,000

Main pumping system to be replaced every 10 years at \$60,000

### Estimated Running costs (for irrigating Byford by the Scarp only)

Bore pump: (assume 15kW pump on borehole) = \$4 233.60pa (36 weeks)

Irrigation pump: \$3 920pa (32 weeks)

Aerator: \$1 124.20pa (52 weeks)

### Annual costs (4.5ha)

Maintenance: \$2 000

Replacement: \$7 000

Running costs: \$9 277.80

Total: \$18 277.80 per annum

The alternative cost for mains water is estimated to be \$46 080 per annum.

**Economic Benefits:** The sourcing and provision of groundwater for irrigation is cheaper than sourcing mains water and therefore provides a more financially sound solution for the Shire in the long term.

**Social – Quality of Life:** The provision of open space including both passive and active areas as well as a connected path network provides opportunity for the residents to engage in exercise. Health is a key indicator of quality of life and the provision of public open space that caters for all is included in this masterplan.

### *Finance:*

Specified area rates can be applied to this area to cover additional costs of maintenance above the normal cost of standard public open space maintenance if they are required. This will allow Council to maintain the standard to that of the developers as long as the principles of waterwise landscapes are adhered to.

**Social and Environmental Responsibility:** The community has not been engaged in the design directly. The Byford Link Group has discussed protection of site vegetation with LWP.

**Social Diversity:** A range of public open space types, both active and passive, are incorporated into the masterplan catering for a wide range for activities. Paths in the public open space areas are designed to meet disabled access codes that allow for all members of the community to access the POS areas.

### **Statutory Environment:**

Not applicable. The developer will negotiate with Main Roads WA and Westnet Rail to get approvals for the pipe work going beneath the infrastructure.

### **Policy/Work Procedure**

#### **Implications:**

Local Planning Policy No. 6 Water Sensitive Design outlines how water sensitive design is to be considered in developments.

### **Financial Implications:**

There are significant financial implications with the reservoir management and the pipe network beneath the Highway and railway. These are detailed above in the sustainability statement.

**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*

Strategy:

1. Provide recreational opportunities.

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

Strategy:

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

**2. Environment**

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

Strategies:

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

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

Strategy:

1. Implement known best practice sustainable natural resource management.

**4. Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

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

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

Strategy

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

*Objective 3: Compliance to necessary legislation*

Strategy:

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

**Community Consultation:**

Required: No

**Comment:**

The current proposal contains two variations from the existing approval they are:

1. An increase of the size of the reservoir to allow for 9 hectares of irrigation from 4.5 hectares as approved in the landscape masterplan
2. Sourcing of water from outside the Byford by the Scarp development as approved from the land west of the railway

The increase in the reservoir is to allow for the reservoir to store enough water for the irrigation for Byford by the Brook and Byford by the Scarp development. In effect this is enough water to irrigate 50% of the total public open space areas of the two developments. Accommodating both developments now is to ensure that the same issue of storage does not arise when Byford by the Brook is developed and that all of the infrastructure can be built at the same time. In regard to Byford by the Brook, the area north of the Brook and south of Orton Road is currently unable to be developed as the approved structure plan has now placed this area on hold until the alignment of the Tonkin Highway extension to Orton Road is resolved. If approved, the extension could result in a lower density rural living style development instead of R20. If this occurs then there will be a smaller amount of POS and not the same need for the reservoir irrigation.

In regard to sourcing water outside the Byford by the Scarp development, this is the only water source that has been found in the proximity of the site.

A range of conditions relating to the irrigation were placed on the Landscape Masterplan approval. These are tabled below with the outcomes provided by the developer:

<b>Condition</b>	<b>Developer Comment</b>
No scheme water to be used for irrigation. public open space is to be designed to ensure the irrigation needs can be met either through greywater reuse, stormwater and/or groundwater.	Water sourced from west of the railway as a groundwater source.
Recirculating pump from reservoir to main street stream channel not be included in the landscape design.	It is intended that the re-circulation pump is included, with it switched off at handover to Council at the end of a 5 year maintenance period. <i>Note: It is not supported to have the recirculation for the first five years.</i>
The pumping of water from the reservoir up to the top of the rock lined stream in the main street purely for visual purposes is not supported. Aeration of the reservoir will be achieved within the reservoir.	As above for recirculation
The following issues need to be addressed in regard to irrigation in both this Landscape Masterplan and the engineering designs before approval could be given for the reservoir: <ul style="list-style-type: none"> <li>- The amount of water required in the irrigation "reservoir" for irrigation;</li> <li>- The evaporation rate in summer;</li> <li>- A shortfall of water is noted in the landscape masterplan in regards to bore water available being less than irrigation water required. Where is the shortfall being sought from, public open space that does not have sufficient irrigation will not be considered acceptable.</li> </ul>	The amount of water required to irrigate 9 hectares for both Byford by the Scarp development and Byford by the Brook development can be achieved.  Evaporation rates provided.  Shortfall explained and water sourced.
There needs to be further costing information provided for irrigation proposed in regard to upfront and ongoing maintenance and replacement costs. This is to be provided for approval with the detailed landscape plans.	Provided and detailed in sustainability statement
The lake/reservoir be approved and be subject to the following conditions:	

Condition	Developer Comment
draw down of 200mm	Achieved
Only for irrigation of 50% of the 9 hectares of public open space within the Byford by the Scarp development site	Proposal is for the reservoir to hold water to irrigate 9 hectares.
Demonstrate that 90% of the nutrients have been stripped from the stormwater before entering the lake/reservoir including storm events.	90% nutrient stripping - LWP will undertake to monitor incoming stormwater from the various bubble up locations and from the reservoir pump irrigation outlet and comparisons made on a regular basis, for a set time frame (to be determined). <i>Note: resolution of this issue will be required before landscape approval is achieved.</i>
Planting of reeds to the edge of reservoir to a minimum width of three metres at a minimum density of 3/m <sup>2</sup>	Reed bed within the water line will be at least 1 metre wide with an average of 3 metres wide to give a more natural effect. Planted at a minimum of 3/m <sup>2</sup>
The irrigated areas and the reservoir having a five year maintenance period by the developer.	Condition of approval
A management plan is submitted to the shire for approval detailing maintenance and replacement costs, details and monitoring regimes for water quality and quantity	To be completed later for approval
A balustrade meeting legislative requirements be installed on the boardwalk adjacent to the reservoir.	Included on drawings

It is recommended that Council approves the groundwater source from the Byford by the Brook development west of the railway subject to conditions relating to the bore being located on a reserve managed by the Shire and an agreement being entered into relating to the management and maintenance of that bore and pipework for a period of five years.

**Voting Requirements:** Normal

**Officer Recommended Resolution:**

1. Council approves an irrigation reservoir on Lot 521 and 523 South Western Highway, Byford with a surface area of no more than 4 500m<sup>2</sup> to irrigate public open space to a maximum area of nine hectares on Lots 521 and 523 South Western Highway (Byford by the Scarp) and Lots 16, 104 and 494 Cardup Siding Road (Byford by the Brook).
2. Council approves the use of groundwater from Lot 16 Cardup Siding Road, Byford as shown on attachment SD053.2/04/05 for irrigating Lot 521 and 523 South Western Highway and Lots 16, 104 and 494 Cardup Siding Road, Byford subject to the following conditions:
  - a) The bore being located on a separate lot with road frontage and the land being vested in the Crown in the favour of the Serpentine Jarrahdale Shire as a reserve for recreation.

- b) The land owner entering into an agreement with the Shire to maintain and manage the irrigation infrastructure and public open space reserves for a period of five years.
  - c) The land owner receive, prior to proceeding, approvals from Main Roads WA and Westnet Rail for the location and installation of the irrigation pipework and clearance from all other service authorities.
  - d) The land owner liaise, prior to proceeding, with the Department for Planning and Infrastructure on the location of the bore to ensure it will not be located in any future area where the Tonkin Highway extension may be located.
  - e) The irrigation infrastructure is not to be located on private property.
3. Council does not approve the recirculating pump from the reservoir to the main street stream or any other mechanical means of circulating water for aesthetic purposes within Lots 521 and 523 South Western Highway (Byford by the Scarp) and Lots 16, 104 and 494 Cardup Siding Road (Byford by the Brook).

LOST 0/7

### **FORESHADOWED MOTION**

Cr Star foreshadowed a motion to require an additional condition requiring an investigation overseen by the Department of Environment into the draw down effects of the bore on the groundwater supplies for the Cardup community prior to the application being determined. In addition a deputation be requested from the applicant prior to the April 2005 Ordinary Council Meeting.

### **SD053/04/05 Committee Recommended Resolution:**

**Moved Cr Price seconded Cr Scott**

- A Subject to an investigation overseen by the Department of Environment into the potential draw down effects of the bore on the groundwater supplies for the Cardup community demonstrating that there will be no negative effect on the water quality or quantity:**
1. Council approves an irrigation reservoir on Lot 521 and 523 South Western Highway, Byford with a surface area of no more than 4 500m<sup>2</sup> to irrigate public open space to a maximum area of nine hectares on Lots 521 and 523 South Western Highway (Byford by the Scarp) and Lots 16, 104 and 494 Cardup Siding Road (Byford by the Brook).
  2. Council approves the use of groundwater from Lot 16 Cardup Siding Road, Byford as shown on attachment SD053.2/04/05 for irrigating Lot 521 and 523 South Western Highway and Lots 16, 104 and 494 Cardup Siding Road, Byford subject to the following conditions:
    - a) The bore being located on a separate lot with road frontage and the land being vested in the Crown in the favour of the Serpentine Jarrahdale Shire as a reserve for recreation.
    - b) The land owner entering into an agreement with the Shire to maintain and manage the irrigation infrastructure and public open space reserves for a period of five years.
    - c) The land owner receive, prior to proceeding, approvals from Main Roads WA and Westnet Rail for the location and installation of the irrigation pipework and clearance from all other service authorities.
    - d) The land owner liaise, prior to proceeding, with the Department for Planning and Infrastructure on the location of the bore to ensure it will not be located in any future area where the Tonkin Highway extension may be located.
    - e) The irrigation infrastructure is not to be located on private property.
  3. Council does not approve the recirculating pump from the reservoir to the main street stream or any other mechanical means of circulating

water for aesthetic purposes within Lots 521 and 523 South Western Highway (Byford by the Scarp) and Lots 16, 104 and 494 Cardup Siding Road (Byford by the Brook).

- B** That the applicant be requested to make deputation prior to the April 2005 Ordinary Council Meeting

### **AMENDMENT**

**Moved Cr Star seconded Cr Price**

**Add the words to end of 2e) “Without there being an easement in favour of the Shire, nor must there be any removal of trees.”**

**After debate the Presiding Member then put the amendment which was  
CARRIED 7/0**

**The Presiding Member then put the amended motion which was**

### **SD053/04/05 COUNCIL DECISION**

- A** Subject to an investigation overseen by the Department of Environment into the potential draw down effects of the bore on the groundwater supplies for the Cardup community demonstrating that there will be no negative effect on the water quality or quantity:

- 1.** Council approves an irrigation reservoir on Lot 521 and 523 South Western Highway, Byford with a surface area of no more than 4 500m<sup>2</sup> to irrigate public open space to a maximum area of nine hectares on Lots 521 and 523 South Western Highway (Byford by the Scarp) and Lots 16, 104 and 494 Cardup Siding Road (Byford by the Brook).
- 2.** Council approves the use of groundwater from Lot 16 Cardup Siding Road, Byford as shown on attachment SD053.2/04/05 for irrigating Lot 521 and 523 South Western Highway and Lots 16, 104 and 494 Cardup Siding Road, Byford subject to the following conditions:
  - a)** The bore being located on a separate lot with road frontage and the land being vested in the Crown in the favour of the Serpentine Jarrahdale Shire as a reserve for recreation.
  - b)** The land owner entering into an agreement with the Shire to maintain and manage the irrigation infrastructure and public open space reserves for a period of five years.
  - c)** The land owner receive, prior to proceeding, approvals from Main Roads WA and Westnet Rail for the location and installation of the irrigation pipework and clearance from all other service authorities.
  - d)** The land owner liaise, prior to proceeding, with the Department for Planning and Infrastructure on the location of the bore to ensure it will not be located in any future area where the Tonkin Highway extension may be located.
  - e)** The irrigation infrastructure is not to be located on private property without there being an easement in favour of the Shire, nor must there be any removal of trees.
- 3.** Council does not approve the recirculating pump from the reservoir to the main street stream or any other mechanical means of circulating water for aesthetic purposes within Lots 521 and 523 South Western Highway (Byford by the Scarp) and Lots 16, 104 and 494 Cardup Siding Road (Byford by the Brook).

- B** That the applicant be requested to make deputation prior to the April 2005 Ordinary Council Meeting

**CARRIED 7/0**

**Committee Note:** The Officers Recommendation was altered to require an investigation into the draw down effects on the Cardup community to ensure that there would be no adverse effects on their water supply as a result of this proposal and to request a deputation by the applicant.

**Council Note:** The Committee Recommended Resolution was changed by way of a minor amendment to clarify the easement not being in favour of the shire nor the removal of any trees in part 2 e).

SD054/04/05 ADDITION TO DARLING RANGE REGIONAL PARK (A0852)		
Proponent:	Fire & Emergency Services	<p>In Brief</p> <p>Lot 303 Nettleton Road is located between Nettleton Road and the rest of the Darling Regional Park. It is in private ownership. This precludes emergency service vehicle and public access to the Darling Range Regional Park along this section of Nettleton Road.</p> <p>This item seeks Council support to forward a letter to the Department for Planning and Infrastructure requesting that they investigate the purchase of Lot 303 and its transfer to CALM as part of the Darling Range Regional Park.</p>
Owner:		
Officer:	Sue Osborne – Environmental Officer	
Signatures Author:		
Senior Officer:		
Date of Report	7 April 2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Council</b>	

### **Background**

As Council would be aware, Lot 26 Nettleton Road was subdivided into lots 302 and 303 with Lot 302 on the north of Beenyup Brook and Lot 303 south of Beenyup Brook, fronting Nettleton Road adjacent to the Darling Range Regional Park.

Lot 302 has been purchased by the Western Australian Planning Commission and transferred to the Department of Conservation and Land Management for day to day management under section 16 of the *Conservation and Land Management Act 1984*.

Lot 303 is located between Nettleton Road and the remainder of the Darling Range Regional Park to the north. It remains in private ownership and therefore effectively land locks the Park, preventing emergency services and public access to the regional park from Nettleton Road.

Council endorsement is sought to forward a letter to the Department for Planning and Infrastructure to request that an investigation be commenced to determine whether Lot 303 Nettleton Road can be purchased by the State Government with management being transferred to the Department of Conservation and Land Management under section 16 of the *Conservation and Land Management Act 1984*.

### **Sustainability Statement**

***Effect on Environment:*** The proposal will better protect environmental values in the area.

***Resource Implications:*** There are no resource implications for the Shire.



**Use of Local, renewable or recycled Resources:** This proposal does not impact resource use.

**Economic Viability:** There are no budget implications relating to this proposal for the Shire.

**Economic Benefits:** The proposal will improve tourism assets within the Shire.

**Social – Quality of Life :** This proposal improves recreational access to the Regional Park.

**Social and Environmental Responsibility:** This proposal is aimed at providing emergency service vehicle access to the Regional Park.

**Social Diversity:** This proposal has no social diversity issues.

**Statutory Environment:** Statutory procedures associated with the purchase and transfer of land will not be the responsibility of the Shire.

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

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

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

**1. People and Community**

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

Strategies:

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

**2. Environment**

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

Strategies:

3. Encourage protection and rehabilitation of natural resources.
6. Value, protect and develop biodiversity.

**3. Economic**

*Objective 1: A vibrant local community*

Strategies:

3. Develop tourism potential.

**Community Consultation:**

Required: The Department for Planning and Infrastructure would need to negotiate this matter with the private land owner.

**Voting Requirements:** Normal

**Comment**

It is noted that Lot 303 Nettleton Road is not the only property that could be purchased by the State Government to allow access to the Regional Park. Other adjacent lots include lots 25 and 31 Nettleton Road, to the west.

Lot 303 is recommended for the following reasons:

- It formed part of the original link into the park prior to subdivision;
- It contains an existing vehicle link across the creek into the park; and
- It is currently vacant and the other adjoining lots have residences on them

Council endorsement to forward a letter to the Department for Planning and Infrastructure to request that an investigation be commenced to determine whether Lot 303 Nettleton Road can be purchased by the State Government with management being transferred to the Department of Conservation and Land Management under section 16 of the *Conservation and Land Management Act 1984*.

**SD054/04/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Star seconded Cr Scott**

**Council requests the Department for Planning and Infrastructure to investigate whether Lot 303 Nettleton Road can be purchased by the State Government with management being transferred to the Department of Conservation and Land Management under section 16 of the *Conservation and Land Management Act 1984* to allow for emergency service vehicle and public access through this lot to the Darling Range Regional Park north of Beenypup Brook.**

**CARRIED 6/1**

Cr Hoyer voted against this item.

SD055/04/05 PROPOSED PATIO ADDITION TO EXISTING SINGLE HOUSE – LOT 38 (NO. 133) GLADSTONE DRIVE, SERPENTINE (P00308/01)		
Proponent:	Robyn Brown	In Brief  Application for a building licence submitted by a member of Shire staff is required to be referred to Council for determination. Approval is recommended subject to standard conditions.
Owner:	CM & RL Brown	
Officer:	Greg Leuzzi - Contract Building Surveyor	
Signatures Author:		
Senior Officer:		
Date of Report	22 March 2005	
Previously	Nil	
Disclosure of Interest	Robyn Brown – Community Development Officer	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt:	9 March 2005
Advertised:	Not required
Submissions:	N/A
Lot Area:	1.9320 hectares
L.A Zoning:	Landscape Protection Area
MRS Zoning:	Special Rural
Byford Structure Plan:	N/A
Rural Strategy Policy Area:	N/A
Rural Strategy Overlay:	N/A
Municipal Inventory:	N/A
Townscape/Heritage Precinct:	N/A
Bush Forever:	N/A
Date of Inspection:	22 March 2005

**Background**

The application has been submitted for a building licence for the addition of a patio to the existing dwelling. As the proponent is a member of staff of the Shire, the application is required to be referred to Council for determination and must be assessed by a private

enterprise contractor. The building licence has been assessed by the Shire's Contract Building Surveyor (Mr Greg Leuzzi).

**A full copy of the building application is with the attachments marked [SD055.1-04-05.tif](#)**

### **Sustainability Statement**

**Effect on Environment:** The patio will create an extra 55m<sup>2</sup> of roof space on the property. Rain water collected on the roof will need to be retained on site in accordance with Council's standard requirements. Therefore, there will be negligible effect on the environment outside of the property. A standard condition will be imposed requiring all stormwater to be contained on-site.

**Social – Quality of Life:** The patio lies on the eastern side of the house providing shade in the summer months allowing use of the existing brick paved area to become a verandah and entertaining space.

The proposed patio will have no adverse impact and/or will not prejudice the amenity of the area.

### **Statutory Environment:**

Local Planning Policy LPP 17 - *Residential and Incidental Development*

### **Policy/Work Procedure Implications:**

Corporate Services Policy CSP 34 - *Council Control Over Employees Dealing in Land and other Business Activity Within the Serpentine Jarrahdale Shire*

Any Council approval issued under the provisions of CSP 34 must be made by a majority decision of those Councillors in attendance and be subject to specific conditions including audit, review, reporting and disclosure conditions.

### **Financial Implications:**

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

### **Strategic Implications:**

Apart from the Policy/Work Procedure, as discussed above, there are no Strategic Implications related to this proposal.

### **Community Consultation:**

Required: No

### **Comment:**

#### **General**

The patio is an extension to the existing residence. The patio has been designed to reflect the character and materials used in the construction of the house.

### **Corporate Services Policy No. 34**

Corporate Services Policy No. 34 (CSP 34) contains the following restrictions with regard to any application for development where the applicant is a staff member:

*“Delegations for approval of any developments will not apply in any cases where staff are involved as an applicant; in these instances each employee’s development application should go to Council for approval. This will apply to both the employee’s place of residence (including Chief Executive Officers and Directors) and other developments. Applications of this kind should be dealt with by a private sector contractor or an appropriate qualified officer from another local government at Council’s cost. This will diminish the perception of the application being given favourable treatment by a fellow officer of the local government. Selection of the contractor or officer of another local government would need to be done carefully to remove the possibility of allegation.”*

Accordingly, the application for a building licence for the patio was referred to the Shire's Contract Building Surveyor (Mr Greg Leuzzi) for assessment.

The applicant submitted an Applicant’s Assessment Form as required under CSP 34 which has been signed by the Acting Director Sustainable Development and the Chief Executive Officer.

LPP No. 17 Residential and Incidental Development Within Serpentine-Jarrahdale Shire

The proposed patio has been assessed in accordance with the Residential and Incidental Development Within Serpentine-Jarrahdale Shire Policy. The requirements of this Policy is summarised in the table below:-

<b>Issue</b>	<b>Requirement</b>	<b>Provided</b>	<b>Complies</b>
Side Setback	10m	More than 20m	Yes
Rear setback	20m	More than 20m	Yes
Building Envelope	No building envelope on lot	No building envelope on lot	Yes

The proposed patio meets the intent of the policy and accordingly approval of the patio is recommended.

Building Licence

The details provided with the plans submitted comply with all the required Australian Standard requirements referenced in the Building Code of Australia. There are no impediments to the issue of a building licence.

**Voting Requirements:                      ABSOLUTE MAJORITY**

**SD055/04/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Wigg seconded Cr Star  
Council grants approval for a Building Licence to be issued for the patio by the Shire's Contract Building Surveyor for the addition of a patio to the existing Single House on Lot 38 Gladstone Drive, Serpentine subject to the following conditions:**

- 1. The patio is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant legislation. Please contact Council's Health Services for setbacks and requirements for other systems.**
- 2. No direct discharge of stormwater into watercourses or drainage lines.**
- 3. All stormwater runoff from roofs and hardstand areas to be disposed of on site.**

**CARRIED 7/0 ABSOLUTE MAJORITY**

SD056/04/05 PROPOSED PATIO & SHADE SAILS ADDITION TO EXISTING SINGLE HOUSE – LOT 108 (NO. 6) CROSSING VIEW, BYFORD (P01600/04)		
Proponent:	S & L Fletcher	In Brief  Application for a planning approval and building licence submitted by a member of Shire staff is required to be referred to Council for determination. Approval is recommended subject to standard conditions.
Owner:	S & L Fletcher	
Officer:	Greg Leuzzi - Contract Building Surveyor	
Signatures Author:		
Senior Officer:		
Date of Report	22 March 2005	
Previously	Nil	
Disclosure of Interest	Lisa Fletcher – Sustainable Development Support Officer	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt:	3 March 2005
Advertised:	Not required
Submissions:	N/A
Lot Area:	2206m <sup>2</sup>
L.A Zoning:	Urban Development
MRS Zoning:	Urban
Byford Structure Plan:	Rural-Residential
Rural Strategy Policy Area:	N/A
Rural Strategy Overlay:	N/A
Municipal Inventory:	N/A
Townscape/Heritage Precinct:	N/A
Bush Forever:	N/A
Date of Inspection:	22 March 2005

### **Background**

The application has been submitted for both planning approval and a building licence for the addition of a patio and shade sails to the existing dwelling. As the proponent is a member of staff of the Shire, the application is required to be referred to Council for determination and must be assessed by a private enterprise contractor. The planning application and building licence has been assessed by the Shire's Contract Building Surveyor (Mr Greg Leuzzi).

***A full copy of the planning and building applications is with the attachments marked [SD056.1-04-05.tif](#) & [SD056.2-04-05.tif](#)***

### **Sustainability Statement**

***Effect on Environment:*** The patio and shade sails will create an extra 84m<sup>2</sup> of roof space on the property. Rain water collected on the roof will need to be retained on site in accordance with Council's standard requirements. Therefore, there will be negligible effect on the environment outside of the property. A standard condition will be imposed requiring all stormwater to be contained on-site.

***Social – Quality of Life:*** The patio lies on the north eastern side of the house providing shade in the summer months allowing use of the existing brick paved area to become a verandah and entertaining space.

The proposed patio and shade sail will have no adverse impact and/or will not prejudice the amenity of the area.

**Statutory Environment:** Town Planning Scheme No. 2  
Local Planning Policy LPP 8 - *Landscape Protection*

Local Planning Policy LPP 17 - *Residential and Incidental Development*

**Policy/Work Procedure Implications:**

Corporate Services Policy CSP 34 - *Council Control Over Employees Dealing in Land and other Business Activity Within the Serpentine Jarrahdale Shire*

Any Council approval issued under the provisions of CSP 34 must be made by a majority decision of those Councillors in attendance and be subject to specific conditions including audit, review, reporting and disclosure conditions.

**Financial Implications:**

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

**Strategic Implications:**

Apart from the Policy/Work Procedure, as discussed above, there are no Strategic Implications related to this proposal.

**Community Consultation:**

Required: No

**Comment:**

General

The patio and shade sail is an extension to the existing residence. The patio and shade sail has been designed to reflect the character and materials used in the construction of the house.

Corporate Services Policy No. 34

Corporate Services Policy No. 34 (CSP 34) contains the following restrictions with regard to any application for development where the applicant is a staff member:

*“Delegations for approval of any developments will not apply in any cases where staff are involved as an applicant; in these instances each employee’s development application should go to Council for approval. This will apply to both the employee’s place of residence (including Chief Executive Office’s and Directors) and other developments. Applications of this kind should be dealt with by a private sector contractor or an appropriate qualified officer from another local government at Council’s cost. This will diminish the perception of the application being given favourable treatment by a fellow officer of the local government. Selection of the contractor or officer of another local government would need to be done carefully to remove the possibility of allegation.”*

Accordingly, the applications for planning approval and a building licence for the patio and shade sails were referred to the Shire’s Contract Building Surveyor (Mr Greg Leuzzi) for assessment.

The applicant submitted an Applicant’s Assessment Form as required under CSP 34 which has been signed by the Acting Director Sustainable Development and Chief Executive Officer.



Mick Beaverstock declared an interest in Item SD057/04/05 as it relates to the proposed shed is on his property and left the meeting at 7.31pm.

SD057/04/05 PROPOSED SHED – LOT 205 (NO. 27) WATERSIDE PASS, BYFORD (P01060/04)		
Proponent:	Michael Beaverstock	In Brief  Applications for planning approval and building licence submitted by a member of Shire staff is required to be referred to Council for determination. Approval is recommended subject to standard conditions.
Owner:	Michael Beaverstock	
Officer:	Greg Leuzzi - Contract Building Consultant	
Signatures Author:		
Senior Officer:		
Date of Report	4 April 2005	
Previously	Nil	
Disclosure of Interest	Michael Beaverstock – Director Asset Services	
<b>Delegation</b>	<b>Council</b>	

Date of Receipt:	31 March 2005
Advertised:	Not required
Submissions:	N/A
Lot Area:	2086 square metres
L.A Zoning:	Urban Development
MRS Zoning:	Urban
Byford Structure Plan:	Rural-Residential
Rural Strategy Policy Area:	N/A
Rural Strategy Overlay:	N/A
Municipal Inventory:	N/A
Townscape/Heritage Precinct:	N/A
Bush Forever:	N/A
Date of Inspection:	4 April 2005

### **Background**

The application has been submitted for both planning approval and a building licence for the construction of a shed to the existing property. As the proponent is a member of staff of the Shire, the application is required to be referred to Council for determination and must be assessed by a private enterprise contractor. The planning application and building licence have been assessed by the Shire's Contract Building Surveyor (Mr Greg Leuzzi).

***A full copy of the planning and building applications is with the attachments marked [SD057.1-04-05.tif](#) & [SD057.2-04-05.tif](#)***

### **Sustainability Statement**

***Effect on Environment:*** The shed will create an extra 55m<sup>2</sup> of roof space on the property. Rain water collected on the roof will need to be retained on site in accordance with Council's standard requirements. Therefore, there will be negligible effect on the environment outside of the property. A standard condition will be imposed requiring all stormwater to be contained on-site.

***Social – Quality of Life:*** The shed will lie on the eastern side of the house on the secondary boundary side of the lot. The proposed shed will be constructed half-way outside the building envelope and will need consultation with the neighbours to have no adverse impact and/or will not prejudice the amenity of the area.

**Statutory Environment:** Town Planning Scheme No. 2  
Local Planning Policy LPP 8 - *Landscape Protection*



Local Planning Policy LPP 17 - *Residential and Incidental Development*

**Policy/Work Procedure Implications:**

Corporate Services Policy CSP 34 - *Council Control Over Employees Dealing in Land and other Business Activity Within the Serpentine Jarrahdale Shire*

Any Council approval issued under the provisions of CSP 34 must be made by a majority decision of those Councillors in attendance and be subject to specific conditions including audit, review, reporting and disclosure conditions.

**Financial Implications:**

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

**Strategic Implications:**

Apart from the Policy/Work Procedure, as discussed above, there are no Strategic Implications related to this proposal.

**Community Consultation:**

Required: Yes. Letters have been sent to surrounding landowners for comment on the proposal. The applicant has provided a letter of no objection from the neighbours.

**Comment:**

General

The shed is an additional building adjacent to the existing residence. The shed has been designed to reflect the character and materials used in the construction of the house.

Corporate Services Policy No. 34

Corporate Services Policy No. 34 (CSP 34) contains the following restrictions with regard to any application for development where the applicant is a staff member:

*Delegations for approval of any developments will not apply in any cases where staff are involved as an applicant; in these instances each employee's development application should go to Council for approval. This will apply to both the employee's place of residence (including Chief Executive Officers and Directors) and other developments. Applications of this kind should be dealt with by a private sector contractor or an appropriate qualified officer from another local government at Council's cost. This will diminish the perception of the application being given favourable treatment by a fellow officer of the local government. Selection of the contractor or officer of another local government would need to be done carefully to remove the possibility of allegation.*

Accordingly, the applications for planning approval and a building licence for the shed were referred to the Shire's Contract Building Surveyor (Mr Greg Leuzzi) for assessment.

The applicant submitted an Applicant's Assessment Form as required under CSP 34 which has been signed by the Acting Director Sustainable Development and the Chief Executive Officer.

TPS 2 Landscape Protection Policy and LPP No. 17 Residential and Incidental Development Within Serpentine-Jarrahdale Shire

The proposed shed has been assessed in accordance with the Landscape Protection Policy and Residential and Incidental Development Within Serpentine-Jarrahdale Shire Policy. The requirements of these Polices are summarised in the table below:-

Issue	Requirement	Provided	Complies
Side Setback	3m	Setback to the shed is 3.7m to the closest point	Yes
Rear setback	3m	32m	Yes
Building Envelope	Within building envelope	Shed is approx 50% outside the building envelope	No
Siting of Development	Not located on ridge, spur, bluff, knoll or slope greater than 25%	Located on the right side of existing residence	Yes
Siting of Development	To limit visual intrusion	Shed is on right side of lot on secondary boundary side and is not obtrusive.	Yes
Colours/materials	To be of earthy colours matching environment	Roof: colorbond, slate grey Walls: colorbond, paperbark.	Yes
Trees	Retain where possible	No trees will be removed	Yes

The proposed shed will be located on the lot in a position where it will be outside the building envelope by 50%. The setback to the shed on the eastern boundary still satisfies the requirements of the policy but because it will be outside the building envelope will require consultation to the adjoining properties to be undertaken by Council officers. Approval to the shed is recommended provided no adverse comments are received from neighbouring properties during the consultation period.

#### Building Licence

The details provided with the plans submitted comply with all the relevant Australian Standard Requirements referenced in the Building Code of Australia. There are no impediments to the issue of a building licence.

#### Voting Requirements:                      **ABSOLUTE MAJORITY**

#### **SD057/04/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Price seconded Cr Scott**

**A. Subject to no objections being received from adjoining landowners, Council grants planning approval for the addition of a shed to the existing Lot 205 Waterside Pass, Byford subject to the following conditions:**

- 1. The shed is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant legislation. Please contact Council's Health Services for setbacks and requirements for other systems.**
- 2. No direct discharge of stormwater into watercourses or drainage lines.**
- 3. All stormwater runoff from roofs and hardstand areas to be disposed of on site.**
- 4. Only materials identified in the schedule of colours, materials and finishes submitted on 31 March 2005 are to be used in the construction of the shed unless the prior written approval of the Manager Planning and Regulatory Services is obtained.**

**B. Council grants approval for a Building Licence to be issued for the above shed by the Shire's Contract Building Surveyor.**

**CARRIED 7/0 ABSOLUTE MAJORITY**

Mick Beaverstock returned to the meeting at 7.32pm.

SD064/04/05 CONSIDERATION OF ADOPTION OF SCHEME AMENDMENT NO. 140 FOR FINAL APPROVAL – LOT 814 (FORMERLY PT. LOCATION 663) JARRAHDAL ROAD, JARRAHDAL (P05576/43)		
Proponent:	Serpentine Jarrahdale Shire	In Brief  Amendment No.140 to the Shire of Serpentine-Jarrahdale's Town Planning Scheme No. 2 is presented to Council for consideration of adoption for final approval. It is recommended that the amendment be adopted for final approval with modification.
Owner:	As above	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	4 April 2005	
Previously	P061/01/04	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

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

### **Background**

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

#### **“CRP061/01/04 COUNCIL DECISION/Committee Recommended Resolution:**

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

1. *After “3.(e)” In the “Description of Land” column insert as follows:  
 (f) Lot 814 Jarrahdale Road, Jarrahdale.*
2. *In the “Permitted Use” column after “Interpretive/ Tourist Centre”, insert as follows:  
 Timber Mill.  
 Aged or Dependent Persons Dwelling.  
 Holiday Accommodation.*

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

CARRIED 10/0"

### **Sustainability Statement**

**Effect on Environment:** The proposed amendment will in itself not result in a change to the natural or built environment. However, future land use proposals will enable Council to require improvement to the environment, which would be particularly beneficial in the context of the subject land.

The scope for other land uses and development prospects increases the potential for site remediation and rehabilitation to take place.

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

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

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

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

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

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

### **Statutory Environment:**

Town Planning and Development Act 1928  
Town Planning Regulations 1967  
Metropolitan Region Town Planning Scheme Act 1967  
Town Planning Scheme No. 2

### **Policy/Work Procedure**

#### **Implications:**

PS05A – Assessment of Proposed Town Planning Scheme Amendments.

### **Financial Implications:**

Council will be required to pay for the advertising of the scheme amendment.

**Strategic Implications:**

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

**1. People and Community**

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

Strategies:

1. Provide recreational opportunities.
5. Value and enhance the heritage character, arts and culture of the Shire.
6. Ensure a safe and secure community.

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

Strategies:

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

*Objective 3: High level of social commitment*

Strategy:

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

**3. Economic**

*Objective 1: A vibrant local community*

Strategies:

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

*Objective 3: Effective management of Shire growth*

Strategies:

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

**Community Consultation:**

In accordance with the requirements of the *Town Planning and Development Act 1928* and *Town Planning Regulations 1967*, the amendment was advertised for public comment and referred to relevant government authorities for 42 days. Resulting from this, three submissions from government authorities were received with two of these expressing no objection. The third submission is detailed below. Also, no public submissions were received.

***A schedule of submissions is with the attachments marked [SD064.1-04-05.doc](#)***

**Water Corporation**

In order to preserve the proposed Gooralong Brook Water Reserve which covers the eastern boundary of Lot 814 (***a copy of the Water Corporation plan is with the attachments marked [SD064.2-04-05.tif](#)***), an additional clause will be incorporated into the amendment to ensure that the proposed water reserve is protected.

After consultation with the Water Corporation in respect of the proposed Gooralong Brook Water Reserve, an additional clause is recommended to be included in the scheme amendment as follows:

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

### **Comment**

It is proposed to amend the Scheme to include former Location 663 (now Lot 814) in the Special Use zone, in order to allow for a wider variety of compatible land uses.

The Special Use zone for Jarrahdale (Part 3) was introduced to the Scheme to reflect Council's vision for a Historic Precinct. Council, at its discretion, can approve a range of land uses such as a car park, civic building, cottage industry, farriery, market, office, public recreation, residential, restaurant, shop, studio, museum and interpretive tourist centre.

The following modifications are proposed to Appendix 2 – Special Use zone of the Scheme, as shown in bold below:

<p>3. Various lots in Jarrahdale Road, Jarrahdale, comprising:</p> <ul style="list-style-type: none"> <li>(a) Lots 4 to 7, 9 to 16, 18 to 22, 50, 51, 100 and 600 to 603 Cockburn Sound Location 277;</li> <li>(b) Lots 2 of Cockburn Sound Location 303 and Part Cockburn Sound Location 303;</li> <li>(c) Lot 10 of Cockburn Sound Locations 277 and 303;</li> <li>(d) Lot 500 of Cockburn Sound Locations 277 and 1153;</li> <li>(e) Murray Locations 86 and 1338 and Cockburn Sound Location 282 and Part Cockburn Sound Location 663; and</li> <li>o (f) Lot 814 Jarrahdale Road, Jarrahdale</li> </ul>	<p>Historic Precinct</p> <ol style="list-style-type: none"> <li>1. The following uses after being advertised in accordance with clause 6.3 of the Scheme may be permitted at the discretion of Council: <ul style="list-style-type: none"> <li>Car Park</li> <li>Civic Building</li> <li>Cottage Industry</li> <li>Farriery</li> <li>Market</li> <li>Office</li> <li>Public Recreation</li> <li>Residential</li> <li>Restaurant</li> <li>Shop</li> <li>Studio</li> <li>Museum</li> <li>Interpretive/Tourist Centre</li> <li>Timber Mill</li> <li>Aged or Dependent Persons Dwelling</li> <li>Holiday Accommodation</li> </ul> </li> <li>2. All development shall be restricted to designated areas within the Special Use zone at the discretion of Council and shall comply with the Heritage Provisions of Part V of the Scheme.</li> <li>3. All development on the eastern portion of Lot 814 Jarrahdale Road, Jarrahdale shall be referred to the Water Corporation for comment prior to final determination by Council.</li> </ol>
<p>4. Part of Cockburn Sound Location 663 Ronan Road, Jarrahdale, being Lots</p>	<p>Single House (P) Industry : Cottage (SA)</p>

807 to 812 (Inc.) Millars Road.	Home Occupation (AA) Home Business (AA)
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**Voting Requirements:** Normal

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

**Moved Cr Star seconded Cr Price**

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

**CARRIED 7/0**

<b>SD065/04/05 CONSIDERATION OF ADOPTION OF SCHEME AMENDMENT NO. 142 FOR FINAL APPROVAL - REZONING LOT 825 PHILLIPS ROAD, BYFORD FROM 'PUBLIC OPEN SPACE' TO 'RURAL' (A1264)</b>		
Proponent:	Serpentine Jarrahdale Shire	In Brief  Amendment No. 142 to the Shire of Serpentine - Jarrahdale's Town Planning Scheme No. 2 is presented to Council for consideration of adoption for final approval. It is recommended that the amendment be adopted for final approval without modification.
Owner:	CA Orlando	
Officer:	Andrew Trosic - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	19 April 2005	
Previously	P025/10/04	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

Owner: CA Orlando  
 Owner's Address: 10 Phillips Road, Karrakup 6122  
 Applicant: Shire of Serpentine-Jarrahdale  
 Applicant's Address: 6 Paterson Street, Mundijong 6123  
 Date of Receipt: 30 September 2004  
 Advertised: Yes  
 Submissions: 2 - From referral authorities stating no objection  
 Lot Area: 16.0154ha  
 L.A Zoning: Public Open Space  
 MRS Zoning: Rural  
 Byford Structure Plan: N/A

Rural Strategy Policy Area:	Rural
Rural Strategy Overlay:	N/A
Municipal Inventory:	N/A
Townscape/Heritage Precinct:	N/A
Bush Forever:	N/A
Date of Inspection:	Various inspections undertaken

### **Background**

Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 (“the Scheme”) was gazetted on 4 August 1989, in accordance with the requirements of the *Town Planning and Development Act 1928* and *Town Planning Regulations 1967*. The Scheme zoned and reserved land within the Shire for a variety of purposes, with such zonings and reservations depicted by the Scheme Map and Text. In the case of the subject land, it was shown to be reserved for ‘Public Open Space’, whereas similar adjoining and nearby land was zoned ‘Rural’ as per the previous Town Planning Scheme No. 1.

As there is no documented evidence to support why the subject land was reserved for ‘Public Open Space’, it is considered to be an error on the Scheme Map. Considering:

- i. The Metropolitan Region Scheme which identifies the subject land as being zoned ‘Rural’;
- ii. The Shire’s Rural Strategy which identifies the subject land within the Rural Policy Area;
- iii. The current rural use and development of the subject land; and
- iv. The prevailing zoning of adjoining and nearby land;

it is considered that the subject land should be zoned ‘Rural’. Such reflects the previous zoning under Town Planning Scheme No. 1, the zoning under the Metropolitan Region Scheme, the direction set by the Rural Strategy and importantly is considered to reflect proper and orderly planning for the area.

With regard to this, Council resolved (P025/10/04) at its meeting held on 25 October 2004 to initiate amendment No. 142 to the Scheme to rectify this zoning anomaly.

### **Sustainability Statement**

***Effect on Environment:*** The proposal is not considered to effect the environment, as it corrects a zoning error for the subject land only.

***Use of Local, Renewable or Recycled Resources:*** The proposal will ensure that the subject land can be used for purposes consistent with the ‘Rural’ zoning of the Scheme. The protection of ‘Rural’ zoned land is considered to be an important local resource for the Shire.

***Economic Viability:*** The proposal will ensure the economic viability of the subject land by ensuring its correct zoning is accurately depicted by the Scheme.

***Economic Benefits:*** The proposal will provide economic benefits for the Shire by ensuring that the subject land can be used for rural purposes as intended by the Scheme.

**Statutory Environment:** Town Planning and Development Act 1928  
Metropolitan Region Town Planning Scheme Act 1959  
Town Planning Regulations 1967  
Town Planning Scheme No. 2  
Rural Strategy

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



**Financial Implications:**

Council previously resolved to waive the planning fee (approximately \$2,500) associated with this rezoning proposal. This is due to the proposal being a correction to the Shire's Scheme Map, and not a new proposal requiring more thorough assessment and determination.

**Strategic Implications:**

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

**1. People and Community**

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

Strategy:

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

**2. Environment**

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

Strategy:

1. Implement known best practice sustainable natural resource management.

**3. Economic**

*Objective 1: A vibrant local community*

Strategies:

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

*Objective 3: Effective management of Shire growth*

Strategies:

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

**4. Governance**

*Objective 3: Compliance to necessary legislation*

Strategies:

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

**Community Consultation**

In accordance with the requirements of the *Town Planning and Development Act 1928* and *Town Planning Regulations 1967*, the amendment was advertised for public comment and referred to relevant government authorities for 42 days. Resulting from this, two submissions from government referral authorities indicating no objection were received. No public submissions were received.

***A schedule of submissions is with the attachments marked [SD065.1-04-05.doc](#)***

**Comment**

The subject land comprises two single residences, is relatively undulating and is covered by some fragmented strands of native remnant vegetation. Major parts of the land are cleared, however, such are generally not used for any noted rural use. There is, however, a large dam located in the south west portion of the subject land which irrigates some orchards on the property.

In summary of land use characteristics, it is recommended that the amendment be adopted for final approval without modification for the following reasons:

- i. A 'Rural' zoning for the subject land will reflect the Metropolitan Region Scheme;
- ii. A 'Rural' zoning will reflect the strategic guidance provided by the Shire's Rural Strategy;
- iii. A 'Rural' zoning will reflect the current use and development of the subject land; and
- iv. A 'Rural' zoning will reflect the prevailing zoning of adjoining and nearby land.

In light of the above, a proper and orderly planning assessment reveals that the subject land should be zoned for 'Rural' purposes. Adoption of the amendment for final approval will achieve this, and will correct what is a zoning error for the subject land depicted by the current Scheme Map.

It should finally be noted that under section 35A of the *Metropolitan Region Town Planning Scheme Act 1959*, local authorities within the metropolitan region are required to bring their town planning schemes into conformity with the Metropolitan Region Scheme. This amendment will achieve this by zoning the subject land 'Rural' consistent with the Metropolitan Region Scheme.

**Voting Requirements:** Normal

**SD065/04/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Wigg seconded Cr Scott**

- 1. Council endorses the schedule of submissions prepared in respect of Amendment No. 142 to Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.**
- 2. Council adopts for final approval without modification Amendment No. 142 to Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 for the purposes of rezoning Lot 825 Phillips Road, Byford from 'Public Open Space' to 'Rural' and amending the Scheme Map accordingly.**
- 3. The amendment documentation be signed and sealed without modification and then submitted to the WA Planning Commission along with the endorsed schedule of submissions and steps taken to advertise the amendment with a request for the endorsement of final approval by the Hon. Minister for Planning and Infrastructure.**

**CARRIED 7/0**

CGAM047/04/05		APPOINTMENT OF AUTHORISED OFFICER(S) - BUSH FIRES ACT 1954 – AUTHORISED PERSON (A0002)
Proponent:	Asset Services Director	In Brief  Council is requested to reaffirm the appointment of the Chief Bush Fire Control Officer in accordance with the Bush Fires Act 1954 and review the delegation under AF-3 to enable the Chief Executive Officer the Authority to appoint officers in accordance with the Bush Fires Act 1954 as amended and Local Government Act as amended.
Owner:		
Officer:	M Beaverstock	
Signatures Author:		
Senior Officer:		
Date of Report	4 April 2005	
Previously	AS005/07/03, AS023/10/04	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

### **Background**

Local government is to appoint Authorised Persons/Fire Control Officers as required under the Bush Fires Act 1954

Council appointed Mr Gossage as the Chief Fire Control Officer as a result of the emergency services review process until the 31 March 2005, the completion date of the trial period.

### **AF-3 Authorised Persons - Regulations and Local Laws**

The Chief Executive Officer has delegated authority to appoint Shire of Serpentine Jarrahdale officers as authorised persons to enforce regulations and local laws of the Shire of Serpentine Jarrahdale made in accordance with the Local Government Act 1995  
- Bush Fires Act 1954  
(s.9.10 Local Government Act 1995).

**Statutory Environment:** Bush Fires Act 1954  
Local Government Act

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

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

**Strategic Implications:** This proposal relates to the following Key Sustainability Result Areas:-  
**1. People and Community**  
*Objective 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.

### **Community Consultation:**

Required: NO

**Comment:**

The legislation requires that “the Local Government” appoint persons to undertake certain duties. It is considered appropriate to confirm Mr Gossage as being duly appointed by Council under this Act. Council may at any time cancel appointments of officers in accordance with the Bush Fires Act.

In accordance with both Acts Council can delegate any of its functions to the Chief Executive Officer. It is recommended that this occurs to speed up the appointments process of officers to fulfill the various functions required by the Acts.

**Voting Requirements:                      ABSOLUTE MAJORITY**

**CGAM047/04/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

Moved Cr Kirkpatrick seconded Cr Scott

1. Council formally appoints Mr David George Gossage as the Chief Bush Fire Control Officer for the Shire of Serpentine Jarrahdale until otherwise cancelled.
2. Council formally delegates authority to the Chief Executive Officer to enable the appointment of authorised officers in accordance with the Bush Fires Act 1954 as amended and the Local Government Act as amended for the purposes of a person fulfilling a function or position, Act and Law Enforcement and Local Law Enforcement, and amends AF-3 to read as follows:

**AF-3 Authorised Persons - Functions and Position fulfilment, Act and Regulations and Local Laws**

The Chief Executive Officer is delegated authority to appoint Shire of Serpentine Jarrahdale officers, Volunteer Emergency Services Personnel and other persons as deemed necessary, as authorised persons to fulfill a function or position required or for the enforcement of regulations and local laws of the Shire of Serpentine Jarrahdale made in accordance with the Local Government Act 1995 - (s.9.10 Local Government Act 1995) and the Bush Fires Act 1954 as amended.

**CARRIED 7/0 ABSOLUTE MAJORITY**

CGAM048/04/05		REPLACEMENT OF SJ11 – DUAL CAB UTILITY (A1103)
Proponent:	Director Asset Services	In Brief  Council is requested to approve an over expenditure to enable the replacement of commercial vehicle SJ11.
Officer:	MC Beaverstock Director Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	7 April 2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

### **Background**

An allowance of \$24,805 has been made in the 2004/05 budget for the purchase of replacement vehicle for the Operations Customer Services Officer. Additionally a trade allowance of \$24,575 has also been made.

Quotations have been sought for the new vehicle with the best replacement offer being \$27,428 (excluding GST) for the new vehicle and a trade offer of \$21,818 (excluding GST) resulting in a net changeover of \$5,610.

The vehicle specification calls for a four wheel drive, dual cab utility as this configuration is best suited for the work requirements of the Customer Services officer. Due to new model releases, the purchase price of the new vehicle has risen.

It is recommended that Council approve the additional expenditure to procure the new vehicle.

### **Sustainability Statement**

***Effect on Environment:*** Not applicable.

***Resource Implications:*** The vehicle specification allows the employee to undertake all tasks necessary of the position using shire owned plant, improving efficiency of service to residents.

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

***Economic Viability:*** The recommendation to approve the over expenditure is economically viable as it is expected that a higher trade value will be realized on disposal of the new model as has traditionally occurred within the commercial vehicle market.

***Economic Benefits:*** A lower specification vehicle (i.e. two wheel drive) could be purchased within the current allowance however this would reduce the level of service and efficiency provided by this officer as it will create accessibility issues in the field.

***Social – Quality of Life:*** This vehicle is used in times of emergency, particularly where off road driving is required. Reduction in specification may impact on the level of service provided to residents.

***Social and Environmental Responsibility:*** Not applicable.

***Social Diversity:*** Not applicable.

**Statutory Environment:** Variation to expenditure beyond budget allocation requires approval of Council.

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

**Financial Implications:** The purchase of the vehicle as recommended will result in increased expenditure of \$2,623 for the purchase and a trade reduction of \$2,987. The additional net cost of the replacement would be sourced from the Plant Replacement Reserve Account.

Trade offers from dealers providing alternate but more costly vehicles indicate the true trade value may be higher. The current vehicle will be supplied to public auction and it is likely that it may return a better disposal price, reducing the total replacement cost.

**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.

**4. Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

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

*Objective 3: Compliance to necessary legislation*

Strategies:

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

**Community Consultation:**

Not applicable

**Comment:**

While the cost of replacing this vehicle is higher than that previously anticipated and allowed for in the budget, it is not considered advantageous to defer replacement. It is likely however that a higher sale price will occur through the auction process as the general market value currently exceeds the trade offer given by the new vehicle supplier.

**Voting Requirements:** **ABSOLUTE MAJORITY**

**CGAM048/04/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Kirkpatrick seconded Cr Hoyer**

**Council approves the replacement of commercial vehicle SJ11 and authorizes an over expenditure of up to \$5,610 with this funding sourced from the Plant Replacement Reserve account.**

**CARRIED 7/0 ABSOLUTE MAJORITY**

CGAM050/04/05		REQUEST TO PLACE MEMORIAL HEADSTONE ON PLOT 40 JARRAHDAL CEMETERY (RS0152/01)
Proponent:	Judy Ridden	In Brief  Proponent wishes to place a discarded headstone from Karrakatta Cemetery to family member's grave in Jarrahdale without incurring costs of a Grant of Right of Burial.
Owner:	Shire of Serpentine-Jarrahdale	
Officer:	M.H. Wright	
Signatures Author:		
Senior Officer:		
Date of Report	16 March 2005	
Previously	N/a	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

**Background**

A request has been received by a Mrs Judy Ridden on behalf of her mother Mrs Mary Williams, daughter of the late Thomas and Ada Cope to transfer the headstone of Ada Cope from Karrakatta to Thomas Cope's grave (Plot 40) in Jarrahdale.

The request reads in part.....

*"My mother's maiden name was Mary Cope. Her paternal grandparents, James Cope and Ellen Twohig migrated from England and Ireland respectively in the mid 1800s, they were married in Perth some time later. They settled in Jarrahdale and raised a family. My great grandfather worked at the mill and my great grandmother ran a boarding house for millers near the old post office.*

*My grandfather, Thomas and most of his siblings, who survived early childhood, lived in Jarrahdale for many years. He was buried at the Jarrahdale cemetery after being killed while working for Millars in 1920. My mother was about 18 months old when this happened and she along with her mother Ada and siblings lived in Maylands for many years. There was of course, no social security or other benefits in those times so my grandmother and her children lived in rather austere circumstances until Ada died in the 1930s; my mother at that time was 12 years old. Mum states that the family would not at that time been able to afford the extra cost of a burial at Jarrahdale.*

*My mother was looked after mainly by her older sister and various couples who were related to the family until she was able to support herself. One of those couples, Ellen (nee Cope) and Harry Martin, is also buried at the Jarrahdale cemetery, as are various other members of the Cope family.*

*On a recent trip to Karrakatta, it was noticed that Ada Cope's headstone had fallen over and my mother expressed a wish for it to be taken to Jarrahdale and placed on Thomas Cope's grave. My mother is the only person of her generation still alive, so there would be no objection to this by any other close family members...."*

There is a long history of the Cope family buried in Jarrahdale, both of infants and adults. Thomas John Cope was buried in 1920 and the headstone and wrought iron fence are still standing.

***A photograph of the grave site is with attachments marked [CGAM050-04-05.jpg](#)***

#### **Sustainability Statement**

***Effect on Environment:*** The request enhances the history of the Jarrahdale Cemetery.

***Social – Quality of Life*** This enriches the history and supports the Draft Cemeteries Management Plan.

**Statutory Environment:** Cemeteries Act 1986

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

**Financial Implications:** Council is being asked to waive the fee of \$965 to purchase the land for a new Grant of Right of Burial as it is not an interment.

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

**1. People and Community**

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

Strategies:

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

**4. Governance**

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

Strategies

2. Improve customer relations service.

#### **Community Consultation:**

Required: No

#### **Comment:**

Normally, if a Grant of Right of Burial has lapsed, the family purchases the land to allow for a further burial. Currently the cost of land is \$965. In this case no grants were issued in 1920. Another burial is not being requested, only a request for the wife's headstone from Karrakatta to be transferred, which the family state had circumstances permitted in the 1930s they would have placed Ada Cope with her husband Thomas John after her death.

As the request is limited to a small headstone from Karrakatta, and there appears to be enough space within the monument to accommodate another headstone, no objection is seen to this request.

Council's cemetery register for Jarrahdale indicates some 10 other members of the Cope families have been interred at Jarrahdale.



By allowing this transfer another small piece of the shire's history is gained and Council would be granting an elderly lady's wish to place her mother's headstone (Ada Cope) with her husband (Thomas Cope).

Council would still be the owner of the land and if any other interments were to be requested by the family at a later date, all fees and charges would be required to be paid at that time.

The family are quite happy to have a plaque made and placed on the headstone showing details of where it was transferred from.

**Voting Requirements: ABSOLUTE MAJORITY**

**CGAM050/04/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Wigg seconded Cr Scott**

**Council waives all fees and charges and will allow the placement of Ada Cope's headstone from Karrakatta to Plot 40 in Jarrahdale cemetery subject to the following:-**

- 1. Council remaining the owner of Plot 40 at Jarrahdale Cemetery.**
- 2. Proponent placing a small plaque on the front of Ada Cope's headstone which shows the necessary transfer information.**
- 3. Cemetery registers be completed with full information of the transfer of a headstone only without interment.**
- 4. That the proponent delivers the headstone to the shire and Council staff to complete the placement at their convenience.**

**CARRIED 7/0 ABSOLUTE MAJORITY**

CGAM051/04/05		MUNDIJONG SKATE FACILITY	(RS0016)
Proponent:	Director Asset Services		In Brief  Council is requested to approve a variation to the Recreation Centre construction contract in which \$20,000 allocated for skate equipment at Briggs Park would be transferred to the purchase of new skate equipment at Mundijong Reserve.
Officer:	MC Beaverstock Director Asset Services		
Signatures Author:			
Senior Officer:			
Date of Report	7 April 2005		
Previously	SD025/02/05 15 February 2005		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
<b>Delegation</b>	<b>Council</b>		

**Background**

Council allocated a sum of \$10,000 in the 2004/05 budget for the provision of a skate park in Mundijong. This allocation was made for resurfacing works to the tennis courts and the relocation of existing skate equipment from Briggs Park, Byford. The Briggs Park equipment was at that time seen as being redundant as the Recreation Centre Extreme Sports Facility had been planned to include indoor skate equipment.

At its meeting of 15 February 2005, Council resolved to modify the Extreme Sports Facility and delete the skate component. It was further resolved that \$20,000 would be used to purchase new outdoor skate equipment at Briggs Park to replace the current equipment which would be moved to Mundijong. The basis for the purchase of the new equipment was to ensure some skate facility was still available for use at Byford. An allowance of \$20,000 was made for the purchase of this new equipment, from within the Extreme Sports budget for the Centre construction.

The decision to delete the skate component from the Recreation Centre was made based on information provided by the YMCA that the demand for skate facilities in Byford was relatively low and that it is unlikely that users would be receptive to paying fees for what is seen generally as a free facility elsewhere in the metropolitan area.

On 7 April 2005 Cr Price, Manager Asset Services and Director Asset Services met with community members from Mundijong to discuss plans for the skate facility. It was noted that there is a high demand in Mundijong for a skate facility which can also be used by in-line skaters and BMX. The community members requested that Council consider reallocating the funding for new equipment at Byford to the Mundijong facility.

The basis for this request, in addition to the high demand for such a facility, is that it is possible to purchase purpose built equipment which meets the needs of all users and would not require the resurfacing of the tennis courts as all riding / skating is done solely on the unit. In effect the request allows a better use of limited funds with them being directed to the equipment rather than site preparation.

### **Sustainability Statement**

***Effect on Environment:*** Provision of a quality facility for use by BMX riders adjacent to the dirt track already constructed near the tennis courts will reduce the likelihood of expansion of jumps into the small remaining area of vegetation.

***Resource Implications:*** The proposal does not require resurfacing of the tennis courts so a saving in materials will occur. As the resurfacing would be undertaken with asphalt there is an environmental benefit through not using oil based materials.

***Use of Local, renewable or recycled Resources:*** The facility can be provided on an existing tennis court with minimal preparation work required.

***Economic Viability:*** The proposal is economically viable as the equipment purchased will retain some value and, should the facility not be required in the future, will be able to be on-sold or relocated to another site within the shire.

***Economic Benefits:*** The proposal results in a good facility at minimal cost which will be utilized by the local community.

***Social – Quality of Life:*** The provision of a skate facility in Mundijong has been requested by the local community for a number of years and will provide recreational opportunities not currently available.

***Social and Environmental Responsibility:*** The development of the facility will occur in consultation with local users. The location is seen as ideal as it is at a distance sufficient from residences so as to not likely cause any noise issues, but is open and provides a high level of passive surveillance from both the Mundijong Oval, Pavilion and Cockram Street.

***Social Diversity:*** While the proposal results in new equipment not being provided at Byford, it is noted that this will not result in any loss of recreational opportunity for residents as the existing equipment is being retained. Byford users will also have the use of other recreational facilities at the Recreation Centre.

### **Statutory Environment:**

Reallocation of funding to Mundijong will require a variation to the Recreation Centre construction contract.

### **Policy/Work Procedure Implications:**

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

**Financial Implications:**

There is no financial implication to Council as the \$20,000 recommended to be transferred to the Mundijong facility has been budgeted within the Recreation Centre construction fund and is simply being reallocated.

**Strategic Implications:**

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

**1. People and Community**

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

Strategies:

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

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

Strategies:

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

*Objective 3: High level of social commitment*

Strategies:

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

2. Build key community partnerships.

**2. Environment**

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

Strategies:

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

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

Strategies:

1. Implement known best practice sustainable natural resource management.

**4. Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

4. Balance resource allocation to support sustainable outcomes.
5. Harness community resources to build social capital within the Shire.

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

Strategies

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

**Community Consultation:**

The proposal has been generated through consultation with the local community. If Council agree to the proposal additional consultation will occur with regard to the purchase of the skate equipment to ensure it meets the needs and expectations of its users as best can be achieved within the funding available.

**Comment:**

The proposal put forward by the Mundijong community is supported by officers as there has been a demonstrated need for a quality skate facility.

**Voting Requirements:                      ABSOLUTE MAJORITY**

**CGAM051/04/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Price seconded Cr Kirkpatrick  
Council:**

- 1. Approves a variation to Contract C15/2003-04 Design and Construction of the Serpentine Jarrahdale Community Recreation Centre deleting the provision of \$20,000 for outdoor skate equipment at Briggs Park from the Extreme Sports Facility allowance.**
- 2. Reallocates the sum of \$20,000 to MUR730 (Mundijong Reserve) for the purchase of new skate equipment.**

**CARRIED 7/0 ABSOLUTE MAJORITY**

CGAM053/04/05		SERPENTINE JARRAHDAL COMMUNITY RECREATION CENTRE – ADOPTION OF FEES AND CHARGES (A0900-03)
Proponent:	YMCA of Perth (Inc.)	In Brief  Council is requested to adopt and advertise fees and charges for activities at the Recreation Centre.
Officer:	MC Beaverstock Director Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	13 April 2005	
Previously	CRD15/11/04 22 November 2004	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Council</b>	

**Background**

At its meeting of 22 November 2004, Council awarded the contract for the Recreation Centre Management Services to YMCA of Perth (Inc.) following negotiations in relation to the submitted tender offer. The tender submitted included proposed fees and charges for public using the facility from which the expected financial performance and cost to Council to operate the Centre was calculated. Provision is made within the contract to vary these fees and charges if agreed by Council and it is intended that this will occur in liaison with the Recreation Centre Management Group prior to the 2006/07 budget being adopted.

The Recreation Centre is scheduled to open on 28 May 2005 and it is necessary to adopt and advertise the applicable fees and charges before this date.

**Sustainability Statement**

***Economic Viability:*** The Recreation Centre will operate at a deficit with the major cost to Council occurring in the first 3 years. Fees and charges are as per the Management Services Tender submission hence no negative impact on the deficit is anticipated.

The ongoing cost to Council is obviously directly related to the level of utilization of the Centre. It is considered that the fees and charges recommended will encourage high utilization levels as they are not prohibitive.

**Social – Quality of Life:** Fees and charges are targeted to provide affordable recreational opportunities to the whole community.

**Social and Environmental Responsibility:** The fees and charges are socially responsible as they provide affordable access to recreation facilities and programs while limiting the cost to the whole community of the operating deficit.

**Social Diversity:** The fees and charges recommended are not considered as being of disadvantage to any social groups within our community.

**Statutory Environment:**

Section 6.16 (3) (a) of the Local Government Act 1995 allows local governments to impose fees and charges during the financial year.

Section 6.19 requires local governments to give local public notice of its intention to impose a fee or charge, if adopted after the budget, and advise of the fee or charge and intended date of commencement.

**Policy/Work Procedure Implications:**

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

**Financial Implications:**

The fees and charges proposed by the YMCA are in accordance with the Management Services tender submission apart from changes to the Extreme Sports facility. As this area of operation has been modified through the deletion of an indoor skate facility, replaced by beach volleyball and “aerial challenge” facilities, charges have been introduced to reflect these changes.

**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. Economic**

*Objective 1: A vibrant local community*

Strategies:

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

**4. Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

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

*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:

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

**Community Consultation:**

Not required however it is necessary for Council to advertise the fees and intended commencement date that the fees and charges will be applicable from.

**Comment:**

The fees and charges schedule provided by the YMCA has been developed based on market research of the cost of similar services in the Perth metropolitan area, particularly the South East and South West corridors.

Charges are seen as reasonable for the services provided however will be reviewed annually giving consideration to the direct cost to users and the subsidy paid by the community as a whole in the operation of the Centre. Charges have been aimed to make the Centre affordable for all community members to use.

**Voting Requirements:**

**ABSOLUTE MAJORITY**

**CGAM053/04/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Hoyer seconded Cr Price**

**Council adopts and advertises the following fees and charges to be applicable for the Serpentine Jarrahdale Community Recreation Centre effective 28 May 2005:**

**SPECTATORS**

Spectators \$0.00 (incl GST)

**HEALTH & FITNESS CLUB**

Full Membership (monthly) \$56.00 (incl GST)

Full Membership Concession (monthly) \$51.00 (incl GST)

Joining Fee \$55.00 (incl GST)

Casual Visit \$13.40 (incl GST)

Casual Visit Concession \$11.40 (incl GST)

Personal Training (60 minutes) \$40.00 (incl GST)

Personal Training (30 minutes) \$28.00 (incl GST)

**GROUP FITNESS**

Casual Visit \$9.00 (incl GST)

Casual Visit Concession \$8.00 (incl GST)

**EXTREME SPORTS**

Climbing Casual Visit (with own harness) \$12.00 (incl GST)

Climbing Casual Visit Concession \$9.00 (incl GST)

Harness Hire \$4.00 (incl GST)

Extreme Program per Term \$90.00 (incl GST)

**TERM PROGRAMS**

Children's Programs Term Fee \$65.00 (incl GST)

Adult's Programs Term Fee \$100.00 (incl GST)

<b>SCHOOLS</b>	
Per Student	<b>\$3.00 (incl GST)</b>
<b>STADIUM</b>	
Senior Team Game Fee	<b>\$42.00 (incl GST)</b>
Senior Team Nomination Fee	<b>\$42.00 (incl GST)</b>
Junior Team Game Fee	<b>\$33.00 (incl GST)</b>
Junior Team Nomination Fee	<b>\$33.00 (incl GST)</b>
<b>Child Care</b>	
Vacation Care Child Per Day	<b>\$38.80 (incl GST)</b>
Creche (2 hour block)	<b>\$3.00 (incl GST)</b>
<b>Function Room Rental</b>	
Regular (per hour)	<b>\$31.00 (incl GST)</b>
Community Group (per hour)	<b>\$27.00 (incl GST)</b>
Special Event (up to 6 hour block)	<b>\$550.00 (incl GST)</b>
<b>CARRIED 7/0 ABSOLUTE MAJORITY</b>	

Council Note: As a point of clarification the words “(with own harness)” were added to Extreme Sports - Climbing Casual Visit charge.

Carlie Eldridge declared an interest in Item CGAM060/04/05 as it relates to her contract of employment as Acting Director Sustainable Development. Glen Dougall declared an interest in Item CGAM060/04/05 as it relates to his resignation as Director Corporate Service and a gift from Council. They both left the meeting at 7.39pm.

CGAM060/04/05 REVIEW OF ORGANISATIONAL PRIORITIES AND STRUCTURE AND ASSOCIATED STAFF APPOINTMENTS (A1169)		
Proponent	J Abbiss – Chief Executive Officer	In Brief  Council to: 1) Agree to the conduct of a review of organisational priorities and structure 2) Endorse temporary appointments to fill vacant senior employee positions until the outcome of the review 3) Endorse a contribution toward a gift for the Director Corporate Services upon his resignation in excess of council policy CSP11
Officer	J Abbiss – Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	15 <sup>th</sup> April, 2005	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

### **Background**

Following the recruitment of Joanne Abbiss, formerly Director Sustainable Development, to the position of Chief Executive Officer, the vacant position of Director Sustainable Development was advertised in the West Australian newspaper on Saturday 19<sup>th</sup> February 2005. The position was also advertised nationally through the Local Government Directory and on the Shire’s website with a salary of between \$80,000 to \$90,000 and a total package of \$100,000 to \$112,000. Applications closed at 5pm on Tuesday 8<sup>th</sup> March 2005.

**Council subsequently resolved to:**  
**CGAM045/03/05 COUNCIL DECISION/Committee/Officer Recommended Resolution**

*Moved Cr Wigg seconded Cr Scott*

1. *Council agrees to establish a working group (the Director Sustainable Development Recruitment Working Group) to assist the Chief Executive Officer with the recruitment of a Director Sustainable Development.*
2. *Council appoints the Staff Matters Group members to work with the Chief Executive Officer, Director Corporate Services and Director Asset Services on the Director Sustainable Development Recruitment Working Group.*
3. *Council request the Director Sustainable Development Recruitment Working Group*
  - a) *Undertake interviews with the short listed candidates recommended by the Executive team.*
  - b) *Recommend to Council at least two (2) preferred candidates for consideration, prior to Council making a final decision on whether to accept the Chief Executive Officer's recommendation for the appointment to the position of Director Sustainable Development.*
4. *Council endorse the draft contract for the position as provided in hardcopy in accordance with Part 5 Administration, Division 4 "Local Government Employees" of the Local Government Act 1995.*
5. *Council agrees that upon part 3 of this decision being completed and Council agreeing on a preferred candidate by way of a Council resolution to that effect;*
  - a) *The Chief Executive Officer is authorised to negotiate with the preferred candidate a contract of employment for up to five (5) years in accordance with i) Part 5 Administration, Division 4 "Local Government Employees" of the Local Government Act 1995 and ii) the employment contract agreed to by Council under part 4 of this decision.*
  - b) *The Chief Executive Officer is authorised to sign and place the common seal on the contract of employment agreed between Council and the person appointed to the position of Director Sustainable Development by resolution of the Council of the Serpentine Jarrahdale Shire.*

**CARRIED 9/0 ABSOLUTE MAJORITY**

Since that resolution Mr Glen Dougall, Director Corporate Services has tendered his resignation in order to accept the position of Director Corporate Services at the City of Fremantle. This is an excellent and well-deserved career opportunity for Mr Dougall and reflects well on his professional ability and the Shire's capacity to develop their staff.

Prior to Mr Dougall's resignation the Executive Team had been evaluating the current organisational structure and examining the direction set by the People Plan to establish whether the organization was best placed to fulfil the commitment to Council of "delivering the vision" and whether there was an opportunity to provide security to the Landcare Centre staff by incorporating them as Shire employees.

The Chief Executive Officer, after conducting extensive research across Australia, presented to councillors, the management team and staff a concept for organisational change that would create, if adopted, a less hierarchical structure focused on cross functional work teams. The teams would be established to meet defined outcomes developed by a strategic priorities and policies working group comprising elected members and senior staff.

***A copy of the draft structure is attached at [CGAM060-04-05.doc](#)***

With the Director Corporate Services and Director Sustainable Development positions vacant the Shire has a unique opportunity to review the organisational structure to ensure that it functions most efficiently and is capable of adapting to the significant growth that the Shire is experiencing. However it is necessary to clarify with Council the priority outcomes to



be delivered against each objective of the Shire's Strategic Plan to ensure the organization has the optimum alignment with these goals and is adequately resourced to deliver them.

As a consequence of this opportunity presenting itself the Chief Executive Officer wrote to all applicants for the Director Sustainable Development position thanking them for their interest and advising them of the intention to undertake this review and to suggest that they make themselves aware of any future possibilities that may arise as a result of the review.

**Sustainability Statement**

The review will ensure that the organization is best structured and resourced to deliver defined outcomes against the Shire's Strategic Plan which aims to achieve the social, economic and environmental sustainability of the Shire.

**Statutory Environment:**

s5.41(g) of the Local Government Act 1995 - Functions of the CEO requires the CEO to be responsible for the employment, management, supervision, direction and dismissal of other employees (subject to s5.37(2) in relation to senior employees)

s5.37 (2) of the Act requires the CEO to inform the Council of each proposal to employ or dismiss a senior employee and the Council may accept or reject the CEO's recommendation but if the Council rejects the CEO's recommendation, it is to inform the CEO of the reasons for its doing so.

s5.50(2) of the Local Government Act 1995 allows a local government to make a payment to an employee who is resigning that is greater than the amount set out in the Council's policy provided local public notice is given and that the amount does not exceed the amount prescribed in regulations.

**Policy Implications:**

CSP11 "Payments to employees in addition to Contract or Award

**Financial Implications:**

The review and salary costs are to be accommodated within current budget allocations.

**Community Consultation:**

There was extensive community consultation involved in the development of the Shire's Strategic Plan and this report aims to ensure that the organization is best placed to deliver the community's objectives.

**Comment:**

**Review**

It is anticipated that the review will take approximately three (3) months to complete and will be conducted, where possible, using internal resources. An external facilitator will be used for the strategic priorities and policies workshop to be held off-site with elected members and senior staff. It is predicted that the workshop will take place over a two (2) day period being

a Friday and Saturday, tentatively the 27<sup>th</sup> and 28<sup>th</sup> May 2005. Venue availability is being confirmed but costs are likely to be in the order of \$240 for a villa capable of accommodating 4-6 people and conference room hire of \$120/day. An overnight stay will be required on the Friday evening by workshop attendees.

At this stage it is planned that Day One (Friday) will be dedicated to defining prioritised outcomes against the objectives of the Shire's Strategic Plan (What are we delivering?) and Day Two (Saturday) will be spent determining the structure and resources required to deliver the outcomes (What do we need to be able to deliver the outcomes?).

Comprehensive consultation will be undertaken with all staff regarding the proposed changes and they will also be encouraged to take part in streamlining organisational management systems. It is envisaged that the current analysis of manager's remuneration and staff award classifications being conducted by Equal will also be incorporated into the findings of the review.

### Interim Arrangements

In the interim it is necessary to appoint temporary placements in the positions of Director Corporate Services and Director Sustainable Development. These appointments will be made in the full knowledge that the positions, as they currently exist, will most likely be subject to change as a result of this review process.

It is recommended that Ms Carlie Eldridge be given the opportunity to be the Acting Director Sustainable Development. Ms Eldridge has undertaken this role during periods of leave by the previous incumbent and most recently while the position has been vacant. The Chief Executive Officer believes Ms Eldridge to be capable of this temporary appointment and recommends that a higher duties payment, equivalent to an annual salary of \$82,000 be paid with all other conditions of employment to be as per Ms Eldridge's current contract. The unspent funds from the Manager Sustainable Communities position will be made available for use within the Directorate to ensure that any additional workload is adequately catered for either with higher duties for existing staff or utilised for relief staff/contractors to complete specific tasks.

With regard to Corporate Services, it is important to note that currently there are four (4) vacancies in this Directorate as well as the Director's position. The Senior Finance Officer, Finance Officer, Customer Relations Officer and Senior Information Officer positions are all vacant. The positions have been advertised and interviews conducted and it is hoped that the vacancies will be filled in the near future. However this means that the Manager Corporate Services will have a new finance team and be without the guidance of Mr Dougall as the busiest period of the year approaches. As such it is recommended that Council temporarily appoint Elizabeth Cox to the position of Acting Director Corporate Services to enable the Manager Corporate Services to focus on building the new finance team, progressing the budget and fulfilling the Shire's financial reporting responsibilities.

The Chief Executive Officer is satisfied that Ms Cox is capable of this temporary appointment. Ms Cox has a Masters in Business Administration, has been a long serving Board Member of the Local Government Managers Association and recently completed a temporary appointment as the Acting Chief Executive Officer at the Shire of York. Ms Cox is familiar with the Shire and its systems having filled other contract positions in the past. It is recommended that Ms Cox be offered a salary of \$82,000 subject to the general terms and conditions not exceeding those that currently apply to the contract for that position as negotiated by the Chief Executive Officer. It is planned to engage Ms Cox two (2) weeks prior to Mr Dougall leaving in order for an effective handover to be achieved.

### Additional Payment Director Corporate Services

Council policy CSP11 “Payments to employees in Addition to Contract or Award” provides circumstances in which employees will receive additional payments in accordance with section 5.50 of the Local Government Act 1995.

The Chief Executive Officer recommends that the Director Corporate Services receive a contribution toward a gift or gift voucher on finalisation of his cessation of employment with the Serpentine Jarrahdale Shire in recognition of his contribution to the achievement of the organisation’s vision. It is recommended that the amount of the contribution exceed the limit specified in Council Policy CSP11.

The policy stipulates the following requirements:

#### 6. Recognition of Service – Retirement or Cessation of Employment

*All staff are eligible for service recognition upon retirement or resignation from Council, (including poor health or other legitimate reasons) provided the following requirements are satisfied.*

*The manner of assessment of this recognition is to include the following factors:*

*the conscientiousness of the employee over the employment period;  
the value of the employee’s service having regard to the position(s) held and the regard given by the organisation to the employee’s contribution.*

*Recognition in these cases will involve a Council funded morning tea organised by the relevant Directorate and a gift. In regards to the gift, no cash or cheque directly paid to the employee will be allowable – contribution can be a gift or gift voucher to value of \$10 per full year of service or the equivalent contribution towards a gift of greater value directly to the retailer.*

Note-

1. *Employees with less than twelve (12) months continuous service will only be eligible for a morning tea*
2. *This clause (6) will not be applicable to employees who are recognised under part 8 of this Policy.*

Under the policy the Director Corporate Services would be entitled to \$50 towards a gift or gift voucher. It is recommended that a contribution of \$250 from MOC555 be made and local public notice given in accordance with s5.50(2) of the Local Government Act 1995. The Chief Executive Officer believes this additional payment is warranted as the Director Corporate Services has been instrumental in the introduction of the Shire’s electronic document management system, the achievement of the front counter “one stop shop” philosophy, the development of a ten year Forward Financial Plan and the implementation of the Shire’s IT Plan.

**Voting Requirements: ABSOLUTE MAJORITY**

### **CGAM60/04/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Hoyer seconded Cr Kirkpatrick**

1. **Council endorses the temporary appointment of Carlie Eldridge to the position of Acting Director Sustainable Development until the 30<sup>th</sup> July 2005 subject to the terms and conditions of her current employment contract with a higher duties payment equivalent to an annual salary of \$82,000. All current delegations and authorities applicable to the position of Director Sustainable Development will apply to the Acting Director Sustainable Development position.**

2. Council endorses the temporary appointment of Elizabeth Cox to the position of Acting Director Corporate Services until the 30<sup>th</sup> July 2005 subject to a salary of \$82,000 and such general terms and conditions not exceeding those that currently apply to the contract for that position as negotiated by the Chief Executive Officer. All current delegations and authorities applicable to the position of Director Corporate Services will apply to the Acting Director Corporate Services position.
3. The Chief Executive Officer is authorised to sign and place the common seal on the contract of employment negotiated under Part 2. of this resolution for the position of Acting Director Corporate Services.
4. Council endorses the conduct of a review of organisational priorities and structure utilising the draft concept outlined in *attachments* [CGAM060-04-05.doc](#) and [CGAM060.2-04-05.doc](#) subject to the following:
  - (i) a comprehensive consultation process being undertaken with all staff
  - (ii) a strategic priorities workshop being held between elected members and senior staff as outlined in this report
  - (iii) incorporation of the outcomes of the review of manager's remuneration and staff award and classification levels currently being conducted by Equal Consulting
5. Council formally thanks and acknowledges the contribution made to the Serpentine-Jarrahdale Shire by Mr Glen Dougall during his five (5) years of service to Council in the position of Director Corporate Services.
6. Council endorses a contribution of \$250 from MOC555 toward a gift or gift voucher in excess of the \$50 normally permitted under Council Policy CSP11 Payment to Employees in Addition to Contract or Award upon termination of his employment with the Serpentine Jarrahdale Shire and in accordance with section 5.50 of the Local Government Act 1995, in recognition of his service to Council during his period of employment.
7. This payment be advertised in accordance with the provisions of Council Policy CSP11 and section 5.50 of the Local Government Act 1995.

**CARRIED 7/0 ABSOLUTE MAJORITY**

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

## 9. CHIEF EXECUTIVE OFFICER'S REPORT

OCM07/04/05 INFORMATION REPORT		
Proponent	Chief Executive Officer	<b>In Brief</b>  Information Report.
Officer	J Abbiss - Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	21 April, 2005	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

OCM07.1/04/05 COMMON SEAL REGISTER REPORT – MARCH, 2005 (A1128)

***The Common Seal Register Report for the month of March 2005 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the attachments marked [OCM07.1.04.05.doc](#) (E02/5614)***

OCM07.2/04/05 ECONOMIC & TOURISM DEVELOPMENT OFFICER REPORT – APRIL 2005 (A0436-05)

***The Economic & Tourism Development Officer report of priorities to 18<sup>th</sup> April, 2005 is with the attachments marked [OCM07.2.04.05.doc](#)(E05/2333)***

OCM07.3/04/05 USE OF DELEGATION REPORT (A0039-02)

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

CS-9 Internal & External Funding Applications Seeking Council Endorsement

- \* Letter of Support SJ Youth Activity Group for financial assistance from Lotterywest to build a go-cart
- \* Letter of Support to Peel Economic Development Unit for Regional Arts Development Officer funding (OC05/1756)
- \* Letter of Support for Greencorp Project to assist in Heritage and Environmental Conservation Works within Jarrahdale Heritage Park (OC05/1967)

OCM07.4/04/05 PEEL MARKETING ALLIANCE – MINUTES FEBRUARY 2005 (A0839-05)

***The Peel Marketing Alliance minutes of meeting held on 24<sup>th</sup> February 2005 are in the attachments marked (IN05/4451) [OCM07.4.04.05.doc](#)***

OCM07.5/04/05 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – NOTICE OF ANNUAL GENERAL MEETING (A0163-06)

***The WALGA “Notice of Annual General Meeting and procedural information for submission of motion” is in the attachments marked [OCM07.5.04.05.doc](#) (IN05/3734) for Councillors information.***

OCM07.6/04/05 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION-  
SOUTH EAST METROPOLITAN ZONE MEETING MINUTES –  
MARCH 2005 (A1164)

***The South East Metropolitan Zone Minutes of the meeting held on 30 March, 2005 are in the attachments marked [OCM07.6.04.05.doc](#) (IN05/4252)***

OCM07.7/04/05 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION  
STATE COUNCIL MEETING MINUTES – APRIL 2005 (A1164)

***The WALGA State Council minutes of the meeting held on 6 April, 2005 are in the attachments marked [OCM07.7.04.05.doc](#) (IN05/4103)***

OCM07.8/04/05 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION  
– PEEL ZONE MEETING MINUTES – MARCH 2005 (A1164)

***The Peel Zone minutes of the meeting held on the 31 March, 2005 are in the attachments marked [OCM07.8.1.04.05.doc](#) together with the Western Australian Local Government Association President's Report for April which is marked [OCM07.8.2.04.05.pdf](#) (IN05/3771)***

OCM07.9/04/05 PEEL ECONOMIC DEVELOPMENT UNIT MINUTES – MARCH,  
2005 (A0839-02)

***The Peel Economic Development Unit minutes of the meeting held on 24<sup>th</sup> March, 2005 are in the attachments marked [OCM07.9.04.05.tif](#) (IN05/3568)***

OCM07.10/04/052004 NATIONAL GENERAL ASSEMBLY RESOLUTIONS (A0435)

In November 2004 a letter of thanks was received from the National General Assembly of Local Government acknowledging the motion submitted by Cr Hoyer on mental health. The resolution was referred to the Australian Local Government Association (ALGA) Board of Directors in December 2004. ALGA has now advised that it considers this a matter for state and federal jurisdictions and agreed to provide an advocacy role and in this regard has written to the Minister for Health, the Hon Tony Abbott MP, seeking Australian Government's position in relation to this resolution.

***A copy of the letter in respect to resolution 12 is with the attachments marked [OCM07.10.04.05.tif](#)(IN05/3211).***

OCM07.11/04/05 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION  
– 2005 ASSOCIATION HONOURS (A0163-05)

Nomination for the 2005 WA Local Government Association Honours programme are now open and Member Local Governments, Zones and State Councillors are invited to submit nominations. ***Details of the five categories and nomination packs are with the attachments marked [OCM07.11.04.05.tif](#) (IN05/2652).*** Note nominations closed on 29<sup>th</sup> April, 2005.

#### **CROCM05/03/05 COUNCIL DECISION/Officer Recommended Resolution**

**Moved Cr Price seconded Cr Star  
The Information Report to 21<sup>st</sup> April, 2005 is received.  
CARRIED 7/0**

Carlie Eldridge and Glen Dougall returned to the meeting at 7.40pm

**10. URGENT BUSINESS:**

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

**12. CLOSURE:**

There being no further business the Presiding Member declared the meeting closed at 7.41pm.

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

SD049/04/05 BUILDING INFORMATION REPORT		
Proponent:	N/A	In Brief  Information report
Owner:	N/A	
Officer:	Wayne Chant - Principal Building Surveyor	
Signatures Author:		
Senior Officer:		
Date of Report	4 April 2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM051/06/04	

**SD049/04/05 COMMITTEE DECISION/Officer Recommended Resolution**

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

SD050/04/05 HEALTH INFORMATION REPORT		
Proponent:	N/A	In Brief  Information report
Owner:	N/A	
Officer:	Tony Turner - Principal Environmental Health Officer	
Signatures Author:		
Senior Officer:		
Date of Report	4 April 2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM051/06/04	

**SD050/04/05 COMMITTEE DECISION/Officer Recommended Resolution**

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



SD052/04/05 COMMUNITY DEVELOPMENT INFORMATION REPORT		
Proponent:	Not applicable	In Brief  Information report
Owner:	Not applicable	
Officer:	Carole McKee – Community Development Officer	
Signatures Author:		
Senior Officer:		
Date of Report	4.04.05	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Committee – in accordance with resolution SM051/06/04</b>	

**SD052/04/05 COMMITTEE DECISION/Officer Recommended Resolution**

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

SD059/04/05 PROPOSED PRIVATE RECREATION (PAINTBALL GAMING FACILITY) - LOT 815 PUNRAK ROAD, HOPELAND (P00142/01)		
Proponent:	D Enever & C Deleo	In Brief  Application has been received for the establishment of a private recreation (paintball gaming facility) on Lot 815 Punrak Road, Hopeland. The application was advertised to adjoining and nearby landowners, and was also referred to the Department of Environment and Department for Planning and Infrastructure for comment. It is recommended that the application be approved subject to the conditions contained in this report.
Owner:	FJ & KF James	
Officer:	Andrew Trosic - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	8 April 2005	
Previously	NA	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Committee in accordance with resolution SM051/06/04</b>	

**SD059/04/05 COMMITTEE DECISION/Officer Recommended Resolution:**

**That the application for a private recreation (paintball gaming facility) on Lot 815 Punrak Road, Hopeland is approved subject to the following conditions:**

- 1. Development shall be in accordance with the Approved Development Plan dated 19 April 2005, and subject to any modification required as a consequence of any conditions of this approval. Major variations to the Approved Development Plan as determined by the Shire will require further planning approval to be obtained, however minor variations may be approved if deemed necessary and in accordance with the objectives of the Scheme.**
- 2. If the development, subject of this approval, is not substantially commenced within two (2) years from the date of this letter, the approval shall lapse and be**

- of no further effect. Where an approval has lapsed, no development shall be carried out without further approval being sought and obtained from the Shire.
3. A building licence must be applied for and issued by the Shire before any work commences on the site. This is to detail any proposed structures, screen fencing, public amenities and public safety requirements.
  4. All proposed structures and screen fencing are to be of non reflective material and in a colour of natural and earth tonings to compliment the surroundings to the satisfaction of the Shire.
  5. The use is not to interfere with the agricultural intent or amenity of the locality or cause nuisance by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise. The development area shall be kept in a neat and tidy condition at all times to the satisfaction of Shire.
  6. The use is limited to operation between the times of 8am to 6pm only, Monday to Sunday and shall not exceed a maximum of forty (40) patrons (excluding staff) per day during these times to the satisfaction of the Shire.
  7. All stormwater to be disposed of within the property. This shall be achieved by either soakwells or spoon drains and the grading of driveways and paved areas preventing direct disposal of stormwater onto the road or neighbouring properties.
  8. An approved effluent disposal system to the satisfaction of the Shire and Department of Health must be installed prior to commencement of the development the subject of this approval. Details of the proposed system are to be submitted prior to the commencement of use of the land for paintball gaming activities.
  9. All on site effluent disposal systems shall be set back a minimum distance of 100 metres from any streams, river or water course (including non-perennial streams) and have a minimum two metre vertical separation from the groundwater table.
  10. All sewerage and wastewater being disposed of to the specification and requirements of the Shire and the Department of Health.
  11. The conservation category wetland, lake and important remnant vegetation as identified in red on the Approved Development Plan are to be excluded at all times from the proposed development. These areas are to be fenced to an appropriate standard, including surrounding fringing vegetation, to the satisfaction of the Shire prior to commencement of the development. Fencing is to include suitable signage advising patrons that entry to these areas is not permitted.
  12. A revegetation and rehabilitation plan must be submitted to the Shire prior to the commencement of use on the land for paintball gaming activities. For the purpose of this condition, the plan shall indicate the following:
    - a) The location, name and mature heights of existing and proposed trees and shrubs;
    - b) The revegetation or rehabilitation of previously cleared areas within either the conservation category wetland or lake areas;
    - c) All vegetation proposed to be removed;
    - d) Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles;
    - e) The screening of view of all proposed structures and screen fencing.
  13. Revegetation and rehabilitation is to be established in accordance with the approved plans within six (6) months of commencement of the development and thereafter maintained to the satisfaction of the Shire.
  14. The vehicle parking and accessways shall be designed, constructed and drained to a compacted gravel or similar material standard to the satisfaction of the Shire prior to the commencement of the development.
  15. The provision of 15 on site car parking bays, in a location to the satisfaction of the Shire.

16. The crossover to Punrak Road being located and constructed to a sealed standard to a minimum width of five metres to the satisfaction of the Shire prior to the commencement of the development.
17. A sign licence application including a plan or description of all signs for the proposed development shall be submitted and approved by the Shire prior to the erection of any signage on the site.

**Advice Notes:**

1. A planning consent is not an approval to commence any works. A building licence must be obtained for all works.
2. Your application for a building licence must be accompanied by a photocopy of the Form 2 Approval, and all plans, where appropriate, must satisfy the conditions specified.
3. Native vegetation is valued and protected in the Shire of Serpentine-Jarrahdale. You are advised that the Shire's Town Planning Scheme requires separate approval for the clearing of native trees in most instances if approval for this is not given above.
4. The Environmental Protection (Noise) Regulations 1997 contain penalties where the noise limits prescribed are exceeded and it is suggested that you have due regard for this in the operation of your development.
5. The operations of the development must comply with all environmental standards as specified in any works approval licence conditions, policies or conditions of approval applied under the Environmental Protection Act 1985.
6. Any landscaping of the lot should be with materials that are sympathetic with the surrounding natural landscape.
7. The applicant is advised that an application is required to be submitted and approved by the Department of Environment for the abstraction of ground water.
8. The Shire has a Local Business Directory on the Shire's website ([www.sjshire.wa.gov.au](http://www.sjshire.wa.gov.au)) which can be used by anyone who runs a business locally. All you need to do is register your details online at no charge and you will be issued a password. You are then able to update your own details as the need arises.
9. This decision issued by the Shire of Serpentine-Jarrahdale does not remove any responsibility the proponent may have in obtaining a vegetation clearing permit under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, from the Department of Environment. Further information should be obtained from the Department of Environment.
10. This decision issued by the Shire of Serpentine-Jarrahdale does not remove any responsibility the proponent may have in obtaining approval from the Department of Environment for any works which may impact on any wetland on or within proximity of their property. Further information should be obtained from the Department of Environment.
11. This development is defined as a public building and shall comply with the provisions in the Health Act 1911 relating to public buildings, the Public Building Regulations and Shire guidelines for establishment of public buildings. An application to construct, extend or alter a public building is to be submitted with the building licence application.

**CARRIED 7/0**

Committee Note: A minor amendment was made to condition 16 to clarify that the location of the crossover was also to be to the Shire's satisfaction to ensure appropriate sight lines are maintained. This was achieved by adding the words "located and" to the original condition. The Presiding Officer did not feel that this substantially changed the Officer's recommendation.

SD062/04/05 AMENDMENT TO KEYSBROOK LOCALITY (A0096)		
Proponent:	Department of Land Information	In Brief  The Shire has received a request from the Department of Land Information for the Yamba Special Rural Estate to be included within the locality of Keysbrook. The request aims to correct a decision made by the Shire of Murray after inadequate community consultation.  It is recommended to support this request.
Owner:	N/A	
Officer:	Carlie Eldridge Manager Sustainable Communities	
Signatures Author:		
Senior Officer:		
Date of Report	6 April 2005	
Previously	N/A	
Disclosure of Interest	Joanne Abbiss – Chief Executive Officer	
<b>Delegation</b>	<b>Committee in accordance with resolution SM051/06/04</b>	

**SD062/04/05 COMMITTEE DECISION/Officer Recommended Resolution:**

**Council supports the request from the Department of Land Information for a change in locality name for Yamba Special Rural Estate from North Dandalup and Myara to Keysbrook to incorporate the landholdings to the east of Boyd Road and to the west of Scarp Road within the Shire of Murray as attached at SD062.1/04/05.**

**CARRIED 7/0**

SD058/04/05 PROPOSED OVERSIZED ANCILLARY ACCOMMODATION – LOT 14 RICHARDSON STREET, SERPENTINE (P02663/03)		
Proponent:	Natalie Guest	In Brief  The applicant is seeking planning approval for an oversized ancillary accommodation. It is recommended that the application be conditionally approved.
Owner:	JMW, T & CD Guest	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	4 April 2005	
Previously	SD028/02/05	
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	
<b>Delegation</b>	<b>Committee in accordance with resolution SM051/06/04</b>	

**SD058/04/05 COMMITTEE DECISION/Officer Recommended Resolution:**

**Council grants approval for oversized ancillary accommodation on Lot 14 Richardson Street, Serpentine subject to the following conditions:**

- 1. Floor plans and elevation plans are to be submitted to Council to the satisfaction of the Director Sustainable Development for approval prior to the issue of a building licence.**
- 2. Any occupier of the ancillary accommodation shall be a member of the family of the occupier of the main dwelling.**
- 3. A notification under Section 70A of the Transfer of Land Act is to be prepared in a form acceptable to the Department of Land Information and lodged with the Registrar of Titles for endorsement on the Certificate of Title for the subject lot, prior to the issue of a Building Licence. This notification is to be sufficient to alert prospective landowners of the use restrictions of the ancillary accommodation as**

- stipulated under Condition 2 of this approval. All costs associated with the fulfilment of this condition shall be met by the landowner.
4. A building licence is required to be obtained prior to the commencement of any development (including earthworks).
  5. The specific approval of the Department of Health is required for effluent disposal prior to the commencement of development. Applications for effluent disposal apparatus are required to be submitted to the Council’s Health Services and will then be forwarded on to the Department of Health.
  6. The ancillary accommodation is to be constructed of new materials.
  7. Only materials identified in the schedule of colours, materials and finishes submitted on 17 March 2005, are to be used in the construction of the ancillary accommodation unless the prior written approval of the Shire is obtained.
  8. The ancillary accommodation is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant legislation.
  9. All driveway surfaces are to be constructed of a suitable material such as paving, road base, or coarse gravel to limit the generation of dust and sediments entering nearby creeks and drainage lines.
  10. No direct discharge of stormwater into watercourses or drainage lines.
  11. All stormwater runoff from roofs and hardstand areas to be disposed of on site.
- CARRIED 7/0**

SD066/04/05 PLANNING INFORMATION REPORT		
Proponent	Acting Director Sustainable Development	<b>In Brief</b>  Information Report.
Officer	Lisa Fletcher – Support Officer Sustainable Development	
Signatures – Author:		
Senior Officer:		
Date of Report	1 April 2005	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee in accordance with resolution SM051/06/04</b>	

**SD066/04/05 COMMITTEE DECISION/Officer Recommended Resolution**

The Planning Information Report to 14 April 2005 be received.  
**CARRIED 7/0**

<b>CGAM046/04/05 EMERGENCY MANAGEMENT BILL 2004 (A0202)</b>		
Proponent:	Director Asset Services	In Brief  Council is requested to provide comment on the Discussion Paper provided by Western Australian Local Government Association (WALGA) in relation to the Emergency Management Bill 2004.
Officer:	MC Beaverstock Director Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	5 April 2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Committee in accordance with resolution SM051/06/04</b>	

**CGAM046/04/05 COMMITTEE DECISION/Officer Recommended Resolution:**

Council advises the Western Australian Local Government Association that it supports the comments made within its Discussion Paper regarding the Emergency Management Bill 2004 and provides a copy of this item as additional comment to enable the Western Australian Local Government Association to determine a formal position on this matter.  
**CARRIED 7/0**

<b>CGAM049/04/05 CUNNINGHAM DRIVE PUBLIC ACCESS WAY (R0355)</b>		
Proponent:	Trails Working Group / Oakford Residents	In Brief  Council is requested to serve notice to the landowner who has placed gates and fencing across the unmade section of road reservation in Cunningham Drive, Oakford requiring removal of obstructions to the public thoroughfare.
Owner:	Crown Land	
Officer:	Jenni Andrews Reserves Officer	
Signatures Author:		
Senior Officer:		
Date of Report	30 <sup>th</sup> March 2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
<b>Delegation</b>	<b>Committee in accordance with resolution SM051/06/04</b>	

**CGAM049/04/05 COMMITTEE DECISION/Officer Recommended Resolution:**

Council issues notice to the owner of adjacent land referred to as Lot 20 Cunningham Drive, Oakford requiring removal of the fencing and gates on Cunningham Drive to allow public thoroughfare through the road reservation.  
**CARRIED 7/0**

CGAM052/04/05 PEEL COMMUNITY FOUNDATION (A0109-02)		
Proponent:	Peel Development Commission	In Brief  Council is requested to support in principle the formation of a Peel Community Foundation and, if this concept is progressed, to nominate a community representative as a member of a Regional Advisory Body.
Officer:	MC Beaverstock Director Asset Services	
Signatures Author:		
Senior Officer:		
Date of Report	14 April 2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Committee in accordance with resolution SM051/06/04</b>	

**CGAM052/04/05 COMMITTEE DECISION/Officer Recommended Resolution:**

**Council advises the Peel Development Commission that it supports in principle the formation of a Peel Community Foundation and is willing to nominate a community representative as a Regional Advisory Body member.  
CARRIED 7/0**

CGAM054/04/05 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent:	Director Corporate Services	In Brief  To confirm the creditor payments made during March 2005
Owner:	N/A	
Officer:	S. O'Meagher – Finance Officer	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Committee in accordance with resolution SM046/05/04</b>	

**CGAM054/04/05 COMMITTEE DECISION/Officer Recommended Resolution:**

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

CGAM055/04/05 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 March 2005
Owner:	Not Applicable	
Officer:	Ray Pryce – Senior Finance Officer	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Committee in accordance with resolution SM046/05/04</b>	

**CGAM055/04/05 COMMITTEE DECISION/Officer Recommended Resolution:**

Council receive and note the report on Debtors accounts with a balance in excess of \$1,000 outstanding for 90 days or greater as at 31 March 2005.  
**CARRIED 7/0**

CGAM056/04/05 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)		
Proponent:	Director Corporate Services	In Brief  To receive the sundry debtor balances as at 31 March 2005
Owner:	Not Applicable	
Officer:	Ray Pryce – Senior Finance Officer	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Committee in accordance with resolution SM046/05/04</b>	

**CGAM056/04/05 COMMITTEE DECISION/Officer Recommended Resolution:**

Council receive and note the report on Sundry Debtor Outstanding Accounts as at 31 March 2005.  
**CARRIED 7/0**



<b>CGAM057/04/05 RATE DEBTORS REPORT (A0917)</b>		
Proponent:	Director Corporate Services	In Brief  To receive the rates report as at 31 March 2005
Owner:	Not Applicable	
Officer:	V Tapp – Finance Officer - Rates	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Committee in accordance with resolution SM046/05/04</b>	

**CGAM057/04/05 COMMITTEE DECISION/Officer Recommended Resolution:**

**Council receive and note the report the Rate Debtors accounts as at 31 March 2005.  
CARRIED 7/0**

<b>CGAM058/04/05 INFORMATION REPORT</b>		
Proponent:	Director Corporate Services	In Brief  To receive the information report to 8 April 2005
Owner:	Not Applicable	
Officer:	Various	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	<b>Committee in accordance with resolution SM046/05/04</b>	

**CGAM058/04/05 COMMITTEE DECISION/Officer Recommended Resolution:**

**The information report to 8 April 2005 be received.  
CARRIED 7/0**

CGAM059/04/05		PEEL ZONE EXECUTIVE OFFICER (A1164 )
Proponent:	City of Mandurah	In Brief  Council is asked to consider a population based contribution of \$3000 in the 2005/06 budget deliberations to facilitate the appointment of an Executive Officer to undertake the secretarial and research duties of the Peel Zone
Owner:	N/A	
Officer:	Joanne Abbiss – Chief Executive Officer	
Signatures Author:		
Senior Officer:		
Date of Report	15 <sup>th</sup> April 2005	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

**CGAM059/04/0505 COMMITTEE DECISION/Officer Recommended Resolution:**

Council considers in the 2005/2006 budget deliberations a maximum population based contribution of \$3,000 towards the remuneration and expense reimbursement of an Executive Officer for the Peel Zone and associated costs based on the percentage of population of the Peel Region as provided by the Australian Bureau of Statistics subject to the following:

- (a) the City of Mandurah undertaking the advertising, recruitment, employment and treasurer function on behalf of the Zone.
- (b) the position initially being offered for a period of twelve (12) months and then subject to a review of it's effectiveness by member authorities.
- (c) a performance management system being adopted by the City of Mandurah that ensures that the Executive Officer's progress against the outcomes detailed in the position description as attached at CGAM059/04/05 are regularly monitored and reviewed.

**CARRIED 7/0**