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- NOTE:**
- a) **The Council Committee Minutes Item numbers may be out of sequence. Please refer to Section 13 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 MONDAY 26<sup>TH</sup> MAY, 2003. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.02 PM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

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## 1. ATTENDANCES & APOLOGIES

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

**APOLOGIES :**Cr WJ Kirkpatrick ..... Leave of Absence  
Mr D Price ..... Chief Executive Officer

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

### GALLERY: 5

The Presiding Member reminded Councillors and advised members of the public that the meeting is to run under new Standing Orders effective from 21<sup>st</sup> May, 2003.

## 2. PUBLIC QUESTION TIME:

Public Question time commenced at 7.04pm

Mrs Bond

Q Were Councillors present at a meeting with A McTiernan and M Whitely in December 2001 or December 2002 regarding a proposed raceway in Oakford?

A The question was taken on notice.

Q Did six Councillors vote in favour of the raceway and who were those six Councillors?

A The Presiding Member advised that a formal application has only recently been lodged and this has not yet been put before a committee or Council for consideration.

Paul Nield

Q Why are the public locked out of Council meetings until 7.00pm and unable to access the agenda for the meeting.

A The Presiding Member advised that the agenda is available to the public in the Library, Council offices and Website from Friday before the meeting and that the meeting does not start until 7.00pm.

Q Phoenix Companies claim Council has approved land fill in the Lot 1 Jackson Road site, is this correct?

- A The Director Sustainable Development advised of the retrospective application for fill that was approved and the prospective application that was refused on that lot.

Mr Nield asked how Madam President should be addressed. The Presiding Member advised that if Mr Nield was going to say something defamatory that she would ask him to stop. The Presiding Member advised that she could be addressed as President Needham.

- Q Phoenix claims that Council have sent a mulching operator to McLeans and have suggested that a mulching operation is established on one of his properties, is this correct?

- A The question was taken on notice.

Public question time concluded at 7.09pm

### 2.1 Response To Previous Public Questions Taken On Notice

Mr P Neild asked the following question at the April Ordinary Council Meeting,

- Q. *Mrs Neild was ordered to vacate a Council meeting last time Mr Nield was asked to leave the meeting, who instructed G Dougall and the security guard to enforce that order and was this voted on?*

- A. It is not thought that Mrs Nield was asked to leave the March Council meeting at any time, it is considered that Mrs Nield left the March Council meeting of her own accord.

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

Public statement time commenced at 7.09pm

Mark Kiernan, 14 Mead Street in Byford

On the agenda tonight you will be discussing the roads that will be used to the new recreation centre in Briggs Park. I am hoping you can see past the Asset Services report that mainly looks at the cost rather than the local residents of Mead Street and surrounding areas. In the report it says that stage 1 there could be up to 800 cars per day or in stage 2 1660 per day plus the existing traffic using our road which has a primary school which has 40km/hr speed zone, a church, local residents and aged care homes. If Warrington Road is used there would be no inconvenience to anyone except one driveway and one house. There will be a cost to upgrade the road which has street lights with high voltage power. Mead Street East has street lights which don't meet the Australian standards 1158, so major upgrade of street lighting for the whole of Mead Street will be required which will be new power, new poles, underground power, all to Western Power specifications. Also mentions on page 25, third last paragraph, properties on the south side have a generous building setback – this is not the case as some of the properties are as close as 2 metres to the fence line and averaging about 8 metres for the rest. You also mention about anti social behaviour which could occur due to traffic and you would install traffic calming devices which could be installed for behaviour monitored by the Police. You all know the Police are over worked and have not responded in the past to our demands and I cannot see that changing at all. So I would please like to ask the Council to consider all the things I have put to you tonight regarding the use of Warrington Road.

Public statement time concluded at 7.10pm

**4. PETITIONS & DEPUTATIONS:**

**5. PRESIDENT'S REPORT:**

\* Wished to thank Councillors for electing her as President for the next two years and also to again congratulate Cr Price who was elected as the Deputy President.

\* Reiterated what was said at the Special Council Meeting and that was to thank Cr Jan Star for her excellent contribution as President over the past four years. Has been told by many residents that she has big shoes to fill, which she fully appreciates and intends to do her best to maintain the high standard that has been set.

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

**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 – 28<sup>th</sup> April, 2003

**COUNCIL DECISION**

Moved Cr Simpson seconded Cr Wigg  
That the minutes of the Ordinary Council Meeting held on 28<sup>th</sup> April, 2003 be confirmed.  
CARRIED 9/0

7.2 Special Council Meeting – 12<sup>th</sup> May, 2003

**COUNCIL DECISION**

Moved Cr Star seconded Cr Richards  
That the minutes of the Special Council Meeting held on 12<sup>th</sup> May, 2003 be confirmed.  
CARRIED 9/0

7.3 Corporate Services Committee Meeting – 12<sup>th</sup> May, 2003

**COUNCIL DECISION**

Moved Cr Simpson seconded Cr Wigg  
That the minutes of the Corporate Services Committee Meeting held on 12<sup>th</sup> May, 2003 be received.  
CARRIED 9/0

C116/05/03 CODE OF CONDUCT (A0031)			
Proponent	Local Government Act/Council	In Brief	
Officer	D.E. Price - Chief Executive Officer	Review Serpentine Jarrahdale Shire Code of Conduct.	
Signatures - Author:			
Senior Officer:			
Date of Report	26 April 2003		
Previously	C174/05/01		
Disclosure of Interest			
<b>Delegation</b>	<b>Council</b>		

### **Background**

The Local Government Act requires “a local government is to review its code of conduct within 12 months after each ordinary elections day and make such changes to the code as it considers appropriate”.

### **Comments**

Council has indicated in the current and past “Councillors Handbook” that it is intending to reinforce its commitment to Serpentine Jarrahdale Shire Code of Conduct on a bi-annual basis. The Councillors Handbook suggests that this will occur at the first meeting after elections in the years when elections are held.

Pursuant to Division 9, Section 5.103 of the 1995 Local Government Act, new and existing Councillors are required to observe the local governments “Code of Conduct”. The “Code of Conduct” is also to be observed by staff.

***A copy of the Code of Conduct adopted by Council on 9 December 1996 and last amended in May 2001 is included with the attachments and marked C116/05/03.***

No changes have been proposed to the Code of Conduct as reviewed and adopted in May 2001.

**Sustainability Statement** Not applicable.

**Statutory Environment:** In accordance with Division 9 - Codes of Conduct, s5.103 Local Government Act 1995

**Policy Implications:** Council has suggested that the commitment to the Code of Conduct be re-affirmed bi-annually at the first meeting after elections in the years when elections are held.

**Financial Implications:** Financial implications are not associated with this decision

**Strategic Implications:** Not applicable

**Community Consultation:** Not applicable

**Voting Requirements:** Normal

**CRC116 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Star seconded Cr Simpson  
Council adopts the reviewed Serpentine Jarrahdale Shire Code of Conduct as presented at attachment C116/05/03.  
CARRIED 9/0

C117/05/03 MEN IN SHEDS PROJECT PROPOSAL (RS0077)	
Proponent	Armadale Home Help Service
Officer	G.R. Dougall – Director Corporate Services
Signatures - Author:	
Senior Officer:	
Date of Report	31/03/03
Previously	
Disclosure of Interest	
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM065/05/02</b>

In Brief  
Provide in principle support of a Men in Sheds Project in Mundijong supported by the Armadale Home Help Service.

**Background**

During the request for Councillor submissions for the Forward Financial Plan two submissions received from Councillors requested consideration of a Men in Sheds Project within the district.

In discussions between Executive, Cr Scott and Armadale Home Help Service consideration was given to possible locations to establish the project. The grounds surrounding the House reserve on the corner of Paterson Street and Cockram Street, Mundijong, was considered the most appropriate and a site visit was held on 23 January, 2003 with Mrs Cheryl Samborski from Armadale Home Help, Cr Scott and Director Corporate Services. Another location considered was Serpentine, however no suitable location was considered available.

**Comments**

Armadale Home Help have now written to Council requesting formal consideration of the proposal in Mundijong. It is considered that this area is suitable in allowing for the construction of a shed, provision of space to establish garden areas and the ability for maintenance of the current gardens by the project. A concrete pad to the rear of the carpark may be suitable to form the floor for a colourbond shed. Disabled toilets would also need to be installed with the shed, it is considered that this toilet could be connected to the same system for the toilet located at the rear of the playgroup building.

Armadale Home Help advise that they will make applications for funding to construct the shed and toilets and will use the concrete pad and location as Council's in-kind contribution to the project. Other improvements will also be required to allow access to the area for all participants.

Armadale Home Help advise that funding sources require submissions in April and wish to undertake further analysis so therefore seek formal Council support for the proposal.

**Sustainability Statement**

This proposal provides an opportunity for local members of the community to participate in activities that may not be available to them due to mobility issues or a change of housing conditions.

- Statutory Environment:** Not applicable
- Policy Implications:** No Policy implications
- Financial Implications:** No initial financial request has been received, however more assessment will be required.
- Strategic Implications:** No strategic implications
- Community Consultation:** No community consultation required at this time.
- Voting Requirements:** Normal

**Officer Recommended Resolution**

1. Council advise the Armadale Home Help Service that it provides “in principle” support of establishing a Men in Sheds Project on the Reserve located on corner of Paterson and Cockram Streets in Mundijong.
2. Following further consultation a proposal be referred back to Council for approval.

**CRC117 COUNCIL DECISION/Committee Recommendation Resolution**

Moved Cr Price seconded Cr Hoyer

1. Council advise the Armadale Home Help Service that it provides “in principle” support of establishing a Men in Sheds Project.
2. Following further consultation a proposal be referred back to Council for approval.

CARRIED 9/0

Note: The Officer’s Recommendation was changed to enable further investigation of sites and consideration of the longer term impact of the proposal.

7.4 Asset Services – 12<sup>th</sup> May, 2003

**COUNCIL DECISION**

Moved Cr Hoyer seconded Cr Scott

That the minutes of the Asset Services Committee Meeting held on 12<sup>th</sup> May, 2003 be received.

CARRIED 9/0

AS062/05/03 SOUTH WEST RAIL DISCUSSION PAPER – SUBMISSION (A0976)		
Proponent	Shire of Serpentine Jarrahdale	<b>In Brief</b> Council is to endorse the document attached to this report as the submission of the Shire to the Department for Planning and Infrastructure in relation to the South West Rail Discussion Paper.
Officer	Mick Beaverstock Director Asset Services	
Signatures - Author:		
Senior Officer:		
Date of Report	30 April 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

**Background**

The Department for Planning and Infrastructure (DPI) have released a discussion paper outlining possible options for future modifications to the South West Passenger Rail Service.

The paper deals primarily with expansion of the existing service, and options to increase patronage on the Bunbury to Perth Service.

Mr Bill Adlam (Manager Land Transport, DPI) has been invited to present a briefing to Council at its Asset Services Committee Meeting on 12 May 2003.

Submissions have been invited in relation to the discussion paper with a closing date of 30 May 2003.

### **Comments**

A draft submission document has been prepared which deals primarily with the effects of options in the discussion paper that impact on communities within the Shire. It is recommended that the document is endorsed by Council as the submission by the Shire of Serpentine Jarrahdale.

***A copy of the updated (changes highlighted in yellow) "Submission To The Department For Planning and Infrastructure In Relation To the South West Passenger Rail Discussion Paper" is with attachments marked AS062.1/05/03.***

### **Sustainability Statement**

The ongoing provision of public transport services within the Shire, particularly those providing access to and from remote communities, is crucial in sustaining the viability of communities, particularly for residents without access to private transport.

**Statutory Environment:** Nil

**Policy Implications:** Nil

**Financial Implications:** Nil

**Strategic Implications:** The recommendation is in accordance with Objective 2: *Plan and develop towns and communities based on principles of sustainability* of the People and Community Key Sustainability Result Area of the 2003 Strategic Plan.

**Community Consultation:** In addition to public advertisement from Department for Planning and Infrastructure calling for submissions, the Shire has also advertised in local press.

**Voting Requirements:** Normal

### **Officer Recommended Resolution**

That Council endorses the attached document "Submission To The Department For Planning and Infrastructure In Relation To the South West Passenger Rail Discussion Paper" and presents the paper to the Department for Planning and Infrastructure as the submission by the Shire of Serpentine Jarrahdale.

### **Committee Recommended Resolution**

1. Council endorses the attached document "Submission To The Department For Planning and Infrastructure In Relation To the South West Passenger Rail Discussion Paper" with submissions from Councillors' comments for presentation of the paper to the Department for Planning and Infrastructure as the submission by the Shire of Serpentine Jarrahdale.

2. Council write to the Department for Planning and Infrastructure requesting the Shire of Serpentine-Jarrahdale as a stakeholder be included in any further consultations.

Note: The recommendation was changed as new information was given in the presentation from Department for Planning and Infrastructure.

### **CRAS062 COUNCIL DECISION/AMENDED MOTION**

Cr Star moved seconded Cr Richards

1. Council endorses the attached document “Submission To The Department For Planning and Infrastructure In Relation To the South West Passenger Rail Discussion Paper” with submissions from Councillors’ comments for presentation of the paper to the Department for Planning and Infrastructure as the submission by the Shire of Serpentine Jarrahdale.
2. Council write to the Department for Planning and Infrastructure requesting the Shire of Serpentine-Jarrahdale as a stakeholder be included in any further consultations
3. Council request of the Department for Planning and Infrastructure that they themselves or Westrail undertake a proper marketing campaign to promote the use of the Australind service to business (commuters) and non business sectors, then subsequent to that do a proper origin and destination study before any future decisions on alternative routes.

CARRIED 9/0

Note: The Committee Recommended Resolution was changed to include the request to Department of Planning and Infrastructure to undertake a marketing campaign and origin and destination study to better inform their decision making.

AS065/05/03 GRAVEL RESERVE ACCESS (A0798-03)		In Brief
Proponent	Shire of Serpentine Jarrahdale	Officers and Department of Conservation and Land Management (CALM) representatives have met to discuss legal advice received in regard to the CALM Act which impacts on the ability of Local Government to access gravel reserves in State Forests.  To permit short term access to the site identified in Admiral Road it is recommended that Council enter into a Memorandum Of Understanding with CALM.
Officer	Mick Beaverstock Director Asset Services	
Signatures - Author:		
Senior Officer:		
Date of Report	30 April 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

### **Background**

Council has for some time being negotiating the exchange of land on the Scrivener Road Gravel Reserve for a site in Admiral Road for the purposes of future Due to delays in achieving the land exchange, Council has recently been required to access Scrivener Road for sufficient material to undertake works proposed in the next two financial years.

A meeting was held at the Shire Offices on 10 April 2003 at which these points were discussed, as was the impact of recent advice by the Crown Solicitors Office to Department

of Conservation and Land Management that providing a lease for accessing gravel from State forest does not comply with the legislative requirements of the Conservation and Land Management Act 1984.

Subsequent to this meeting, Department of Conservation and Land Management have written to Council advising of options available for the Shire to access gravel for its own requirements.

### **Comments**

In November 2000 the Department of Conservation and Land Management Act was amended which has resulted in the power for Department of Conservation and Land Management to grant leases over land becoming subject to the lease activity or purpose being in line with the Forest Management Plan. Under Section 55 of that Act the purposes of the Management Plan can be either (a) Conservation; (b) Recreation; (c) Timber production on a sustained yield basis; or (d) Water catchment protection.

Previously leases were granted on the basis of material being provided free of charge for public roads up to 5 kilometres from the State forest boundary, or subject to a royalty (either cash payment or in-kind) for use on other roads if no alternative source was available. The amendment to the Act has resulted in the provision of a lease for gravel for road construction beyond the State forest (i.e. where royalty applied) not being legally possible.

While the Scrivener Road Gravel Reserve is not effected by this change, as it is not leased by Council, the opportunity for early access to Admiral Road via a lease arrangement is no longer possible. It is desirable to secure the Admiral Road site prior to releasing the Scrivener Road reserve so as to ensure future supplies of material are available to the Shire.

Under Section 3.32 of the Local Government Act, Council may serve *Notice of Entry* and enter State forest for the purposes of accessing gravel reserves. Through the Western Australian Local Government Association (WALGA), Department of Conservation and Land Management have negotiated an agreement by which this process can occur. In effect, access to gravel reserves is initially agreed in principle with the Department of Conservation and Land Management Regional Manager then the *Notice of Entry* is issued consistent with the agreement.

While only a formality, it is recommended that a Memorandum of Understanding is entered into between the Local Government and Department of Conservation and Land Management to secure access for a specified period of time. Department of Conservation and Land Management have advised that this arrangement will be based on the previous lease model where use of the material outside of the State forest boundary will be subject to payment of royalties or alternate consideration. Consistent with the lease conditions, approval will only be provided if no other reasonable alternative is available for gravel supply and this will be determined through reference to the Conservation Commission for final in-principle approval.

In discussions held with the Department of Conservation and Land Management Perth Hills District Manager at the meeting of 10 April 2003, agreement in principle to allow the Shire access to the Admiral Road reserve, prior to an exchange of land, was reached. This has been confirmed by Department of Conservation and Land Management in their letter of 14 April 2003

***A copy of the correspondence from Department of Conservation and Land Management is with attachments marked AS065/05/03.***

Department of Conservation and Land Management have further advised that an assessment of the conservation values of the Scrivener Road gravel reserve has been undertaken and areas suitable for inclusion in the Serpentine National Park identified. In addition, there are areas remaining in the reserve that may be suitable for continued access

by the Shire as these areas do not contain breeding sites for the Red Tailed Black Cockatoos.

While it is not the intention of this report to request Council approve or otherwise the ongoing use of the Scrivener Road reserve, it is necessary to ensure Council is aware that potentially suitable areas of reserve will likely remain available notwithstanding the requirement to address other issues related to the continued use of this site.

To progress the issue of securing future gravel resources it is recommended that a Memorandum Of Understanding be developed between the Shire of Serpentine Jarrahdale and Department of Conservation and Land Management for access to Admiral Road, and the matter referred to the Conservation Commission for endorsement.

### **Sustainability Statement**

It is crucial that Council secures gravel reserves for future material sources to enable cost effective road maintenance and construction to be undertaken. Operation of reserves however needs to be mindful of the social and environmental impacts.

**Statutory Environment:** Local Government Act 1995 (as amended)  
Conservation and Land Management Act 1984

**Policy Implications:** Nil

**Financial Implications:** Nil

**Strategic Implications:** The recommendation is in accordance with Objective 3: *Compliance to necessary legislation* of the Governance Key Sustainability Result Area of the 2003 Strategic Plan.

**Community Consultation:** Nil

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

### **CRAS065 COUNCIL DECISION/Officer/Committee Recommended Resolution**

Moved Cr Simpson seconded Cr Wigg that the Chief Executive Officer be given delegated authority to enter into a Memorandum Of Understanding between the Shire of Serpentine Jarrahdale and the Department of Conservation and Land Management for access to the site identified in Admiral Road, Byford for the purposes of gravel extraction and obtain all other necessary agreements and approvals.

**CARRIED 9/0 ABSOLUTE MAJORITY**

AS066/05/03 PROPOSED USE OF GRAVEL RESERVE 23328 KEYSBROOK FOR DRIVESAFE WA TRAINING COURSES (RS0111)		
Proponent	Drive Safe Australia (WA)	In Brief  <i>Drive Safe Australia (WA) requests Council permission to use Gravel Reserve 23328 to conduct driver training courses. It is recommended that Council supports this proposal subject to Council being granted power to lease Reserve 23328 by the Department of Land Administration.</i>
Officer	Brett Dunn – Reserves Officer	
Signatures - Author:		
Senior Officer:	Mick Beaverstock	
Date of Report	28 <sup>th</sup> April 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

### **Background**

Drive Safe Australia (WA), based in Serpentine, conducts courses for defensive driving, occupational and recreational four wheel drive training and road safety lectures. The Keysbrook Fire Station / Community Hall has often been used by Drive Safe to conduct the lecturing stage of training courses. For some of their courses they require a flat gravel surface. Previously they have used an area in Caversham owned by the RAAF but due to recent security issues access to the area is currently under review. Drive Safe Australia (WA) requests the use of Gravel Reserve 23328 to conduct the practical component of the course.

### **Comments**

The reserve is currently barren with a large eucalypt located on the Eastern boundary and some green waste dumping in the south western corner. The area is fenced to the south, west and east and is surrounded by Keysbrook Reserve (16099) which is currently licensed to Peter Butler for grazing. Mr Butler has no objection to the use of the Gravel Reserve for driver training courses. Drive Safe Australia (WA) are insured up to \$10,000,000 public liability and would name the Serpentine-Jarrahdale Shire as an interested party on their Certificate of Currency.

Drive Safe courses are conducted in groups of 1 to 10 people with up to 5 vehicles being used on site at the one time. Based on last year's figures, on average 1 to 2 courses were run per fortnight with 1-3 vehicles used. The practical component of this course involves some short straight line braking at approximately 45-50km per hr. A strip around 4-6 metres wide and 400 metres long is to be graded to provide a flat surface for this exercise. In its current state this modification is not considered to have a significant environmental impact on the reserve.

Reserve 23328 is vested to the Serpentine-Jarrahdale Shire for the purpose of gravel extraction. Gravel has not been excavated from this site for many years and it is unlikely that any further removal will occur in the future. Currently Council does not have the power to lease Reserve 23328. The Department of Land Administration has recommended that Council apply to obtain power to lease the reserve and possibly change its vested purpose.

With power to lease it is recommended that Council enters into an initial 2 year lease/license period with Drive Safe Australia (WA). The long term future of this reserve is not yet determined thus there is an opportunity for this land to serve a purpose as well as provide some income to the Shire. The time period for the lease/license of 2 years will ensure its review coincides with that of adjacent Reserve 16099 licensed to Peter Butler for grazing (expires 31<sup>st</sup> July 2005). This time period will also be suitable for Drive Safe to complete any modifications and establish a consistent use schedule on the reserve. Also, Council will have

the opportunity to monitor any impacts and determine the long term future of Gravel Reserve 23328.

### **Sustainability Statement**

This proposal will not damage any existing vegetation on Reserve 23328. The Drive Safe programs will also benefit local business as the Keysbrook Store is often used for catering these courses.

**Statutory Environment:** Section 3.54 of the Local Government Act 1995  
Land Administration Act 1997

**Policy Implications:** Nil

**Financial Implications:** Nil

**Strategic Implications:** The recommendations are in accordance with Objective 1: *A vibrant local community* of the Economic Development Key Sustainability Result Area of the Strategic Plan.

**Community Consultation:** No objections from Peter Butler – grazing licence holder of adjacent Reserve 16099.  
No objection from Jack Raishley – landowner adjacent to Reserve 16099.  
No response from Bob Peters – landowner adjacent to Gravel Reserve 23328.

**Voting Requirements:** Normal.

### **CRAS066 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Hoyer seconded Cr Price

1. That Council supports the proposal by Drive Safe Australia (WA) to conduct driver training courses on Gravel Reserve 23328, subject to Council being granted power to lease Reserve 23328 by the Department of Land Administration.
2. That, on being granted power to lease Reserve 23328, the matter be referred back to Council for further consideration
3. Licence being issued for a 12 month period only.
4. The Licence being subject to beneficial planting and other treatments including greenhouse gas offsets.

CARRIED 9/0

Note: The recommendation was changed to allow a detailed map be presented to Council delineating the area requested for use and assurance regarding replies being received by adjoining land owners.

### **AS066 Supplementary Report**

Further specifications of the gravel strip to be graded by Drive Safe Australia (WA) have been received since the original report was submitted to Assets Services Committee for May 2003. Please note it was the intention of the original report to gain approval to obtain power to lease from the Department of Land Administration. On being granted the power to lease Reserve 23328 it was recommended that the matter be referred back to Council.

***See site plan marked with attachments marked "AS066.2/05/03".***

The area proposed for the 400m gravel strip to be graded by Drive Safe will require the removal of around 20 small (30-100cm) gums which have self seeded from a larger tree. Council may consider requiring Drive Safe to conduct planting in another area of the reserve to compensate.

**See photos of section of Reserve 23328 proposed to be used for Drive Safe training marked with attachments marked "AS066.1/05/03"-**

Mr Bob Peters, an adjoining landowner, had previously been sent correspondence requesting comment on the proposed use of Gravel Reserve 23328. No response was originally submitted. Mr Peters has subsequently been contacted and advises that he has no objection to the proposal on the condition that the Drive Safe courses do not produce excessive noise, as he breeds horses on the adjoining property.

AS067/05/03 INFORMATION REPORT		
Proponent		In Brief  <i>To receive the information report to the 30 April 2003</i>
Officer	Various	
Signatures - Author:		
Senior Officer:	Mick Beaverstock	
Date of Report		
Previously		
Disclosure of Interest		
<b>Delegation</b>	Council	

AS067.1/05/03            QUARTERLY REPORT - ASSET SERVICES JANUARY – MARCH 2003 (A0897)

**A copy of the Quarterly Report is with attachments marked AS067.1/05/03**

Council is provided with the Quarterly Report from the Director of Asset Services to the Chief Executive Officer for the quarter January to March, 2003  
Councillors are encouraged to discuss any areas within the report that they would like clarification on with the Director or relevant Manager at the Quarterly presentation to be held prior to the Ordinary Council meeting on 26 May 2003.

AS067.2/05/03            AUSTRALIND TRAIN COMMUNITY LIAISON AND SOUTH WESTERN HIGHWAY IMPROVEMENT COMMITTEE (A0976)

Council is in receipt of minutes from the Australind Train Community Liaison And South Western Highway Improvement Committee meeting of 4 April 2003.

**A copy of the Minutes is with attachments marked AS067.2/05/03**

AS067.3/05/03            DELEGATED AUTHORITY (A0039-02)

The Director Asset Services exercised the following delegated authority since the last meeting in April 2003 –

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

Approval was granted to for six (6) property owner for the construction of a crossover.

**AF-33 Fire Break Variations**

Nil

AS067.4/05/03 ROADWISE (A0491/01)

***A copy of the minutes of the meeting held on 26 March 2003 are with the attachments marked AS067.4/05/03.***

AS067.5/05/03 FIRE & EMERGENCY SERVICES AUTHORITY OF WA – REPORT ON REVIEW OF FESA FUNDING TO VOLUNTEER ASSOCIATIONS (A0184)

**Council is in receipt of correspondence from Fire & Emergency Services Authority of WA advising of the decisions made by the Fire & Emergency Services Authority Board in relation to the Bandt Gatter & Associates' report on the "Review of FESA Funding to Volunteer Associations.**

***A copy of the correspondence is with the attachments marked AS067.5/05/03.***

**Officer Recommended Resolution**

That the information report to the 30 April, 2003 be received .

**CRAS067 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Simpson seconded Cr Star

1. The information report to the 30 April, 2003 be received .
2. Council writes to the Fire & Emergency Services Authority requesting clarification on the rationale supporting the Bandt Gatter & Associates' report FESA – Ref:05580 of 10/4/03.

CARRIED 9/0

Note: The recommendation was changed to address Council concerns about the discrepancy in administrative grants, in particular recommendation number 5 of the Bandt Gatter & Associates' report.

AS068/05/03 CONTRIBUTION TO RESEALING COSTS – DOLEY ROAD, BYFORD (R0179)		
Proponent	Mr and Mrs Elek	In Brief <i>Council has received correspondence from Mr and Mrs Elek regarding the offer to contribute to sealing portion of Doley Road.</i>
Officer	Mick Beaverstock Director Asset Services	
Signatures - Author:		
Senior Officer:	Mick Beaverstock	
Date of Report		
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

**Background**

As Council is aware, Mr & Mrs Elek of 89 Doley Road, Byford have previously requested that the unsealed section of Doley Road be upgraded to bitumen sealed standard.

Council has considered the request and, based on competing priorities elsewhere within the Shires road network, resolved to not undertake this work. Officers have advised Mr & Mrs

Elek that, should they be willing to contribute 50% of the cost of this work, the matter may again be considered by Council.

Correspondence has been received on 3 April 2003 from Mr & Mrs Elek advising that they are agreeable to funding part of the work, with the contribution offered appearing to be proportional relative to other residents sharing this section of road.

*“Thank you for your offer and costing of sealing 100 metres of Doley Road. We are prepared to contribute OUR SHARE of sealing the road outside our property.*

*The proposed 100 metres is a public road and the responsibility of the Shire, also shared by OTHER RESIDENTS therefore we STRESS that we are only prepared to contribute to the cost outside our property proportionately.*

*We leave this matter in your capable hands do your best or do your worst, we leave it up to your conscience.”*

It should be noted the letter does not state that a 50% contribution is offered.

#### **CRAS068/05/03 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Richards seconded Cr Simpson that the Director Asset Services continue to negotiate an appropriate settlement with the proponents Mr and Mrs Elek regarding upgrade to a portion of Doley Road, Byford and refer any offer back to full Council for further consideration.

CARRIED 9/0

AS069/05/03 MEAD STREET – ACCESS TO SHIRE RECREATION CENTRE (R0160)		
Proponent	Asset Services Committee	In Brief <i>Council has requested the Director Asset Services to prepare a report on road access options for the recreation centre in Byford.</i>
Officer	Cr Scott	
Signatures - Author:		
Senior Officer:		
Date of Report	12 May 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

#### **Background**

The concept plan for the construction of the Shire Recreation Facility to be constructed at Briggs Park, Byford proposes that road access to the facility be via the eastern end of Mead Street. Residents of Mead Street are concerned that the facility will generate significant traffic volumes and have requested that other options be considered.

At its meeting of 28 April 2003, Council received a petition which requests that consideration be given to the options of using Warrington Road and the western end of Mead Street for access, or alternatively constructing a new road through land currently privately owned by Mr Thatcher.

#### **Committee Recommended Resolution**

That the Director Asset Services prepares a report to Council which considers the impact of traffic on Mead Street and alternative options for vehicular access to the proposed Serpentine-Jarrahdale Recreation Centre.

### **SUPPLEMENTARY REPORT TO AS069/05/03**

AS069/05/03 (Part 2) ROAD ACCESS TO SERPENTINE JARRAHDAL RECREATION CENTRE (R0160)		
Proponent	Shire of Serpentine Jarrahdale	<b>In Brief</b> The current Recreation Centre concept plan shows road access from the eastern end of Mead Street.  This report, in response to concerns raised by residents, considers possible alternate access routes.
Officer	Mick Beaverstock Director Asset Services	
Signatures - Author:		
Senior Officer:		
Date of Report	12 May 2003	
Previously	CRAS069/05/03	
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

### **Background**

On 27 April 1999, Council considered a report from the Manager Planning & Development Services on the Byford Recreation Centre Feasibility Study and resolved:

*“That Council adopts Briggs Park as the preferred location for a multi-purpose recreation complex and initiate the process for closing part of Mead Street and making it available for further recreation development.”*

At its meeting of 28 June 1999, Council further resolved:

*“That Council initiates a permanent closure pursuant to Section 288A of the Local Government (Miscellaneous Provisions) Act 1960 to that portion of Mead Street between Gordin Way and Warrington Road and that the redundant road reservation be included by amalgamation into Reserve 17490 for the purpose of future recreation development.”*

As required by the Act, the road closure was advertised statewide in the West Australian newspaper, with additional advertising being placed in the local Comment News and Examiner newspapers.

Following the advertising and assessment of submissions, Council resolved to request the road closure at its meeting of 28 September 1999.

The closure of the road was required to allow sufficient space for the Recreation Centre and assumed access to both Briggs Park and the Recreation Centre would be via the remaining, eastern end of Mead Street.

Coinciding with the road closure process, Council progressed the concept of a Recreation Centre and engaged the YMCA to undertake a feasibility study and comprehensive public consultation program. A report was presented to Council in October 2001 and the current concept design adopted.

The concept plans presented to the community showed access to the centre via the eastern end of Mead Street. The consultation process involved public meetings, displays and a survey form being sent to all 4,071 rateable properties. 882 surveys were returned and all comments presented in the report.

One comment was received in relation to traffic issues being *“Mead Street is the only road to the Rec Centre and I’m not happy about the extra traffic and noise that I will endure. I’m having trouble now with the BMX people.”*

At its meeting of 28 April 2003, a 33 signature petition was presented to Council against using Mead Street, Gordin Way and Bateman Road as access roads to the proposed Centre.

On 12 May 2003, the Asset Services Committee resolved *“That the Director Asset Services prepares a report to Council which considers the impact of traffic on Mead Street and alternative options for vehicular access to the Serpentine Jarrahdale Recreation Centre”*.

## **Comments**

### **Traffic Volumes**

The feasibility study prepared by the YMCA in April 2001 provides results of financial modelling undertaken for the development of the Recreation Centre as currently proposed (Stage 1) and the long term concept of incorporating swimming pool facilities (Stage 2).

Modelling is based on Catchment Populations which effectively ensure sufficient patronage is potentially available to make the Centre viable. Modelling indicates that the expected patronage for Stage 1 will be in the order of 400 persons per day, and an average of 830 persons per day when Stage 2 is fully utilised.

Assuming a worst-case scenario where all patrons attend the facility utilising individual vehicles, daily traffic volumes would approach 800 vehicles per day for Stage 1 and 1,660 vehicles per day when Stage 2 is fully utilised, if access and egress is via the same road.

To put these volumes in perspective, Jarrahdale Road currently carries 1,500 vehicles per day through the townsite, and King Road (north of Orton Road) carries 850 vehicles per day.

As a proportion of users will be accessing the facility in shared vehicles and by other means such as cycling or walking (given future development within this area will provide residential areas within close proximity to the facility), it is likely that the long term traffic volumes will not exceed 1,000 vehicles per day.

The operation of the Recreation Centre includes team sport events and it can be assumed that peak times of traffic volume will occur. In approximating peak flows, Traffic Engineers utilise a 10% rule in which the peak hour volumes are in the order of 10% of the total daily flow. Using this approximation, the long term peak traffic flow would be in the order of 100 vehicles per hour, or 1.7 vehicles per minute.

While acknowledging that the frequency of use of the Briggs Park area will increase, the long term peak traffic volumes will not be dissimilar to those currently occurring when major sporting events occur.

### **Road Access Requirements**

As with any public or commercial facility, good levels of access and exposure are crucial for success. The Briggs Park site does not have exposure to a major road, therefore simple, direct access is necessary.

Preferred access to a facility of this type is directly from a major road. If this situation is not possible, and local streets are required to be utilised, ideally the route should be kept as short as possible. This minimises both the number of residential properties effected by traffic and the requirement for unsightly directional signage within residential areas.

From the projected patronage of the facility when Stage 2 is fully utilised, it is expected that a single access/egress road will carry in the order of 1,000 vehicles per day. Within the metropolitan area this volume is not considered high for a residential street, however it is a significant increase compared to current traffic volumes on minor roads in this area of Byford.

New residential subdivisional design is based on the Department for Planning and Infrastructure document “*Liveable Neighbourhoods – Street Layout, Design and Traffic Management Guidelines*”. This document identifies a threshold level of 1,000 vehicles per day for an access street with a pavement width of 5.5m to 6.0m. If a community facility is accessed by this type of street, the width can be increased to 7.2m if on-street parking is permitted. The narrow width is nominated to encourage low speed, low volume access (note: 1,000 vehicles per day is considered low volume traffic in the metropolitan area).

### **Option 1: Access Via Eastern End Of Mead Street (Current Proposal)**

Mead Street is a 7.4m wide sealed road built to unkerbed rural standard with some streetlighting. There are 8 residential properties having frontage to Mead Street on its southern side. The northern side is fronted by a Church, one residential property and currently undeveloped land. Properties on the southern side have generous building setbacks also as the road does not sit central within the road reserve.

Access is also available via Bateman Street and Gordin Way which, if utilised, will reduce volumes on Mead Street. There will likely be minimal dispersion of traffic onto these other roads however as Mead Street is the most direct route to Soldiers Road and the traffic volumes would not create congestion at a level which would encourage drivers to seek alternate, non-direct routes.

Mead Street is the preferred option as it provides direct access from Soldiers Road. Residents from the southern portion of the Shire will likely utilise Soldiers Road or South Western Highway to access Byford. Byford residents accessing the Centre from east of South Western Highway will utilise Abernethy Road and can turn into Soldiers Road then Mead Street.

The current width of 7.4m is sufficient for the projected traffic volumes. Petitioners have raised concerns that, in addition to the increased volume, vehicle speeds will increase. The distance between Briggs Park and Soldiers Road is approximately 260m, below the recommended maximum of 350m nominated in the *Liveable Neighbourhoods Guidelines* for providing a road environment conducive to low speed use.

Should excessive speed or anti-social behaviour occur due to traffic from the Centre, traffic calming devices could be installed or, preferably, behaviour monitored by Police.

Utilising this road for access will also provide “passive surveillance” of pedestrians accessing the site from Byford. This will both reduce the likelihood of anti-social behaviour along Mead Street, and increase safety of pedestrians at night time.

### **Option 2: Access via Western End Of Mead Street**

Access via the western end of Mead Street would be via Warrington Road. Both Warrington Road and this section of Mead Street have an existing sealed width of less than 4.0m with Mead Street being in poor condition. While Warrington Road has street lighting, the western end of Mead Street does not. Mead Street West does not provide frontage to any residential properties at this point in time.

Residents from the western portion of the Shire would have reduced travel distance for access from this direction utilising either Orton or Abernethy Roads, Warrington Road then onto Mead Street West. Byford and southern residents (utilising Soldiers Road) have a significantly longer travel time. The distance to the Centre from the intersection of Abernethy and Soldiers Road is 770m utilising Mead Street East, and 2,100m utilising Mead Street West.

To accommodate traffic volumes of up to 1,000 vehicles per day, Mead Street West and Warrington Road would need to be reconstructed to a width of 6.0m. Sufficient pavement

formation width exists in Warrington Street, however Mead Street West would require widening of the pavement and clearing of vegetation. Street lighting would also be recommended in Mead Street for safety purposes, requiring the installation of power lines or underground cable.

While access via Mead Street West would result in increased traffic flows effecting a small number of properties on Warrington Road only, significant capital investment would be required upgrading this route to a safe standard and it is therefore not recommended that this option be pursued.

The existing concept plan for the Recreation Centre is based on access from Mead Street East. At this point no construction plans have been prepared, however it should be noted that modifying the access would require reorientating the facility.

### **Option 3: Construction Of A New Road From The Recreation Centre, North To Abernethy Road**

Land to the north of Mead Street is currently undeveloped and privately owned. If a new road was recommended to be constructed, Council would be required to fund both the cost of the road as well as purchasing the land. The length of a new road would be in the order of 380m at a preliminary cost estimate of \$70,000 to construct (excluding drainage, land acquisition, streetlighting, intersection works at Abernethy Road, etc).

It is likely that the land to the north will be developed within the near to medium future and a connection between Mead Street and Abernethy Road would occur. The provision of land for the road reservation and cost of construction would be borne by the developer.

When this road is constructed it is likely that it will be utilised by patrons accessing the Centre from northern and western areas of the Shire. Through this, a reduction in traffic volume will occur on Mead Street East.

The travel distance for patrons from the eastern area of Byford is similar using this access, however it is increased for those from southern areas of the Shire who would otherwise utilise Soldiers Road and Mead Street East.

As the acquisition of land and construction of the road at this point in time would be entirely at the cost of Council, and is pre-empting the development of this portion of land, it is not recommended that this option be pursued.

### **Option 4: Upgrading And Extension Of Recreation Road From Turner Road**

Land to the north of the current Recreation Road Reserve is classed as “Bush Forever” and cannot be utilised for road construction.

### **Preferred Option**

It is recommended to Council that the current proposed access via Mead Street from Soldiers Road remain. The projected traffic volume, although increasing significantly, is not excessive for a metropolitan residential road. Future subdivision of adjoining land may provide opportunities to disperse traffic flow.

### **Sustainability Statement**

The provision of direct access to the Serpentine Jarrahdale Recreation Centre by all transport modes is critical to both the financial viability of the facility and as a means of encouraging and supporting the health and wellbeing of our community.

**Statutory Environment:** Local Government Act

<b><u>Policy Implications:</u></b>	Nil
<b><u>Financial Implications:</u></b>	The recommendation of this report is in accordance with the existing concept plan for which funding has been allocated in the 2003/2004 forward works plan.
<b><u>Strategic Implications:</u></b>	The recommendation is in accordance with Objective 2: <i>Well developed and maintained infrastructure to support economic growth</i> of the Economic Development Key Sustainability Result Area of the Strategic Plan.
<b><u>Community Consultation:</u></b>	Comprehensive public consultation was undertaken by the YMCA in relation to the Concept Plan (showing intended road access) in October 2001
<b><u>Voting Requirements:</u></b>	Normal

### **CRAS069/05/03 (Part 2) Officer Recommended Resolution**

Moved Cr Hoyer seconded Cr Richards (proforma)  
That the eastern end of Mead Street, Byford be utilised for road access to the Serpentine Jarrahdale Recreation Centre.

### **COUNCIL DECISION/AMENDED MOTION**

Cr Murphy moved Cr Star seconded  
That the eastern end of Mead Street, Byford remain available for road access to the Serpentine Jarrahdale Recreation Centre  
CARRIED 8/1

Note: The Officer Recommended Resolution was changed to clarify that alternative access may be possible in the future.

Cr Richards voted against this motion.

7.5 Community & Recreation Development Meeting – 12<sup>th</sup> May, 2003

**COUNCIL DECISION**

Moved Cr Wigg seconded Cr Star  
That the minutes of the Community & Recreation Development Committee Meeting held on 12<sup>th</sup> May, 2003 be received.  
CARRIED 9/0

Cr Price declared an interest of impartiality as he is a member of the Telecentre. Cr Hoyer declared an interest of impartiality as he is a member of Rotary. Cr Scott declared an interest of impartiality as she is a member of Armadale Home Help and Byford Progress Association. Cr Needham declared an interest of impartiality as she is a member of the Keysbrook Community Association

CRD22/05/03 COMMUNITY FUNDING PROGRAM 2003/3004 (A1173-01)		
Proponent		<b>In Brief</b> Council is requested to accept the recommendations of the Community Funding Program Working Group
Officer	Carole McKee - Community Development Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	01.05.03	
Previously	CRD10/01/03, CRD49/05/02, CRD50/06/01, CRD19/01/01	
Disclosure of Interest		
<b>Delegation</b>	Council	

**Background**

Forty two (42) funding applications, requesting a total of \$50,302, were received for the 2003/2004 Community Funding Program and assessed by the Working Party on 30 April 2003 in line with the assessment criteria outlined in *Policy CSP8 Requests for Financial Assistance*. **A copy of the policy is with the attachments marked CRD22/05/03.1.**

The policy states:

- *that the Community Funding Program Working Group assess all applications and make recommendations to Council as to how the total Community Funding Program budget allocation be divided between the selected groups.*
- *that an amount of up to \$20,000 be allocated for the Community Funding Program in each financial year.*

**Comments**

Of the 42 applications, Council anticipates being able to assist up to thirty six (36) projects as follows:

Twenty eight (28) were recommended for approval through the Community Funding Program, with requested funds scaled down in several cases in order to assist all recommended applications within the budget of up to \$20,000. These are detailed in the Officer Recommendation.

It is anticipated that four further applications will benefit from other sources with some liaison assistance from the Shire. These are as follows:

<b>ORGANISATION</b>	<b>PROJECT</b>	<b>RECOMMENDATION</b>
Peel Hunt Club	Installation of Underground Power	Asset Services to investigate the situation to clarify action required and by whom, as well as any budget implications.
Keysbrook Community Association	Flagpole & flag	Cr Wigg will donate pipe for pole. Flag to be obtained from MHR.
Mundijong Volunteer Fire Brigade	BBQ for running activities to raise awareness and recruit/sustain members	Kleenheat to be contacted for sponsored BBQ
Oakford Trails Management Group	Computer for group administration	Suggested sponsorship for computer from private sector

Recommendations were also made for a further five applications to be highly considered for budget deliberation in the appropriate line items in the Community Development and Other Economic Services Budgets as per the 2002/03 and previous budgets. They are as follows:

<b>ORGANISATION</b>	<b>PROJECT</b>	<b>DRAFT BUDGET RECOMMENDATION</b>
Armadale Home Help Service	SJ Services (subsidised use of Shire Community Bus) Expenditure = \$8,950 (opportunity lost, not actual) Income = \$2,500 (anticipated through \$5/head charges to clients) Net = \$6,450 (potential, not actual costs)	As per previous budgets, recommendation to continue current arrangement for use of bus two days a week. Other Economic Services Budget to ensure anticipation of current usage in expenditure (BUS700) and an income (BUS100) of \$2,500.
Byford Progress Association	Waiving of Hall and Town Square hire fees for Back to Byford Day	Recommended \$162 to be considered in "Donations" section of CDO budget, alongside other like requests
Byford Rotary Club	Leeuwin Sponsorship	Recommended \$1510 be allocated under "Youth" in the CDO 2003/04 budget (as in previous years)
Byford Rotary Club	Music in the Park Series	Recommended allocation of \$2000 in place of SW Games (previously Year 2001 & 2000 events) in CDO budget. \$500 per concert – for up to 4 concerts
Serpentine CWA	International Women's Day	\$1285 as separate item under CDO528 as per previous budgets

***The full list of applicants and recommendations is with the attachments marked CRD22/05/03.2.***

### **Sustainability Statement**

- Items within the proposal will enhance the environment.
- The proposal supports a number of items that will use locally available or produced resources.
- The proposal is economically viable as it aims to enable community funding and resources to go further.
- The proposal aims to build the capacity of the community and enables their participation in its implementation.
- The proposal is advantageous to a number of disadvantaged groups and does not disadvantage any social groups.
- The proposal assists in the long term economic benefit to current and future residents by encouraging their efforts and helping their money and in kind contributions go further.

**Statutory Environment:** Local Government Act 1995

**Policy Implications:** Nil

- Financial Implications:** Up to \$20,000 to be included in the 2003/2004 budget for the Community Funding Program under CDO528 – Community Funding
- Strategic Implications:** Key Sustainability Result Areas:  
**1 People and Community**  
*Objective 1: Good quality of life for all residents*  
Strategies:  
3 Provide recreational opportunities  
4 Develop good services for health and well being  
5 Retain seniors and youth within the community  
6 Respect diversity within the community  
7 Value and enhance the heritage character, arts and culture of the Shire  
8 Ensure a safe and secure community  
*Objective 2: Plan and develop towns and communities based on principles of sustainability*  
Strategy:  
1 Foster a strong sense of community, place and belonging  
*Objective 3: High level of social commitment*  
Strategies:  
1 Encourage social commitment and self-determination by the SJ community  
2 Build key community partnerships  
**3 Economic**  
*Objective 3: Effective management of Shire growth*  
Strategy:  
1 Enhance economic futures for Shire communities  
**4 Governance**  
*Objective 1: An effective continuous improvement program*  
Strategies:  
4 Balance resource allocation to support sustainable outcomes  
5 Harness community resources to build social capital within the Shire
- Community Consultation:** N/A
- Voting Requirements:** Normal

**CRCRD22 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Scott seconded Cr Richards

- 1 That subject to adoption of the 2003/04 budget, Council endorses the recommendations of the Community Funding Program Working Group as follows:

<b>ORGANISATION</b>	<b>NAME OF PROJECT</b>	<b>RECOMMENDED FUNDING THROUGH CFP 2003/2004</b>
Sports Aircraft Builders Club	Runway lights	\$500
Armadale Home Help	Wheelchair	\$750
Operation Connect Network Inc.	Wildfire Serpentine-Jarrahdale bus service to youth activities	\$1000
Mundijong Centrals Junior Football Club	Coaching courses	\$150
Mundijong Arts & Crafts (in association with Pathways Group)	Pathways (Community Arts) Project	\$1200
SJ Netball Association	Sports Clinic travel expenses	\$200
Peel Metropolitan Horse & Pony Club	Development of riding arena area Stage 2	\$1000
Peel Hunt Club	Rainwater tank	\$500
Byford Progress Association	Community seating	\$290
Byford Progress Association	Carols By Candlelight	\$100
Serpentine Primary School	History Book of SPS and surrounding area	\$350
SJ Youth Activity Group	Woodwork and Fitting/Turning Courses (including welder) and use of depot on Saturdays	\$2,461 + use of depot
International Lions Club	Sponsorship of local disadvantaged children to attend Film Festival	\$350
Byford Volunteer Fire Brigade	Protective clothing for cadets	\$500
Community Crier	Start up equipment (for volunteers & Telecentre)	\$1000
Jarrahdale Community Association	Start up funds for Hall equipment and association costs	\$1,000
Girl Guides	Project oven	\$940
Gods Care Bears	Community Care (Bus of outings/Xmas event/food parcels)	\$750
Keysbrook Community Association	Paving	\$500
Lightweight Motorcycle Club	Toilets (replacement of 25 year old toilets)	\$1,000
Malarkey Reserve Riding Group	Dressage arena sand	\$500
Oakford Catchment Group	Pump to water replanting areas	\$865
Oakford Playgroup	Playground equipment	\$800
Riding for the Disabled	Saddles for disabled riders	\$1,000
SJ Learning Centre	Consumables for activities	\$400
Serpentine Playgroup	Playground equipment upgrade	\$900
Serpentine Valley Social Club	Carpet bowls	\$500
Oakford/Oldbury Community Association	Fencing Foxton Drive and Peters Way	\$500
<b>TOTAL</b>		<b>\$19,992</b>

- 2 That the 2003/04 Budget deliberations consider \$1,510 for the Leeuwin Adventure; \$2,000 for Music in the Park; \$1,285 for International Women's Day and \$162 for Back to Byford Day.

- 3 That the 2003/04 Budget deliberations consider anticipation of current bus usage under Other Economic Services (BUS700) and an income (BUS100) of \$2,500 from Armadale Home Help Services.

CARRIED 9/0

7.6 Strategic Management Committee Meeting – 19<sup>th</sup> May, 2003

**COUNCIL DECISION**

Moved Cr Hoyer seconded Cr Price

That the minutes of the Strategic Management Committee Meeting held on 19<sup>th</sup> May, 2003 be received.

CARRIED 9/0

SM053/05/03 SHIRE OF SERPENTINE JARRAHDALÉ EMPLOYMENT & ECONOMIC DEVELOPMENT STRATEGY 2002-2007 (A0436-05)		
Proponent	Local Economic Development Unit	<b>In Brief</b>  Shire of Serpentine Jarrahdale Employment and Economic Development Strategy for 2002-2007.
Officer	D.E Price – Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	2 May 2003	
Previously	A180/06/00, SM011/08/01, SM076/06/02	
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

**Background**

Council adopted the Shire of Serpentine Jarrahdale Employment and Economic Development Report and Strategy (2000) prepared by Murray Jorgensen and Associates at the June 2000 ordinary meeting of Council and reviewed it in August 2001.

One of the recommendations contained within the report and strategy required the annual review of the document.

**Comments**

The 2002 review resulted in only minor enhancements to the existing document, which was reviewed by Council in August 2001. A copy of the reviewed Shire of Serpentine Jarrahdale Employment and Economic Development Report and Strategy 2002-2007 report was provided with the Strategic Management Committee attachments marked SM011.1/08/01 following endorsement by the Local Economic Development Unit (LEDU) at their meeting on 31 May 2002.

The LEDU has recommended at their meeting of 30 April 2003 that the Shire of Serpentine Jarrahdale Employment and Economic Development Report and Strategy 2002-2007 not be reviewed this year as a preliminary review of the report was undertaken in early 2003 as part of the establishment of the two (2) sub committees of LEDU; the Business Retention and Business Development sub committees.

It is proposed by LEDU that over the coming twelve (12) months that each of the sub committees will undertake reviews of the relevant areas of the Shire of Serpentine Jarrahdale Employment and Economic Development Report and Strategy 2002-2007.

**Sustainability Statement**

The revised Employment and Economic Development Report and Strategy 2002- 2007 is based on a framework which is aligned to support the Regional Objectives of the Peel Development Commission and the Peel Economic Development Unit. These objectives are:

1. Providing Effective Leadership
2. Expanding The Local Economic Base
3. Expanding Local Infrastructure
4. Stimulating Employment, Education and Training Opportunities
5. Generating Local Investment Opportunities
6. Promoting The District
7. Stimulating The Protection And Enhancement Of The District's Natural Environment
8. Enhancing The District's Sense Of Community

**Statutory Environment:** Local Government Act 1995

**Policy Implications:** No policy implications

**Financial Implications:** Indicative only financial implications are referenced in the Shire of Serpentine Jarrahdale Employment and Economic Development Report and Strategy 2002-2007.

**Strategic Implications:** This document provides the Employment and Economic Development strategic direction for the Shire of Serpentine Jarrahdale for the period 2002 to 2007.

**Community Consultation:** No specific community consultation was undertaken. The initial document was developed and adopted by Council in June 2000, which was extensively work shopped with key community stakeholder.

**Voting Requirements:** Normal

**CRSM053 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Hoyer seconded Cr Scott

1. Council notes the recommendation by Local Economic Development Unit (LEDU) not to undertake a review this year as a preliminary review of the report was undertaken in early 2003 as part of the establishment of the two (2) sub committees of LEDU; the Business Retention and Business Development sub committees.
2. Council acknowledges the work being undertaken by LEDU on the implementation of the Shire of Serpentine Jarrahdale Local Economic Development Unit and requests that LEDU continues to undertake to progress the eight objectives detailed within it.

CARRIED 9/0

SM054/05/03 REVIEW OF DELEGATED AUTHORITY (A1047)		
Proponent	Local Government Act 1995	<b>In Brief</b>  Review of adopted Delegated Authorities for 2003/2004.
Officer	D.E Price – Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	8 May 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

### Background

Delegated Authority has been reviewed and Council is now asked to approve delegated authority to the Chief Executive Officer in accordance with the Local Government Act 1995.

Council is also requested to appoint the Chief Executive Officer and other nominated officers under the provisions of the Local Government (Miscellaneous Provisions) Act 1960, Health Act 1911, Strata Titles Act 1985, Caravan Parks and Camping Grounds Regulations 1987 and the Shire of Serpentine-Jarrahdale Town planning Scheme No. 2. The delegation will enable the officers to attend to specific matters for which delegation is possible in those Acts and the Town Planning Scheme.

### Comments

In 2002 Council “split out” delegations into the various Acts to which they relate. Delegations are now in accordance with the requirements of the Act to which the delegation applies, and consequently in some cases the delegation will be made not to the Chief Executive Officer, but to another officer.

Any proposed amendments to the existing delegations are shown with a line striking through the words to be deleted and with the words that are to be inserted shown in italics.

A number of delegations have also been removed as they are no longer required, policies have been developed or policies or local laws need to be developed.

### ENSURING DISCRETION IS APPLIED IN USE OF DELEGATION

"If an officer is authorised to exercise delegated authority on a matter, which in the opinion of that officer, may potentially have an adverse effect on the wider community, and/or the officer is not adequately satisfied with what they are being asked to deal with under delegation, in the same manner the Council would act if the matter were dealt with by Council, then the officer should feel comfortable with referring the matter to Council for further assistance in making a final decision".

### **Corporate Services**

#### **AF-1. Signing of Prosecution Complaint Forms**

The Chief Executive Officer be delegated authority to sign all prosecution complaint forms in relation to prosecutions under the Local Government Act 1995 on behalf of the Council. (s.5.42 Local Government Act 1995).

#### **AF-2 ~~Contract Price Variations~~ *Minor Variations to Tender Contract***

The Chief Executive Officer is delegated authority to approve ~~price~~ *minor variations of not more than 10% (GST Excl) of the contract sum after* ~~before~~ a tender has been

~~accepted~~ subject to compliance with contract conditions and sufficient funds being available within the approved expenditure budget. (s.5.42 Local Government Act 1995 and Regulation 20 Local Government (Functions & General) Regulations 1996) ~~for tenders up to \$50,000 plus GST.~~

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

The Chief Executive Officer is 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).

### **AF-4. Derelict Vehicles**

The Chief Executive Officer be delegated authority to dispose of any derelict vehicles in accordance with the Local Government Act 1995 local law relating to removal and disposal of obstructing animals and vehicles (s.3.47 & 3.58 Local Government Act 1995 and Regulation 11 Local Government (Functions and General) Regulations 1996).

### **AF-5 Impounded Vehicle Tender Acceptance**

The Chief Executive Officer be delegated authority to accept tenders for impounded vehicles up to the value of \$1,000 pursuant to s.5.43(b) of the Act and the local law relating to removal and disposal of obstructing animals and vehicles and the local law relating to removal of refuse, rubbish, litter, vehicle bodies, disused material and unsightly items or objects from land. (S.3.47 & 3.58 Local Government Act 1995 and Regulation 11 Local Government (Functions and General) Regulations 1996).

### **AF-6 Infringement Notices – Follow-up Proceedings**

The Chief Executive Officer is authorised to institute proceedings without reference to Council:

- (i) for non payment of infringement notices issued for offences under the Local Government Act 1995, Dog Act 1976, Bush Fires Act 1954, Control of Vehicles (Off Road Areas) Act 1978, Litter Act 1979 and associated local laws by referring the unpaid infringements to the Fines Enforcement Registry for collection.

### **AF-7 Acting Chief Executive Officer**

That when it is considered necessary by the Chief Executive Officer, as the result of his absence from the District, to appoint an officer to the role of Acting Chief Executive Officer the role be offered on a rotational basis to the following Directors:  
- Glen Dougall – Director Corporate Services  
- ~~Andrew Watson~~ *Joanne Abbiss* – Director Sustainable Development  
- ~~Robert Harris~~ *Michael Beaverstock* – Director Asset Services

### **AF-8 Payments from the Municipal Fund and Trust Fund**

That by virtue of section 6.10 of the Local Government Act 1995 and Regulations 12 and 13 of the Local Government (Financial Management) Regulations 1996, the Chief Executive Officer be granted delegated authority to make payments from the municipal fund and trust fund.

### **AF-9 Investments**

- (i) That the Chief Executive Officer be given delegated authority to invest surplus Council funds.
- (ii) That Council invest with the following financial institutions only:
  - ANZ Bank
  - BankWest
  - Commonwealth Bank
  - Challenge Bank
  - National Bank
  - Bendigo Bank
- (iii) That the maximum investment with any one institution be in accordance with Council's Investment Policy.

### **AF-10 Approval of Councillors' Travelling and Other Expenses**

Delegated authority be granted to the Chief Executive Officer to pay claims for travelling and other approved expenses incurred by Councillors in carrying out their duties or performing their functions as a councillor in accordance with guidelines as may be set out by Council. (s.5.98 Local Government Act 1995 and Regulations 30-33 Local Government (Administration) Regulations).

### **AF-11 Issue of Notice on Private Land**

Delegated authority be granted to the Chief Executive Officer to give a person who is the owner or, unless Section 3.25, Schedule 3.1 indicates otherwise, the occupier of land a notice in writing relating to the land requiring the person to do anything specified in the notice that ensures that overgrown vegetation, rubbish or disused material (which includes disused motor vehicles, old motor vehicle bodies and old machinery), is removed from the land that the Chief Executive Officer considers to be untidy.

The delegation to the Chief Executive Officer is extended to enable him to take whatever action he believes is appropriate, in the terms of Section 3.26 of the Local Government Act 1995, if the person to whom the notice is given does not comply with its requirements, within the time nominated in the notice.

### **AF-12 Refreshments – Councillors Lounge**

The Chief Executive Officer is authorised to provide refreshments from the Councillors Lounge for employees, visitors to the Shire when considered appropriate, as well as on special occasions.

### **AF-13 Staff Matters**

Delegated authority be granted to the Chief Executive Officer to re-appraise, re-categorise, remunerate and employ permanent and casual staff within appropriate awards and budget constraints (s 5.41 (g) Local Government Act 1995).

The exception being designated senior staff on contract, which will require Chief Executive Officer and Council input (s5.37 (2) Local Government Act 1995).

Note: Any additional positions, other than those endorsed in the "EQUAL 2002-2005 People Plan" by Council, which are unable to be accommodated within budget constraints, are to be referred to Council for approval.  
(SM040/01/02)

#### **AF-14 Special Arrangements for Payment of Rates & Charges**

See policy CSP27

- a) The Chief Executive Officer may vary Rates Collection procedure dependent upon the prevailing economic situation.
- b) The Chief Executive Officer is given delegated authority to make arrangements with ratepayers wishing to make application for alternative installment arrangements and extensions which will be completed within the current financial year.
- c) The Chief Executive Officer has delegated authority to allow extended installment arrangements, which will be finalised outside the current financial year.

#### **AF-15 Existing Leases & Rents – Review & Renewal**

Delegated authority be granted to the Chief Executive Officer in accordance with the Local Government Act 1995 to review and renew all existing leases and rents for Council properties where no significant change is proposed. (OCM C087/02/03)

#### **AF-16 Use of Council Halls and Ovals by Community Groups**

Delegated authority be granted to the Chief Executive Officer to determine the appropriate response to requests received from non-profit community groups for the donation of the use of Council facilities such as halls and ovals for functions where no admittance is charged. (OCM A96 13.12.99)

#### **AF-17 Telecentre Photocopier**

Delegated authority to be granted to the Chief Executive Officer to negotiate any future variations or amendments to the agreement for the provision of use of the copier with the Telecentre Committee. (OCM A98 13.12.99)

#### **AF-18 Fire Levy Equivalent - Payments**

Delegated authority be granted to the Chief Executive Officer to deal with individual cases regarding the payment of the equivalent of one fire levy per eligible assessment to individual registered members of Bush Fire Brigades who have recorded 20 hours of active services (i.e. actual fire fighting duties) in that financial year as recorded in Brigade Log Books and verified by the Brigade Captain. (OCM A170/05/00 22.05.00)

#### **AF-19 Seed Collection on Council Vested Lands – Commercial Licences**

(Local Government (Uniform Local Provisions) Regulations 1996 - Reg. 5)

The Chief Executive Officer has delegated authority to renew authorisation to licensed collectors and consider new applications to take plant material from Council vested land. (E14 OCM 22.11.99)

#### **AF-20 Legal Representation and Cost Indemnification**

The Chief Executive Officer has delegated authority to invoke clause 3(e) of Policy CSP 23 – “Legal representation and cost indemnification”. (C089 OCM 27.11.00)

#### **AF-21 Jarrahdale Communications Mast**

- a) As the matter relates to associated infrastructure and future use of the Communication Mast by eligible service providers the Chief Executive Officer is authorised to obtain legal and professional advice whenever he believes it is necessary prior to any documentation associated with the Jarrahdale Mast being executed.
- b) Future users of the mast must demonstrate to the satisfaction of the Chief Executive Officer that what they are proposing is in line with the overall Mast Master Plan *and the User Guidelines* and that it will not interfere with existing users of the mast. (SM13 OCM 27.11.00)
- c) The Chief Executive Officer has delegated authority to negotiate and approve terms and conditions for access to sites on the mast, in accordance with the Master Plan and the User Guidelines, and together with the Shire President execute leases for sites on the mast.
- d) Any community service providers who wish to access the mast for communication facilities under any other arrangement than that demonstrated in the Master Plan or the User Guidelines must be referred to Council for approval prior to any arrangement being entered into.
- e) Granting access to sites on the mast will be dependent on the provisions of the Local Government Act 1995 relating to the disposition of property being satisfied.

#### **AF-22 Gerald Van Rongen & Longaline Pty Ltd and the Shire of Serpentine-Jarrahdale**

Council delegates authority to the Chief Executive Officer to swear on the Shire's behalf documentation such as any affidavits necessary for the conduct of this litigation between Gerald Van Rongen and Longaline Pty Ltd and the Shire of Serpentine-Jarrahdale, taking into account point 2 of Councils decision in April 2001 - "Council advises Phillips Fox to keep Council informed at all times and that no acceptance of liability is to be made without reference to this Council". (SM015 OCM 27/08/01)

#### **AF-23 Gerald Van Rongen & Longaline Pty Ltd and the Shire of Serpentine-Jarrahdale**

If requested by Council Insurers, Municipal Liability Scheme or Phillips Fox acting on their behalf, the Chief Executive Officer, subject to consultation and agreement by the Shire President and Deputy Shire President, is given delegated authority to agree to the matter being closed, provided Council accepts no liability in any way in relation to this matter. (SM033/11/01 OCM 26.11.01)

#### **AF-24 Delegation, Powers and Duties of Committees**

Council delegates its full powers and duties to the following committees in accordance with Section 5.16. "Delegation of some powers and duties to certain committees" and subject to the provisions of Section 5.17. (1), (a), (i), (ii) "Limits on delegation of powers and duties to certain committees" of the Local Government Act 1995.

Corporate Services Committee  
Asset Services Committee  
Recreation and Development Committee  
Planning, Development and Environment Committee  
(SM049 OCM 28.05.01)

## **AF-25 Chief Executive Officer Performance Review and Directors Remuneration Review**

The Chief Executive Officer is delegated authority to re-negotiate an extension to each Directors contract conditions of employment, including an extension to their current contract term, up to the maximum number of years (5 years) permitted under the Local Government Act for a senior employee. (STM/02/02)

## **AF-26 Cattle Trespass etc. - Rangers and Poundkeepers**

The Chief Executive Officer is delegated authority to appoint fit and proper persons to be poundkeepers and rangers under the provisions of Part XX of the Local Government (Miscellaneous Provisions) Act 1960.

## **AF-27 Use of Shire of Serpentine Jarrahdale Common Seal**

The Council of the Shire of Serpentine Jarrahdale hereby delegates authority to the President and Chief Executive Officer to sign and affix the Common Seal to documents requiring same as shown on the "sealing clause". (C131/05/02)

## **Asset Services**

### **AS-1 Street Lighting**

The Chief Executive Officer be granted delegated authority *to approve for* the installation of additional street lighting by Western Power at any one location not exceeding \$2,000 capital cost with such approvals being reported in the bulletin.

### **AS-2 Protection of Council Property**

The Chief Executive Officer be granted delegated authority to issue an infringement notice or to lay a complaint in a Court of Petty Sessions against any person who takes down, removes, damages or defaces any structure from a street way, footpath, public place, reserve or land under the care, control and management of Council.

### **AS-3 B-double and Long Vehicle Permits**

The Chief Executive Officer be granted delegated authority to grant or refuse Shire of Serpentine-Jarrahdale approval for B-double and long vehicle permits for roads in the district where current permits are in place.

### **AS-4 Road Closures**

(Local Government Act 1995 Sections 3.50 and 3.50A)

The Chief Executive Officer be granted delegated authority to wholly or partially close a thoroughfare to all traffic or certain classes of traffic for the purposes of undertaking works or to protect roads subject to compliance with Section 3.50 *or Section 3.50A* of the Local Government Act 1995. (AS010/07/00 OCM 31/7/00)

### **AS-5 Heavy Haulage Infringement Notices**

The Chief Executive Officer be granted delegated authority to authorise payment of heavy haulage infringements when the offence was not the fault of the Council employee.

#### **AS-6 Removal of Dangerous Trees**

(Local Government Act 1995, Sections 3.25(1) and 3.26, Clause 9 of Schedule 3.1)

The Chief Executive Officer be granted delegated authority to require any tree which, in his opinion, constitutes a danger to persons or property to be rendered safe.

#### **AS-7 Sand Drift**

(Local Government Act 1995, Sections 3.25(1) and 3.26, Clause 6 of Schedule 3.1)

The Chief Executive Officer be granted delegated authority to serve notice on owners/occupiers of land to require the prevention of sand drift from land within Council's district.

#### **AS-8 Works in Drainage Easements**

The Chief Executive Officer be granted delegated authority to authorise works in a drainage easement by other than Council workmen, officer, servants, agents or contractors.

#### **AS-9 Gates Across Public Thoroughfares**

(Local Government (Uniform Local Provisions) Regulation 9)

The Chief Executive Officer be granted delegated authority to approve/refuse gates across public thoroughfares as follows —

- i) at his discretion he may require the applicant to publish notice of the application in such manner as he thinks fit;
- ii) shall specify the period for which a permit is granted and the permit may be renewed from time to time;
- iii) may impose such conditions as he thinks fit on the construction placement and maintenance of the gate or other device across the public thoroughfare and may, when renewing the permission or at any other time, vary any condition;
- iv) may at any time withdraw permission granted and request the person responsible for the gate or other device to remove it within a time specified in the request;
- v) that remnant vegetation be ~~considered~~ protected.

#### **AS-10 Disturbing Local Government Land and anything On It**

Sch 9.1, cl.2, LG (Uniform Local Provisions) Regulations 1996 (r5)

The Chief Executive Officer be granted delegated authority *for* the giving of notice in writing to any person who, without lawful authority;

- (a) interferes with the soil of, or anything on, land that is the property of the Shire of Serpentine-Jarrahdale; or
- (b) takes anything from land that is the property of the Shire of Serpentine-Jarrahdale;

and may commence proceedings against the offender in the terms of Regulation 5 of the Local Government (Uniform Local Provisions) Regulations 1996 if the offender does not satisfy the requirements of the notice given by the Chief Executive Officer in the period of time nominated in the notice.

#### **AS-11 Obstructing Public Thoroughfare**

Sch 9.1, cl.3(1) LG (Uniform Local Provisions) Regulations 1996 (r6)

**The Chief Executive Officer be granted delegated authority for:**

- (a) The giving of notice in writing under Section 3.25(1)(b) of the Local Government Act 1995, requiring any person who, without lawful authority; places on a public thoroughfare anything that obstructs it, to remove the obstruction.
- (b) The giving of notice in writing under Section 3.25(1)(b) of the Local Government Act 1995, to any person, who is the owner or occupier of the land, requiring the removal of anything that falls from the land, or from anything on the land, onto a public thoroughfare and obstructs it.

This delegation to the Chief Executive Officer includes the authority for action to be taken under the provisions of Section 3.26 of the Local Government Act 1996 if a person to whom a notice is given fails to comply with the requirements of the notice within the period of time nominated in the notice.

#### **AS-12 Encroaching on Public Thoroughfare**

Sch 9.1, cl.3(2) LG (Uniform Local Provisions) Regulations 1996 (r7)

The Chief Executive Officer be granted delegated authority for the giving of notice in writing under Section 3.25(1)(b) of the Local Government Act to any person who is the owner or occupier of the land who, without lawful authority;

- (a) erects on the land a structure that encroaches upon a public thoroughfare; or
  - (b) permits a tree or other plant growing on the land to encroach upon a public thoroughfare;
- to remove the structure or plant to the extent that it is encroaching.

This delegation to the Chief Executive Officer includes the authority for action to be taken under the provisions of Section 3.26 of the Local Government Act 1996 if a person to whom a notice is given fails to comply with the requirements of the notice within the period of time nominated in the notice.

#### **AS-13 Separating Land from Public Thoroughfare**

Sch 9.1, cl.4 LG (Uniform Local Provisions) Regulations 1996 (r8)

The Chief Executive Officer be granted delegated authority for the giving of notice in writing under Section 3.25 of the Local Government Act to any person who is the owner or occupier of the land, who fails to keep in good repair any fence or gate that separates the land from a public thoroughfare, requiring that the person do anything specified in the notice to bring any fence or gate that separates the land from a public thoroughfare, into good repair.

This delegation to the Chief Executive Officer includes the authority for action to be taken under the provisions of Section 3.26 of the Local Government Act 1996 if a person to whom a notice is given fails to comply with the requirements of the notice within the period of time nominated in the notice.

#### **AS-14 Dangerous Excavation in or Near Public Thoroughfare**

Sch 9.1, cl.6 LG (Uniform Local Provisions) Regulations 1996 (r11)

##### **The Chief Executive Officer be granted delegated authority:**

- (i) To fill in or fence any excavation in a public thoroughfare or land adjoining a public thoroughfare, that the Chief Executive Officer considers to be dangerous.
- (ii) To give a notice in writing under Section 3.25(1)(b) of the Local Government Act, to any person who is the owner or occupier of the land, requiring the owner or occupier to fill in or securely fence any excavation in a public thoroughfare or land adjoining a public thoroughfare, that the Chief Executive Officer considers to be dangerous.

This delegation to the Chief Executive Officer includes the authority for action to be taken under the provisions of Section 3.26 of the Local Government Act 1996 if a person to whom a notice is given fails to comply with the requirements of the notice within the period of time nominated in the notice.

**AS-15 Crossing From Public Thoroughfare to Private Land or Private Thoroughfare**  
Sch 9.1, cl.7(2) LG (Uniform Local Provisions) Regulations 1996 (r12)

The Chief Executive Officer be granted delegated authority:

- (i) To approve, (subject to r14.2 of the LG (Uniform Local Provisions) Regulations 1996), upon the application of the sole owner, or a majority of the owners, the construction of a crossing giving access from a public thoroughfare to-
  - (a) the land; or
  - (b) a private thoroughfare serving the land.
- (ii) The Chief Executive Officer may agree, (subject to r14.2 of the LG (Uniform Local Provisions) Regulations 1996), to construct for the applicant a crossing giving access from a public thoroughfare to-
  - (a) the land; or
  - (b) a private thoroughfare serving the land.

**AS-16 Requirement to Construct or Repair Crossing**

Sch 9.1, cl.7(3) LG (Uniform Local Provisions) Regulations 1996 (r13)

The Chief Executive Officer be granted delegated authority *for* the giving of notice in writing under Section 3.25 of the Local Government Act, (subject to r14.2 of the LG (Uniform Local Provisions) Regulations 1996), to any person who is the owner or occupier of the land, requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land.

**AS-17 Private Works on, Over or Under Public Places**

Sch 9.1, cl.8 LG (Uniform Local Provisions) Regulations 1996 (r17)

The Chief Executive Officer be granted delegated authority for:

- (i) The giving of notice in writing under Section 3.25(1)(b) of the Local Government Act, to any person who, without first obtaining written permission from the Shire of Serpentine-Jarrahdale constructs anything on, over, or under a public thoroughfare or other public place that is the property of the Shire of Serpentine-Jarrahdale;  
requiring the person to do anything specified in the notice that-
  - (a) is prescribed in Schedule 3.1, Division 1 of the Act; or
  - (b) is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2 of the Act.

This delegation to the Chief Executive Officer includes the authority for action to be taken under the provisions of Section 3.26 of the Local Government Act 1996 if a person to whom a notice is given fails to comply with the requirements of the notice within the period of time nominated in the notice.

- (ii) The Chief Executive Officer may grant permission to construct anything on, over, or under a public thoroughfare or other public place that is the property of the Shire of Serpentine-Jarrahdale and impose conditions in respect of the permission, which may include a condition imposing a charge for any damage to the public thoroughfare or other public place resulting from the construction.

### **AS-18 Protection of Watercourses, Drains, Tunnels and Bridges**

Sch 9.1, cl.9 LG (Uniform Local Provisions) Regulations 1996 (r18)

The Chief Executive Officer be granted delegated authority for the giving of notice in writing under section 3.25(1)(b) of the Local Government Act, to any person who without lawful authority;

- (a) alters, obstructs, or interferes with, any watercourse drain, tunnel or bridge that is the property of the Shire of Serpentine-Jarrahdale; or
- (b) wilfully or negligently, causes or permits tree material that is, or has been, growing on land occupied by that person, to fall into a watercourse that is the property of the Shire of Serpentine-Jarrahdale;

requiring the person to do anything specified in the notice that is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2 of the Act.

This delegation to the Chief Executive Officer includes the authority for action to be taken under the provisions of Section 3.26 of the Local Government Act 1996 if a person to whom a notice is given fails to comply with the requirements of the notice within the period of time nominated in the notice.

### **AS-19 Protection of Thoroughfares from Water Damage**

Sch 9.1, cl.10 LG (Uniform Local Provisions) Regulations 1996 (r19)

The Chief Executive Officer be granted delegated authority for the giving of notice in writing under section 3.25(1)(b) of the Local Government Act, to any person who without lawful authority; alters, obstructs, or interferes with the natural flow of surface water across any thoroughfare or other land in such a way as is likely to damage any thoroughfare that is the property of the Shire of Serpentine-Jarrahdale - requiring the person to do anything specified in the notice that is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 2 of the Act.

This delegation to the Chief Executive Officer includes the authority for action to be taken under the provisions of Section 3.26 of the Local Government Act 1996 if a person to whom a notice is given fails to comply with the requirements of the notice within the period of time nominated in the notice.

### **AS-20 Main Roads WA - Oversize Load Permits**

The Chief Executive Officer be granted delegated authority for:

- (i) The Granting of local government approval on Main Roads WA oversize load permits where the council officer is satisfied that the issue of such a permit is not likely to have a detrimental effect on the road pavement or ease of traffic movements and alternative Main Roads routes are not available.
- (ii) The Chief Executive Officer may also negotiate a suitable bond with the truck operator, that can be used in the event of the oversize load operation damaging the road pavement, where considered necessary.

### **AS-21 Reciprocal Works**

1. The Chief Executive Officer is authorised to enter into an agreement with local landowners to complete reciprocal or private works in exchange for material or other works, whilst undertaking council or private works.
2. The Chief Executive Officer will ensure that reciprocal works completed in exchange for material or works will be a lesser cost than alternative arrangements.
3. Reciprocal works should not affect scheduled works.

4. An exchange of letters indicating clearly the extent of the reciprocal works and services be signed by the Chief Executive Officer and the landowner concerned (AS010/07/00 OCM 31.07.2000)

#### **AS-22 Light Vehicle Changeovers – Tender Acceptance Delegation**

The Chief Executive Officer be authorized to accept tenders for Council light vehicles replacement or disposal where provision has been included in the budget for the vehicle changeover including where the disposal value of a vehicle exceeds \$20,000 or the aggregate of the purchase price and disposal value exceeds \$50,000 (*plus GST*) but is less than ~~\$80,000~~. *100,000 (GST inc)*. In the case where a “package” of vehicles has been tendered the CEO is authorised to purchase each vehicle on an individual budget basis using the above methodology. (AS064/04/01 Asset Services Committee under Delegation as per C061/10/00 – 09.04.2001)

#### **AS-23 Five Year Plant & Light Vehicle Replacement Strategy**

The Chief Executive Officer be given delegated authority to determine and act when it is appropriate to replace Council vehicles taking into consideration, any statutory obligations, the market and Council obtaining the most economical management of its fleet at the time of any decision. (AS008/07/00 OCM 31.07.2000)

#### **AS-24 - Bush Fires Act 1954 – Prohibited Burning Time Variations**

In Accordance with the delegation opportunity provided in Section 17(10) of the Bush Fires Act 1954, the Council of the Shire of Serpentine Jarrahdale hereby delegates to the Shire President and the chief Bush Fire Control Officer, jointly, the powers and duties of the local government, under the provisions of Section 17 (7) and (8), to vary the prohibited burning times.

#### **AS-25 - Relocation To Peel Region Of Australian Fine China**

1. Council endorses the report, prepared by the Peel Development Commission, supporting the case for relocation of Australian Fine China into the Peel Region.
2. Council supports in principle, the provision of incentives in accordance with Council Planning Policy PP12 – Council incentives to attract economic and employment development, to seek to attract Australian Fine China to the Shire of Serpentine Jarrahdale.
3. Council supports in principle, its acquisition of a suitable land parcel in the district to facilitate the relocation of Australian Fine China and to establish a Shire industrial-service business park subject to a State Government contribution of not less than 50% of the land cost and a Council land contribution not exceeding \$400,000.
4. The Shire President, Deputy Shire President and Chief Executive Officer be delegated authority to liaise with the Peel Development Commission on a Peel Development Commission proposal for relocation of Australian Fine China to the Shire, incorporating potential incentives and assistance within the parameters of Points 2 and 3 above.
5. Any Peel Development Commission proposal for relocation of Australian Fine China to the Shire, incorporating Council incentives and assistance, be subject to Council final endorsement of a Business Plan in accordance with the major land transaction regulations. (SM037/01/03)

## **Sustainable Development**

### **B-1 Damage to Streets**

Local Government (Miscellaneous Provision) Act 1960 Part XV, Section 379.

The Principal Building Surveyor be granted delegated authority to serve notice on persons to remove works constructed or repair damage in a street carried out without the permission of Council and to make good the street. (AS010/07/00 OCM 31.07.2000)

### **B-2 Local Government (Miscellaneous Provisions) Act 1960 - Notices**

The Chief Executive Officer be granted delegated authority to issue notices, when necessary, under Part XV – Buildings, of the Local Government (Miscellaneous Provisions) Act 1960 for the purposes prescribed in the following sections of the Act.

- 1.1 401 Notice of required alteration
- 1.2 401A Unlawful works (stop work order)
- 1.3 407 Dilapidated, neglected and incomplete buildings
- 1.4 408 Dilapidated, neglected and incomplete buildings
- 1.5 409 Dilapidated, neglected and incomplete buildings
- 1.6 409A Dilapidated, neglected and incomplete buildings

### **B-3 Single Residential Development - Setback Requirements**

The Principal Building Surveyor be granted delegated authority to determine setback variations under the Residential Planning Codes 1991 subject to comments and no objections being received from adjoining property owners that are affected by any reduction in setback requirements and to refuse any application for setback variations in accordance with Town Planning Scheme No. 2, the Residential Planning Codes 1991 and Council policy.

### **B-4 Outbuilding Setback Variations**

The Principal Building Surveyor be granted delegated authority to determine setback variations to outbuildings subject to comments and no objections being received from adjoining property owners that are affected by any reduction in setback requirements.

### **B-5 Building Applications and Licences**

The Principal Building Surveyor be granted delegated authority to determine building applications and issue building licences in accordance with the requirements section 374 of the Local Government (Miscellaneous Provisions) Act 1960, the Building Regulations 1989, other relevant legislation and Council policy.

### **B-6 Strata Title Certificates**

The Principal Building Surveyor be granted delegated authority to issue strata title certificates for properties complying with the provisions of the Strata Titles Act 1985 but noting that the delegation specifically excludes the functions of the local government conferred by section 23(3) and section 24 of the Act.

### **B-7 Classification Certificates**

The Principal Building Surveyor be granted delegated authority to sign and issue classification certificates.

#### **B-8 Special Residential Zone - Minor Second Storey Construction**

The Principal Building Surveyor be granted delegated authority to determine applications for minor second storey non-masonry or non-stone construction of residences in the Special Residential zone.

#### **B-9 Rural Zone - Single House**

The Principal Building Surveyor be granted delegated authority to determine applications for single house - in a Rural zone subject to lot size minimum under the requirements of the Scheme.

#### **B-10 Commercial Zones - Verandahs**

The Principal Building Surveyor be granted delegated authority to determine applications for verandahs and uprights covering footpaths within local road reserves, adjacent to Commercial zones, in accordance with the provisions of section 400 (2) of the Local Government (Miscellaneous Provisions) Act 1960 and only if the landowner indemnifies Council against liability claims.

#### **B-11 Industrial and Commercial Zones - Setbacks**

The Chief Executive Officer be granted delegated authority to determine applications for variations to setbacks in the Industrial and Commercial zones where variations may be granted provided that all the relevant Scheme clauses are satisfied.

#### **B-12 Building Envelopes – Location Variation**

The Chief Executive Officer be granted delegated authority to determine applications for the relocation of building envelopes, taking into account the requirements of the Shire's Town Planning Scheme No. 2, as amended, Health, Building, Environment, Technical Services and Fire Protection/ Management requirements. Comments from adjoining property owners, where it is considered by the Principal Building Surveyor that they may be affected by any change in the location of a building envelope, are to be sought and considered prior to making a decision on a building envelope relocation request.

#### **B-13 Local Law - Fences**

The Chief Executive Officer be granted delegated authority to approve or reject applications for fences in accordance with the local law – Fences—including applications for over height fences.

#### **B-14 Swimming Pools – Authorised Persons**

The Chief Executive Officer be granted delegated authority to appoint persons with appropriate experience or qualifications for the purpose of Section 245A of the Local Government (Miscellaneous Provisions) Act, conditionally that the authority given to any person is limited to actions that will not result in any damage to a swimming pool.

#### **B-15 Legal Proceedings – Non-Compliant Swimming Pool Enclosures**

1. The Chief Executive Officer be granted delegated authority to initiate legal proceedings against the owner of Lot 250 Fisher Road, Serpentine for a non-compliant swimming pool enclosure.
2. The Chief Executive Officer be granted delegated authority to initiate legal proceedings against owners of properties with non-compliant swimming pool enclosures without the need for a prior report to Council. (OCM 25.11.02)

## CS-1 Health Act - Section 26 Delegations

Pursuant to the provisions of section 26 of the Health Act 1911, Council appoints and authorises the Director Sustainable Development as the Principal Environmental Health Officer and any person in that position from time to time, as its deputy for the purpose of discharging its powers and functions under:

Part IV - Division 4 (Sanitary Convenience)  
Part IV - Division 7 (Pollution of Water)  
Part V - Division 1 (Houses Unfit for Habitation)  
Part VI - Public Buildings  
Part VII - Division 1 (Nuisances)  
Part VIII - Food (Generally) of the Act and the following Regulations under the Act:  
Health (Air Handling & Water Systems) Regulations 1994  
Health (Asbestos) Regulations 1992  
Health (Cloth Materials) 1985  
Construction Camps Regulations 1988  
Health (Construction Work) Regulations 1973  
Notification of Disease Regulations  
Health (Food Standards) Regulations 1986  
Health (Food Hygiene) Regulations 1993  
Health (Adoption of Food Standard Code) 1992  
Health (Food Standards) (Administration) Regulations 1986  
Health (ANZ Food Standards Code Adoption) Regulations 2001  
Health (Game Meat) Regulations 1992  
Infectious Diseases (Infection of Persons) Regulations 1991  
Health (Prescribed Insect Pests) Regulations 1991  
Health (Laundries & Bathroom) Regulations  
Sewerage (Lighting, Ventilation & Construction) Regulations 1971  
Serpentine-Jarrahdale Health Local Laws 1999 (as amended)  
Meat Transport Regulations 1969  
Health (Meat Hygiene) Regulations 2001  
Offensive Trades (Fees) Regulations 1976  
Health (Pesticides) Regulations 1956  
Health (Pet Meat) Regulations 1990  
Piggeries Regulations 1952  
Poultry Processing Regulations 1973  
Health (Public Buildings) Regulations 1992  
Health (Treatment of Sewage & Disposal of Effluent & Liquid Waste) Regulations 1974  
Health (Temporary Sanitary Conveniences) Regulations 1997  
Health (Skin Penetration Procedure) Regulations 1998 87  
Health (Swimming Pools) Regulations 1964  
Health (Underground Water Supply) Regulations 1959  
Health (Liquid Waste) Regulations 1993

and any associated amendments and amendment regulations as gazetted from time to time.

Delegations with respect to the Health Act itself are subject to the following limitations:

- a) With respect to Part IV Divisions 4 and 7 - Authority is limited to the forming of opinion and issuing notices, requisitions, directions and orders and does not include the carrying out or causing to be carried out, of works in default of duly served notices, the undertaking or contracting or works, the provision of sanitary conveniences.

- b) With respect to Part V Division 1 - Authority is limited to the forming of opinions and issuing notices and directions and does not include the carrying out, or the arranging for the carrying out, of works in default of duly served notices.
- c) With respect to Part VII Division 1 - Authority extends to the issue of requisitions and, in the case of default, the causing of requisite work to be done.

### **CS-2 Health Act – Effluent Disposal Approvals**

*Pursuant to the provision of Section 26 of the Health Act 1911 Council appoints and authorises Environmental Health Officers to approve applications for effluent disposal systems and issue permits to use effluent disposal systems in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.*

### **CS-3 Health Act - Prosecutions**

Council appoints and authorises the Director Sustainable Development as the Principal Environmental Health Officer to commence legal proceedings under the Health Act 1911 and associated regulations and local laws. (S.26 Health Act 1911)

### **CS-4 Sewer Mains Connection**

Council appoints and authorises the Director Sustainable Development as the Principal Environmental Health Officer to order premises within the Shire of Serpentine-Jarrahdale to be connected to sewer mains when such mains are completed and ready for use. (S.72 Health Act 1911)

### **CS-5 Health Orders**

Council appoints and authorises the Director Sustainable Development as the Principal Environmental Officer and Environmental Health Officers to serve health orders in connection with requirements and repairs to businesses, shops and dwellings in accordance with the provisions of s.354 of the Health Act 1911. (S.26 Health Act 1911)

### **CS-6 Licences and Registrations**

Council appoints and authorises the Director Sustainable Development as the Principal Environmental Health Officer to sign and issue licences and registrations issued under the Health Act 1911. (S.26 Health Act 1911)

### **CS-7 Hire of Community Bus**

- 1. Council endorses the use of the Community Bus by the Fire Cadet Units, free of charge, for the transportation of cadets to relevant meetings. (The use of the bus replaces the use of two fire vehicles, which would be at council's cost).
- 2. The Chief Executive Officer be given delegated authority to determine future use of the community bus for groups similar to the Fire Cadet Units. (OCM A140.27.03.00)

### **CS-8 Proposed Byford Sport, Leisure & Recreation Centre – Execute Grant Applications**

1. Council agrees to the establishment of a reference group comprising the members of the Community and Recreation Development Committee and the Chief Executive Officer, or his nominated representative, to provide guidance to consultants and staff and to report back to Council on the progressing of this facility.
2. The reference group will be able to make decisions associated with the project only if the matter being considered has been included in the Council budget or Council has previously delegated authority to the Chief Executive Officer to deal with it, otherwise the matter/s should be referred to Council. (CRD01 OCM 23/7/01)
- ~~3. Council requests the Chief Executive Officer to commence seeking grant funding within the parameters defined in the Adopted Principal Activities Plan to assist in the capital and operational costs associated with the proposed Shire Recreation Facility.~~
- 4.3. Council delegates authority to the Chief Executive Officer to execute any grant applications which are either made and also successful, provided they remain within the parameters outlined in point one (1) of this above decision. (SM055/05/01)

### **CS-9 Internal & External Funding Applications Seeking Council Endorsement**

Council delegates authority to the Chief Executive Officer to assess applications and, when considered appropriate, provide letters of support for grants where such projects are:

1. Aligned to planned Council activities and/or
  2. Consistent with Council's Strategic Plan
- (CRD041/05/01)

### **CS-10 Jarrahdale Heritage Park Partnership Agreement/Land Management Agreement**

Council delegates authority to the Shire President and Chief Executive Officer to accept the currently proposed, and any future amendments to the Partnership Agreement and/or the Land Management Agreement provided that the Council representatives on the Jarrahdale Heritage Park Management Committee unanimously agree with any amendment proposed. (C016/07/00)

### **CS-11 Serpentine Dam Tearoom Lease**

1. The Chief Executive Officer and Shire President are delegated authority to finalise and sign a lease between the Shire of Serpentine Jarrahdale and Water Corporation as per Council Decision C010/07/02. (SM009/08/02)
2. Authorise the Shire President and Chief Executive Officer to execute the draft sub lease between the Serpentine Jarrahdale Shire and Interwall for the Serpentine Dam Tearooms as included with the attachments and marked C096.2/03/03 of this report.
3. Authorise the Shire President and Chief Executive Officer to:-
  - a) finalise all tenancy matters relating to the accommodation associated with the Tearooms with the Water Corporation and Interwall.
  - b) sign documents relating to this matter. (C096/03/02)

### **CS-12 Temporary Accommodation**

Council appoints and authorises the Director Sustainable Development to determine any application for temporary accommodation in accordance with Council policy. (Caravan Parks & Camping Grounds Regulations 1987 (as amended), Regulations 6 and 11(2)(c)) (CS C01 09.08.99)

## **PS-1 Town Planning Scheme No 2 – Use and Development**

The Director Sustainable Development be granted delegated authority for the uses, developments and Scheme variations for which delegated power of approval, refusal and approval to vary Scheme requirements, are as follows and no other uses or variations may be approved/refused under the terms of this delegation.

Uses\Development —

- 5.1 All advertising for SA and AA uses in Town Planning Scheme No. 2.
- 5.2 All “X” uses (refusals) in accordance with Town Planning Scheme No. 2 (uses that are not permitted and would require rezoning to be supported).
- 5.3 All permitted “P Uses” ~~in the~~ subject to compliance with the Scheme requirements.
- 5.4 Caretakers house/flat where such use is incidental to the predominant use.
- 5.5 Car park - in all zones.
- 5.6 Consulting rooms - in the Commercial and Light Industry zones.
- 5.7 Fish shop.
- 5.8 Funeral parlour.
- 5.9 Health studio.
- 5.10 Home occupation/Home Business subject to adjoining land owners consent in writing.
- 5.11 Laundry.
- 5.12 Local shop.
- 5.13 Lodging house.
- 5.14 Office - in the Light Industry zone where such use is incidental to the predominant use.
- 5.15 Open air display.
- 5.16 Satellite dishes.
- 5.17 Trade display.
- 5.18 Warehouse.
- 5.19 Fish Farming
- 5.20 Bed & Breakfast Accommodation  
(P184/12/02)

## **PS-2 Ancillary Accommodation**

The Chief Executive Officer be granted delegated authority to determine planning applications for ancillary accommodation in accordance with Council's policy on ancillary accommodation. (BP 1) (P180 15.02.99)

## **PS-3 Stables and Keeping of Horses**

The Chief Executive Officer be granted delegated authority to determine any application for stables and/or keeping of horses. (P184/12/02)

## **PS-4 Development Issues Within the Urban Development Zone**

Delegated authority be given to the Director Sustainable Development to determine applications for the following developments within the Urban Development zone:-

1. Single Dwellings and extensions to existing dwellings
2. Sheds, Outbuildings, Patios, Pergola
3. Swimming Pools
4. Granny Flats and Ancillary Accommodation
5. Car Park
6. Signs
7. Commercial Vehicle Parking where no objections from adjoining landowners have been received.

8. Retaining Walls  
(P184/12/02)

**PS-5 Two Dwelling Houses on a Rural Lot**

The Chief Executive Officer be granted delegated authority to determine planning applications for more than one dwelling house on a rural lot in accordance with clause 5.4.3 of the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.

**PS-6 Memorial Grove in Serpentine Jarrahdale**

Should no objections be received, the Chief Executive Officer be delegated authority to finalise an agreement with the Men of the Trees in respect to the planting of a memorial grove at the Old Rifle Range Reserve, Byford.  
(E023/01/02)

**PS-7 Extensions/additions to use/development approvals**

The Chief Executive Officer be granted delegated authority to determine amendments or extensions of use/development approvals previously granted.

**PS-8 Residential Zone - Grouped Dwelling**

The Chief Executive Officer be granted delegated authority to determine applications for grouped dwelling - in the Residential zone provided such applications are in accordance with the R Codes.

**PS9 Making Recommendations to the Western Australian Planning Commission with Respect to Subdivision/Amalgamation Referrals**

The Chief Executive Officer under the Local Government Act 1995 (as amended) be granted the authority to make recommendations to the WA Planning Commission in respect to subdivisions and amalgamations of land where:

- a) A subdivision guide plan has been previously approved by Council as part of a rezoning;
- b) In the Urban Development zone where a Detailed Area Plan has been approved by Council;
- c) Involving minor modifications to subdivision plans previously considered by Council not involving the creation of additional lots. *Any opportunity to protect or further develop riparian corridors will be promoted.*
- d) Minor subdivisions/amalgamations (up to three lots) in any zone.

Conditions/Guidelines

- a) Rural Strategy - Where a subdivision/amalgamation referral is subject to Council's Rural Strategy (as amended), including the 2001 Rural Strategy Review, any objection or recommendations provided to Western Australian Planning Commission under this policy will be consistent with the Rural Strategy.
- b) Local Planning Policies - Compliance with any Local Planning Policy applicable to the subdivision/amalgamation.
- c) Wetland Protection - For subdivision/amalgamation referrals relating to land within or adjacent to, or which drain into wetlands identified in Bush Forever, Council shall request the Western Australian Planning Commission to refer such applications to the Department of Environment Water and Catchment Protection for assessment.

- d) Bushland Protection
- i) Council shall request the Western Australian Planning Commission to impose appropriate conditions of subdivision on all development which could impact on significant vegetation.
  - ii) Council shall not support subdivision of any rural area identified as being a linkage corridor between protected bushland complexes unless it can be demonstrated to the satisfaction of the Council and the Department of Environment Water and Catchment Protection that the proposal minimises disruption to ecological linkage corridors.
- e) Designated Scenic Drives and Entry Roads - The following roads which are designated high conservation value under Council's Rural Strategy or which fall predominantly within the Landscape Protection Policy Area are hereafter described as 'Scenic Drives' and are to be the subject of special consideration in respect to subdivision proposals which are received for land near to them. The basic aim shall be to protect and enhance the rural landscape character of land which is readily visible from those roads.

Designated Scenic Drives and Entry Roads:

South Western Highway

Nettleton Road

Jarrahdale Road

Kingsbury Drive

Thomas Road

Mundijong Road

Karnup Road

Kargotich Road

Nicholson Road

- f) Bushfire Protection
- i) Council shall recommend to the Western Australian Planning Commission that any subdivision adjacent to an area of conservation bushland has a strategic fire break between any development and the bushland.
  - ii) Council shall take account of the principles contained in the publication "Planning for Bushfire Protection 2001" in considering any application for subdivision approval.
  - iii) Where bushfires are a potential hazard, subdivision proposals should demonstrate, to the satisfaction of the Council, that proper bushfire protection measures will be implemented and maintained, including:
    - escape routes from bushfires;
    - firebreaks or strategic firebreaks accessible to give fighting vehicles;
    - water supplies for fire fighting;
    - low fuel areas around dwelling homes having regard to local wind and topographical conditions;
    - fire resistant buildings (AS3959).
- g) Requirement to Amalgamate Lots - Council shall request the Western Australian Planning Commission to impose as a condition of approval the requirement to amalgamate abutting land parcels under the same ownership where proposed development encroaches over a common lot boundary, where setback or other Town Planning Scheme requirements cannot be met, or when one or more lots does not abut a public road reserve.
- h) General - Council shall request the Western Australian Planning Commission to impose appropriate conditions on all subdivision/amalgamation referrals to

ensure adequate servicing and infrastructure provision relative to the zone within which the application relates.  
(P184/12/02)

#### **PS-10 Dealing with Subdivision Clearances**

The Chief Executive Officer under the *Local Government Act 1995 (as amended)* be granted the authority to endorse Plans or Diagrams of Survey to certify the clearance of conditions of subdivision approval.

##### Conditions/Guidelines

- a) All of the Local Authority (LA) conditions are satisfied.
  - b) Receipt of advice from Health Services, Building Services, Asset Services, Fire and Emergency Services, Ranger Services and Environment.
  - c) All use of this delegation is to be included in the Delegations Register and reported to Council through the Planning Development and Environment Committee Information Report.
- (P184/12/02)

#### **PS-11 Proposed Scheme Amendments & Local Planning Policy Relating to Landscape Protection**

Council grants delegated authority to the Chief Executive Officer to approve/refuse developments within the Landscape Protection Policy area in accordance with Local Planning Policy No 8 – Landscape Protection. (P014/07/02)

#### **PS-12 Subdivision Proposal for the Former Wood Lot (Lot 813) Corner Jarrahdale Road and Kingsbury Drive, Jarrahdale**

Council seeks quotations and marketing proposals from suitably qualified real estate professionals for disposal of the wood lot subdivision in accordance with section 3.58 of the Local Government Act 1995 and delegated authority be granted to the Chief Executive Officer to appoint marketing agents upon consideration of marketing proposals in consultation with the Executive Team. (SM014/09/02)

#### **PS-13 Amendment to Retrospective Development Approval – Inert Landfilling – Lot 12 Bird Road, Oldbury and Lot 1 Jackson Road, Oldbury**

The Chief Executive Officer be granted delegated authority to initiate legal proceedings for non-compliance with conditions of development approval without further reference to Council. (P142/09/02 & P 143/09/02)

#### **PS-14 Commercial Vehicle Parking**

Council grants delegated authority to the Director Sustainable Development to approve/refuse Commercial Vehicle Parking where no objections from adjoining landowners have been received.  
(P184/12/02)

#### **PS-15 Town Planning Scheme No 2 – Nuisance**

The Director Sustainable Development be granted delegated authority to issue notices pursuant to Part 7 of Town Planning Scheme No. 2 where a use or activity is likely to contribute or is contributing to dust pollution or soil erosion, requiring the appropriate remedial action.  
(P184/12/02)

### **PS-16 Town Planning Scheme No 2 – Amending a Planning Approval**

The Director Sustainable Development be granted delegated authority to amend a planning approval, on application in writing from the owner of the land in respect of which planning approval has been granted where:

- a commencement of the use or development subject of the planning approval has not occurred;
- b the planning approval was originally granted under delegated authority to the Chief Executive Officer; and
- c the amendment of the planning approval would not significantly affect any person who made a submission in respect of the proposed use/development during public notification (if any) of the use or development.

(P184/12/02)

### **PS-17 Residential Design Codes – Neighbour Consultation**

The Director Sustainable Development be granted delegated authority to initiate neighbour consultation in accordance with clause 2.5 of the Residential Design Codes of Western Australia where:

- a the proposed development requires the exercise of a discretion by Council under the Codes; and
- b where the exercise of that discretion may adversely affect the amenity of an adjoining property.

In all cases where an acceptable development provision is proposed to be varied by more than 10% neighbour consultation is to be carried out in accordance with Clause 2.5.2 of the Residential Design Codes.

(P184/12/02)

### **PS-18 Residential Design Codes – Exercise of Discretion**

The Director Sustainable Development and Principal Building Surveyor be granted delegated authority, when considering applications for Codes Approval, to exercise discretion in relation to considerations, standards and requirements set out in the Residential Design Codes provided no adverse comments were received from owners of adjoining property notified of the proposed development in accordance with clause 2.5.2 of the Codes.

(P184/12/02)

### **PS-19 Extractive Industry Licence Renewals**

The Chief Executive Officer be granted delegated authority to approve extractive industry licence renewals under the Shire of Serpentine-Jarrahdale Extractive Industries Local Law for a period not exceeding twelve months where:

- a the application complies with the requirements of the Shire of Serpentine-Jarrahdale Extractive Industries Local Law;
- b a half yearly compliance inspection has been carried out and no compliance issues have been identified or, where compliance issues were identified, they were rectified by the time of the annual compliance inspection;
- c a report on annual on-site performance has been prepared by the applicant and submitted with the renewal application;
- d the extractive industry has a valid planning approval under the Metropolitan Region Scheme and local planning scheme as appropriate; and
- e no written complaints have been received about the operation of the extractive industry during the current license year.

(P184/12/02)

## **Sustainability Statement**

Council delegated authorities are in place to assist the day to day management of Council in the delivery of its Strategic Plan and Vision

**Statutory Environment:** The annual review of delegations is a requirement under the Local Government Act 1995

**Policy Implications:** As the result of the review in 2002 of the delegations some policies have been reviewed and some new ones developed.

**Financial Implications:** No Financial Implications are associated with this review process.

**Strategic Implications:** The requested ongoing delegations assist in administering the strategic direction of Council

**Community Consultation:** No community consultation required

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

## **Officer Recommended Resolution**

Council adopts the delegations in accordance with the **Local Government Act 1995**, as amended and these are to be numbered accordingly:

### **Corporate Services**

- AF-1 Signing of Prosecution Complaint Forms
- AF-2 Minor Variations to Tender Contract
- AF-3 Authorised Persons – Regulations and Local Laws
- AF-4 Derelict Vehicles
- AF-5 Impounded Vehicle Tender Acceptance
- AF-6 Infringement Notices – Follow-up Proceedings
- AF-7 Acting Chief Executive Officer
- AF-8 Payments from Municipal Fund and Trust Fund
- AF-9 Investments
- AF-10 Approval of councillors' Travelling and Other Expenses
- AF-11 Issue of Notice on Private Land
- AF-12 Refreshments – Councillors Lounge
- AF-13 Staff Matters
- AF-14 Special Arrangements for Payment of Rates & Charges
- AF-15 Existing Leases & Rents – Review & Renewal
- AF-16 Use of Council Halls and Ovals by Community Groups
- AF-17 Telecentre Photocopier
- AF-18 Fire Levy Equivalent – Payments
- AF-19 Seed Collection on council Vested Lands – Commercial Licences
- AF-20 Legal Representation and Cost Indemnification
- AF-21 Jarrahdale Communications Mast
- AF-22 Gerald Van Rongen & Longaline Pty Ltd and the Shire of Serpentine Jarrahdale
- AF-23 Gerald Van Rongen & Longaline Pty Ltd and the Shire of Serpentine Jarrahdale
- AF-24 Delegation, Powers and Duties of Committees
- AF-25 Chief Executive Officer Performance Review and Directors Remuneration Review
- AF-26 Cattle Trespass etc – Rangers and Poundkeepers
- AF-27 Use of Shire of Serpentine Jarrahdale Common Seal

### **Asset Services**

- AS-1 Street Lighting
- AS-2 Protection of Council Property
- AS-3 B-double and Long Vehicle Permits
- AS-4 Road Closures
- AS-5 Heavy Haulage Infringement Notices
- AS-6 Removal of Dangerous Trees
- AS-7 Sand Drift
- AS-8 Works in Drainage Easements
- AS-9 Gates Across Public Thoroughfares
- AS-10 Disturbing Local Government Land and Anything On It
- AS-11 Obstructing Public Thoroughfare
- AS-12 Encroaching on Public Thoroughfare
- AS-13 Separating Land from Public Thoroughfare
- AS-14 Dangerous Excavation in or Near Public Thoroughfare
- AS-15 Crossing from Public Thoroughfare to Private Land or Private Thoroughfare
- AS-16 Requirement to Construct or Repair Crossing
- AS-17 Private Works on, Over or Under Public Places
- AS-18 Protection of Watercourses, Drains, Tunnels and Bridges
- AS-19 Protection of Thoroughfares from Water Damage
- AS-20 Main Roads WA – Oversize Load Permits
- AS-21 Reciprocal Works
- AS-22 Light Vehicle Changeovers – Tender Acceptance Delegation
- AS-23 Five Year Plant & Light Vehicle Replacement Strategy
- AS-24 Bush Fires Act 1954 – Prohibited Burning Time Variations
- AS-25 Relocation to Peel Region of Australian Fine China

#### Sustainable Development

- B-1 Damage to Streets
- B-2 Local Government (Miscellaneous Provisions) Act 1960 – Notices
- B-3 Single Residential Development – Setback Requirements
- B-4 Outbuilding Setback Variations
- B-5 Building Applications and Licences
- B-6 Strata Title Certificates
- B-7 Classification Certificates
- B-8 Special Residential Zone – Minor Second Storey Construction
- B-9 Rural Zone – Single House
- B-10 Commercial Zones – Verandahs
- B-11 Industrial and Commercial Zones – Setbacks
- B-12 Building Envelopes – Location Variation
- B-13 Local Law – Fences
- B-14 Swimming Pools – Authorised Persons
- B-15 Legal Proceedings – Non-compliant Swimming Pool Enclosures
  
- CS-1 Health Act – Section 26 Delegations
- CS-2 Health Act – Prosecutions
- CS-3 Sewer Mains Connection
- CS-4 Health Orders
- CS-5 Licences and Registrations
- CS-6 Hire of Community Bus
- CS-7 Proposed Byford Sport, Leisure & Recreation Centre
- CS-8 Internal and External Funding Applications Seeking Council Endorsement
- CS-9 Jarrahdale Heritage Park Partnership Agreement/Land Management Agreement
- CS-10 Serpentine Dam Tearooms Lease
- CS-11 Temporary Accommodation
  
- PS-1 Town Planning Scheme No 2 – Use and Development

- PS-2 Ancillary Accommodation
- PS-3 Stables and Keeping of Horses
- PS-4 Development Issues Within the Urban Development Zone
- PS-5 Two Dwelling Houses on a Rural Lot
- PS-6 Memorial Grove in Serpentine Jarrahdale
- PS-7 Extensions/Additions to Use/Development Approvals
- PS-8 Residential Zone – Grouped Dwelling
- PS-9 Making Recommendations to the Western Australian Planning Commission with Respect to Subdivision/Amalgamation Referrals
- PS-10 Dealing with Subdivision Clearances
- PS-11 Proposed Scheme Amendments & Local Planning Policy Relating to Landscape Protection
- PS-12 Subdivision Proposal for the Former Wood Lot (Lot 813) Corner Jarrahdale Road and Kingsbury Drive, Jarrahdale
- PS-13 Amendment to Retrospective Development Approval – Inert Landfilling – Lot 12 Bird Road, Oldbury and Lot 1 Jackson Road, Oldbury
- PS-14 Commercial Vehicle Parking
- PS-15 Town Planning Scheme No 2 – Nuisance
- PS-16 Town Planning Scheme No 2 – Amending a Planning Approval
- PS-17 Residential Design Codes – Neighbour Consultation
- PS-18 Residential Design Codes – Exercise of Discretion
- PS-19 Extractive Industry Licence Renewals

#### **CRSM054 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Hoyer seconded Cr Star that Council adopts the delegations in accordance with the **Local Government Act 1995**, as amended and presented in this report, and these are to be numbered accordingly:

#### **Corporate Services**

- AF-1 Signing of Prosecution Complaint Forms
- AF-2 Minor Variations to Tender Contract
- AF-3 Authorised Persons – Regulations and Local Laws
- AF-4 Derelict Vehicles
- AF-5 Impounded Vehicle Tender Acceptance
- AF-6 Infringement Notices – Follow-up Proceedings
- AF-7 Acting Chief Executive Officer
- AF-8 Payments from Municipal Fund and Trust Fund
- AF-9 Investments
- AF-10 Approval of councillors' Travelling and Other Expenses
- AF-11 Issue of Notice on Private Land
- AF-12 Refreshments – Councillors Lounge
- AF-13 Staff Matters
- AF-14 Special Arrangements for Payment of Rates & Charges
- AF-15 Existing Leases & Rents – Review & Renewal
- AF-16 Use of Council Halls and Ovals by Community Groups
- AF-17 Telecentre Photocopier
- AF-18 Fire Levy Equivalent – Payments
- AF-19 Seed Collection on council Vested Lands – Commercial Licences
- AF-20 Legal Representation and Cost Indemnification
- AF-21 Jarrahdale Communications Mast
- AF-22 Gerald Van Rongen & Longaline Pty Ltd and the Shire of Serpentine Jarrahdale
- AF-23 Gerald Van Rongen & Longaline Pty Ltd and the Shire of Serpentine Jarrahdale
- AF-24 Delegation, Powers and Duties of Committees
- AF-25 Chief Executive Officer Performance Review and Directors Remuneration Review
- AF-26 Cattle Trespass etc – Rangers and Poundkeepers
- AF-27 Use of Shire of Serpentine Jarrahdale Common Seal

### Asset Services

- AS-1 Street Lighting
- AS-2 Protection of Council Property
- AS-3 B-double and Long Vehicle Permits
- AS-4 Road Closures
- AS-5 Heavy Haulage Infringement Notices
- AS-6 Removal of Dangerous Trees
- AS-7 Sand Drift
- AS-8 Works in Drainage Easements
- AS-9 Gates Across Public Thoroughfares
- AS-10 Disturbing Local Government Land and Anything On It
- AS-11 Obstructing Public Thoroughfare
- AS-12 Encroaching on Public Thoroughfare
- AS-13 Separating Land from Public Thoroughfare
- AS-14 Dangerous Excavation in or Near Public Thoroughfare
- AS-15 Crossing from Public Thoroughfare to Private Land or Private Thoroughfare
- AS-16 Requirement to Construct or Repair Crossing
- AS-17 Private Works on, Over or Under Public Places
- AS-18 Protection of Watercourses, Drains, Tunnels and Bridges
- AS-19 Protection of Thoroughfares from Water Damage
- AS-20 Main Roads WA – Oversize Load Permits
- AS-21 Reciprocal Works
- AS-22 Light Vehicle Changeovers – Tender Acceptance Delegation
- AS-23 Five Year Plant & Light Vehicle Replacement Strategy
- AS-24 Bush Fires Act 1954 – Prohibited Burning Time Variations
- AS-25 Relocation to Peel Region of Australian Fine China

### Sustainable Development

- B-1 Damage to Streets
  - B-2 Local Government (Miscellaneous Provisions) Act 1960 – Notices
  - B-3 Single Residential Development – Setback Requirements
  - B-4 Outbuilding Setback Variations
  - B-5 Building Applications and Licences
  - B-6 Strata Title Certificates
  - B-7 Classification Certificates
  - B-8 Special Residential Zone – Minor Second Storey Construction
  - B-9 Rural Zone – Single House
  - B-10 Commercial Zones – Verandahs
  - B-11 Industrial and Commercial Zones – Setbacks
  - B-12 Building Envelopes – Location Variation
  - B-13 Local Law – Fences
  - B-14 Swimming Pools – Authorised Persons
  - B-15 Legal Proceedings – Non-compliant Swimming Pool Enclosures
- 
- CS-1 Health Act – Section 26 Delegations
  - CS-2 Health Act – Effluent Disposal Approvals
  - CS-3 Health Act – Prosecutions
  - CS-4 Sewer Mains Connection
  - CS-5 Health Orders
  - CS-6 Licences and Registrations
  - CS-7 Hire of Community Bus
  - CS-8 Proposed Byford Sport, Leisure & Recreation Centre
  - CS-9 Internal and External Funding Applications Seeking Council Endorsement
  - CS-10 Jarrahdale Heritage Park Partnership Agreement/Land Management Agreement
  - CS-11 Serpentine Dam Tearooms Lease

CS-12 Temporary Accommodation

- PS-1 Town Planning Scheme No 2 – Use and Development
  - PS-2 Ancillary Accommodation
  - PS-3 Stables and Keeping of Horses
  - PS-4 Development Issues Within the Urban Development Zone
  - PS-5 Two Dwelling Houses on a Rural Lot
  - PS-6 Memorial Grove in Serpentine Jarrahdale
  - PS-7 Extensions/Additions to Use/Development Approvals
  - PS-8 Residential Zone – Grouped Dwelling
  - PS-9 Making Recommendations to the Western Australian Planning Commission with Respect to Subdivision/Amalgamation Referrals
  - PS-10 Dealing with Subdivision Clearances
  - PS-11 Proposed Scheme Amendments & Local Planning Policy Relating to Landscape Protection
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  - PS-13 Amendment to Retrospective Development Approval – Inert Landfilling – Lot 12 Bird Road, Oldbury and Lot 1 Jackson Road, Oldbury
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  - PS-17 Residential Design Codes – Neighbour Consultation
  - PS-18 Residential Design Codes – Exercise of Discretion
  - PS-19 Extractive Industry Licence Renewals
- CARRIED 9/0 **ABSOLUTE MAJORITY**

Note: The Officer Recommended Resolution was changed as the CS series was not numbered 1-12 to reflect the correct number of delegations (ie CS-2 Health Act Effluent Disposal Approvals)

SM055/05/03 FORWARD FINANCIAL PLAN 2003-2008 (A0119/02)		
Proponent	Local Government Act 1995	<b>In Brief</b>  To review written comments and submissions made by the public in relation to the proposed Plan of Principal Activities 2003-2008 and adopt the Plan as proposed.
Officer	G R Dougall – Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	14/05/03	
Previously	SM045/03/03	
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

**Background**

At the Strategic Management meeting held on 17<sup>th</sup> March 2003 the recommendation forwarded to Council from the Committee was to advertise the draft Plan of Principal Activities 2003-2008 for public comment.

This Plan is a requirement of section 5.56 of the Local Government Act 1995 and is to cover the next five financial years of the local government. The Plan is to include;

- The principal activities that are proposed or plan to be proposed,
- Objectives of each principal activity,
- Estimated cost and proposed means of funding,
- How the local government proposes to assess its performance, and
- Estimated income and expenditure for each year of the plan.

This year an advertisement was placed in the Weekend Examiner newspaper to commence the statutory 42 day public submission notice as required under section 5.57 of the Local Government Act 1995, and articles were provided on a weekly basis in the examiner newspaper outlining projects during different years of the Plan and a copy was placed on Council's website. At the time of writing this item no submissions had been received, however 17 of the 20 hard copies created were taken by members of the public.

### **Comments**

The 42 day comment period concluded on Wednesday 14<sup>th</sup> May 2003. All proponents have been advised the time and date of this meeting. No submissions were received by the due date. Council provided a 4 week advertising program indicating items within the Plan over each year.

There have been modifications to the Plan since the advertising period commenced to take into consideration resolution SM050/04/03 for the final High School Feasibility Report.

The changes have occurred in the Acquisition of Assets area of the Plan with the Administration Office extension items being changed to reflect the construction of a new building and lease arrangements with the Anglican School Council for the current Administration Building. It also has been modified to reflect the additional loan funds required for the new building and increased loan repayments, along with the lease income for the current building.

An adjustment has also been made to the Recreation area of the Plan to include the provision for the Peel Regional Marketing Strategy as outlined in resolution SM001/07/02 for \$22,000 over a two year period.

The Equine Officer funding under Recreation has also been reduced to reflect that costs has been provided for with the Economic Development position identified in the Asset Acquisition area. The Forward Financial Plan provides for a part time Economic and Tourism Development Officer in 2003-2004. This role is proposed to be approximately 5 days per fortnight. Discussions are taking place with the Peel Horse Industry Council and the Shires of Murray and Serpentine Jarrahdale on the Equine Executive Role being integrated into the Economic and Tourism Development position for both local governments.

It is proposed that the Equine Executive Role would be able to be integrated into the position of Economic and Tourism Development at both Councils, and consequently remove the need for separate financial assistance, other than perhaps a Corporate membership. In return the Peel Horse industry Council are proposing to fund and maintain a vehicle which would not be associated with the Council arrangements, but made available to the Economic and Tourism Development Officer in return for the continuation of Executive support to them.

The full funding for the installation of reticulation equipment at Serpentine Oval has been placed in year 3, previously it was split between years 3 and 4, this was modified to ensure an even spread of funds across all years of the plan to account for the increase in loan repayments for the new administration facility.

The rate increases in the advertised Plan have changed with these changes. A comparison is provided:

	2003/2004	2004/2005	2005/2006	2006/2007	2007/2008
Advertised Plan	7.01	6.89	5.37	6.52	8.42
Amended Plan	6.78	6.30	6.48	6.70	8.58

***A copy of the amended draft Plan of Principal Activities 2003-2008 is with the attachments marked SM055.1/05/03.***

**Statutory Environment:** Section 5.56 of the Local Government Act 1995.

**Policy Implications:** No policy implications.

**Financial Implications:** The Principal Activity Plan is a forward financial plan for the next five years.

**Strategic Implications:** This Plan reflects the outcomes of the Strategic Plan.

**Community Consultation:** Local Government Act 1995 requires a 42 day consultation process which has been undertaken.

**Voting Requirements:** Normal

**CRSM055 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Price seconded Cr Hoyer

1. Draft Plan of Principal Activities 2003-2008, as amended, be adopted.
2. The draft Budget 2003/2004 be prepared based on the Principal Activity Plan 2003-2008.

CARRIED 9/0

SM056/05/03 INFORMATION REPORT		In Brief  Information Report.
Proponent	Chief Executive Officer	
Officer	D.E Price – Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	13 May 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

SM056.1/05/03 COMMON SEAL REGISTER REPORT – APRIL 2003 (A1128)

***The Common Seal Register Report for the month of April 2003 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the attachments marked SM056.1/05/03.***

SM056.2/05/03 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION AGENDA ITEMS FOR ASSOCIATION AGMs LOCAL GOVERNMENT WEEK (A0163-06)

***In the attachments marked SM056.2/05/03 is a reminder facsimile from the Western Australian Local Government Association regarding the deadlines for submission of agenda items for the Annual General Meeting of the WA Local Government Association and statutory AGMs for CSCA and LGA is Friday, 13<sup>th</sup> June 2003.***

**CRSM056 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Scott seconded Cr Price that the Information Report to 13 May 2003 be received.  
CARRIED 9/0

7.7 Planning Development & Environment Meeting – 19<sup>th</sup> May, 2003

**COUNCIL DECISION**

Moved Cr Price seconded Cr Star  
That the minutes of the Planning Development & Environment Committee Meeting held on 19<sup>th</sup> May, 2003 be received.  
CARRIED 9/0

B23/05/03 PROPOSED SERPENTINE SPORTS RESERVE PAVILION (RS0180)		
Proponent	Serpentine Sports Reserve Management Committee	<u>In Brief</u>
Officer	Wayne Chant - Principal Building Surveyor	Council is asked to endorse the commissioning of professional drawings for the Serpentine Sports Reserve Pavilion through the relevant budget allocation and to bring forward the Council and Club Self-supporting Loans into the 2003/04 budget
Signatures - Author:		
Senior Officer:		
Date of Report	07.05.03	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<u>Council</u>	

Owner: Department of Land Administration  
 Owner's Address: 1 Midland Square, Midland  
 Applicant: Serpentine Sports Reserve Management Committee  
 Applicant's Address: Karnup Road, Serpentine  
 Date of Receipt: Last meeting of the Sports Reserve Management Committee  
 Advertised: All current and potential user groups  
 Submissions: Comments from user groups have been incorporated in the design  
 MRS Zoning: Parks & Recreation  
 Date of Inspection: 7 May 2003

**Background**

At their April 2003 meeting, Serpentine Sports Reserve Management Committee endorsed the floor and site plans produced by Scott Hambley on 8 August 2002. The plans are a detailed version of what was proposed when the ablution facility (Stage 1 of the Pavilion) was endorsed by Council on the 25 April 2001.

The Serpentine Sports Reserve Pavilion Feasibility Study Group have communicated with a variety of stakeholders in the Serpentine Jarrahdale community to enable the maximum use of the proposed facility.

A number of minor amendments have been requested since the plans were updated on 8 August 2002. These will be forwarded with the floor and site plans (8/8/02) to clarify the requirements.

They are as follows:

- Meeting Room door to be moved to corridor wall
- Ramp access required onto veranda, next to equipment store
- Surface for entry from car park needs to be conducive to wheelchair use
- Railing required around verandas
- Door opening from hall to corridor to disabled toilets needs to be modified (eg. widened/sliding)
- 2 separate (not adjacent) sinks required

Provision of potential space for dishwasher

### **Comments**

There is no longer allocation in the 2002/03 budget CFS625 (but included in the Principal Activities Plan) for professional drawings to be produced. Once the drawings are complete, they will be forwarded to the Department of Planning & Infrastructure and other relevant authorities. Commencing this process during the 2002/03 financial year aims to ensure that all necessary planning permission has been sought prior to the results of funding submissions being received.

A funding application is being prepared for the Community Sport & Recreation Facilities Fund which will be submitted for Council endorsement and prioritisation in October 2003. The results of this will be known by early March 2004. Work on the facility can start as soon as funding is known and the Community Sport & Recreation Facilities Fund grant would be reimbursed in stages from July 2004.

Council has allocated in its Forward Financial Plan (Principal Activities Plan 2003-2008) for 2004/05 a contribution of up to \$110,000. This is to be matched with the Community Sport & Recreation Facilities Fund grant for up to \$110,000 and a Club Self-supporting Loan for up to the remaining \$110,000.

The Serpentine Sports Reserve Management Committee is keen to commence works as soon as the Community Sport & Recreation Facilities Fund grants are announced in March 2004, as the Pony Club is hosting a major event in September 2004. The project would have to be staged to ensure that cash flow and payments for contractors allowed for not being able to claim the grant contribution until July 2003.

To assist in this process, Council is requested to bring forward into the 2003/04 budget the Council and Club Self-supporting Loans of up to \$110,000 each currently outlined in the Forward Financial Plan for 2004/05.

### **Sustainability Statement**

- \* The proposal will enhance the built and natural environment with the rammed earth walls matching the existing buildings on site.
- \* Using rammed earth walls will minimise resource use.
- \* The proposal aims to use local labour and materials where possible.
- \* The proposal's external costs will be subsidised by in kind donations of labour and materials where possible.
- \* The proposal is designed to be socially and environmentally responsible through enabling participation by community groups with both social and environmental expertise.
- \* The proposal does not disadvantage any social groups. It aims to be able to accommodate a range of community needs.
- \* The proposal will provide a facility which will enhance the events and visitors that the reserve can attract, therefore creating long term economic benefit to current and future residents.

**Statutory Environment:** Local Government Act 1995, Town Planning & Development Act 1928 (as amended)

**Policy Implications:** N/A

**Financial Implications:** Cost of plans = \$3,500  
Council is requested to bring forward into the 2003/04 budget the Council and Club Self-supporting Loans of up

to \$110,000 + \$3,500 (\$113,500) each currently outlined in the Forward Financial Plan for 2004/05.

**Strategic Implications:**

Key Sustainability Result Areas

**1 People and Community**

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

Strategies:

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

*Objective 3: High level of social commitment*

Strategies:

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

**3 Economic**

*Objective 3: Effective management of Shire growth*

Strategy:

- 1 Enhance economic futures for Shire communities

**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*

Strategies:

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

*Objective 3: Compliance to necessary legislation*

Strategy:

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

**Community Consultation:**

The Serpentine Sports Reserve Pavilion Feasibility Study Group has consulted the local community and all potential user groups during 2002/03

**Voting Requirements:**

**ABSOLUTE MAJORITY**

**CRB023 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Price seconded Cr Richards

- 1 That Council endorses the commissioning of professional drawings for the Serpentine Sports Reserve Pavilion based on the 8 August 2002 concept plans as amended following the adoption of the budget to be funded from Council's contribution of up to \$113,500.
- 2 That Council brings forward into the 2003/04 budget Council's contribution of up to \$113,500 and the Club Self-supporting Loan of up to \$110,000 each currently outlined in the Forward Financial Plan for 2004/05.

**CARRIED 9/0 ABSOLUTE MAJORITY**

P260/05/03 PROPOSED EXTRACTIVE INDUSTRY – LOT 1304 COYLE ROAD, OLDBURY (P03215/01)		
Proponent	NLG Sand Supplies	<b>In Brief</b>  The applicant has requested reconsideration of several conditions of a planning approval granted by Council in February 2003. For legal reasons, this must instead be considered as a new application.
Officer	Richard Morup - Strategic Environmental Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	28 January 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

### Background

At the March 2003 Ordinary Council Meeting Council considered the above proposal and resolved to approve the proposal as shown in the resolution below:

*Approval to commence development in accordance with an application dated 20 July 2001 and plans attached thereto, is granted subject to the following conditions:-*

1. *Development shall be in accordance with the plan entitled "NLG Sand Supplies - Revision of Staging; Lot 1304 Coyle Road, Oldbury" dated 6 November 2001, and subject to any modifications required as a consequence of any conditions of this approval.*
2. *This approval is only applicable to Stages 1, 2, 3, 4 and 5, as marked on the approved plan. Proposed Stages 6, 7, and 8 are excluded from this approval.*
3. *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 Council.*
4. *This approval supercedes any previous approvals granted by Council;*
5. *This approval is for a period of five (5) years only, after which time a new application must be lodged with Council for consideration of continuation of the development/land use.*

#### EXTRACTIVE INDUSTRY LICENCE

6. *No development or use of the site for Extractive Industry shall be undertaken without the landowner holding a valid Extractive Industry Licence, issued by Council under the provisions of the Shire of Serpentine-Jarrahdale Local Laws for Extractive Industries.*

#### VEHICLES AND HAULAGE

7. *Unless otherwise stated in a Traffic Management Plan approved by the Director Sustainable Development, this extractive industry (including vehicle movements) may operate between the hours of 7.00am and 5.00pm Monday to Saturday, except on public holidays when operations are limited to between the hours of 9.00am and 5.00pm.*
8. *Unless otherwise stated in a Traffic Management Plan approved by the Director Sustainable Development, no more than 10 laden trucks shall leave the site per day.*
9. *Prior to the commencement of extractive industry operations the proponent shall prepare, and thereafter implement to the satisfaction of the Director Sustainable Development, a Traffic Management Plan that details the haulage route and the types of haulage vehicles to be used in association with this proposal. The Plan will be valid for a period no longer than twelve months and must be renewed annually.*
10. *The proponent shall take all measures to ensure that noise from machinery and vehicles complies with the Environmental Protection (Noise) Regulations 1997.*

### DUST AND EROSION

11. *The proponent shall take all measures to ensure dust emissions and/or wind-borne sediments do not travel beyond the property boundaries, to the satisfaction of the Director Sustainable Development.*

### CONTAINMENT

12. *The proponent shall ensure all haulage vehicles associated with the extractive industry are covered and/or sealed to prevent the leakage of dust or other materials during transport, to the specification and satisfaction of the Shire of Serpentine - Jarrahdale.*
13. *The proponent shall at its expense, clean and remove any materials spilt or spread onto public roads by vehicles associated with this extractive industry, to the specification and satisfaction of the Shire of Serpentine - Jarrahdale.*

### VEGETATION PROTECTION AND REHABILITATION

14. *Within 60 days of the date of this approval, the applicant shall install and thereafter maintain fencing to protect the existing remnant vegetation within Stage 1 and 3, from degradation or encroachment by machinery, erosion or sedimentation, to the satisfaction of the Director Sustainable Development.*
15. *Prior to commencing extraction works within Stages 2,3 4 or 5; the proponent shall submit for approval by the Director Sustainable Development and thereafter implement a plan to undertake revegetation works within proposed stage 7, in order to establish, and thereafter maintain a 60 metre wide vegetated linkage between the vegetation on Lot 1304 and the adjacent Bush Forever site on Lot 442;*
16. *Prior to commencing any site works (including any vegetation clearing or earthworks), the proponent shall establish fencing to protect all vegetation within 30 metres of the western boundary, and prevent uncontrolled vehicle access or vegetation degradation within proposed Stages 6,7 and 8. The fencing shall be of a standard able to prevent native vegetation being damaged by vehicles, erosion, and sedimentation.*
17. *The proponent shall manage this proposal so as to prevent the spread of weeds and dieback into the on-site remnant native vegetation, and the Banksia Road Nature Reserve;*
18. *On expiry of this approval, the applicant shall have landscaped and revegetated the subject land to resemble as close as practicable, the natural contours and native vegetation that would have been present in its undisturbed state.*
19. *To ensure satisfactory rehabilitation occurs progressively throughout the life of the quarry, the applicant shall within 90 days of this approval being granted prepare to the satisfaction of Director Sustainable Development (and thereafter implement) a comprehensive Quarry Rehabilitation and Decommissioning Plan. The plan shall detail the timetable and performance criteria for revegetation, and set deadlines for when the performance criteria must be satisfied. Renewal of any Extractive Industry Licence will be dependent on complete compliance with this plan.*

### WETLAND PROTECTION

20. *Prior to commencing extraction works within Stages 2,3 4 or 5; the proponent shall prepare and once approved by the Director Sustainable Development, thereafter implement a Wetland Revegetation and Rehabilitation Plan to re-establish local native species within 50 metres of the furthest extent of wetland dependent vegetation.*
21. *The revegetation works should use local native species, incorporate a weed management plan, and fencing shall be of a standard to prevent the vegetation from being damaged by vehicles, erosion, or sedimentation.*

22. *Filling of the wetland area shall only occur with the prior written approval by the Director Sustainable Development. These earthworks once approved, can only be undertaken under the supervision of Council's Environmental Officer.*
23. *The proponent shall manage this proposal so as to prevent the spread of weeds and dieback into the Conservation Category wetland and buffer.*

#### *FIRE MANAGEMENT*

24. *Prior to commencing any site works (including any vegetation clearing or earthworks), the proponent shall prepare a Fire Management plan to the satisfaction of the Director Sustainable Development. Firebreak are to be designed and constructed to prevent any degradation to the Banksia Road Nature Reserve and other protected vegetation on Location 1304;*

#### *VISUAL IMPACT*

25. *No development shall occur within Stage 4 until an Extraction and Rehabilitation Plan is prepared to the satisfaction of the Director Sustainable Development. This plan should be form a separate component of the Extraction Program required to be prepared as part of an Application for an Extractive Industry Licence, and comprehensively detail the management of works within the Coyle Road Buffer Zone. The Plan should propose to undertake all extraction and rehabilitation works between April and July of a particular calendar year, detail measures to contain all dust and air borne sediment within the site boundaries, and detail the chosen methods and performance criteria for stabilising, revegetating and maintaining the Coyle Road buffer.*

#### *FOOTNOTES*

1. *The construction or installation of buildings, sheds, fuel storage tanks or any other structure may require a separate and additional planning approval of Council. The proponent should seek written advice from the Shire of Serpentine Jarrahdale, prior to commencing any development that may be beyond the scope of this approval.*
2. *The property is located within the Peel-Harvey Coastal Catchment and any groundwater extraction would require licensing;*
3. *The developer is encouraged to liaise with the Environmental Officer regarding scientific monitoring of rehabilitation techniques.*
4. *The applicant is advised that in seeking an extractive industry licence, Council will require the licence application to be accompanied by a Revegetation and Rehabilitation Plan addressing in detail, the means of implementing the revegetation requirements of this planning approval;*
5. *The applicant is advised that in seeking an extractive industry licence, Council will require the licence application to be accompanied by a Weed and Dieback Management Plan prepared to the satisfaction and specification of the Director Sustainable Development.*
6. *Use of any additional machinery on site including screening or processing equipment would require a separate application for Planning Approval;*
7. *With regard to Condition 8, the approved Traffic Management Plan may either increase or reduce the number of laden trucks.*
8. *A planning consent is not an approval to commence any works. A building licence must be obtained for all works. An application for a building licence will not be accepted unless proof of payment of all bonds and guarantees accompanies the application documents.*
9. *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.*
10. *Native vegetation is valued and protected in the Shire of Serpentine-Jarrahdale. You are advised that Council's Town Planning Scheme requires separate approval for the clearing of native trees in most instances if approval for this is not given above.*

11. *The construction or deepening of drains outside of the above approval requires separate approval by the Commissioner of Soil and Land Conservation.*
12. *Council can advise on energy efficient opportunities that can benefit your operations.*
13. *Approval does not obviate compliance with any other appropriate legislation in particular, the Environmental Protection (Noise) Regulations 1997.*
14. *The applicant is advised that this planning consent does not absolve the applicant or owner from time to time from complying with the restrictions contained in any restrictive covenant, estate covenants or easement pertaining to the site. This is the case even if this planning consent is in respect of a development, which if constructed or carried out, would necessarily breach such a covenant or easement. Any such restrictive covenant, estate covenant or easement is a matter of private rights between the applicant or owner from time to time and the owner and owners of the land with the benefit of that restrictive covenant, estate covenant or easement, and this planning consent does not authorise a breach of such private rights or prevent such owners from enforcing such rights.*
15. *The applicant is advised in relation to this development approval, the consent of the Minister for Indigenous Affairs under the Aboriginal Heritage Act 1972 may be required. This development approval does not constitute a consent under that Act, and the Shire does not take responsibility for assessing the site of the development in terms of compliance with the Aboriginal Heritage Act. The applicant is advised to pursue their own enquiries with the Department of Indigenous Affairs to ensure compliance with the Aboriginal Heritage Act.”*

### Statutory Context

The applicant was sent notice of Council 's resolution in correspondence dated 28 March 2003 and subsequently submitted correspondence dated 16 April 2003 requesting that Council reconsider a number of the conditions imposed. The conditions disputed are 2, 5, 7, 8, 9, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, and 25. The large number of disputed conditions is due to the interrelationship between several common issues.

A meeting was held on 15 April 2003 between Council staff, the landowner and the applicant. The outcome of this meeting was a set of revised conditions agreed upon by all parties.

Clause 6.7 of Council's Town Planning Scheme No. 2 provides discretion for Council (upon application in writing from the owner of land in respect of which an approval has been granted), to revoke or amend a planning approval prior to the commencement of the use or development subject to the planning approval.

In this instance, as development has commenced (vegetation has been cleared without prior planning approval) Council does not have legal authority to reconsider the proposal.

Having been advised of this, the applicant has withdrawn the "reconsideration" application, and instead lodged a new "Application for Planning Consent" with the intent of seeking a new Council planning approval that will supersede that granted by Council in March 2003.

### Proposal

Council staff seek a resolution from Council to provide delegated authority to the Director Sustainable Development to grant approval to the new "Application for Planning Consent".

The most significant difference of this application is that it increases the area of land available for extraction, to become consistent with the written advice of the Environmental Protection Authority Service Unit and the Water and Rivers Commission. This change is supported by Council staff.

The second most significant difference of this application is that the conditions to be imposed, are those developed by Council staff in close consultation with the applicant, following the request for reconsideration referred to above.

A meeting held on 15 April 2003 between Council staff, the landowner and the applicant, produced a set of revised conditions agreed upon by all parties. Council staff comments below should be read in conjunction with **correspondence received from the applicant on 16 April 2003 which is with the attachments marked P260.1/05/03.**

**Condition 2** – Council staff sought clarification from EPA-SU and concede they misinterpreted the EPA-SU advice, and now support expansion of extraction area in to Stages 6,7 & 8 subject to the applicant revegetating the land in accordance with commitments made by the applicant in correspondence dated 16 April 2003.

It should be noted that the quarry operator advised Council staff during mediation of these conditions on April 15 2003, that he has already cleared vegetation in accordance with the EPA's recommended plan. The applicant stated that "he had approval from the EPA and Commissioner for Soil and Land Conservation" to undertake the vegetation clearing. Notwithstanding those non-objections, prior planning approval had not been obtained.

*Recommendation 1: Condition 2 be amended to reflect the position indicated above.  
Recommendation 2: The development plans be amended to accord with the EPA's recommended plan.*

**Condition 5** – As mentioned above the applicant has stated that vegetation clearing occurred in 2002, this was without prior planning approval of Council. The application had been with Council since 20<sup>th</sup> July 2001 and the applicant has expressed they understood the EPA and Soil Conservation approvals allowed them to undertake the works. Council staff recommend the five (5) year approval limit be retained.

*Recommendation: Condition 5 be retained unamended.*

**Conditions 7 & 8** - Council staff prescribed a maximum limit of 10 laden movements per day on the basis of statements made in the applicant's application that truck movements were on average to be 5-10 laden movements per day. The 10 laden movements was incorporated into the condition because it provided the most flexibility to the applicant, but Council also imposed a requirement under Condition 9 for a traffic management plan to be obtained if the applicant wanted to exceed their stated frequency of movements.

The applicant disputed these conditions as being anti-competitive, but it was actually the objective of Council staff to remove the ambiguity of the statement made in the applicants application to Council. (eg. An "average estimated number of 5-10 truck movements per day). Staff were of the view Council had approved a proposal having regard for the likely impact of the proposed truck movements on local amenity, and that the condition reflected Council's decision that 10 truck movements a day was acceptable.

The quarry operator advised during mediation that a maximum of 350 laden truck movements per week is a more realistic maximum level of truck traffic associated with this proposal. The operator explained that flexibility was needed to service customer demand. The average submitted took into account periods of high movements to fill a contract followed by periods of inactivity at the site. The applicant explained that it was necessary to have up to 50 trucks a day for some contracts.

*Recommendation: Condition 7 remain unaltered. Condition 8 be amended to "Unless otherwise stated in a Traffic Management Plan approved by the Director Sustainable Development."*

**Condition 9** - The applicant's objections to this condition were withdrawn after it was explained that the condition provided flexibility to the quarry operator, by providing an opportunity for truck movements to be temporarily increased for peak events, providing "special approval" was first obtained from Council's Director Sustainable Development, in the form of an approved traffic management plan.

The condition requiring the quarry operator to obtain approval for traffic management plan ensures the route and timing of haulage trucks in peak events can be controlled to reduce risk to school buses, prevent haulage vehicles using inappropriate roads, and ensure the Shire is fully aware in advance of the details of any event that might attract complaints from local residents. The condition was amended slightly to emphasise the need to identify safe haulage times.

*Recommendation: Condition 9 be amended to emphasise identifying safe haulage times.*

**Condition 14** - The applicant sought clarification of the standard of fencing required, and the timing of those fencing works (given that some parts of the site will not be quarried for many years). Council staff advised that the fencing of the remnant vegetation within stages 1 and 3 must be visible and effective enough to prevent encroachment of machinery, and that on the eastern boundary of these stages, post and wire fencing with bright coloured flagging is required. Elsewhere in these stages, star pickets with brightly coloured flag tape is sufficient.

*Recommendation: Condition 14 be retained unamended, but a footnote be added to address the matters of clarification described above.*

**Condition 15** - The applicant has objected to the protection of vegetation within 60 metres of the north eastern boundaries (recommended by officers to provide a vegetated corridor to ensure a viable ecological linkage to the Conservation Category wetland located in the south-eastern corner of the property). The applicant states that this is more onerous than the EPA defined limit for clearing, although the WRC have advised in writing that they supported its protection from clearing. However, it should be noted that the quarry operator has already cleared to the EPA defined limit for clearing (without the Council first issuing a planning approval), but has made a written commitment in correspondence dated 16 April 2003 to reinstate a 60 metre wide corridor of native vegetation upon completion of extraction works in the relevant stage. This clearing removed all vegetation up to 20 metres of the north eastern boundaries.

*Recommendation: Condition 15 being amended to reflect changes resulting from the outcome of Council's decision on Condition 2 above, plus text being added to make the applicant's commitment to revegetate a 60 metre corridor a legally binding condition.*

**Condition 16** - The applicant has also objected to the protection of vegetation within 30 metres of the western boundary (which abuts a CALM Nature Reserve), stating that this was not required by the EPA. CALM however, have previously provided advice to Council requiring a 40 metre buffer to the Nature Reserve. Council staff imposed a 30 metre requirement because despite past planning approvals issued by Council requiring the preservation of a 40 metre buffer of native vegetation along the western boundary, aerial photos dated 2000 suggest this limit may have been exceeded.

The quarry operator admitted to recently (2002) clearing vegetation identified on the EPA recommended plan. This clearing removed all vegetation up to 20 metres of the western boundary. The applicant has made a written commitment in correspondence dated 16 April 2003 to reinstate a 40 metre wide corridor of native vegetation upon completion of extraction works in the relevant stage.

*Recommendation: Condition 16 being amended to reflect changes resulting from the outcome of Council's decision on Condition 2 above, plus text being added to make the applicant's commitment to revegetate a 40 metre corridor legally binding.*

**Condition 18** - The applicant is aggrieved by this condition because they do not consider it fair and reasonable that they are required to revegetate the entire lot, as this is not required of farmers. The applicant also state this requirement is inconsistent with past approvals granted by Council. Council staff concur with the applicant and recommend this condition be amended to require compliance with an approved Quarry Rehabilitation and Decommissioning Plan. The plan will require all extractive areas (other than those specifically required to be revegetated with native species) to be planted with deep rooted perennial pasture.

*Recommendation: Condition 18 be amended to reflect the position indicated above.*

**Condition 19** – The applicant is aggrieved by this condition stating that the rehabilitation works have been detailed in the application presented to Council. The application report submitted to Council does not satisfy the requirements of Council's revegetation policy.

*Recommendation: Condition 19 be retained unamended.*

**Conditions 20, 21, 22 & 23** – The applicant has made statements disputing the conservation value of the wetland, but these statements are not substantiated by concurring correspondence from the Water and Rivers Commission. Condition 20 requires the preparation of a *Wetland Revegetation and Rehabilitation Plan* and this in conjunction with Conditions 21-23 provide scope for the wetland classification issue (and subsequent revegetation obligations) to be resolved.

*Recommendation: Conditions 20, 21, 22 & 23 be retained unamended.*

**Condition 24** - The applicant has sought a longer time period (90 days) in which to prepare a fire management plan. Council staff have no objection to this request.

*Recommendation: Condition 24 be amended to reflect the position indicated above.*

### **Sustainability Statement**

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

This will depend on whether the quarry operator complies with the commitments made, and conditions of planning approval.

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

No innovative approaches to resource consumption demonstrated.

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

This proposal provides a local source of raw materials which reduces greenhouse and energy costs of local developments.

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

The proposal will generate sufficient funds to offset the costs of revegetation works, however the proposed revegetation does not entirely offset that lost, and so does not avoid a net loss of native vegetation from within the Peel-Harvey catchment area.

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

No community participation in the design or management of this proposal.

*Does the proposal/issue disadvantage any social groups?*

Proposed level of truck traffic has the potential to adversely affect local residence, if not managed so that haulage occurs mainly during working hours and away from school bus routes.

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

The proposal provides employment but these are limited given the operation is limited to resource extraction, and that there is no secondary processing.

**Statutory Environment:** Town Planning and Development Act 1928 (as amended).

**Policy Implications:** Subject land identified in Rural Strategy Review 2001-2002 as basic raw material source.

**Financial Implications:** Reconsideration of these conditions will save Council cost of attending TPA Tribunal.

Ongoing policing to ensure compliance will require commitment of staff resources.

Possible costs in prosecuting against future non-compliance with planning conditions.

**Strategic Implications:** Provides local source of basic raw materials.

**Community Consultation:** No public consultation undertaken during the reconsideration of these planning conditions, however original proposal publicly advertised in accordance with Scheme requirements.

**Voting Requirements:** Normal

### **Officer Recommended Resolution**

A. Council delegates authority to the Director Sustainable Development to approve the application dated 16 May 2003 to undertake an Extractive Industry (sand) on Lot 1304 Coyle Road, Oldbury subject to the applicant submitting an amended development plan and revegetation area plan that satisfy the conditions described in Resolution B.

B. The planning approval issued by the Director Sustainable Development being generally in accordance with the following conditions:

1. Development shall be in accordance with the plan entitled "NLG Sand Supplies - Revision of Staging; Lot 1304 Coyle Road, Oldbury – Revised Plan May 2003" dated 6 November 2001, and subject to any modifications required as a consequence of any conditions of this approval.
2. This approval is applicable to Stages 1, 2, 3, 4, 6, 7 & 8 on the approved plan.

3. 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 Council.
4. This planning approval wholly superseding all past Extractive Industry planning approvals for Lot 1304 Coyle Road, Oldbury.
5. This approval is for a period of five (5) years only, after which time a new application must be lodged with Council for consideration of continuation of the development/use.

#### EXTRACTIVE INDUSTRY LICENCE

6. No development or use of the site for Extractive Industry shall be undertaken without the landowner holding a valid Extractive Industry Licence, issued by Council under the provisions of the Shire of Serpentine-Jarrahdale Local Laws for Extractive Industries.

#### VEHICLES AND HAULAGE

7. Unless otherwise stated in a Traffic Management Plan approved by the Director Sustainable Development, this extractive industry (including vehicle movements) may operate between the hours of 7.00am and 5.00pm Monday to Saturday, except on public holidays when operations are limited to between the hours of 9.00am and 5.00pm.
8. Unless otherwise stated in a Traffic Management Plan approved by the Director Sustainable Development, no more than 350 laden trucks shall leave the site per seven day week.
9. Prior to the commencement of extractive industry operations the proponent shall prepare, and thereafter implement to the satisfaction of the Director Sustainable Development, a Traffic Management Plan that details the haulage route and the times within which haulage vehicles will operate in association with this proposal. The Plan will be valid for a period no longer than twelve months and must be renewed annually.
10. The proponent shall take all measures to ensure that noise from machinery and vehicles complies with the Environmental Protection (Noise) Regulations 1997.

#### DUST AND EROSION

11. The proponent shall take all measures to ensure dust emissions and/or wind-borne sediments do not travel beyond the property boundaries, to the satisfaction of the Director Sustainable Development.

#### CONTAINMENT

12. The proponent shall ensure all haulage vehicles associated with the extractive industry are covered and/or sealed to prevent the leakage of dust or other materials during transport, to the specification and satisfaction of the Shire of Serpentine - Jarrahdale.
13. The proponent shall at its expense, clean and remove any materials spilt or spread onto public roads by vehicles associated with this extractive industry, to the specification and satisfaction of the Shire of Serpentine - Jarrahdale.

#### VEGETATION PROTECTION AND REHABILITATION

14. Within 90 days of the date of this approval, the applicant shall install and thereafter maintain fencing to protect the existing remnant vegetation within

- Stage 1 and 3, from degradation or encroachment by machinery, erosion or sedimentation, to the satisfaction of the Director Sustainable Development. (see footnote)
15. Within 90 days of this approval Stages 2,3 4, 5, 6, 7 or 8; the proponent shall submit for approval by the Director Sustainable Development and thereafter implement a Revegetation and Decommissioning Plan to undertake revegetation works committed to by the applicant in correspondence dated 16 April 2003 (and plans therein) and thereafter maintain the revegetation to the satisfaction of Director Sustainable Development.
  16. Prior to commencing any site works (including any vegetation clearing or earthworks), the proponent shall establish fencing to protect all vegetation within 20 metres of the western boundary, and prevent uncontrolled vehicle access or vegetation degradation within all vegetation protection areas. The fencing shall be of a standard able to prevent native vegetation being damaged by vehicles or erosion (see footnote).
  17. The proponent shall manage this proposal so as to prevent the spread of weeds and dieback into the on-site remnant native vegetation, and the Banksia Road Nature Reserve;
  18. On expiry of this approval, the applicant shall have landscaped and revegetated the subject land in accordance with the approved Quarry Rehabilitation and Decommissioning Plan. The plan will require all extractive areas (other than those specifically required revegetated with native species) to be planted with deep rooted perennial pasture.
  19. To ensure satisfactory rehabilitation occurs progressively throughout the life of the quarry, the applicant shall within 90 days of this approval being granted prepare to the satisfaction of Director Sustainable Development (and thereafter implement) a comprehensive Quarry Rehabilitation and Decommissioning Plan. The plan shall detail the timetable and performance criteria for revegetation, and set deadlines for when the performance criteria must be satisfied. Renewal of any Extractive Industry Licence will be dependent on complete compliance with this plan.

#### WETLAND PROTECTION

20. Prior to commencing extraction works within Stages 2,3 4 or 5; the proponent shall prepare and once approved by the Director Sustainable Development, thereafter implement a Wetland Revegetation and Rehabilitation Plan to re-establish local native species within 50 metres of the furthest extent of wetland dependent vegetation.
21. The revegetation works should use local native species, incorporate a weed management plan, and fencing shall be of a standard to prevent the vegetation from being damaged by vehicles, erosion, or sedimentation.
22. Filling of the wetland area shall only occur with the prior written approval by the Director Sustainable Development. These earthworks once approved, can only be undertaken under the supervision of Council's Environmental Officer.
23. The proponent shall manage this proposal so as to prevent the spread of weeds and dieback into the Conservation Category wetland and buffer.

#### FIRE MANAGEMENT

24. Within 90 days of this approval being granted, the proponent shall prepare a Fire Management plan to the satisfaction of the Director Sustainable Development. Firebreak are to be designed and constructed to prevent any degradation to the Banksia Road Nature Reserve and other protected vegetation on Location 1304;

#### VISUAL IMPACT

25. No development shall occur within Stage 4 until an Extraction and Rehabilitation Plan is prepared to the satisfaction of the Director Sustainable Development. This plan should be form a separate component of the Extraction Program required to be prepared as part of an Application for an Extractive Industry Licence, and comprehensively detail the management of works within the Coyle Road Buffer Zone.
26. The Plan should propose to undertake all extraction and rehabilitation works between April and July of a particular calendar year, detail measures to contain all dust and air borne sediment within the site boundaries, and detail the chosen methods and performance criteria for stabilising, revegetating and maintaining the Coyle Road buffer.

Advice Notes:

1. The construction or installation of buildings, sheds, fuel storage tanks or any other structure may require a separate and additional planning approval of Council. The proponent should seek written advice from the Shire of Serpentine Jarrahdale, prior to commencing any development that may be beyond the scope of this approval.
2. The property is located within the Peel-Harvey Coastal Catchment and any groundwater extraction would require licensing;
3. The developer is encouraged to liaise with the Environmental Officer regarding scientific monitoring of rehabilitation techniques.
4. The applicant is advised that in seeking an extractive industry licence, Council will require the licence application to be accompanied by a Revegetation and Decommissioning Program, that addresses in detail the means of implementing the revegetation requirements of this planning approval during the license period;
5. The applicant is advised that in seeking an extractive industry licence, Council will require the licence application to be accompanied by a Weed and Dieback Management Program prepared to the satisfaction and specification of the Director Sustainable Development.
6. Use of any additional machinery on site including screening or processing equipment would require a separate application for Planning Approval;
7. With regard to Condition 8, the approved Traffic Management Plan may either increase or reduce the number of laden trucks. Notification of peak haulage events must occur at least 12hrs in advance of commencement, and may be made in the form of a fax sent to the Director Sustainable Development. Details must include the daily times of haulage activity, route, and the number of days/weeks duration.
8. A planning consent is not an approval to commence any works. A building licence must be obtained for all works. An application for a building licence will not be accepted unless proof of payment of all bonds and guarantees accompanies the application documents.
9. 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.
10. Native vegetation is valued and protected in the Shire of Serpentine-Jarrahdale. You are advised that Council's Town Planning Scheme requires separate approval for the clearing of native trees in most instances if approval for this is not given above.
11. The construction or deepening of drains outside of the above approval requires separate approval by the Commissioner of Soil and Land Conservation.
12. Council can advise on energy efficient opportunities that can benefit your operations.
13. Approval does not obviate compliance with any other appropriate legislation in particular, the Environmental Protection (Noise) Regulations 1997.
14. The applicant is advised that this planning consent does not absolve the applicant or owner from time to time from complying with the restrictions contained in any restrictive covenant, estate covenants or easement pertaining to the site. This is the case even if this planning consent is in respect of a development, which if constructed or carried out, would necessarily breach such a covenant or easement. Any such restrictive covenant, estate covenant or easement is a matter of private rights between the applicant or owner from time to time and the owner and owners of the land with the benefit of that

- restrictive covenant, estate covenant or easement, and this planning consent does not authorise a breach of such private rights or prevent such owners from enforcing such rights.
15. The applicant is advised in relation to this development approval, the consent of the Minister for Indigenous Affairs under the Aboriginal Heritage Act 1972 may be required. This development approval does not constitute a consent under that Act, and the Shire does not take responsibility for assessing the site of the development in terms of compliance with the Aboriginal Heritage Act. The applicant is advised to pursue their own enquiries with the Department of Indigenous Affairs to ensure compliance with the Aboriginal Heritage
  16. With regard to those conditions requiring fencing to be undertaken, the applicant is advised that a) where active extractive activities are occurring within close proximity to remnant vegetation identified for protection, the applicant shall utilise post and wire fencing flagged with brightly coloured survey tape, to prevent encroachment by machinery; b) where no extractive operations are being undertaken, remnant vegetation identified for protection should be marked by star pickets attached to brightly coloured survey tape; and c) Where revegetation has been undertaken, those revegetated areas should be fenced with post and wire fencing.

#### Discussion (at Committee Meeting)

Mr Nizich explained that the Quarry has been in existence since 1978 and has been the focus of many development applications and approvals. There has not been any problem with the operation of the site to date.

This time around Council requested a management plan which has been prepared. The original application indicated that the area would be cleared and Council sought EPA comment and approval to clear the site was granted.

Once the extraction process is complete the land will be restored back to farmland, of which is a permitted Rural use. The business is operated by the owner of the land so it is in his best interests to ensure degradation does not occur.

#### **CRP260 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Price seconded Cr Star

- A. Council delegates authority to the Director Sustainable Development to approve the application dated 16 May 2003 to undertake an Extractive Industry (sand) on Lot 1304 Coyle Road, Oldbury subject to the applicant submitting an amended development plan and revegetation area plan that satisfy the conditions described in Resolution B.
- B. The planning approval issued by the Director Sustainable Development being generally in accordance with the following conditions:
  1. Development shall be in accordance with the plan entitled “NLG Sand Supplies - Revision of Staging; Lot 1304 Coyle Road, Oldbury – Revised Plan May 2003” dated 6 November 2001, and subject to any modifications required as a consequence of any conditions of this approval.
  2. This approval is for the staged development of Stages 1, 2, 3, 4, 5, 6, 7 and 8 in accordance with the approved Quarry Rehabilitation and Decommissioning Plan, and the extractive industry licence issued by Council.
  3. 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 Council.

4. This planning approval wholly superseding all past Extractive Industry planning approvals for Lot 1304 Coyle Road, Oldbury.
5. This approval is for a period of five (5) years only, after which time a new application must be lodged with Council for consideration of continuation of the development/use.

#### EXTRACTIVE INDUSTRY LICENCE

6. No development or use of the site for Extractive Industry shall be undertaken without the landowner holding a valid Extractive Industry Licence, issued by Council under the provisions of the Shire of Serpentine-Jarrahdale Local Laws for Extractive Industries.

#### VEHICLES AND HAULAGE

7. Unless otherwise stated in a Traffic Management Plan approved by the Director Sustainable Development, this extractive industry (including vehicle movements) may operate between the hours of 7.00am and 5.00pm Monday to Saturday, except on public holidays when operations are limited to between the hours of 9.00am and 5.00pm.
8. Unless otherwise stated in a Traffic Management Plan approved by the Director Sustainable Development, the applicant shall notify the Council in writing at least 24 hours prior to commencing the transport of material for any contract or combination of contracts that will require greater than 350 laden trucks to leave the site in any seven day period.
9. Prior to the commencement of extractive industry operations the proponent shall prepare, and thereafter implement to the satisfaction of the Director Sustainable Development, a Traffic Management Plan that details the haulage route and the times within which haulage vehicles will operate in association with this proposal. The Plan will be valid for a period no longer than twelve months and must be renewed annually.
10. The proponent shall take all measures to ensure that noise from machinery and vehicles complies with the Environmental Protection (Noise) Regulations 1997.

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#### CONTAINMENT

12. The proponent shall ensure all haulage vehicles associated with the extractive industry are covered and/or sealed to prevent the leakage of dust or other materials during transport, to the specification and satisfaction of the Shire of Serpentine - Jarrahdale.
13. The proponent shall at its expense, clean and remove any materials spilt or spread near the Coyle Road entry/exit point by vehicles associated with this extractive industry, to the specification and satisfaction of the Shire of Serpentine - Jarrahdale.

#### VEGETATION PROTECTION AND REHABILITATION

14. Within 90 days of the date of this approval, the applicant shall install and thereafter maintain fencing to protect the existing remnant vegetation within Stage 1 and 3, from degradation or encroachment by machinery, erosion or

- sedimentation, to the satisfaction of the Director Sustainable Development. (see footnote)
15. Within 90 days of this approval Stages 2,3 4, 5, 6, 7 or 8; the proponent shall submit for approval by the Director Sustainable Development and thereafter implement a Revegetation and Decommissioning Plan to undertake revegetation works committed to by the applicant in correspondence dated 16 April 2003 (and plans therein) and thereafter maintain the revegetation to the satisfaction of Director Sustainable Development.
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  17. The proponent shall manage this proposal so as to prevent the spread of weeds and dieback into the on-site remnant native vegetation, and the Banksia Road Nature Reserve;
  18. On expiry of this approval, the applicant shall have landscaped and revegetated the subject land in accordance with the approved Quarry Rehabilitation and Decommissioning Plan. The plan will require all extractive areas (other than those specifically required revegetated with native species) to be planted with deep rooted perennial pasture.
  19. To ensure satisfactory rehabilitation occurs progressively throughout the life of the quarry, the applicant shall within 90 days of this approval being granted prepare to the satisfaction of Director Sustainable Development (and thereafter implement) a comprehensive Quarry Rehabilitation and Decommissioning Plan. The plan shall detail the timetable and performance criteria for revegetation, and set deadlines for when the performance criteria must be satisfied. Renewal of any Extractive Industry Licence will be dependent on complete compliance with this plan.

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#### VISUAL IMPACT

25. No development shall occur within Stage 4 until an Extraction and Rehabilitation Plan is prepared to the satisfaction of the Director Sustainable Development. This plan should be form a separate component of the Extraction Program required to be prepared as part of an Application for an Extractive Industry Licence, and comprehensively detail the management of works within the Coyle Road Buffer Zone.
26. The Extraction and Rehabilitation Plan required in Condition 25 above should propose to undertake all extraction and rehabilitation works between April and July of a particular calendar year, detail measures to contain all dust and air borne sediment within the site boundaries, and detail the chosen methods and performance criteria for stabilising, revegetating and maintaining the Coyle Road buffer.

Advice Notes:

1. The construction or installation of buildings, sheds, fuel storage tanks or any other structure may require a separate and additional planning approval of Council. The proponent should seek written advice from the Shire of Serpentine Jarrahdale, prior to commencing any development that may be beyond the scope of this approval.
2. The applicant is advised to contact the Water and Rivers Commission to determine whether any groundwater extraction would require licensing;
3. The developer is encouraged to liaise with the Environmental Officer regarding scientific monitoring of rehabilitation techniques.
4. The applicant is advised that in seeking an extractive industry licence, Council will require the licence application to be accompanied by a Revegetation and Decommissioning Program, that addresses in detail the means of implementing the revegetation requirements of this planning approval during the license period;
5. The applicant is advised that in seeking an extractive industry licence, Council will require the licence application to be accompanied by a Weed and Dieback Management Program prepared to the satisfaction and specification of the Director Sustainable Development.
6. Use of any additional machinery on site including screening or processing equipment would require a separate application for Planning Approval;
7. With regard to Condition 8, the approved Traffic Management Plan may either increase or reduce the number of laden trucks. Notification of peak haulage events must occur at least 12hrs in advance of commencement, and may be made in the form of a fax sent to the Director Sustainable Development. Details must include the daily times of haulage activity, route, and the number of days/weeks duration.
8. A planning consent is not an approval to commence any works. A building licence must be obtained for all works. An application for a building licence will not be accepted unless proof of payment of all bonds and guarantees accompanies the application documents.
9. 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.
10. Native vegetation is valued and protected in the Shire of Serpentine-Jarrahdale. You are advised that Council's Town Planning Scheme requires separate approval for the clearing of native trees in most instances if approval for this is not given above.
11. The construction or deepening of drains outside of the above approval requires separate approval by the Commissioner of Soil and Land Conservation.
12. Council can advise on energy efficient opportunities that can benefit your operations.
13. Approval does not obviate compliance with any other appropriate legislation in particular, the Environmental Protection (Noise) Regulations 1997.
14. The applicant is advised that this planning consent does not absolve the applicant or owner from time to time from complying with the restrictions contained in any restrictive covenant, estate covenants or easement pertaining to the site. This is the case even if this planning consent is in respect of a development, which if constructed or carried out, would necessarily breach such a covenant or easement. Any such restrictive covenant, estate covenant or easement is a matter of private rights between the applicant or

- owner from time to time and the owner and owners of the land with the benefit of that restrictive covenant, estate covenant or easement, and this planning consent does not authorise a breach of such private rights or prevent such owners from enforcing such rights.
15. The applicant is advised in relation to this development approval, the consent of the Minister for Indigenous Affairs under the Aboriginal Heritage Act 1972 may be required. This development approval does not constitute a consent under that Act, and the Shire does not take responsibility for assessing the site of the development in terms of compliance with the Aboriginal Heritage Act. The applicant is advised to pursue their own enquiries with the Department of Indigenous Affairs to ensure compliance with the Aboriginal Heritage
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CARRIED 9/0

Note: The Officer Recommended Resolution was altered to reflect the issues presented during the deputation and further, the committee was advised at its meeting by Council staff that the Council allegations suggesting non-compliance (as described in the Committee agenda item) were never put to NLG Sands. It was highlighted that to NLG Sands knowledge, they had been operating in compliance with all conditions of approval. The statements made by Council staff regarding non-compliance by NLG Sands are based on a file note placed on Council's records, but on which no action was taken. The 1999 file note referred to (1) vegetation clearing and (2) placing earth bunds adjacent to the western boundary, which are recorded as having occurred in 1997/1998.

Council staff accept the complaint from NLG Sands that referring in the Committee agenda item to instances of alleged non-compliance with past approvals which NLG were not advised of, is unfair, and should not form the basis of a staff recommendation or Council decision to not grant a ten (10) year planning approval.

Accordingly, reference to alleged non-compliance with previous planning approvals has been corrected by amending the agenda item presented to the Ordinary Council Meeting. Notwithstanding the above, it remains the recommendation of Council staff that in view of the clearing undertaken by the applicant after receiving EPA approval in 2002, but without the prior planning approval of Council, that it is not appropriate in this instance to grant an approval longer in duration than five (5) years.

E024/05/03 DRAFT SHIRE RESERVES PLANNING AND MANAGEMENT FRAMEWORK (A0314)	
Proponent	<b>In Brief</b> A draft Shire reserves planning and management framework was prepared in consultation with members of the community and considered by Council in March 2003. Additional community consultation has been undertaken since March and the draft framework is re submitted here for Council consideration for endorsement.
Officer	
Signatures - Author:	
Senior Officer:	
Date of Report	
Previously	
Disclosure of Interest	
<b>Delegation</b>	
	<b>Council</b>

### Background

An information report was forwarded to Council in January regarding the direction and progress of developing a planning and management framework for Shire vested reserves. Following the receipt of advice from Council and additional community consultation, a draft Shire Reserves Planning and Management Framework was developed and presented to Council in March. Since then, although additional community input has been sought, no advice has been received that would indicate the need for revision of the draft framework, which is resubmitted in this report for Council to consider its endorsement.

### Additional Community Consultation

The initial draft framework that was presented in March was developed in consultation with local landcare and conservation groups. Since March, additional community comments have been sought through the following mechanisms:

- \* Hard copy folders of the draft framework and accompanying documents were placed in the Mundijong library for public viewing;
- \* A brief explanation plus the draft framework and accompanying documents were placed on the Shire website;
- \* Notices were placed on all Shire notice boards advising residents of the development of the framework, where to access draft copies and seeking community input;
- \* An article was placed in the Examiner summarising the framework, advising where to access it and seeking community input;
- \* A brief note was placed in the Shire column of the Examiner reminding residents of the framework, advising where to access it and seeking community input;
- \* Explanatory letters and copies of the draft framework plus accompanying documents were mailed to 65 local community groups.
- \* Internal service teams were consulted

No feedback was received as a result of this consultation effort.

### About The Draft Framework

The Shire reserve planning and management framework has been drafted to address the following Shire reserves management objectives:

To operate within the framework of a well researched, well reasoned strategic overview of biodiversity values and objectives within the Shire;

To embrace environmental best practices in relation to:

- the structure of management plans;
- participatory planning and management processes; and,

- the design and implementation of management strategies;

To establish and maintain harmonious partnerships between and the Shire and sectors of the community.

This draft framework, if adopted, would see the formal establishment of two groups:

- \* A community based Reserves Advisory Group (RAG) to provide advice to Council on the development, implementation and audit of management plans; and,
- \* A Shire staff and community Reserves Working Group (RWF) to coordinate on-ground works within Shire reserves in accordance with management plans or as deemed necessary for public safety and the protection of other reserve values in the absence of a management plan.

This agenda item includes the following draft documents:

Draft Shire Reserves Planning and Management Framework;

***A copy of the Draft Shire Reserves Planning and Management Policy is with the attachments marked E024.1/05/03.***

Terms of Reference for Proposed Reserves Advisory Group;

***A copy of the Draft Terms of Reference for the Reserves Advisory Group is with the attachments marked E024.2/05/03.***

Code of Conduct of Proposed Reserves Advisory Group;

***A copy of the Draft Reserves Advisory Committee Code of Conduct is with the attachments marked E024.3/05/03.***

Notes on the Structure of Reserve Management Plans.

***A copy of the Draft Management Plan Structure is with the attachments marked E024.4/05/03.***

Council is requested to consider the draft documents for endorsement

#### Ongoing management prior to the preparation of management plans

In the absence of management plans, on ground works within Shire reserves will focus on the protection of reserve values and public safety. Works will be designed to maintain planning options and not to compromise the range of planning options that could be considered during a consultative planning process. Works on Shire reserves for which management plans have yet to be endorsed will be considered and co-ordinated by the Reserves Working Group. This group is to include community members and is closely connected with the community based Reserves Advisory Group.

#### Environment

The adoption of this planning and management framework for Shire reserves will provide an improved framework in which the Shire, in partnership with the community can manage biodiversity / conservation values on Shire lands.

#### Emergency Management

Emergency management on Shire lands will be addressed during the planning process for each reserve.

### **Sustainability Statement**

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

The proposed planning and management framework will allow for the implementation of sound management decisions to enhance the environment and to minimise environmental damage using best management practices.

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

This issue will be addressed during the preparation of individual management plans.

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

This issue will be addressed during the preparation of individual management plans.

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

The responsible management of all lands is resource intensive. This proposal sets out a mechanism to determine the necessary resources required to achieve management objectives.

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

The establishment of the proposed RAG is expressly for the purpose of facilitating community participation and empowerment in the management of Shire lands.

*Does the proposal/issue disadvantage any social groups?*

Every effort is made to include the opinions and perspectives of all stakeholders in reserves management by including RAG members with a range of expertise and experiences.

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

Only volunteer opportunities.

### **Statutory Environment:**

As the vesting body for over 170 reserves, the Shire is responsible for managing the biodiversity / conservation values on extensive areas of land. While many of these values are of local significance, others are covered by regional policies, Statewide legislation and policies and in some cases they are covered by Commonwealth legislation. Western Australia is currently undergoing significant changes to environmental legislation with imminent changes to the Environmental Protection Act introducing the concept of “environmental harm” and significant proposed changes to the Wildlife Conservation Act. The relevance of local, state and national statutes will be explained to RAG members.

**Policy Implications:**

It is recommended that Council adopt the draft planning and management framework as a policy.

**Financial Implications:**

The establishment and support of the proposed Reserves Advisory Group (RAG) will require funds for postage, advertising for expressions of interest, some minor catering and perhaps some vehicle reimbursement. These costs can be covered within existing environmental budgets during this financial year. The main resource investment in the establishment of the proposed RAG is the necessary staff time. Again this can be covered within existing budgets during this financial year.

The resources required to support the proposed RAG next financial year (2003 - 2004) are as follows:

Catering	\$300
Printing	\$300
Postage	\$100
Reimbursement for guest speakers	\$300
TOTAL	\$1000

An allocation of \$1000 for this purpose was supported during the March Council meeting.

**Strategic Implications:**

The establishment and efficient functioning of the proposed RAG would significantly contribute to the fulfillment of the Shire Strategic Plan Environmental objective: To protect and repair the soil, vegetation, water and air resources of the Shire.

**Community Consultation:**

The proposed planning and management framework and the establishment of a Reserves Advisory Group has been discussed with Councillors, Landcare Centre staff and Landcare representatives. In addition, presentations have been made to members of the Serpentine Sports Reserve Management Committee and the Darling Downs Management Committee.

Additional consultation has been outlined at the beginning of this report.

**Voting Requirements:**

Normal

**CRE024 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Cr Hoyer seconded Cr Price that Council endorses the following documents:

Shire Reserves Planning and Management Framework at attachment E024.1/05/03.  
Terms of Reference for Reserves Advisory Group at attachment E024.2/05/03.  
Code of Conduct of Reserves Advisory Committee at attachment E024.3/05/03.  
Notes on the Structure of Reserve Management Plans at attachment E024.4/05/03.  
CARRIED 9/0

P258/05/03 PROPOSED CARETAKERS DWELLING – LOT 19 BLAIR ROAD, OAKFORD (P00730/01)		
Proponent	G & H Eames	<b>In Brief</b>  That Council approves an application dated 20 January 2003 for a Caretakers Dwelling on Lot 19 Blair Road, Oakford subject to conditions.
Officer	Lilia Palermo - Planning Officer & Michael Davis - Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	19 May 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

Owner: G and H Eames  
 Owner's Address: 143 Blair Road, Oakford  
 Applicant: G and H Eames  
 Applicant's Address: 143 Blair Road, Oakford  
 Date of Receipt: 26/ 01/03  
 Advertised: Not applicable  
 Submissions: Not applicable  
 Lot Area: 4.7ha  
 L.A Zoning: Rural  
 MRS Zoning: Rural  
 Byford Structure Plan: Not applicable  
 Rural Strategy Policy Area: Rural Policy Area  
 Rural Strategy Overlay: Not applicable  
 Municipal Inventory: Not applicable  
 Townscape/Heritage Precinct: Not applicable  
 Bush Forever: Nil  
 Date of Inspection: 20 March 2003

### **Background**

Council has received an application for a Caretakers Dwelling on Lot 19 Blair Road, Oakford.

#### ***A copy of the site plan is with attachments marked P258.1/05/03***

Currently, there is an existing horse agistment business on the subject land. Council has not received a planning application nor has Council issued planning approval for a horse agistment business on the subject land.

The applicant has submitted a letter describing the proposal and the existing management procedures with respect to the existing agistment business on the property. The applicant has been advised that the existing 'Stables' (horse agistment business) requires retrospective planning approval from Council under the provisions of Council's Town Planning Scheme No.2.

#### ***A copy of correspondence from G & H Eames regarding the caretakers dwelling is with attachments marked P258.2/05/03.***

### **Comments**

#### **Town Planning Scheme No.2**

The subject property is zoned 'Rural' under the Shire of Serpentine - Jarrahdale Town Planning Scheme No.2 (TPS No.2).

The subject application proposes a 'Caretakers Dwelling'. Under Council's Town Planning Scheme No.2, a 'Caretakers Dwelling' is defined as follows:

*"means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site."*

It is considered that the application fits within the above description of a Caretakers Dwelling.

A Caretakers Dwelling is classified as an 'IP' Use in the 'Rural' zone under Council's Scheme. This means it is a use that is not permitted unless such use is incidental to the predominant use as decided and approved by the Council.

Currently, a 'Stables' (horse agistment) business is being carried out on the subject land without Council approval. The proposed Caretakers Dwelling would be incidental to the existing unapproved business. It is recommended that approval is conditional, a Form 1 planning application for retrospective approval of the existing 'Stables' (horse agistment) business, being approved by Council.

Clause 5.4.3 of Council's Town Planning Scheme No. 2 states the following:

*"5.4.3 In the Rural Zone only one dwelling unit is permitted per lots up to four hectares in area and only two dwelling units per lot for lots having an area greater than four hectares and less than 50 hectares and one dwelling unit per 25 hectares or part thereof for lots having an area of 50 hectares or more. The presence of more than one dwelling unit on the lot in the Rural Zone shall not be considered by itself to be sufficient grounds for subdivision."*

Currently, under Council's Town Planning Scheme, two residences may be permitted by Council on a lot zoned 'Rural' of 4 hectares or greater in size. The subject lot is 4.7 ha in size. Given that the proposed second dwelling is for the purposes of a 'Caretakers Dwelling', it is considered that the proposal meets the above requirement under Council's Town Planning Scheme No.2.

#### Amendment No. 127

Council resolved to initiate Amendment No. 127 to its Town Planning Scheme No.2 at its Ordinary Council meeting held 28 October 2002.

The intent of the amendment was to bring the provisions of Council's Town Planning Scheme No.2 in line with the requirements of the Statement of Planning Policy No. 11 - Agricultural and Rural Land Use Policy (SPP No. 11).

The draft Amendment No. 127 states the following with regards to second dwellings on lots zoned 'Rural':

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

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

A “Rural Workers Dwelling” is defined as follows in the draft Amendment No. 127:

*“Rural Workers Dwelling - means a dwelling:*

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

The proposal to construct a Caretakers Dwelling in place of the existing transportable building on the subject land is in line with the provision of Council’s Town Planning Scheme No.2 and the draft Amendment No. 127. The applicant specified that the caretakers dwelling would be used by a member (daughter) of the family occupying the main dwelling, who are involved in running an agricultural enterprise (horse agistment and stud) on the subject property.

The proposed caretakers dwelling is to be located approximately 55 metres from the existing primary dwelling. Given that the existing primary dwelling and proposed caretakers dwelling are both located on the front half of the block, in reasonable proximity, it is unlikely that the second dwelling (caretakers dwelling) could be used as an argument for subdivision of the block.

### Rural Strategy

The subject land is situated in the Rural Policy Area. The main objectives for Rural Policy Area are as follows:

- R1 *To retain and maintain the productive capacity of land and agricultural enterprise in close proximity to Perth and its markets;*
- R2 *To encourage, provide opportunities for, and control over, a mosaic of productive agricultural land uses;*
- R3 *To adapt pro-active and co-operative approaches with landowners and the wider community to address catchment management and land degradation problems;*
- R4 *To promote objectives of the environmental Repair Overlay in the Rural Policy Area;*
- R5 *To otherwise prevent the further fragmentation of land through subdivision for farmlet development in the Policy Area.*

Construction of the proposed caretakers dwelling on the subject land is not likely to adversely affect the achievement of the above policy objectives of the Rural Policy area. Construction of the caretakers dwelling does not create a right for further subdivision of the subject land, as stated in Clause 5.4.3 of the TPS No.2 mentioned above.

The proposed caretakers dwelling will be partially screened by existing vegetation at the front of the property. The proposed development is not likely to affect the visual amenity of the surrounding area.

The existing residence and the site proposed for the caretakers dwelling are both located towards the front boundary of the property. The back paddock on the subject site is unaffected by the proposed development, and will still be able to be effectively used for agricultural pursuits.

### Jandakot Structure Plan

The subject property is located within the area identified as Rural - Living on the Jandakot Structure Plan 2001. The proposed development of a caretakers dwelling on Lot 19 Blair

Road will not have an impact on the proposed future use for the Oakford area situated within the Structure Plan.

Statement of Planning Policy No.11 - Agricultural and Rural Land Use Planning (SPP No.11)

Under Section 5AA of the Town Planning and Development Act 1928, local government must have due regard to the abovementioned policy in the preparation or amendment of town planning schemes, strategies and policies, and when providing comment and advice on planning applications that deal with rural land.

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

*“Provisions in the town planning scheme to allow more than one dwelling on a lot in the “General Agriculture Zone” will not be supported unless the additional dwelling provides -*

- a) *Accommodation for workers employed for agricultural and intensive agricultural activities on that holding; and*
- b) *The dwellings should generally be clustered in one location, to avoid future subdivision pressure and minimise constraints on adjoining uses; and*
- c) *All services to the dwellings from the lot boundary are shared where practicable”.*

As stated in the letter supplied with the application, the proposed caretakers dwelling will be used by a family member of the occupant of the primary dwelling, who will be involved in the horse agistment and stud business operating on the subject land.

The proposed dwelling will be located in general proximity to the existing dwelling. Both dwellings shall be located toward the front of the property, leaving the rear paddocks available for agricultural pursuits.

The caretakers dwelling will share the same access to the property as the primary dwelling.

Emergency Management

It is considered that the application will not have a significant impact on emergency vehicle access or emergency management.

Sustainability Statement

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

The proposed caretakers dwelling will not involve the clearing of any native vegetation. The environmental issues on the subject lot are mainly concerned with the operation of the horse agistment business, which Council has not issued approval for. It is recommended that approval is conditional on a Form 1 planning application for the ‘Stables’ (horse agistment) business being approved by Council. The majority of the environmental issues on the subject property will be addressed at the time Council receives a planning application for the said business.

It is noted that a ‘Conservation Category’ wetland and ‘Resource Enhanced’ wetland is located on the subject property. It is recommended that a condition be placed on the approval requiring that no direct discharge into the drainage lines is to occur as a result of development.

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

It is considered that the proposal does not propose specific measures to minimise resource use compared to traditional development approaches. It is considered that the proposed caretakers dwelling will not require additional resources compared to a standard dwelling.

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

It is uncertain whether the proposal will use locally available or produced resources.

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

It is considered that the proposed caretakers dwelling will be economically viable in a way that incorporates its external costs, given that the dwelling is associated with the operation of an existing agricultural business.

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

An application for a 'Caretakers Dwelling' on a 'Rural' zoned property is not required to be referred to surrounding landowners or the general community under Council's Town Planning Scheme No.2.

*Does the proposal/issue disadvantage any social groups?*

It is considered that the proposed 'Caretakers Dwelling' will not disadvantage any social groups. It is considered that the proposal will allow for the more flexible operation of an existing agricultural business, owned and operated by ratepayers within the Shire of Serpentine Jarrahdale.

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

The proposed 'Caretakers Dwelling' is associated and an incidental use to the existing agricultural business - 'Stables' (horse agistment) business. The construction of the proposed 'Caretakers Dwelling' will allow for the proper operation of the agricultural business.

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

**Policy Implications:** Statement of Planning Policy No 11 - Agricultural and Rural Land Use Policy (SPP11)

**Financial Implications:** There will be no direct financial implications to Council as a result of this application

**Strategic Implications:** Objective 1 (4) of People & Community.  
Objective 2 (2), (5) of People & Community.  
Objective 1 (1), (2), (3), (6) of Environment.  
Objective 1 (1) of Economic Development.

**Community Consultation:** Not applicable

**Voting Requirements:** Normal

**CRP258 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Price seconded Cr Star that Subject to Council receiving and subsequently approving an application for retrospective development approval of the 'Stables' business at Lot 19 Blair Road, Oakford, Council grants delegated authority to the Director Sustainable Development to approve an application dated 20 January 2003 for a Caretakers Dwelling on Lot 19 Blair Road, Oakford subject to the following conditions:

1. A building licence to be obtained prior to commencement of development;
2. Provision of a separate effluent disposal system to service the development to the satisfaction and specifications of Council's Health Services;
3. The landowner/applicant shall ensure no polluted waters, including but not limited to waste waters or turbid stormwater arising during construction or from the development or use of this land, are discharged into the stormwater drainage system or any water course, drain or wetland, to the satisfaction of the Director Asset Services;
4. The elevations of the caretakers dwelling to be similar to those of the existing dwelling;
5. Caretakers dwelling is to be constructed of materials as specified on the Form 1 application dated 26 January 2003, which are as follows:  
External walls: brick  
Roof: tiles
6. The applicant to submit a schedule of colours and finishes for the proposed caretakers dwelling for Council's approval prior to issue of a building licence;
7. Colour scheme of the caretakers dwelling is to be similar to the colour scheme of the existing single residence;
8. Total roofed area of the proposed caretakers dwelling, inclusive of the garage and verandas, is to be no larger than 260m<sup>2</sup>, as specified in the letter submitted by the applicant dated 19 March 2003;
9. Caretakers dwelling is to have boundary setbacks in accordance with the letter submitted by the applicant dated 19 March 2003, which are as follows:  
Front setback: 30 metres  
Side setback (eastern side boundary): 20 metres
10. Occupation of the caretakers' dwelling shall be restricted to workers involved in the operation of the stables business;
11. In relation to condition 10, a Notification under Section 70 A of the Transfer of Land Act 1893 must be registered over the certificate of title to the land, the subject of the proposed development, prior to the issue of a building license to notify owners and prospective purchasers of the land that restrictions apply to the use of the caretakers dwelling as stipulated in condition 10. The Section 70A Notification shall be prepared by the Shire's solicitors to the satisfaction of the Shire of Serpentine-Jarrahdale and all costs of and incidental to the preparation of and registration of the Section 70A Notification including the Shire's solicitors' costs shall be met by the applicant or the owner of the land.

CARRIED 9/0

P259/05/03 PROPOSED RIDING LESSONS FOR THE DISABLED – LOT 27 ABERNETHY ROAD, BYFORD (P02043/01)		
Proponent	P Huizanga	<b>In Brief</b>  Application requests planning approval to establish riding lessons for the disabled at the above lot. It is recommended that the proposal be conditionally approved.
Officer	David Spencer - Senior Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	28 April 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

Owner: J Gardner  
 Owner's Address: 55b Duncraig Road, Applecross  
 Applicant: S Kortenoeven  
 Applicant's Address: 303 Abernethy Road, Byford  
 Date of Receipt: 4 April 2003  
 Advertised: Yes. Community consultation was undertaken with adjoining and affected landowners  
 Submissions: None received  
 Lot Area: 8.26 hectares  
 L.A Zoning: Urban Development  
 MRS Zoning: Urban  
 Byford Structure Plan: Yes  
 Rural Strategy Policy Area: Rural Living B  
 Rural Strategy Overlay: Not applicable  
 Municipal Inventory: Not applicable  
 Townscape/  
 Heritage Precinct: Not applicable  
 Bush Forever: Not applicable  
 Date of Inspection: 28 April 2003

**Background**

The Riding for the Disabled Association (RDA) have been conducting approved horse riding lessons for the disabled at Lot 114 Stockmans Close for nearly 12 months. The current development approval will lapse at the end May 2003 as a 12 month temporary approval was granted. RDA are seeking to relocate to Lot 27 Abernethy Road in view of the expiry of the planning approval and that numerous complaints and concerns have been lodged in the past from nearby residents living in Stockmans Close.

***A copy of the site plans is with the attachments marked P259.1/05/03.***

**Comments**

**Scheme Requirements**

The subject property is zoned 'Urban Development' under Council's Town Planning Scheme No. 2 (TPS 2) and 'Urban' under the Metropolitan Region Scheme (MRS).

The development best fits into the definition of a 'Riding School' under TPS 2. The definition of a 'Riding School' is as follows:

*“means land and buildings used for the purpose of giving instructions in the equestrian activities of riding, handling, and care of horses and may include overnight accommodation for students.”*

Given that the proposed site is located within the 'Urban Development' zone Council requires that a planning application be lodged for any development that falls within this zone.

It is noted that the stable complex and the round yard are predominantly for private use and are not utilised as part of the 'Riding School'.

### Public and Community Consultation

The proposal was referred to adjoining and nearby occupiers/landowners. At the conclusion of the advertising period no submissions were received commenting on the proposed disabled riding lessons.

### Site Inspection

A site inspection was carried out by Council's Senior Planner on 28 April 2003 and the following observations were made: (It should be noted that the information provided below is relatively unchanged from previous operations conducted at Lot 114 Stockmans Close).

- \* 16 clients will attend the site along with 10-14 volunteers. Each class runs for 50 minutes with a 10 minute break between each class. The classes are staggered and only a small number of clients and volunteers are on the site at any one time. Each group consists of four (4) clients and up to five (5) volunteers. There are generally two (2) shifts of volunteers, one group between 8-10am and the other group between 10-12am. The volunteers for the early shift generally arrive on the site around 7.30am.
- \* RDA lessons are held generally all year around apart from very hot and very wet days.
- \* Parking for the RDA will be accommodated on-site. A condition will be imposed in respect to this issue.
- \* Four (4) horses are currently being agisted on-site, with three (3) additional horses proposed to be brought onto the property on a daily basis for the riding lessons.
- \* The arena is already on the site.
- \* Toilet facilities are provided within the private residence on the property.
- \* The property is well vegetated on the boundaries.
- \* The closest residence to the activities being carried out on the site is approximately 100 metres to the west of the activity site.

It is considered that the existing riding for the disabled facility is currently providing a beneficial and worthwhile community service from the existing premises located at Lot 114 Stockmans Close.

In view of the above, it is recommended that the proposal to conduct Disabled Riding Lessons at Lot 27 Abernethy Road, Byford, be granted temporary planning approval for a period not exceeding 12 months, in accordance with Clause 6.10 of Council's TPS 2.

### Sustainability Statement

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

It is considered that the surrounding environment will not be impacted as a result of the proposed land use activities.

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

There are no implications with respect to resource use in relation to the proposed development.

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

There are no implications in terms of locally produced resources associated with the proposal.

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

Riding for the Disabled Australia (RDA) is an international organisation. It is a voluntarily non-profit organisation. There are currently 14 groups in Western Australia located from Port Hedland to Albany, all of which are self funded.

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

Surrounding and potentially affected landowners were notified of the proposal via direct mail and invited to comment.

*Does the proposal/issue disadvantage any social groups?*

It is considered that the proposed land use activity will not disadvantage any community or social groups operating within the area. But rather, it is considered that the proposed development will assist some adults, although mostly children, which have both mental and physical disabilities ranging from injury, trauma, downs syndrome and cerebral palsy.

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

There are anywhere between 10 and 14 volunteers helping out with the disabled riding classes. It is unknown if the volunteers reside within the municipality or are located in other suburbs outside the Shire.

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

**Policy Implications:** Shire's Rural Strategy

It is considered that the proposed development will not have any impact upon Council policy.

**Financial Implications:** Not applicable.

**Strategic Implications:** The proposed subdivision meets Strategy 1.4 of the Shire's Strategic Plan (2001-2005), which states:

*"Strengthen community groups and promote meaningful input into Council decision."*

**Community Consultation:** The proposal was referred to nearby and affected landowners inviting comment.

**Voting Requirements:** Normal

### **Officer Recommended Resolution**

Council approves an application dated 4 April 2003 for a Riding School (Disabled Riding Lessons) at Lot 27 Abernethy Road, Byford, subject to the following conditions:

1. This approval is valid for a period of 12 months only from the date of this approval.
2. A maximum of seven horses are to be present on the property for the purposes of the riding school at any one time.

3. Lessons are to be conducted between 8am and 3pm.
4. Lessons are not to be conducted on Sundays.
5. Volunteers may enter the subject lot from 7.30am.
6. The applicant shall provide sufficient parking space for all vehicles and trailers associated with the riding school use within the boundaries of the lot. No parking associated with the riding school use is to occur on the verge of Abernethy Road at any time.
7. The keeping of horses on the lot is not to exceed the Agriculture Department stocking rates for the applicable soil type. Keeping of stock above the recommended stocking rate will require the separate approval of Council.
8. Riding lessons, other than those for the Riding for the Disabled and those lessons for the owners of the property and their immediate family are not to be carried out on the site.
9. The applicant is to take all practicable measures to ensure that any dust that may be generated from the riding school use does not leave the boundary of the property.
10. The use is not to cause injury to or prejudicially affect the amenity of the neighborhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, vapor, steam, soot, ash, dust, grit, oil liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding on or the land on which the business is conducted.
11. Applicant is to gain approval from Council's Health Services for additional on site effluent disposal systems.
12. Pasture cover on the property is to be maintained on 95% of the available paddock area.
13. Manure is to be managed to prevent fly breeding or odour detrimentally affecting the amenity of the surrounding area.
14. Except where specified elsewhere in this approval the management and use of the property for the keeping of horses is to be in accordance with Division 2 Keeping of Large Animals in Council's Health Local Laws 1999.
15. One (1) unisex disabled toilet is to be provided on site.

Advice Notes:

1. In respect to Condition 1 above, the applicant is advised that this approval is a temporary approval valid for 12 months only.
2. Approval does not obviate compliance with any other appropriate legislation in particular, the Environmental Protection (Noise) Regulations 1997.
3. The applicant is advised of the requirement to comply with the Disability and Discrimination Act.
4. The applicant is advised that widening of the existing crossover to the subject site may be required.
5. Access for people with disabilities must be provided as set out in BCA 1996 by means of a continuous path of travel in accordance with AS1428.1

AMENDMENT

Moved Cr Murphy, seconded Cr Needham that the following amendments were made:

Condition 1 was altered from 12 months to 2 years

Condition 2 was deleted

Condition 4 was altered to lessons being able to be conducted on Sundays at the discretion of Council's Director Sustainable Development

Condition 5 was deleted

Moved Cr Murphy, seconded Cr Price that the Amendment motion was passed as follows:-

**CRP259 COUNCIL DECISION/Committee Recommended Resolution**

Moved Cr Richards seconded Cr Scott that Council approves an application dated 4 April 2003 for a Riding School (Disabled Riding Lessons) at Lot 27 Abernethy Road, Byford, subject to the following conditions:

1. This approval is valid for a period of 2 years only from the date of this approval.
2. Lessons are to be conducted between 8am and 3pm.
3. Lessons are not to be conducted on Sundays without the prior written approval of Council's Director Sustainable Development.
4. The applicant shall provide sufficient parking space for all vehicles and trailers associated with the riding school use within the boundaries of the lot. No parking associated with the riding school use is to occur on the verge of Abernethy Road at any time.
5. The keeping of horses on the lot is not to exceed the Agriculture Department stocking rates for the applicable soil type. Keeping of stock above the recommended stocking rate will require the separate approval of Council.
6. Riding lessons, other than those for the Riding for the Disabled and those lessons for the owners of the property and their immediate family are not to be carried out on the site.
7. The applicant is to take all practicable measures to ensure that any dust that may be generated from the riding school use does not leave the boundary of the property.
8. The use is not to cause injury to or prejudicially affect the amenity of the neighborhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, vapor, steam, soot, ash, dust, grit, oil liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding on or the land on which the business is conducted.
9. Applicant is to gain approval from Council's Health Services for additional on site effluent disposal systems.
10. Pasture cover on the property is to be maintained on 95% of the available paddock area.
11. Manure is to be managed to prevent fly breeding or odour detrimentally affecting the amenity of the surrounding area.
12. Except where specified elsewhere in this approval the management and use of the property for the keeping of horses is to be in accordance with Division 2 Keeping of Large Animals in Council's Health Local Laws 1999.
13. One (1) unisex disabled toilet is to be provided on site.

Advice Notes:

1. In respect to Condition 1 above, the applicant is advised that this approval is a temporary approval valid for 24 months only.
2. Approval does not obviate compliance with any other appropriate legislation in particular, the Environmental Protection (Noise) Regulations 1997.
3. The applicant is advised of the requirement to comply with the Disability and Discrimination Act.
4. The applicant is advised that widening of the existing crossover to the subject site may be required.
5. Access for people with disabilities must be provided as set out in BCA 1996 by means of a continuous path of travel in accordance with AS1428.1

CARRIED 9/0

Note: The Officer Recommended Resolution was altered to provide the Riding for the Disabled greater security of tenure and flexibility of operation.

Note: The Committee Recommended resolution was corrected in Advice Note 1 – from 12 months to 24 months.

P261/05/03 PROPOSED LIGHT INDUSTRY (FIBREGLASS REPAIR BUSINESS) – LOT 245 BILYA AVENUE, MARDELLA (P05841/01)		
Proponent	M & J Prendergast	<b>In Brief</b>  Application requests approval for a fibreglass repair business at Lot 245 Bilya Avenue, Mardella. It is recommended that the proposal be approved subject to conditions.
Officer	David Spencer - Senior Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	28 April 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

Owner: N Delroy  
 Owner's Address: PO Box 944, West Perth WA 6872  
 Applicant: M & J Prendergast  
 Applicant's Address: 47 Lyrebird Loop, Armadale WA 6112  
 Date of Receipt: 6 March 2003  
 Advertised: Yes. Main Roads WA and adjoining landowners advised of proposal  
 Submissions: Two (2) submissions in support of proposal received  
 Lot Area: 5039m<sup>2</sup>  
 L.A Zoning: Special Use  
 MRS Zoning: Rural  
 Byford Structure Plan: Not applicable  
 Rural Strategy Policy Area: Not applicable  
 Rural Strategy Overlay: Not applicable  
 Municipal Inventory: Not applicable  
 Townscape/  
 Heritage Precinct: Not applicable  
 Bush Forever: Nil  
 Date of Inspection: 3 April 2003

### **Background**

The subject lot falls within the estate known as 'Darling Views'. Special provisions and development standards apply to this estate under Council's Scheme. These are discussed in more detail within the following section.

The applicant has submitted written justification for the proposal as well as photographs of the proposed business with the development application.

### **Amendment No. 72**

Scheme Amendment No. 72 to Council's Town Planning Scheme No. 2 (TPS 2) rezoned the subject land from 'Rural' and 'No Zone' to 'Special Use' and 'Special Residential' in September 1997. The subject site falls within the 'Special Use' zone.

Amendment No. 72 contained 'Development Standards' that relate to the subject land. It is considered that the 'Development Standards' should be taken into consideration when assessing the proposal as they define the development controls that existed for the area. The pertinent 'Development Standards' applicable to the proposal are as follows:

*"Setbacks - mainly ensuring land within 30 metres of the front boundary is used for residential purposes, unless otherwise specified.  
 Stormwater drainage - to be disposed of on site.  
 Advertising signs - subject to Council approval.*

*Residence to be established prior to light industrial use  
One business per lot - to prevent leasing of buildings, part of the site.”*

The original design philosophy behind the estate was to create a subdivision, ensuring that it achieved a high residential amenity, whilst being functionally effective for its light industrial component. Types of land uses that may be considered appropriate for the subject area, according to Amendment No. 72, include:

Storage yard  
Warehouse  
Workshop  
Builder’s yards/Plumber’s yards  
Home Business combination  
Veterinary Establishment

As seen above, the proposed land use is a land use activity that may be considered acceptable subject to Council approval.

### Scheme Provisions

The proposed business best fits into the definition of ‘Light Industry’ under the provisions of TPS No. 2. ‘Light Industry’ means an industry:

- a) *In which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to, or will not adversely affect the amenity of the locality by the reason of the emission of light, noise, vibration, smell, fumes, smoke, vapor steam, soot, ash, dust, waste water or other waste products; and*
- b) *The establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, gas, electricity, sewerage facilities, or any like services.”*

As stated in the TPS No. 2 Appendix 2,

*“Those use classes listed under light industry in Table 1 - Zoning Table, their permissibility being in accordance with the symbols cross referenced in Table 1 except that all “P” uses become “AA” uses.”*

Light industry is a ‘P’ use in Light Industry zone, so in accordance with the TPS No. 2 provision stated above, Light Industry would be an ‘AA’ use in the Special Use Zone. The Director Sustainable Development is not afforded delegated authority in this instance. The intent of the ‘Special Use’ zone was to allow prospective purchasers of lots to construct a residence and establish a suitable business on a larger sized lot. This therefore enables the occupier/resident to operate a business from the property without the need to have their business off-site in a designated industrial or commercial area.

### Comments

#### Development Proposal

The applicant submits the following information in support of the application:

*“The business is fiberglass repairs to spas, boats, car components, etc. Some work will be conducted in the shed, other work will be done at the clients premises. The business will run on a 5 day week, 8am to 4pm approximately. There will be no signage. There will be no commercial deliveries of materials and supplies, these will be collected by us.*

*Gelcoat is applied first onto the prepared surface, this is brushed on. Then the fiberglass and resin is hand laminated onto the gelcoat surface, this is brushed on and rolled out with a fiberglass roller. When dry, the excess fiberglass is trimmed off and the final product is taken to be painted by an automotive spraypainter.*

*... the process is, the old surface is ground off and sanded back. Blisters, blemishes and blackspots are filled with body filler and fibreglassed over. Then the whole surface is covered in primer coat (resin), which is rolled on by a paint roller. This is all then covered in fiberglass matting and vinyl ester fillcoat, also rolled on by a paint roller. Finally the topcoat (flowcoat-colour) is applied, also rolled on by a paint roller. This is basically how I would be repairing anything that is required. The old surface is ground back and sanded. Cracks and blemishes are filled with filler, then the whole surface is fibreglassed with resin and fiberglass matt. Then the gelcoat or flowcoat is applied. All of these materials are applied by hand, with either a brush or a paint roller, most sanding is done by hand and the grinding and some sanding is done by power tools.*

*This is a complete hand laminating fiberglass business. There is no chopper gun operation at all. The smell and fumes are minimal because of the large size shed and small operation of the business. All fiberglass waste is also minimal and will be taken to the tip by us."*

The applicant proposes to construct a shed at the rear of the subject lot behind the future proposed residence, in order to accommodate the hand laminating fiberglass repair business.

The shed will have a total floor area of 270m<sup>2</sup> with dimensions of 30.0m x 9.0m and 4.8 metres in height. The setback of the proposed shed to the side and rear property boundaries will need to be a minimum of 4.8 metres given the height of the wall of the shed.

#### Community and Public Agency Consultation

The proposal was referred to Main Roads WA (MRWA) given that the subject property abuts a 'Controlled Access Highway' reservation under the Metropolitan Region Scheme (MRS). The proposed development was also advertised to adjoining landowners for comment. At the conclusion of the advertising period two (2) submissions were received being in support of the fiberglass repair business.

The submittant states the following:

*"As owners of Lot 244 and Lot 246 Bilya Avenue we have no objection to the development proposed for Lot 245 Bilya Avenue."*

Main Roads WA also commented on the proposed development and stated that they had no objections subject to the following conditions being imposed:

- 1. No earthworks shall encroach onto the Tonkin Highway/Mundijong Road Reserve.*
- 2. No stormwater drainage shall be discharged onto the Tonkin Highway/Mundijong Road reserve.*
- 3. No vehicle access shall be permitted onto the Tonkin Highway/Mundijong Road reserve."*

It is recommended that the above conditions be imposed in respect to the development proposal.

#### **Sustainability Statement**

The applicant proposes to operate a hand laminating fibreglass business in which there will be a negligible impact upon surrounding properties in terms of noise, smell, fumes and traffic movement.

There is proposed to be no 'chopper gun' operations. Waste products will be minimal and any fiberglass offcuts will be taken to the tip on a regular basis.

The applicant is also looking at the possibility of employing one (1) staff member.

**Statutory Environment:** Town Planning and Development Act 1928  
Town Planning Scheme No. 2  
Note: This estate was specifically established for businesses such as is proposed.

**Policy Implications:** There will be no direct financial implications to Council as a result of this application.

**Financial Implications:** Not applicable

**Strategic Implications:** Objectives 3 (1) and 3 (2) of People and Community in Council's Strategic Plan 2003 are applicable to the proposal.

Employment and Economic Development Strategy.

**Community Consultation:** Yes. Public consultation undertaken in accordance with Scheme requirements. Two (2) submissions received at conclusion of advertising period.

**Voting Requirements:** Normal

#### **CRP261 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Price seconded Cr Hoyer that Council approves an application dated 26 February 2003 for Light Industry (Fibreglass Repair business) at Lot 245 Bilya Avenue, Mardella, subject to the following conditions:

1. A single residence is to be erected on the subject lot prior to the construction of the shed and commencement of development.
2. The land within the 30 metres of the front boundary shall be used for residential purposes only.
3. The proposed shed to be setback a minimum of 4.8 metres from the side property boundary.
4. The proposed shed to be setback a minimum distance of 4.8 metres from the rear property boundary, being the height of the wall of the shed.
5. The applicant is to provide a vehicle access to the rear of the lot with a minimum width of five (5) metres.
6. Should the applicant wish to have ablution facilities in the shed, these will need to be connected to an on-site effluent disposal to the satisfaction of Council's Health Services.
7. All materials and activities associated with the proposed business are to be stored and conducted within the shed.
8. A building licence is to be obtained prior to commencement of development.
9. Hours of operation to be from 8.00am to 5.00pm Monday to Friday (inclusive).
10. No retail sales to be carried out from the premises.
11. The approval shall be personal to the applicant and shall not be transferred to or assigned to any other person.
12. The approval shall not run with the land in respect of which it was granted.
13. No business signs, billboards, or other signs shall be erected on the premises displaying the nature of the business, without the approval of the Council.
14. No earthworks shall encroach onto the Tonkin Highway/Mundijong Road Reserve.

15. No stormwater drainage shall be discharged onto the Tonkin Highway/Mundijong Road reserve.
16. No vehicle access shall be permitted onto the Tonkin Highway/Mundijong Road reserve.
17. The use is not to cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, vapour, steam, odour, soot, ash, dust, grit, oil liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding on or the land on which the business is conducted.
18. An Emergency Management/Response Plan is required prior to commencement of operations to the satisfaction of the local authority and Fire and Emergency Services Authority.
19. Submission of a Waste Management Plan prior to the commencement of operations to the satisfaction of Council's Health Services.
20. All stormwater to be disposed of within the confinements of the property to prevent the direct disposal of stormwater onto neighbouring properties, or alternatively, offsite via a suitable connection to the Shire's stormwater drain, to the satisfaction of the Director Asset Services.
21. The owner to construct a crossover to the specification and satisfaction of the Director Asset Services.
22. All industrial waste (including fiberglass wastes and dust) generated within the shed and offsite during the operation of this business are to be collected daily and placed in a sealed waste storage receptacle. When full, the waste storage receptacle shall be transported to a suitably licenced waste disposal facility.
23. The shed being weatherproof and constructed to prevent the intrusion of stormwater or escape of liquid or solid wastes.
24. The applicant shall store hydrocarbons and other potentially polluting chemicals within an impermeable compound that is chemically resistant to the stored substances, and is designed to contain not less than 110% of the volume of the largest vessel stored in the compound.
25. Immediately upon becoming aware of a spill or leak, the applicant shall repair the spill or leak to prevent pollution. Within 12 hours of becoming aware of the spill or leak, the applicant shall provide written notice of the event to the Director Sustainable Development, and shall recover, remove and dispose of any spilt or leaked chemicals to the satisfaction of the Director Sustainable Development.
26. This planning approval is valid for a 15 month period commencing from the date of this approval letter. Upon conclusion of the first twelve months of that approval, the applicant may apply for approval for a five (5) year period. A five year renewal will be granted if the applicant has complied with the conditions of this approval to the satisfaction of the Director Sustainable Development.

#### Time Limited Approach

This approval is valid for a 15 month period commencing from the date of this approval letter, upon conclusion of the first 12 months of that approval, the applicant may apply for approval for a five year period. A five year renewal will be granted if the applicant has complied with the conditions of this approval to the satisfaction of the Director Sustainable Development.

#### Advice Notes:

1. A planning consent is not an approval to commence any works. A building licence must be obtained for all works. An application for a building licence will not be accepted unless proof of payment of all bonds and guarantees accompanies the application documents.

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 Council'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. Council can advise on energy efficient opportunities that can benefit your operations.
5. Approval does not obviate compliance with any other appropriate legislation in particular, the Environmental Protection (Noise) Regulations 1997.
6. The applicant is advised that this planning consent does not absolve the applicant or owner from time to time from complying with the restrictions contained in any restrictive covenant, estate covenants or easement pertaining to the site. This is the case even if this planning consent is in respect of a development which if constructed or carried out, would necessarily breach such a covenant or easement. Any such restrictive covenant, estate covenant or easement is a matter of private rights between the applicant or owner from time to time and the owner and owners of the land with the benefit of that restrictive covenant, estate covenant or easement, and this planning consent does not authorise a breach of such private rights or prevent such owners from enforcing such rights.
7. The applicant is advised to liaise with the Department of Minerals and Energy in respect to the storage of flammable and dangerous goods on-site.
8. In respect to Condition 1 above, the applicant is advised that it is an offence under Council's Town Planning Scheme No. 2 to: "Develop or establish or allow to develop the land for light industrial purposes unless a residence is erected first."
9. At the building licence application stage the applicant is advised that there will be a \$100 emergency services fee.

CARRIED 9/0

P262/05/03 PROPOSED SUBDIVISION (REVISED PLAN) – LOT 1 ANKETELL ROAD, OAKFORD (S119908)		In Brief
Proponent	Dykstra & Associates	Council is in receipt of a revised plan referred to it from the WA Planning Commission, which proposes to subdivide Lot 1 Anketell Road, Oakford, into four (4) allotments. It is recommended that the subdivision proposal not be supported.
Officer	David Spencer - Senior Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	5 May 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

Owner: P Duggan  
 Owner's Address: 493 Orton Road, Oakford  
 Applicant: Dykstra & Associates  
 Applicant's Address: Unit 6, 2954 Albany Highway, Kelmscott  
 Date of Receipt: 25 March 2003  
 Advertised: Not a statutory requirement by the Council  
 Submissions: Not applicable  
 Lot Area: 20.18 hectares  
 L.A Zoning: Rural  
 MRS Zoning: Rural  
 Byford Structure Plan: Not applicable  
 Rural Strategy Policy Area: Public Land, Parks and Recreation  
 Rural Strategy Overlay: Not applicable  
 Municipal Inventory: Not applicable  
 Townscape/  
 Heritage Precinct: Not applicable  
 Bush Forever: Part of site affected by Bush Forever Site 347

Date of Inspection: Senior Planner - 12 September 2002  
Environmental Officer - 31 March 2003

## **Background**

Council at its Ordinary meeting held 28 October 2002 considered an application to subdivide the subject land into five (5) lots where it was resolved to refuse the proposed subdivision for the following reasons:

- “1. *The proposal does not comply with the Shire of Serpentine-Jarrahdale Rural Strategy 1994 (as amended), which prescribes a minimum lot size for new subdivision of 40 hectares.*
2. *The subject land is affected by Bush Forever Site No. 347 and the subdivision would lead to the fragmentation of the lot not under the same land tenure.*
3. *The proposed subdivision may create a precedent for the subdivision of rural lots within the Shire and lead to the fragmentation of land through subdivision within the Rural zone.*
4. *Pursuant to the Shire’s Rural Strategy 1994 (as amended), the WA Planning Commission is unable to approve applications for subdivision of land that has not been appropriately zoned Rural-Residential or Rural Smallholdings.”*

In response to the above resolution, the proponent has submitted a revised plan and additional rationale in an attempt to address the various concerns of Council. This new information is re-produced in the Comments section below.

## **Comments**

### **Site and Zoning Description**

Lot 1 is zoned ‘Rural’ under the provisions of Town Planning Scheme No. 2 (TPS 2) and ‘Rural’ and ‘Parks and Recreation’ reserve under the provision of the Metropolitan Region Scheme. The subject land has a total lot area of 20.18 hectares and has direct street frontage to Anketell Road.

The land is predominantly cleared of native vegetation with the exception of approximately 4.0 hectares of remnant bushland in the north-western corner of the site, which is affected by the ‘Parks and Recreation’ reservation.

### **Applicants Revised Planning Rationale**

The applicant has provided the following additional information in support of the modified plan, which has been summarised by the officer:

- \* The Bush Forever site, which occurs predominantly in the north western portion of the subject land includes an existing vegetated area, which is nominated as a Conservation Category Wetland. This north western portion of the subject land is proposed to be ceded free of cost as part of a Regional Parks and Recreation reserve, under the revised plan;
- \* The recommendation by the Water and Rivers Commission to maintain the wetland and associated vegetation wholly within one lot is achieved by the giving up of a portion of land as parks and recreation reserve, and further, is achieved by the redesign of lots which maintains a very large lot in the western most part of the subdivision which almost entirely incorporates the existing vegetation within the one property;
- \* In respect of SPP 11 requirement in relation to reticulated water supplies, it is noted that the four lot subdivision will result in lots having an area greater than four hectares each and hence would not be affected by this policy;
- \* The nearest poultry farm is located approximately 250 metres away from the subject land with the closest shed being situated some 370 metres from proposed building envelopes.

Finally in respect to the Shire's Rural Strategy that generally does not support further subdivision below 40 hectares, it must be noted that the 40 hectare size within the Rural Policy area is a recommended minimum and is not binding on the Council or the WA Planning Commission.

Comments from Council's Environmental Officer

*"A conservation category wetland lies over the north western corner of the block. In addition, two EPP lakes and a resource enhanced wetland are located off site but about the northern boundary. The wetlands on site are under pressure with stock and vermin (2 horses observed) present within the conservation category wetland area.*

*A major drain runs along the northern boundary of the block. It is of some concern that this crosses the conservation category wetlands and EPP lakes. This drain needs to be buffered from stock.*

*The northern third of the property is part of Bush Forever site 347. Previous surveys for declared rare flora and threatened ecological communities within this section of the block appear to be incomplete and their completion should be a condition on any development or rezoning proposal. It is also essential that the Bush Forever Office be allowed to comment on proposals.*

*The block is within the Jandakot Groundwater Protection Area.*

<b>Soil type</b>	<b>Stocking rate DSE</b>	<b>Soil characteristics</b>
B1 SR3	2 (dry) 10 (irrigated)	Soil water storage, wind erosion
B2 SR3	2 (dry) 10 (irrigated)	Soil water storage
B3 SR5.1	2 (dry) not suitable to irrigate	Waterlogging risk phosphorus export and acid sulphate soil risk
B4 SR5	6 (dry) 20 (irrigated)	Phosphorus export, waterlogging risk, acid sulphate soil risk

*Stock need to be kept off the northern third of the block and should only be permitted on the B1 soil type area. Stocking rates on B soil allow for 1 horse per one and a half hectares in dry conditions and 2 horses per hectare if irrigated. However, the risk of wind erosion would need to be monitored.*

*Stock are currently in the conservation category wetland area and throughout the bush forever area. The manure from these animals is not being picked up and therefore causes a source of pollution in both surface waters and, because of high phosphorus export risk soils, in the Jandakot mound groundwater.*

*Soils in the northern third of the block are prone to acid sulphate soil problems and should not be drained without surveys and precautions to prevent environmental damage. It is of concern that a major drain runs along just outside the northern boundary of this block and passes through acid sulphate risk soils. As far as I am aware, no data or reports of environmental damage from acid sulphate soil drainage have been reported.*

*In summary, although there has been some degradation of this site it clearly has high conservation value and the potential for improved management. While I do not support the subdivision guideplan put forward, I would recommend that consideration be given to a rezoning that requires removal of stock from the wetland and bushforever sites, no division of these sites into different lots and the reinstatement and protection of the remaining clumps of bankia woodland. The current management of this block under rural zoning is causing degradation. To prevent subdivision to smaller blocks will not prevent this further degradation. There is therefore some potential for a win win outcome both for the developer and for the environment."*

### Applicants Town Planning Rationale

The applicant in support of the subdivision proposal provides the following justification:

*“The attached plan of subdivision proposes the subdivision of Lot 1 into five (5) new lots of approximately 4.0 ha in size, with each new side boundary generally orientated in a north-south direction. All lots will have frontage to Anketell Road, thereby capitalizing on the existing infrastructure.*

*The lots would be regularly shaped having frontages of approximately 90m - 120m wide and building envelopes would be setback from the Western Power easement which traverses the land.”*

**A copy of the plan of subdivision is with the attachments marked P262.1/05/03.**

The applicant goes on to say that:

*“The subject land is zoned “Rural - Ground Water Protection” under the Metropolitan Region Scheme. As in many other instances throughout the Metropolitan Region, this zoning of the land can accommodate the proposed subdivision. This is further demonstrated by the surrounding subdivision pattern which consists predominantly of 2.0 ha - 4.0 ha rural lots in the “Rural - Groundwater Protection” zone.*

*The subject land is zoned “Rural” under the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, which generally specifies a minimum lot size of 40.0 ha. However, this prescribed lot size of 40.0 ha is clearly out of keeping with the existing subdivision pattern of this locality, which predominantly includes lots of 2.0 ha - 4.0 ha in area. Subdivision in the manner proposed will give the subject land the potential to be developed and utilized more in character with the wider surrounding area.”*

*The proposed subdivision will not set a precedent for further subdivision in the area as the subject land will be brought into keeping with the prevailing lot size within the locality (ie this is the last large rural lot remaining in a precinct of 2.0 ha - 4.0 ha lots).”*

Although Council’s TPS 2 does not prescribe any subdivision guidelines for Rural areas, the Shire’s Rural Strategy recommends a minimum lot size for new subdivision of 40 hectares. The proposed subdivision does not comply with this requirement. Due consideration will also need to be given by the WA Planning Commission in terms of the land of “Rural - Ground Water Protection.”

### Scheme Requirements

In respect to the ‘Rural’ zone, Clause 5.10.1 of Council’s Town Planning Scheme No. 2 states that:

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

It may be argued that the proposed subdivision will lead to the fragmentation of the subject land and may restrict the variety of agricultural land uses that may otherwise be sustainable and productive on the land in its’ current state.

### Bush Forever Site No. 347

The north-western portion of the lot is zoned ‘Parks and Recreation’, which incorporates Bush Forever Site 347. This site, more commonly known as Wandi Nature Reserve and Anketell Road Bushland is 412.3 ha in area including open water. The majority of Wandi Nature Reserve falls within the Town of Kwinana with a small part located on the subject lot.

Care, control and management of this portion of site for conservation purposes within Jandakot Regional Park is endorsed, as part of the Bush Forever documentation.

### Shire's Rural Strategy

Lot 1 is identified within the Public Land/Parks and Recreation area of the Shire's Rural Strategy. There are no clear and definitive guidelines applicable to this area within the Strategy, however, a relevant objective in respect to the subdivision proposal is set out in the clause below.

Subdivision of the subject land may further restrict the productive capabilities of the land. For this reason the Rural Strategy states that:

*"... the subdivision of new lots is not supported below a minimum lot size of 40 hectares."*

The fundamental intent of the Rural Strategy is to protect priority agricultural land from future subdivision. The applicant has not submitted reasonable justification to warrant support for the subdivision, in terms of increasing the agricultural viability of the lot.

### Statement of Planning Policy No. 11 (SPP 11)

Clause 5.3.1 (iii) of SPP 11 states the following:

*"The Commission will only support subdivision for Rural-Residential and Rural smallholdings where the land has been appropriately zoned within the town planning scheme and the provisions of Policy No. DC 3.4 (2001) Clause 6 can be complied with."*

In consideration of the above statement, the subject land is not appropriately zoned for Rural-Residential (Rural Living A and B, Special Rural) or Rural smallholdings (Farmlet), and therefore the WA Planning Commission are in a position to not support the proposed subdivision.

Additionally, Clause 5.4.1 of SPP 11 refers to Water Resource Areas in which public drinking water source areas including gazetted underground water pollution control areas, gazetted catchment areas and gazetted water reserves should be protected and appropriately managed to maintain the sustainability of the resource. The proposal may therefore place pressure on the land to support further development associated with the subdivision and affect the groundwater protection area.

The proposed subdivision seeks endorsement by the WA Planning Commission to subdivide Lot 1 Anketell Road, from one (1) lot into four (4) lots (approximately 4.5ha each), within a Rural zone. The Shire's Rural Strategy recommends that no further subdivision be allowed that creates lots less than 40 hectares in area. A precedent may also be set if approved by the WA Planning Commission, for further applications of this nature within the Rural zone.

It is generally considered that the proposed lot sizes within the subdivision would be consistent with the prevailing lot sizes in the locality and therefore would not adversely affect the future planning for the area.

It may be also be argued, as contested by the applicant, that the proposed subdivision is in keeping with lots in the prevailing area and would result in a "round off" of this precinct.

However in view of the above, it is recommended that Council advise the WA Planning Commission to refuse the subdivision proposal.

### Sustainability Statement

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

The proposal if approved by the WA Planning Commission will lead to the fragmentation of the subject land which may inevitably limit the productive capacity of the land and place increasing pressure on the land in the form of land degradation, catchment management, effluent disposal and retention of native vegetation.

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

The proposal if approved by the WA Planning Commission would utilise existing utility services in the area such as telecommunications, power, etc. Vehicular access to the site would be achieved from Anketell Road. Effluent disposal would be catered for via on-site disposal units and in view of the location within the Peel-Harvey Catchment, alternative treatment units would be required. Further, domestic water supply requirements would be met via on-site domestic rainwater tanks.

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

Not relevant to the subdivision proposal.

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

Not relevant to the subdivision proposal.

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

Community and public participation not required in regards to the subdivision proposal.

*Does the proposal/issue disadvantage any social groups?*

It is considered that social groups will not be adversely disadvantaged by the proposed subdivision if approved by the WA Planning Commission.

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

Not relevant to the subdivision proposal.

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

**Policy Implications:** Statement of Planning Policy No. 11  
Shire's Rural Strategy 1994 (as amended)  
Bush Forever (Dec 2000)

**Financial Implications:** There are no financial implications to Council associated with this proposal.

**Strategic Implications:** Objectives 1 (5) and 1 (0) of People and Community for the Shire's Strategic Plan 2003 are applicable to the proposal.

**Community Consultation:** Community consultation by Council not a statutory requirement for subdivision proposals.

**Voting Requirements:** Normal

**Officer Recommended Resolution**

Council advises the WA Planning Commission that it does not support the revised plan of subdivision (WAPC Ref No. 119908), of Lot 1 Anketell Road, Oakford, for the following reasons:

1. The proposal does not comply with the Shire of Serpentine-Jarrahdale Rural Strategy 1994 (as amended), which prescribes a minimum lot size for new subdivision of 40 hectares.
2. The subject land is affected by Bush Forever Site No. 347 and the subdivision would lead to the fragmentation of the lot not under the same land tenure.
3. The proposed subdivision may create a precedent for the subdivision of rural lots within the Shire and lead to the fragmentation of land through subdivision within the Rural zone.
4. Pursuant to Statement of Planning Policy No. 11, the WA Planning Commission is unlikely to approve applications for subdivision of land that has not been appropriately zoned Rural-Residential or Rural Smallholdings.
5. Approval of subdivision without the necessary land use controls provided by a rezoning would result in inappropriate land uses being permitted within the subdivision.

**Committee Recommended Resolution**

- A. Council advises the WA Planning Commission that it does not support the revised plan of subdivision (WAPC Ref No. 119908), of Lot 1 Anketell Road, Oakford, for the following reasons:
  1. The proposal does not comply with the Shire of Serpentine-Jarrahdale Rural Strategy 1994 (as amended), which prescribes a minimum lot size for new subdivision of 40 hectares.
  2. The subject land is affected by Bush Forever Site No. 347 and the subdivision would lead to the fragmentation of the lot not under the same land tenure.
  3. The proposed subdivision may create a precedent for the subdivision of rural lots within the Shire and lead to the fragmentation of land through subdivision within the Rural zone.
  4. Pursuant to Statement of Planning Policy No. 11, the WA Planning Commission is unlikely to approve applications for subdivision of land that has not been appropriately zoned Rural-Residential or Rural Smallholdings.
  5. Approval of subdivision without the necessary land use controls provided by a rezoning would result in inappropriate land uses being permitted within the subdivision.
- B. Council advises the WA Planning Commission that Council would support a subdivision that accorded with Amendment No. 92 - Groundwater Protection so that protection could be afforded to the Bush Forever sites, remnant vegetation and wetland protection areas.

Note: The Officer Recommended Resolution was altered with the addition of Part B as this is an isolated property on the edge of the Shire which was overlooked in the Rural Strategy process.

Cr Richards left the meeting at 7.56pm and returned at 7.57pm.

**CRP262 COUNCIL DECISION/AMENDED MOTION**

Moved Cr Murphy seconded Cr Star amended motion

- A. Council advises the WA Planning Commission that it does not support the revised plan of subdivision (WAPC Ref No. 119908), of Lot 1 Anketell Road, Oakford, for the following reasons:
1. The proposal does not comply with the Shire of Serpentine-Jarrahdale Rural Strategy 1994 (as amended), which prescribes a minimum lot size for new subdivision of 40 hectares.
  2. The subject land is affected by Bush Forever Site No. 347 and the subdivision would lead to the fragmentation of the lot not under the same land tenure.
  3. The proposed subdivision may create a precedent for the subdivision of rural lots within the Shire and lead to the fragmentation of land through subdivision within the Rural zone.
  4. Pursuant to Statement of Planning Policy No. 11, the WA Planning Commission is unlikely to approve applications for subdivision of land that has not been appropriately zoned Rural-Residential or Rural Smallholdings.
  5. Approval of subdivision without the necessary land use controls provided by a rezoning would result in inappropriate land uses being permitted within the subdivision.
- B. That Council advises the WA Planning Commission that this lot is an isolated property on the edge of the Shire that was overlooked in the Rural Strategy Review. Council believes that responsible subdivision of the subject lot could only be achieved after an appropriate rezoning is progressed which ensures suitable land use controls are in place to preserve the conservation values and rural character of the lot. Any subdivision for the subject lot would have to accord with Amendment No 92 – Groundwater Protection so that protection could be afforded to the Bush Forever sites, remnant vegetation and wetland protection areas. Should these criteria be met to Council's satisfaction then an application for rezoning and subsequent subdivision would be given favourable consideration.

CARRIED 9/0

Note: The Committee Recommended Resolution was changed in part B to provide a more comprehensive understanding of the criteria that would need to be met in order for Council to consider a subdivision application on the subject lot.

Cr Simpson declared an interest in Item P264 as he is an adjoining landowner and left the meeting at 8.00pm.

P264/05/03 PROPOSED SUBDIVISION – LOT 68 SOUTH WESTERN HIGHWAY, BYFORD (S111781)		
Proponent	Gray & Lewis Planning Consultants	<b>In Brief</b>  Application requests approval of the WA Planning Commission to subdivide Lot 68 South Western Highway, Byford. It is recommended that the proposal be refused for reasons outlined in the Officer's report.
Officer	David Spencer - Senior Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	14 May 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

Owner: P Gangemi  
 Owner's Address: Lot 68 South Western Highway, Byford  
 Applicant: Gray & Lewis Planning Consultants  
 Applicant's Address: Suite 5, 2 Hardy Street, South Perth  
 Date of Receipt: 5 May 2003  
 Advertised: No  
 Submissions: Not applicable  
 Lot Area: 6.36 hectares  
 L.A Zoning: Urban Development  
 MRS Zoning: Urban  
 Byford Structure Plan: Residential (R20)  
 Rural Strategy Policy Area: Excluded  
 Rural Strategy Overlay: Landscape Protection Policy Area  
 Municipal Inventory: Not applicable  
 Townscape/  
 Heritage Precinct: Not applicable  
 Bush Forever: Not applicable  
 Date of Inspection: 15 May 2003

### **Background**

At its Ordinary meeting held 28 October 2002, Council considered an application for a Detailed Area Plan (DAP) for Pt Lot 3 & Lot 68 South Western Highway, Byford, where it resolved that:

### **"COUNCIL DECISION"**

*Moved Cr Murphy seconded Cr Price that*

- A. *Council, in accordance with clause 5.18.5.1 of Town Planning Scheme No. 2, refuses the Detailed Area Plan submitted on 6 June 2002 for Pt Lot 3 and Lot 68 South Western Highway, Byford, for the following reasons:*
1. *The proposal is not in accordance with Clause 5.18.1.1 of Council's Town Planning Scheme No. 2 in which a Structure Plan for a Development Area is required before recommending subdivision or approving development of land within the Development Area.*
  2. *The applicant has not comprehensively addressed requirements of Clause 5.18.5 of Council's Town Planning Scheme No. 2 relating to Detailed Area Plans.*
  3. *The applicant has not adequately addressed requirements of draft Local Planning Policy No. 12 - Requirements for Detailed Area Plans.*

4. *Subdivision of the subject land is premature until planning issues (including agreement to an overall road pattern, the allocation of land for recreation and other public uses, provision of essential infrastructure such as drainage and effluent disposal and equitable arrangements for developer contributions) are resolved, via a suitable structure plan for the development of Byford townsite.*
5. *Proposed subdivision of the subject land would create an undesirable precedent for the further subdivision of the undeveloped superblocks in the immediate area, which is not appropriate in the absence of structure planning referred to above.*
6. *Common Infrastructure costings have yet to be determined by Council for the Byford Structure Plan area.*

B. *In respect of WAPC Ref No. 111781, Council advises the WA Planning Commission as follows:*

*The process for orderly and proper planning contemplated by Town Planning Scheme No. 2, by virtue of the amendments made to it by way of Amendment No. 69, and by the draft Byford Structure Plan, intrinsically relies on the preparation and approval of Detailed Area Plans for precincts comprising the Structure Plan Area. This is recognised in the draft structure plan, which has been adopted by the Commission, wherein it states:*

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

*Many of the objectives of the draft Byford Structure Plan are not deliverable if a Detailed Area Plan for a precinct is not prepared, being beyond the capacity of the next significant step in the proper planning, being the process of subdivision/amalgamation.*

*Council is not obligated to prepare a structure plan itself, and nor is it obligated to prepare an urban water management strategy for the urban cell. Council has undertaken these significant tasks at great cost for a number of reasons including a desire to facilitate best practice urban development based on the principles of sustainable development, in recognition of the fragmented nature of land ownership in the urban cell, and in order to remove obstacles for the entry of the development industry to the urban cell in light of the complex drainage issues associated with the site. To this point in time the WA Planning Commission and the Department for Planning and Infrastructure, along with a number of other Government Agencies, have been key stakeholders in this process. The proposed Detailed Area Plan for Pt Lot 3 and Lot 68 South Western Highway simply does not reflect the nature of development contemplated by the draft Byford Structure Plan. If the WA Planning Commission proceeds to undermine Council's role in the planning process by approving WAPC Ref No. 111781 prior to the finalisation of the draft Byford Structure Plan and particularly in the absence of a satisfactory Detailed Area Plan, there is simply no other mechanism for the types of special development controls contemplated by the draft structure plan and Council's Local Planning Policy No. 12 - Requirements for Detailed Area Plans, viz:*

- a) *a vision statement for the whole of the precinct;*
- b) *a statement of objectives for the whole of the precinct;*
- c) *detailed site analysis;*
- d) *a landscape master plan for public land throughout the whole of the precinct including:*

*finished site levels;*

*a drainage and nutrient management strategy complying with Council's adopted Urban Water Management Strategy for the Development Area;*

*integrated cycle and pedestrian paths linked to regional network;*

*domain interface between public/private domain/streetscapes (e.g. fences, setbacks. Allows for the future character of the precinct to be assessed);*

*community safety (active street frontages, lighting etc.);*

- e) *building envelopes;*
- f) *distribution of land uses within a lot;*
- g) *private open space including provisions relating to solar passive landscaping;*
- h) *services;*
- i) *vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;*
- j) *the location, orientation and design of buildings and the space between buildings;*
- k) *advertising signs, lighting and fencing;*
- l) *protection of sites of heritage, conservation or environmental significance where appropriate;*
- m) *development controls and guidelines relating to matters including:  
use of energy efficient building materials and other energy efficiency measures;  
solar orientation;  
use of minimum R2 roof insulation;  
use 4 or 5 star solar hot water systems rated for flexibility;  
use of AAA rated plumbing fittings and fixtures;  
water reuse or water tanks for irrigation;*
- n) *a waste management strategy to minimise construction waste to landfill;*
- o) *any other sustainability initiatives that an applicant wants to put forward for Council consideration.*

*The Shire vehemently opposes a proposal of this scale and importance proceeding without the necessary development controls being secured by way of a detailed area plan. The Shire and the State, as outlined in the draft consultation paper entitled “The Western Australian State Sustainability Strategy” September 2002, have a social, economic and environmental responsibility to ensure that sustainable development is achieved through best practice urban design that adequately addresses the expectations and needs of existing and future residents.*

*Given the substantial size and key location of this proposed development, there exists a unique opportunity to create a distinctive entrance statement into the new village of Byford that demonstrates the standard of innovative design expected by the Shire for any future development within the structure plan area. Outmoded development focused on maximisation of lot yield that ignores many of the Liveable Neighbourhood design principles does not contribute to the achievement of this vision. The integration of pedestrian walkways and cycle ways and their relationship to transport infrastructure and community facilities and services cannot be ignored. Likewise, water sensitive design principles aligned to the recommendations of the draft Byford Stormwater Management Strategy must be incorporated within the controls imposed by a detailed area plan.*

*Many of these matters are reflected in cutting edged developments based on sustainability such as the much lauded Atwell South project but are not able to be accommodated in the planning process except through the preparation of a Detailed Area Plan.*

- a) *If the applicant is dissatisfied with the approach Council has taken with respect to its decision to refuse a Detailed Area Plan for Pt Lot 3 and Lot 68 South Western Highway, Byford then clause 5.18.8 provides access to the planning appeals process.*

*CARRIED 9 /0*

*Cr Richards was absent and did not vote.*

*Note: The reason for the change to the Committee Recommended Resolution is that the Council is of the view that the resolution, although strong, should be further strengthened to reflect the Council’s complete commitment to sustainable principles in future urban subdivisions.”*

## **Comments**

It should be noted by Councillors that to date, no Detailed Area Plan (DAP) for the subject land has been submitted to Council for approval. The applicant has provided additional information and justification in an effort to rationalize the proposed subdivision of Lot 68, however this additional information is not sufficient to satisfy the requirements of Council's Town Planning Scheme in respect to Detailed Area Plans and so is unacceptable.

The information provided by the applicant is reproduced below:

#### “Public Open Space

*The proposed subdivision plan has been modified to increase the area of public open space from 3000m<sup>2</sup> to approximately 1.2 hectares, or 10% of the precinct area. This has been provided in the form of a linear park opposite the future railway station.*

#### Noise Impacts

##### Railway Line

*The railway reserve is 60 metres wide with 20 metre wide roads on either side providing a transit corridor 100 metres in width. Development of residential land (including higher density housing) in the vicinity of railway stations is consistent with WA Planning Commission Policy.*

*Given the commitment to extend and electrify the passenger rail service to Byford and to construct a new station adjacent to the subject land, it would be contrary to government policy to limit development near the railway station. Appropriate measures can be taken during dwelling construction to limit the impact of railway noise in the same manner as implemented in urban renewal projects and other new developments adjacent to railway lines elsewhere throughout the metropolitan area.*

##### South Western Highway - Tonkin Highway

*One of the governments high priorities in terms of freight transport and regional road planning is to extend Tonkin Highway to Mundijong Road to allow trucks and general traffic to by-pass the centers of Armadale and Byford. The construction of this highway will remove a significant proportion of vehicular traffic that may be deemed to generate a noise impact.*

##### Traffic Speed

*A major factor in traffic noise is speed. South of Thomas Road (adjacent to Pt Lot 3 and Lot 68), the traffic speed is reduced to 60-70 km/hour, instead of 90-100 km/hour which may be experienced on other major arterial routes.*

##### Road Widening

*A road widening of 8-9 metres is proposed on the eastern boundary of Lot 68, part of which may be utilized to accommodate noise attenuating measures such as earth bunding and dense tree planting.*

##### Memorials

*It is proposed to place memorials on the titles of the lots nearest to South Western Highway advising of the potential noise impacts.*

##### House Construction

*In conjunction with the placement of memorials on titles, it is also proposed that the dwellings perceived to be noise affected be constructed with roof insulation and double glazed windows.*

### Solid Walls and Earth Bunds

*The most practical means of attenuating traffic noise is to construct a solid masonry wall on the property boundary. The Council and the Commission no longer favours continuous solid walls because of segregation and surveillance issues. However, sections of solid wall should be acceptable where lots side onto the South Western Highway. Between the sections of wall, 10m wide service roads will run parallel to South Western Highway which themselves form a setback buffer to the building line. It may be appropriate, subject to the approval of Main Roads WA to create landscaped earth bunds within the widened South Western Highway road reserve. Combined with dense tree planting this should provide an acceptable acoustic buffer that would also be visually and socially acceptable.”*

**A copy of the Subdivision Plan and Local Structure Plan is with the attachments marked P263.1/05/03 & P263.2/05/03.**

### Scheme Requirements

Clause 5.18.5 of Council’s Town Planning Scheme No. 2 (TPS 2) states the following in respect to Detailed Area Plans:

#### **“5.18.5 Detailed area plans**

- 5.18.5.1(a) (i) *The local government or the Commission may, by notice in writing, require a person to prepare and submit to the local government a detailed area plan within the time specified in the notice.*
- (ii) *A person may prepare and submit to the local government a detailed area plan.*
- (b) *A detailed area plan is to relate to a particular lot or lots and may be prepared and submitted:*
- (i) *to enhance, elaborate or expand on the details or provisions contained in a Proposed Structure Plan or a Structure Plan;*
- (ii) *in place of a development approval required to comply with clause 2.5 of the Residential Planning Codes; or*
- (ii) *for any other planning purpose.*
- (c) *The local government is to:*
- (i) *approve with or without conditions; or*
- (ii) *refuse to approve*
- the detailed area plan.*
- (d) *If within 60 days of receiving a detailed area plan under clause 5.18.5.1(a), or such longer period as may be agreed in writing between the person and the local government, the local government has not made one of the determinations referred to in clause 5.18.5.1 (c), the local government is deemed to have refused to approve the detailed area plan.*

- (e) *The local government is to forward a copy of the detailed area plan to the Commission within 10 days of approving the detailed area plan.*
  - (f) *The local government's refusal to approve a detailed area plan under clause 5.18.5 is not a valid reason for the local government to refuse to adopt or the Commission to refuse to approve a Proposed Structure Plan under clause 5.18.3.*
- 5.18.5.2 *Unless clause 5.18.5.1(b)(ii) applies, once approved by the local government, the detailed area plan is to be used as the basis for:*
- (a) *making recommendations to the Commission on subdivision applications; and*
  - (b) *determining development applications*
- with respect to the land subject to the detailed area plan.*
- 5.18.5.3 *A detailed area plan may include details as to:*
- (a) *building envelopes;*
  - (b) *distribution of land uses within a lot;*
  - (c) *private open space;*
  - (d) *services;*
  - (e) *vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;*
  - (f) *the location, orientation and design of buildings and the space between buildings;*
  - (g) *advertising signs, lighting and fencing;*
  - (h) *landscaping, finished site levels and drainage;*
  - (i) *protection of sites of heritage, conservation or environmental significance;*
  - (j) *special development controls and guidelines; and*
  - (k) *such other information considered relevant by the local government.*
- 5.18.5.4 (a) *An approved detailed area plan may be modified or varied with the approval of the local government, but where there is a related Structure Plan, such modifications or variations are to conform with the intent of any related Structure Plan.*
- (b) *The local government is to forward a copy of the modification or variation to the detailed area plan to the Commission within 10 days of approving the modification or variation.*

Essentially, finalisation of a Structure Plan for a Development Area is a prerequisite for Council approval of a DAP, and preparation of a DAP is a prerequisite for Council approval of a subdivision.

#### Draft Byford Structure Plan

At its meeting held 22 January 2001, Council adopted for advertising the proposed Byford Structure Plan. In July 2001 Council was advised that the WA Planning Commission had adopted the Structure Plan as a draft subject to numerous modifications. Endorsement of the draft Structure Plan by the WAPC and Council was dependent upon completion and finalisation of the Byford Urban Stormwater Strategy. The Structure Plan has now been amended to reflect the recommendations of the Stormwater Strategy and will be advertised in the near future when printing is completed. The Structure Plan will then receive the formal approval of the WAPC and become operational.

Under the draft Byford Structure Plan the subject land is earmarked for Residential purposes with a density coding of R20. A drainage basin is also designated on the draft Structure Plan over Pt Lot 3. A local park is proposed under the draft Structure Plan for the subject land with an approximate area of 3000m<sup>2</sup>.

The draft Byford Structure Plan also identifies a future proposed railway station located to the west of the application area. The proponent has taken into account that a railway station may be constructed at this location sometime in the future by incorporating a higher density of residential development in accordance with WAPC policy.

The subject property is located in a prominent position being situated on the corner of Thomas Road and South Western Highway. The site is essentially the principal entry into the Byford area and should be developed with due consideration to its potential impact upon the amenity of the locality.

This is the first broadscale subdivision application submitted to Council within the Byford Structure Plan area.. As such, it is important that a Detailed Area Plan is prepared in accordance with Clause 5.18.5.3 of Town Planning Scheme No. 2 and the provision of Local Planning Policy No. 12.

#### Local Planning Policy No. 12

Council requires any DAP submitted to it for approval to address/include details and provisions in relation to the following matters:

- a) *a vision statement for the whole of the precinct;*
- b) *a statement of objectives for the whole of the precinct;*
- c) *detailed site analysis;*
- d) *a landscape master plan for public land throughout the whole of the precinct including:  
finished site levels;  
a drainage and nutrient management strategy complying with Council's adopted Urban Water Management Strategy for the Development Area;  
integrated cycle and pedestrian paths linked to regional network;  
domain interface between public/private domain/streetscapes (e.g. fences, setbacks. Allows for the future character of the precinct to be assessed);  
community safety (active street frontages, lighting etc.);*
- e) *building envelopes;*
- f) *distribution of land uses within a lot;*
- g) *private open space including provisions relating to solar passive landscaping;*
- h) *services;*
- i) *vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;*
- j) *the location, orientation and design of buildings and the space between buildings;*
- k) *advertising signs, lighting and fencing;*
- l) *protection of sites of heritage, conservation or environmental significance where appropriate;*
- m) *development controls and guidelines relating to matters including:  
use of energy efficient building materials and other energy efficiency measures;  
solar orientation;  
use of minimum R2 roof insulation;  
use 4 or 5 star solar hot water systems rated for flexibility;  
use of AAA rated plumbing fittings and fixtures;  
water reuse or water tanks for irrigation;*
- n) *a waste management strategy to minimise construction waste to landfill;*
- o) *any other sustainability initiatives that an applicant wants to put forward for Council consideration.*

The requirement to prepare a Detailed Area Plan has not been met by the applicant. The purpose of the DAP is to enhance, elaborate and expand upon the details or provisions contained in the proposed Structure Plan. The applicant has not lodged an application that satisfies these requirements. The Scheme precludes approval of a DAP until the parent Structure Plan is finalised.

### Comments

#### Liveable Neighbourhoods/Community Design Codes

##### Structure Plans

The applicant has submitted a Subdivision Plan, as well as a Local Structure Plan for Pt Lot 3 and Lot 68 South Western Highway. However, the Local Structure Plan is not what is required – the Scheme requires preparation of a Detailed Area Plan. The applicant has not satisfied this requirement, and in doing so has disregarded the objectives of both Council's Scheme, the Byford Structure Plan, and the Byford Urban Stormwater Strategy.

##### Detailed Area Plans (DAP's)

The principal purpose of the Detailed Area Plan (DAP) is to achieve a better residential design outcome. It is a mechanism to enable lot design to be linked to a future building without the building plan being submitted at subdivision. This is particularly important for small lots where design co-ordination is required to ensure that buildings work both for their owner and the streetscape.

According to "Liveable Neighbourhoods", DAP's must be prepared for all lots less than 350m<sup>2</sup>. In this instance, the subdivision plan submitted only shows a few lots less than 350m<sup>2</sup>, being contained within the small R30 density pocket located opposite the proposed public open spaces (POS) area and adjacent to George Street.

Pg 49 - Element 3 of the "Liveable Neighbourhoods" states:

*"Where design coordination is likely to be required of a subdivision but a Detailed Area Plan has not been approved, the Commission may approve an application for subdivision subject to the applicant submitting and gaining local government approval to a Detailed Area Plan prior to a final subdivision approval. Future purchasers will be required to be notified."*

This statement is very important as the Commission have the ability to approve the subdivision proposal, however, they are also in the position to require the applicant to prepare a DAP for endorsement by the local authority.

Council staff question why the Commission would approve this subdivision without a DAP first being prepared to ensure implementation of the objectives set out in the draft Byford Structure Plan, especially as this subdivision proposal has not addressed the Byford Urban Stormwater Strategy.

##### Public Open Space

A contribution of 10% of the gross subdivisible area must be given up free of cost by the subdivider for public parkland.

Neighbourhood parks according to "Liveable Neighbourhoods" should be between 3000m<sup>2</sup> to 5000m<sup>2</sup>, or larger, to serve about 600 dwellings, being a maximum 400 metre walking distance from most dwellings. The neighbourhood park should have streets on all sides or have a portion of its perimeter (approximately 25%) abutting development which provides adequate surveillance. The subdivision plan and local structure plan submitted shows the

provision of a 15m wide road reserve encompassing the proposed central public open space area. The neighbourhood park is shared between Pt lot 3 to the north and Lot 68 (being the subject site) to the south. The applicant has not addressed whether there are any impacts on community safety as a result of the park abutting a rail station. Community safety and planning for security are other sustainability initiatives considered by Council as necessary to address within a DAP.

A total of 1.18 hectares of POS has been provided on Pt Lot 3 and Lot 68 with, 6133m<sup>2</sup> apportioned to Lot 68 and 5637m<sup>2</sup> set aside for Pt Lot 3.

The total lot area of Lot 68 is 6.35 hectares of which 2165m<sup>2</sup> needs to be deducted for future road widening of South Western Highway. The applicant in this instance has satisfied the 10% requirement by providing 6133m<sup>2</sup> of public open space.

### Street Network & Layout

The road layout of the subdivision area should facilitate walking, cycling and the use of public transport for access to daily activities. It should be site responsive and highly interconnected. It is considered that the subdivision plan depicts a street network which displays a “modified grid” layout to provide permeability for all road and path users.

Cul-de-sacs in this particular case have not been used nor have battle-axe lots. In any case, it is recommended that no more than 10% of subdivisional roads be set aside as cul-de-sacs.

According to Council’s Asset and Sustainable Development Service directorates the width of road reserves provided within the subdivision application area is considered acceptable. Given that this “estate” will generate a low volume of vehicular traffic larger road reserve widths are not warranted in this particular instance.

In terms of footpath provision, the following statements from “Liveable Neighbourhoods” should be noted:

*“Footpaths may be omitted from one side of the street only where:  
Vehicle speeds are very low and future traffic volumes will be less than 1,000 vpd.  
In streets where future vehicle volumes will be less than 300 vpd, footpaths may be omitted.”*

In view of the above, should the application be approved by the Commission it is recommended that footpaths be provided on all streets (one side only) within the subdivision application area. The exception being along George Street where a dual-use pedestrian/bike path should be provided desirably 2.5 metres wide, in accordance with Austroads standards and specifications. In addition, the footpath width shall be a minimum of 1.5 metres.

### Lot Size & Layout

The Commission encourages a mixture of lot sizes in order to provide a greater degree of housing choice. A wide range of both lot sizes and housing types is needed to cater for increasingly diverse household types. It is noted that the submitted subdivision plan shows relatively uniform lot sizes.

The subdivision plan shows the provision of 74 residential lots ranging in size from 437m<sup>2</sup> to 582m<sup>2</sup>. Given that the base coding for the “estate” is R20 a diversity of lot sizes should be provided within the application area. Notwithstanding this, a pocket of R30 has been provided which accommodates a total of five (5) lots.

### Medium Density Residential Development

The applicant has depicted the siting of a R30 pocket of medium density housing development. The five (5) lots are proposed to front the central public open space area. In areas close to railway stations lot sizes should be provided which enable adequate medium density housing to be produced to support a public transport service. Given that a future railway station is proposed on the other side of George Street the siting of R30 density housing is considered appropriate.

#### Noise Attenuation/Buffering

Throughout residential areas many major roads, rail lines and some industries generate high levels of noise which may be detrimental to residential amenity. In conventional development, solutions have often required large setback distances, noise bunds and high solid walls. However, these solutions have typically sterilised land. Design solutions exist to enable lots to be provided and developed adjacent to noise-generators. These include options such as providing a continuous “wall”, specially designed and constructed buildings through to dwelling layouts which locate bedrooms away from noise sources. A DAP would show how the latter could be achieved effectively in this instance.

The “Liveable Neighbourhoods” (pg 59, R28) states that:

*“DAP’s may be used for lots between 350m<sup>2</sup> and 450m<sup>2</sup> and should be prepared for any lots greater than 350m<sup>2</sup> where special site conditions exist or where other siting or access matters require control, including:*

*scope for future intensification of development;  
controlling vehicle access and egress;  
setting special conditions on narrow lots; and  
addressing noise-buffering.*

Whilst there may not be many lots within the subdivision application area that fall within the lot range of 350m<sup>2</sup> to 450m<sup>2</sup>, it should be noted that there are numerous properties that are potentially affected by noise from South Western Highway. In this respect, the applicant is proposing to place memorials on the titles of those lots located within close proximity to the highway, however, it is unknown how many lots should have memorials placed on the titles as no Noise Modelling data or statistics have been produced.

It is therefore considered premature in approving this subdivision application without the preparation of a report identifying potential noise emanating from South Western Highway or the railway line. At the very least, DAP’s should be prepared for all lots that are indicated by the noise modeling to expect noise levels in excess of the DEPs recommended limits for road noise in order to address noise attenuation requirements.

Subdivision layouts abutting external noise-sources such as arterial routes (South Western Highway) should provide lots capable of accommodating (amongst other things):

dwelling layouts which locate the more noise-sensitive rooms away and protected from the noise source.

For this reason it is important that a DAP is formulated for those lots that fall within close proximity to South Western Highway.

#### Recommended Proposed Changes/and or Requirements

First and foremost, it must be made clear in the Council’s recommendation to the WA Planning Commission, that the Shire is unable to recommend approval to the subdivision application, as a Detailed Area Plan (DAP) for the subject land has not been submitted. The Council is constrained by Clause 5.18.5 of Council’s Town Planning Scheme No. 2 relating to DAP’s.

In any case, the DPI has advised the Shire that they will be recommending approval of the subdivision application in its current form to the WAPC without the requirement for lodgement of a DAP to the Shire.

In any event, the subdivision plan as presented does not address the many issues which need to be considered in advance of determining a subdivision application. These include:

- \* No demonstration of how water quality objectives set by EPA can be achieved;
- \* No provision for implementing new urbanism principles;
- \* Lack of innovation in mitigating noise impacts from South West highway;
- \* No details on integrating landscaping design with urban development;
- \* No details on estate retaining walls, finished site levels, surface flow pathways, and how this relates to delivering water sensitive urban design outcomes;
- \* Spite strips on dual frontage lots to streamline traffic flow would need to be included;

The fundamental concern from Council's perspective is that an overall Detailed Area Plan has not been prepared and submitted for Council's approval. For this reason, as well as other reasons stated herein the subdivision of Lot 68 South Western Highway, Byford is recommended for refusal.

### **Sustainability Statement**

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

The subdivision has not satisfied the requirement to prepare a Detailed Area Plan, and so has not demonstrated a commitment to best practice in urban development.

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

The design of the draft Byford Structure Plan is loosely based upon the Liveable Neighbourhoods/Community Design Codes, but a stronger commitment to its principles would be achieved if a DAP was first prepared.

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

The application has not demonstrated a commitment to the use of local materials.

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

This has not been demonstrated by the applicant.

*Does the proposal/issue disadvantage any social groups?*

The proposal does not inherently disadvantage indirectly or directly, any social group.

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

The application area will not directly create any future employment. However, there will be a range of retail, commercial, industrial and mixed use facilities provided within the draft Structure Plan area, which will service the needs of the local and wider community and provide employment opportunities accordingly.

These benefits will be somewhat offset by the higher cost in restoring catchment water quality and meeting the higher energy demands that would result from implementing this

subdivision design, compared to an alternative design that is more consistent with the objectives of the draft Byford Structure Plan and Byford Urban Stormwater Strategy.

**Statutory Environment:** Town Planning and Development Act 1928 (as amended)  
Town Planning Scheme No. 2 (TPS 2)  
Amendment No. 69 to TPS 2  
Liveable Neighbourhoods/Community Design Codes  
Austroads  
Residential Design Codes (October, 2002)

**Policy Implications:** Draft Byford Structure Plan (2000)  
Byford Urban Stormwater Management Strategy (2002)

**Financial Implications:** The subdivider/developer should be responsible for payment of infrastructure contributions for the Byford Structure Plan area, although at present the subdivider/developer proposes that Council will coordinate and cover the cost of some subdivisional works. This is an unacceptable outcome.

**Strategic Implications:** Objectives 1(6) and 2(3) of People and Community. Objectives 1(1), 1(3), 1(4), 1(5) and 2(1) of Environment. Objectives 1(1), 2(1), 3(3) of Economic Development and Objectives 1(4), 3(1) and 3(3) of Governance from the Shire's Strategic Plan are applicable to the proposal.

**Community Consultation:** There are no requirements to carry out consultation with the public and/or government agencies in respect to the proposed subdivision.

Further consultation is currently being carried in relation to the Draft Byford Structure Plan.

**Voting Requirements:** Normal

### **Officer Recommended Resolution**

The WA Planning Commission be advised that the Shire does not support the proposed subdivision (WAPC Ref No. 111781), of Lot 68 South Western Highway, Byford, for the following reasons:

1. The proposal is not in accordance with Clause 5.18.1.1 of Council's Town Planning Scheme No. 2 in which a Structure Plan for a Development Area is required before recommending subdivision or approving development of land within the Development Area.
2. The applicant has not comprehensively addressed requirements of Clause 5.18.5 of Council's Town Planning Scheme No. 2 relating to the a Detailed Area Plans being prepared to "enhance, elaborate or expand on the details or provisions contained in a proposed structure plan or a structure plan".
3. The applicant has not adequately addressed requirements of Local Planning Policy No. 12 - Requirements for Detailed Area Plans.
4. Subdivision of the subject land is premature until planning issues (including agreement to an overall road pattern, the allocation of land for recreation and other public uses, provision of essential infrastructure such as drainage and effluent disposal and equitable arrangements for developer contributions) are resolved, via a suitable structure plan for the development of Byford townsite, and subsequent

- preparation of a Detailed Area Plan to demonstrate how the objectives of that Structure Plan will be achieved and implemented. In addition, the applicant has not addressed how the water quality objectives of the EPA for water discharge in to the Peel-Harvey Catchment have been met.
5. Proposed subdivision of the subject land would create an undesirable precedent for the further subdivision of the undeveloped superblocks in the immediate area, which is not appropriate in the absence of structure planning referred to above.
  6. Common Infrastructure costings have yet to be determined by Council for the Byford Structure Plan area, and appropriate contribution schemes developed.
  7. The applicant has not submitted a Noise Modelling Report prepared by a qualified acoustic consultant identifying the potential noise impact of South Western Highway and railway line on the subject land. The absence of a Detailed Area Plan removes the mechanism by which mitigation measures can be required.

### **Committee Recommended Resolution**

- A. The WA Planning Commission be advised that the Shire does not support the proposed subdivision (WAPC Ref No. 111781), of Lot 68 South Western Highway, Byford, for the following reasons:
  1. The proposal is not in accordance with Clause 5.18.1.1 of Council's Town Planning Scheme No. 2 in which a Structure Plan for a Development Area is required before recommending subdivision or approving development of land within the Development Area.
  2. The applicant has not comprehensively addressed requirements of Clause 5.18.5 of Council's Town Planning Scheme No. 2 relating to the a Detailed Area Plans being prepared to "enhance, elaborate or expand on the details or provisions contained in a proposed structure plan or a structure plan".
  3. The applicant has not adequately addressed requirements of Local Planning Policy No. 12 - Requirements for Detailed Area Plans.
  4. Subdivision of the subject land is premature until planning issues (including agreement to an overall road pattern, the allocation of land for recreation and other public uses, provision of essential infrastructure such as drainage and effluent disposal and equitable arrangements for developer contributions) are resolved, via a suitable structure plan for the development of Byford townsite, and subsequent preparation of a Detailed Area Plan to demonstrate how the objectives of that Structure Plan will be achieved and implemented. In addition, the applicant has not addressed how the water quality objectives of the EPA for water discharge in to the Peel-Harvey Catchment have been met.
  5. Proposed subdivision of the subject land would create an undesirable precedent for the further subdivision of the undeveloped superblocks in the immediate area, which is not appropriate in the absence of structure planning referred to above.
  6. Common Infrastructure costings have yet to be determined by Council for the Byford Structure Plan area, and appropriate contribution schemes developed.
  7. The applicant has not submitted a Noise Modelling Report prepared by a qualified acoustic consultant identifying the potential noise impact of South Western Highway and railway line on the subject land. The absence of a Detailed Area Plan removes the mechanism by which mitigation measures can be required.
- B. The Director Sustainable Development form a working group with the Manager for Metropolitan South to develop a greater understanding of Council's reasons for refusal and the information that was outstanding in the application for the subdivision of Lot 68 South Western Highway, Byford and to determine a way forward to ensure sustainable development occurs in the Byford Urban Cell.

Note: The Officer Recommended Resolution was changed to reflect a position determined after a committee briefing session with the Department of Planning and Infrastructure.

**CRP264 COUNCIL DECISION/AMENDED MOTION**

Moved Cr Price seconded Cr Star

- A. The WA Planning Commission be advised that the Shire does not support the proposed subdivision (WAPC Ref No. 111781), of Lot 68 South Western Highway, Byford, for the following reasons:
1. The proposal is not in accordance with Clause 5.18.1.1 of Council's Town Planning Scheme No. 2 in which a Structure Plan for a Development Area is required before recommending subdivision or approving development of land within the Development Area.
  2. The applicant has not comprehensively addressed requirements of Clause 5.18.5 of Council's Town Planning Scheme No. 2 relating to the a Detailed Area Plans being prepared to "enhance, elaborate or expand on the details or provisions contained in a proposed structure plan or a structure plan".
  3. The applicant has not adequately addressed requirements of Local Planning Policy No. 12 - Requirements for Detailed Area Plans.
  4. Subdivision of the subject land is premature until planning issues (including agreement to an overall road pattern, the allocation of land for recreation and other public uses, provision of essential infrastructure such as drainage and effluent disposal and equitable arrangements for developer contributions) are resolved, via a suitable structure plan for the development of Byford townsite, and subsequent preparation of a Detailed Area Plan to demonstrate how the objectives of that Structure Plan will be achieved and implemented. In addition, the applicant has not addressed how the water quality objectives of the EPA for water discharge in to the Peel-Harvey Catchment have been met.
  5. Proposed subdivision of the subject land would create an undesirable precedent for the further subdivision of the undeveloped superblocs in the immediate area, which is not appropriate in the absence of structure planning referred to above.
  6. Common Infrastructure costings have yet to be determined by Council for the Byford Structure Plan area, and appropriate contribution schemes developed.
  7. The applicant has not submitted a Noise Modelling Report prepared by a qualified acoustic consultant identifying the potential noise impact of South Western Highway and railway line on the subject land. The absence of a Detailed Area Plan removes the mechanism by which mitigation measures can be required.
  8. The design related to this application includes land not owned by the applicant and Council has not received an application to subdivide the land.
- B. The Director Sustainable Development form a working group with the Manager for Metropolitan South to develop a greater understanding of Council's reasons for refusal and the information that was outstanding in the application for the subdivision of Lot 68 South Western Highway, Byford and to determine a way forward to ensure sustainable development occurs in the Byford Urban Cell.

CARRIED 8/0

Note: The Committee Recommended Resolution was changed with the addition of Point 8 to identify that the application included property not owned by the applicant and of which no subdivision application had been received.

Cr Simpson returned to the meeting at 8.04pm.

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

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

P265/05/03 PROPOSED SECOND DWELLING (RURAL WORKERS ACCOMMODATION) - LOT 823 UTLEY ROAD, SERPENTINE (P01510/01)		
Proponent	R & S Andrew	<b>In Brief</b> That Council approves an application dated 8 April 2003 for a Second Dwelling (Rural Workers Accommodation) on Lot 823 Utley Road, Serpentine subject to conditions.
Officer	Michael Davis – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	15 April 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

Owner: R. Andrew  
 Owner's Address: PO Box 12, Serpentine 6125  
 Applicant: R & S Andrew  
 Applicant's Address: PO Box 12, Serpentine 6125  
 Date of Receipt: 8 April 2003  
 Advertised: Application has been referred to surrounding landowners until 19 May 2003 in accordance with Council policy.  
 Submissions: No submissions were received.  
 Lot Area: 32.9699 ha.  
 L.A Zoning: Rural  
 MRS Zoning: Rural  
 Byford Structure Plan: Not applicable  
 Rural Strategy Policy Area: Agricultural Protection Policy Area  
 Rural Strategy Overlay: Not applicable  
 Municipal Inventory: Not applicable  
 Townscape/  
 Heritage Precinct: Not applicable  
 Bush Forever:  
 Date of Inspection: 15 May 2003

**Background**

Council has received an application dated 8 April 2003 for a Second Dwelling (Rural Workers Accommodation) on Lot 823 Utley Road, Serpentine.

***A copy of the floor plan and site plan are with the attachments marked P265.1/05/03.***

**Comments**

Proposal

The application proposes to construct a rural workers accommodation, which will be used for the purpose of providing accommodation for a worker involved in the existing 'Rural Use' – horse stud business. The rural workers accommodation will be a temporary structure and will be positioned on site to overlook a paddock so that the worker can be involved in the fowling process of the horses. The rural workers accommodation will be used on a seasonal basis.

**Scheme Requirements**

The subject land is zoned 'Rural' under Council's Town Planning Scheme No.2. Clause 5.4.3 of Council's Scheme states the following:

*“In the Rural Zone only one dwelling unit is permitted per lot for lots up to four hectares in area and only two dwelling units per lot for lots having an area greater than four hectares and less than 50 hectares and one dwelling unit per 25 hectares or part thereof for lots having an area of 50 hectares or more. The presence of more than one dwelling unit on a lot in the Rural Zone shall not be considered by itself to be sufficient grounds for subdivision”.*

The subject lot is approximately 33 hectares in area. The above clause allows for two dwelling units. There is currently only one single residence on the subject lot. Therefore the above clause allows for the proposed second dwelling (rural workers accommodation).

#### Definition of Existing Business

For Council’s information, the existing horse stud business fits within Council’s definition of a ‘Rural Use’, which means *“the stabling, agistment or training of horses, or other ungulates”*.

#### Amendment No.127

Council has initiated Amendment No.127 to Council’s Scheme which proposes the use class – “Rural Workers Dwelling”. The amendment seeks to make a “Rural Workers Dwelling” an ‘IP’ Use, which means a use that is not permitted unless such use is incidental to the predominant use as decided and approved by the Council.

#### Floor Area

The proposed rural workers dwelling is to be 12 metres long by 4.65 metres wide. The total floor area of the dwelling will be 55.8 m<sup>2</sup>.

#### Rural Strategy

The subject lot is located within the Agricultural Protection Policy Area of the Shire’s Rural Strategy. The following objective of the Agricultural Protection Policy Area is applicable to the subject application:

*“AP 2. To ensure that productive agricultural enterprise remains the primary land use and to maintain the integrity of agricultural infrastructures”.*

It is considered that the proposed rural workers accommodation meets the above requirement as it is essential development to sustain and properly manage the existing agricultural enterprise (horse stud) that is operating on the subject land.

It is considered that the proposed rural workers accommodation is in accordance with the objectives of the Agricultural Protection Policy Area.

#### Statement of Planning Policy No.11 – Agricultural and Rural Land Use Planning (SPP No. 11)

Clause 5.2.2 of SPP No. 11 states the following:

- “(iv) Provisions in the town planning scheme to allow more than one dwelling on a lot in the “General Agricultural” zone will not be supported unless the additional dwelling(s) provides-*
- a) accommodation for workers employed for agricultural and intensive agricultural activities on that holding; and*
  - b) the dwellings should generally be clustered in one location, to avoid future subdivision pressure and minimise constraints on adjoining uses; and*
  - c) all services to the dwellings from the lot boundary (including access roads) are shared where practicable”.*

The proposed rural workers dwelling satisfies the above clause in that:

- a) the purpose of the rural workers accommodation is to provide temporary seasonal accommodation for workers employed in the running of the existing horse stud business.
- b) the dwelling will be located in close proximity to the existing residence (approximately 80 metres from the existing residence);
- c) the proposed rural workers accommodation will share the same access road as the existing residence.

It is considered the proposed rural workers accommodation satisfies the objectives of SPP No.11.

### Community Consultation

The application was referred to surrounding landowners for comment until 19 May 2003, in accordance with Council policy. No submissions were received.

It is considered that the application for a rural workers accommodation will not have a significant impact on the surrounding residents.

### Environment

It is considered that the rural workers dwelling will not have a significant impact on the environment. The proposed rural workers accommodation will allow for a person involved in the agricultural pursuit (horse stud) to be located on-site, which may improve the ability to manage the horse stud business.

### Emergency Management

It is considered that the application for a rural workers accommodation will not have a significant impact on emergency vehicle access or emergency management.

### Conclusion

It is considered that the application is consistent with the objectives and purpose of the Rural Zone and complies with Statement of Planning Policy No.11 – Agricultural and Rural Land Use Planning.

### **Sustainability Statement**

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

It is considered that the proposed rural workers accommodation will not have a direct impact on the built or natural environment. The existing primary land use of a horse stud will have environmental implications, however the horse stud has been operating since around 1980 and the operator is aware of management issues relating to the running of a professional horse stud.

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

The application for a rural workers accommodation will not require the unnecessary use of resources.

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

It is uncertain whether the proposal will use locally available or produced resources.

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

It is considered that the proposal will be economically viable in a way that incorporates its external costs. The proposal will assist in the operation of the existing professional horse stud business.

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

The application was referred to surrounding landowners for comment until 19 May 2003, in accordance with Council policy. No submissions were received.

*Does the proposal/issue disadvantage any social groups?*

It is considered that the proposal will not disadvantage any social groups. However, the application for a rural workers accommodation will provide accommodation for persons involved in an agricultural business. Accommodation of this sort is limited within the Shire of Serpentine Jarrahdale.

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

It is considered that the application for a rural workers accommodation will assist in the creation of long term employment and economic benefit to current residents of the Shire.

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

**Policy Implications:** Statement of Planning Policy No.11 – Agricultural and Rural Land Use Planning

**Financial Implications:** There will be no direct financial implications to Council as a result of this application.

**Strategic Implications:** This proposal relates to Objective 1 (1) of Key Result Area – Economic Development in Council's Strategic Plan, which is:

*“Attract and facilitate appropriate industries, commercial activities and employment”.*

And Objective 3 (3) of Key Result Area – Economic Development in Council's Strategic Plan, which is:

*“Integrate and balance town and rural planning to maximize economic potential”.*

**Community Consultation:** The application has been referred to surrounding landowners for comment until 19 May 2003, in accordance with Council policy.

**Voting Requirements:** Normal

### **Officer Recommended Resolution**

Council approves an application dated 8 April 2003 for a Second Dwelling (Rural Workers Accommodation) on Lot 823 Utley Road, Serpentine subject to the following conditions:

1. A building licence is to be obtained prior to the commencement of development.
2. Development to be generally in accordance with the plan entitled "Floor Plan", dated 1 April 2003 and the amended plan dated 22 April 2003, subject to any modifications required as a consequence of any conditions of this approval.
3. The use/development is not to cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products or the unsightly appearance of the subject land or any structure built thereon.
4. Occupation of the second dwelling shall be restricted to workers involved in the operation of the horse stud.
5. In relation to condition 4, a Notification under Section 70 A of the Transfer of Land Act 1893 must be registered over the certificate of title to the land, the subject of the proposed development, prior to occupation of the dwelling to notify owners and prospective purchasers of the land that restrictions apply to the use of the second dwelling for rural workers accommodation as stipulated in condition 4. The Section 70A Notification shall be prepared by the Shire's solicitors to the satisfaction of the Shire of Serpentine-Jarrahdale and all costs of and incidental to the preparation of and registration of the Section 70A Notification including the Shire's solicitors' costs shall be met by the applicant or the owner of the land.
6. The specific approval of Council's Health Service is required for effluent disposal for the second dwelling prior to the occupation of the dwelling.
7. The rural workers dwelling is to share all existing services, including access to the property where practicable.

#### **CRP265 COUNCIL DECISION/AMENDED MOTION**

Moved Cr Murphy seconded Cr Wigg

Council approves an application dated 8 April 2003 for a Second Dwelling (Rural Workers Accommodation) on Lot 823 Utley Road, Serpentine subject to the following conditions:

1. A building licence is to be obtained prior to the commencement of development.
2. Development to be generally in accordance with the plan entitled "Floor Plan", dated 1 April 2003 and the amended plan dated 22 April 2003, subject to any modifications required as a consequence of any conditions of this approval.
3. The use/development is not to cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products or the unsightly appearance of the subject land or any structure built thereon.
4. Occupation of the second dwelling shall be restricted to workers involved in the operation of the horse stud.
5. In relation to condition 4, a Notification under Section 70 A of the Transfer of Land Act 1893 must be registered over the certificate of title to the land, the subject of the proposed development, prior to occupation of the dwelling to notify owners and prospective purchasers of the land that restrictions apply to the use of the second dwelling for rural workers accommodation as stipulated in condition 4. The Section 70A Notification shall be prepared by the Shire's solicitors to the satisfaction of the Shire of Serpentine-Jarrahdale and all costs of and incidental to the preparation of and registration of the Section 70A Notification including the Shire's solicitors' costs shall be met by the applicant or the owner of the land.
6. The specific approval of Council's Health Service is required for effluent disposal for the second dwelling prior to the occupation of the dwelling.

7. The rural workers dwelling is to share all existing services, including access to the property where practicable.
  8. The rural workers dwelling must conform to the standards of construction prescribed in the Building Code of Australia (as amended) with respect to Class 1 dwellings.
  9. The colour texture and condition of construction materials shall not degrade the rural amenity.
- CARRIED 9/0

Note: The Officer Recommended Resolution was changed to add a requirement for the dwelling to conform to the Building Code of Australian Standards and make provision for colour texture and condition of the material used.

P266/05/03 PROPOSED TEMPORARY TELSTRA RALLY AUSTRALIA SERVICE PARK – PT LOC 663 JARRAHDAL ROAD, JARRAHDAL (P05856/01)		
Proponent	Western Australian Tourism Commission	<b>In Brief</b>  (A) That Council determines that a planning application pursuant to the Shire of Serpentine-Jarrahdale Town Planning Scheme No.2 is not required for a Telstra Rally Australia Service Park for the purpose of a four (4) day event.  (B) That Council enter into a lease agreement with the Western Australian Tourism Commission to use Part Location 663 Jarrahdale Road, Jarrahdale subject to conditions/recommendations.
Officer	Michael Davis – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	22 May 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

Owner: Shire of Serpentine Jarrahdale  
 Owner's Address: 6 Paterson Street, Mundijong WA 6123  
 Applicant: Western Australian Tourism Commission  
 Applicant's Address: Level 1, 16 St Georges Terrace  
 PERTH WA 6000

Date of Receipt: 17 April 2003  
 Advertised: Not applicable  
 Submissions: Not applicable  
 Lot Area: 22 ha.  
 L.A Zoning: Special Use  
 MRS Zoning: Rural  
 Byford Structure Plan: Not applicable  
 Rural Strategy Policy Area: Not applicable  
 Rural Strategy Overlay: Not applicable  
 Municipal Inventory: National Trust Classification – Jarrahdale Townsite  
 Townscape/  
 Heritage Precinct: Not applicable  
 Bush Forever: Nil  
 Date of Inspection: Not applicable

**Background**

Council has received an application for a Telstra Rally Australia Service Park on Pt Loc 663 Jarrahdale Road, Jarrahdale.

***A copy of the site plan is with the attachments marked P266.1/05/03.***

## Comments

### Proposal

The proposed Telstra Rally Australia service park is proposed on Pt Loc 663 Jarrahdale Road, Jarrahdale. The proposed service park is to include the following temporary facilities:

Office  
Medical Area  
Medivac Helipad  
Expo Marquee and Display areas  
Vehicle service areas  
Private and Public car parking  
Refueling facility  
Spectator Areas; and  
Time Control headquarters.

The applicant comments the following in the accompanying text to the application:

*“Existing structures will be fenced for safety (including the old crane, rotunda, store area). The Mill Quarters will be deemed “off limits””.*

The applicant makes the following commitment in relation to the Mill Quarters:

*“TRA (Telstra Rally Australia) would be prepared to fund a clean up operation both inside and outside of the existing building”.*

Council employed Dykstra and Associates as a consultant to assess the subject application. The following comments were made in a report produced by Dykstra & Associates:

*“The event is to be held from the 4<sup>th</sup> September to the 7<sup>th</sup> September 2003, and several days on either side of the event will be required for commissioning and decommissioning the site. The actual service activity on the site is proposed to occur within the following timeframes:*

*Friday 5<sup>th</sup> September 2003 – 6:30am until 6:30pm;  
Saturday 6<sup>th</sup> September 2003 – 8:30am until 4.00pm; and  
Sunday 7<sup>th</sup> September 2003 – 8.00am until 3.00pm”.*

### Scheme Requirements

The subject land is zoned ‘Special Use’ under Council’s Town Planning Scheme No.2. The permissible land use on the subject lot is a “Timber Mill”.

Dykstra & Associates comment the following:

*“In consultation with Council’s solicitor Mr Dennis McLeod, it has been established that for the purpose of the Town Planning and Development Act and the Shire of Serpentine-Jarrahdale Town Planning Scheme, it does not appear to be within the spirit and intent of the legislation to label a short, single, one-off event as being land use and development. However, if such an event had an extended duration or were to occur on an annual or more regular basis on the same land within the municipality, it would be more appropriately defined as land use and development for the purpose of the Town Planning Scheme.*

*Given that the proposal for the Telstra Rally Australia 2003 service park in Jarrahdale relates to a four (4) day event (excluding commissioning and decommissioning the site), and there is no indication that the proponents seek an annual approval for this event on the same site at this stage, it would be inappropriate to refer to the proposal as land use and development for the purpose of the Town Planning Scheme”.*

Taking into account the above recommendation, it is advised that a planning application pursuant to the Shire of Serpentine-Jarrahdale Town Planning Scheme No.2 is not required in this instance.

#### Temporary Lease Arrangement

The report produced by Dykstra & Associates states the following:

*“Notwithstanding that a planning application will not be required in this instance, Council will be able to set out various conditions via the temporary lease arrangement relevant to the Shire owned land. Such conditions would represent a contractual arrangement between Council and the proponent, and could include:*

- a) *Requirement for a local Traffic Management Plan to be submitted for Council approval and implemented to Council satisfaction;*
- b) *Requirement for fuel storage to be undertaken in accordance with Department of Mineral & Energy guidelines;*
- c) *Submission of the environmental management plan (2003) to Council for approval, and implementation thereof to Council’s satisfaction;*
- d) *Compliance with DEP regulations in relation to noise, dust and other pollution controls;*
- e) *Obtaining approvals from the Water Corporation and Water and Rivers Commission in relation to the activity within the Water Catchment.*
- f) *Undertaking a public consultation/awareness programme prior to commissioning of the site and immediately reporting any adverse responses to Council; and*
- g) *Reinstatement of the site to the satisfaction of Council immediately following the decommissioning of the site at the close of the event”.*

#### Municipal Heritage Inventory

The mill site is identified within the Shire of Serpentine Jarrahdale’s Municipal Heritage Inventory. The applicant will be required to fence off the existing buildings and reinstate the site after the event so as to meet the objectives of the Shire’s Municipal Heritage Inventory and the National Trust classification.

#### Environment

The proposed service park will be required to comply with the Department of Environmental Protection (DEP) regulations in relation to noise, dust and other pollution controls.

The following potential impacts have been identified by the proponent and can be addressed at the lease agreement stage

Chemical and bacterial contamination of surface waters;  
Soil erosion;  
Fire; and  
Dieback Disease.

The proponent has identified safeguards in the report to address the above issues. Further, an Environmental Management Plan (EMP) shall be required as a condition of lease.

#### Road Closure

A Road Closure Application has been prepared and proposes the following road closures:

Date of event: Friday, 5 September 2003  
Duration: 0730 – 1400 hours  
Location: Gobby Road

Roads to be closed: Gobby Road from South Western Highway to Kingsbury Drive  
Myara Road from Scarp Road to Kingsbury Drive

Date of event: Thursday, 4 September to Sunday 7 September 2003  
Duration: 8.00am (Thursday) to 5.00pm (Sunday)  
Location: Service Park  
Roads to be closed: Millars Road from Jarrahdale Road to Nettleton Road

#### Public Drinking Water Source Area (PDWSA)

Between 60 000 and 70 000 spectators are envisaged to attend the event at Jarrahdale. Spectators will be excluded from PDWSA's during the event. An Environmental Management Plan will be prepared by the applicant to address environmental issues.

#### Emergency Management

Emergency management issues will be identified and controlled through a potential lease agreement between the applicant and the Shire of Serpentine Jarrahdale.

#### Conclusion

In view of the discussion held with Council's solicitor's McLeods and Associates, it is apparent that there is no ability for Council to progress a planning application of a temporary nature for a one off event. Therefore it is recommended that Council enters into a lease agreement with Telstra Rally Australia with requirements for the management of the service park being addressed through conditions on the lease.

#### Sustainability Statement

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

As the proposed service park will only be a temporary arrangement (located on site for approximately 4 days), it is not conceived that there will be significant environmental issues associated with the service park. The subject land will be reinstated by the applicant.

The race operations will be required to be managed under an Environmental Management Plan (EMP) and potential environmental issues that have been identified will be appropriately addressed.

Council has the opportunity to address any issues through conditioning the lease agreement between the applicant and the Shire of Serpentine-Jarrahdale.

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

As the service park will only be temporarily located on the subject land, it is not considered that the development will directly require a significant amount of resources.

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

It is uncertain whether the proposal will use locally available or produced resources.

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

It is considered that the proposal will be economically viable in a way that incorporates its external costs. It is considered that the proposed service park has the potential to boost

tourism within the Shire of Serpentine-Jarrahdale as it is envisaged that between 60 000 and 70 000 spectators will attend the event.

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

It is considered that the proposal will be socially and environmentally responsible.

It is recommended that Council require as a condition on the lease agreement that the applicant is to undertake a public consultation/awareness programme prior to commissioning of the site and the applicant shall immediately report any adverse responses to Council.

*Does the proposal/issue disadvantage any social groups?*

It is considered that the proposal will not disadvantage any social groups. The application will be required to comply with the requirements of the Disability Discrimination Act.

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

The proposed service park has the potential to attract between 60 000 and 70 000 spectators. The event will increase patronage to services and facilities within the Shire for the period of the event. The event will also have the potential to put the Shire on the map with respect to tourism.

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

**Policy Implications:** A service park is not permitted under the Zoning of “Special Use”, which only allows for the specific use of a “Timber Mill”.

**Financial Implications:** It is considered that there will be no direct financial implications to Council as a result of this application.

**Strategic Implications:** This proposal relates to Objective 1 (5) of Key Result Area – People and Community in Council’s Strategic Plan, which is:

*“Value and enhance the heritage character, arts and culture of the Shire”.*

And Objective 1 (3) of Key Result Area – Environment in Council’s Strategic Plan, which is:

*“Encourage protection and rehabilitation of natural resources”.*

And Objective 1 (3) of Key Result Area – Economic Development in Council’s Strategic Plan, which is:

*“Develop tourism potential”.*

**Community Consultation:** Not applicable

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

### **Officer Recommended Resolution**

- A. Council determines that a planning application pursuant to the Shire of Serpentine-Jarrahdale Town Planning Scheme No.2 is not required for a Telstra Rally Australia Service Park for the purpose of a four (4) day event.
- B. Council enters into a lease agreement with the Western Australian Tourism Commission to use Part Location 663 Jarrahdale Road, Jarrahdale which addresses the following general matters:
1. A local Traffic Management Plan to be submitted for Council approval and implemented to Council satisfaction;
  2. Fuel storage to be undertaken in accordance with Department of Mineral & Energy guidelines;
  3. Submission of the environmental management plan (2003) to Council for approval, and implementation thereof to Council's satisfaction;
  4. Compliance with Department of Environmental Protection's (DEP) regulations in relation to noise, dust and other pollution controls;
  5. Applicant obtaining approvals from the Water Corporation and Water and Rivers Commission in relation to the activity within the Water Catchment;
  6. Applicant undertaking a public consultation/awareness programme prior to commissioning of the site and immediately reporting any adverse responses to Council;
  7. Reinstatement of the site to the satisfaction of Council immediately following the decommissioning of the site at the close of the event;
  8. Telstra Rally Australia to fund a clean up operation both inside and outside of the existing mill quarters building;
  9. Arrangements being made with Council's Health Services for a public building approval and for any temporary toilet facilities;
  10. Applicant to fence off existing buildings on site to the satisfaction of the Director Sustainable Development;
  11. Telstra Rally Australia to provide a hard stand area in a location specified by the Director Asset Services to the satisfaction of the Director Asset Services. The hardstand area is to remain after the decommissioning of the site;
  12. Development to be generally in accordance with the plan entitled "Jarrahdale Service Park" subject to any modifications required as a consequence of any conditions of the lease agreement;
  13. The applicant to submit a Noise Management Plan addressing commissioning, operation and decommissioning of the service park to the satisfaction of the Director Sustainable Development;
  14. Any outdoor display lighting or security lighting be so located or shielded so that no additional light is cast on adjoining land or that it will distract traffic;
  15. The applicant is to submit a waste and litter management plan to the satisfaction of the Director Sustainable Development;
  16. The applicant is to submit an Emergency Management Plan to the satisfaction of Council's Fire and Emergency Services Officer;
  17. Any other lease agreements/conditions that the Chief Executive Officer deems relevant at the time of the lease arrangement.;
  18. No vehicle awaiting repair or to undergo repair to be parked on any adjoining street;
  19. The premises shall be kept free from disused materials and other unsightly materials, to the satisfaction of the Director Sustainable Development.
  20. Any earthworks required to prepare the site are to be approved and completed to the satisfaction of the Director Asset Services. Any earthworks required for the decommissioning of the site are to be approved by and completed to the satisfaction of the Director Asset Services.

- C. Council grants the Chief Executive Officer delegated authority to enter into a lease arrangement with Telstra Rally Australia/Western Australian Tourism Commission for a service park at Pt Location 663 Jarrahdale Road, Jarrahdale.

**CRP266 COUNCIL DECISION/AMENDED MOTION**

Moved Cr Star seconded Cr Price

- A. Council determines that a planning application pursuant to the Shire of Serpentine-Jarrahdale Town Planning Scheme No.2 is not required for a Telstra Rally Australia Service Park for the purpose of a four (4) day event.
- B. Council enters into a lease agreement with the Western Australian Tourism Commission to use Part Location 663 Jarrahdale Road, Jarrahdale which addresses the following general matters:
1. A local Traffic Management Plan to be submitted for Council approval and implemented to Council satisfaction;
  2. Fuel storage to be undertaken in accordance with Department of Mineral & Energy guidelines;
  3. Submission of the environmental management plan (2003) to Council for approval, and implementation thereof to Council's satisfaction;
  4. Compliance with Department of Environmental Protection's (DEP) regulations in relation to noise, dust and other pollution controls;
  5. Applicant obtaining approvals from the Water Corporation and Water and Rivers Commission in relation to the activity within the Water Catchment;
  6. Applicant undertaking a public consultation/awareness programme prior to commissioning of the site and immediately reporting any adverse responses to Council;
  7. Reinstatement of the site to the satisfaction of Council immediately following the decommissioning of the site at the close of the event;
  8. Telstra Rally Australia to fund a clean up operation both inside and outside of the existing mill quarters building;
  9. Arrangements being made with Council's Health Services for a public building approval and for any temporary toilet facilities;
  10. Applicant to fence off existing buildings on site to the satisfaction of the Director Sustainable Development;
  11. Telstra Rally Australia to provide a hard stand area in a location specified by the Director Asset Services to the satisfaction of the Director Asset Services. The hardstand area is to remain after the decommissioning of the site;
  12. Development to be generally in accordance with the plan entitled "Jarrahdale Service Park" subject to any modifications required as a consequence of any conditions of the lease agreement;
  13. The applicant to submit a Noise Management Plan addressing commissioning, operation and decommissioning of the service park to the satisfaction of the Director Sustainable Development;
  14. Any outdoor display lighting or security lighting be so located or shielded so that no additional light is cast on adjoining land or that it will distract traffic;
  15. The applicant is to submit a waste and litter management plan to the satisfaction of the Director Sustainable Development;
  16. The applicant is to submit an Emergency Management Plan to the satisfaction of Council's Fire and Emergency Services Officer;
  17. Any other lease agreements/conditions that the Chief Executive Officer deems relevant at the time of the lease arrangement.;
  18. No vehicle awaiting repair or to undergo repair to be parked on any adjoining street;
  19. The premises shall be kept free from disused materials and other unsightly materials, to the satisfaction of the Director Sustainable Development.

20. Any earthworks required to prepare the site are to be approved and completed to the satisfaction of the Director Asset Services. Any earthworks required for the decommissioning of the site are to be approved by and completed to the satisfaction of the Director Asset Services.
- C. Council grants the Chief Executive Officer delegated authority to enter into a lease arrangement and further negotiations on conditions with Telstra Rally Australia/Western Australian Tourism Commission for a service park at Pt Location 663 Jarrahdale Road, Jarrahdale.
- D. That there be a bond of \$50,000 which can be reduced by the Chief Executive Officer, subject to negotiations undertaken in accordance to Part C of this resolution.
- E. That Council forms a working group of various individuals and organisations in Jarrahdale to co-ordinate a community involvement.
- CARRIED 9/0 ABSOLUTE MAJORITY**

Note: The Officers Recommended Resolution was changed to include the granting of delegated authority to the Chief Executive Officer, to include the provision for collecting a bond and to provide for a working group to co-ordinate community involvement.

Moved Cr Price seconded Cr Wigg that Section 9.5 of the Standing Orders be suspended to allow discussion on Item P266.  
**CARRIED 9/0**

Cr Richards left the meeting at 8.17pm and returned at 8.20pm.

Moved Cr Wigg seconded Cr Murphy to reinstate Section 9.5 of the Standing Orders.  
**CARRIED 9/0**

**10. URGENT BUSINESS:**

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

**12. CLOSURE:**

There being no further business the meeting closed at 8.25pm.

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

#### 13.1 Corporate Services

C118/05/03 DIVERSITY MANAGEMENT PLAN/POLICIES (A0052)		
Proponent	Manager Finance	<p><u>In Brief</u></p> <p>The Eastern Metropolitan Regional Council was used to prepare a Diversity Management Plan and a set of Diversity/Equal Employment Opportunity policies for the Shire of Serpentine Jarrahdale.</p> <p>The plan and policies are now ready for adoption.</p>
Officer	D Reid - Manager Finance	
Signatures - Author:		
Senior Officer:		
Date of Report	30/04/03	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM065/05/02</b>	

#### **CRC118 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Simpson seconded Cr Wigg:

1. The Diversity Management Plan as attached be adopted as Council Policy.
2. Diversity/Equal Employment Opportunity Guidelines be adopted as council Work Procedures.

CARRIED 5/0

C119/05/03 PROPERTY RISK MANAGEMENT AUDIT (A0068-02)		
Proponent	Local Government Insurance Services	<p><u>In Brief</u></p> <p>To review the risk management solutions for motor vehicle and property insurance to assist in controlling increasing premiums for these services. To allocate funding in the draft 2003/2004 budget to assist with this review.</p>
Officer	G.R. Dougall – Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	28/02/03	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM065/05/02</b>	

#### **CRC119 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Simpson seconded Cr Kirkpatrick:

1. A review of risk management issues be undertaken in the areas of property and motor vehicle management over the next twelve months, that this also include the consideration of a Peel Region joint insurance proposal, and
2. Consideration be provided in the 2003/2004 draft budget for a risk assessment consultation to be undertaken.

CARRIED 5/0

C120/05/03 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent	Director Corporate Services	<u>In Brief</u>  To confirm the creditor payments made for the period 22 March 2003 to 30 April 2003
Officer	N. Jahn– Finance Officer	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM065/05/02</b>	

**CRC120 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Star seconded Cr Kirkpatrick:

Council notes the payments authorised and made by the Chief Executive Officer, exercising his delegated authority and detailed in the list of invoices for the period 25 March 2003 to 30 April 2003, presented to the Corporate Services Committee and to Council, per the summaries set out above include Creditors yet to be paid and in accordance with the Local Government (Financial Management) Regulations 1996.

CARRIED 5/0

C121/05/03 DEBTOR ACCOUNTS WITH A BALANCE IN EXCESS OF \$1,000 (A0917)		
Proponent	Director Corporate Services	<u>In Brief</u>  To receive the statement of debtors over \$1,000 for the period 22 March 2003 to 30 April 2003
Officer	N. Jahn – Finance Officer	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM065/05/02</b>	

**CRC121 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Wigg seconded Cr Kirkpatrick:

Council receive and note the report on Debtors accounts with a balance in excess of \$1,000 outstanding for 90 days or greater for the period 22 March 2003 to 30 April 2003.

CARRIED 5/0

C122/05/03 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)		
Proponent	Director Corporate Services	<u>In Brief</u>  To receive the sundry debtor balances for the period 22 March 2003 to 30 April 2003.
Officer	N. Jahn – Finance Officer	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM065/05/02</b>	

**CRC122 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Simpson seconded Cr Star:

Council receive and note the report on Sundry Debtor Outstanding Accounts for the period 22 March 2003 to 30 April 2003.

CARRIED 5/0

<b>C123/05/03 RATE DEBTORS REPORT (A0917)</b>		
Proponent	Director Corporate Services	<u>In Brief</u>  To receive the rates report for the period 22 March 2003 to 30 April 2003.
Officer	Ray Pryce – Finance Officer - Rates	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM065/05/02</b>	

**CRC123 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Simpson seconded Cr Kirkpatrick:  
Council receive and note the report the Rate Debtors accounts as at for the period 22 March 2003 to 30 April 2003.  
CARRIED 5/0

<b>C124/05/03 INFORMATION REPORT</b>		
Proponent	Director Corporate Services	<u>In Brief</u>  To receive the information report to 5 May 2003
Officer	Various	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM065/05/02</b>	

**CRC124 COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Simpson seconded Cr Kirkpatrick:  
The information report to 5 May 2003 be received.  
CARRIED 5/0

13.2 Asset Services

AS063/05/03 OVERSIZE VEHICLE PERMIT APPLICATION – MR ROBERT STEIN (A0512-03)		
Proponent	Robert Stein	<b>In Brief</b> Council is requested to consider an oversize vehicle permit application for access of B-Double vehicles on Mundijong, King, Thomas and Nicholson Roads.
Officer	Mick Beaverstock Director Asset Services	
Signatures - Author:		
Senior Officer:		
Date of Report	16 April 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee in accordance with resolution SM065/05/02</b>	

**Officer Recommended Resolution**

That Council refuses the oversize vehicle permit application from Mr Robert Stein (acting for A & V Galati and Galati Nominees Pty Ltd) on the grounds that alternate access is available on purpose built, heavy haulage routes.

**CRAS063 COMMITTEE DECISION**

Moved Cr Hoyer seconded Cr Wigg that Council refuses the oversize vehicle permit application from Mr Robert Stein (acting for A & V Galati and Galati Nominees Pty Ltd) on the grounds that alternate access is available on purpose built, heavy haulage routes.  
CARRIED 5/0

AS064/05/03 PETERS WAY TRAIL – PROPOSED GATE OPENING TRIAL (A0494)		
Proponent	Shire of Serpentine Jarrahdale	<b>In Brief</b> Council is requested to consider the public submissions made relating to the proposed six month trial for the opening of three gates on the Peters Way Multi-Use Trail. It is recommended that the trial not be undertaken.
Officer	Mick Beaverstock Director Asset Services	
Signatures - Author:		
Senior Officer:		
Date of Report	30 April 2003	
Previously	AS041/03/03	
Disclosure of Interest		
<b>Delegation</b>	<b>Committee in accordance with resolution SM065/05/02</b>	

**Officer Recommended Resolution**

That based on community feedback in relation to a six month trial, the emergency access gates on the Peters Way trail remain closed and locked.

**CRAS063 COMMITTEE DECISION**

Moved Cr Hoyer seconded Cr Star that based on community feedback in relation to a six month trial, the emergency access gates on the Peters Way trail remain closed and locked.  
CARRIED 5/0

### 13.3 Community & Recreation Development

CRD23/05/03 INFORMATION REPORT		
Proponent		<u>In Brief</u>  <i>Information Report</i>
Officer	Carole McKee - Community Development Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	01.05.03	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee – in accordance with resolution SM065/05/02</b>	

#### **COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Needham seconded Cr Wigg that Council accepts the April 2003 Information Report.  
CARRIED 5/0

### 13.4 Building Services

B24/05/03 FINAL ADOPTION OF LOCAL PLANNING POLICY N <sup>o</sup> 17 – RESIDENTIAL AND INCIDENTAL DEVELOPMENT WITHIN THE SHIRE OF SERPENTINE-JARRAHDAL (A1160)		
Proponent	Shire of Serpentine-Jarrahdale	<u>In Brief</u>  Council to finally adopt a Local Planning Policy N <sup>o</sup> 17 – Residential and Incidental development within the Shire of Serpentine-Jarrahdale following consideration of submissions made during advertising
Officer		
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously	B18/02/03	
Disclosure of Interest		
<b>Delegation</b>	<u>Committee – in accordance with resolution SM065/05/02</u>	

#### **COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Price seconded Cr Needham

- 1 Council resolves to adopt the following draft Local Planning Policy in accordance with the provisions of Part IX of Town Planning Scheme N<sup>o</sup> 2:

#### ***LPP 17 DRAFT LOCAL PLANNING POLICY N<sup>o</sup> 17 – RESIDENTIAL AND INCIDENTAL DEVELOPMENT WITHIN THE SHIRE OF SERPENTINE-JARRAHDAL***

#### **APPLICATION**

*The Residential and Incidental Development Policy applies to residential and incidental development within the Shire of Serpentine-Jarrahdale.*

The policy is intended to augment the Residential Design Codes by providing acceptable development standards for residential and incidental development on properties zoned Residential, Special Residential, Rural Living A & B, Special Rural, Farmlet and Rural.

#### **OBJECTIVES**

The objectives of this policy are as follows:

- (a) To provide for uniformity of residential and incidental development within Residential, Special Residential, Rural Living A, Rural Living B, Special Rural, Farmlet and Rural zoned properties.
- (b) To minimize cost and delay in the process of preparing, assessing and determining applications for residential and incidental development.
- (c) To provide for uniformity of residential and incidental development standards, consistent with local needs.

### 3.0 ACCEPTABLE DEVELOPMENT

The table below contains acceptable setback, wall height and floor area provisions for residential and incidental development for Residential, Special Residential, Rural Living A, Rural Living B, Special Rural, Farmlet and Rural zoned properties within the Shire;

#### Dwellings

The following minimum setback distances from lot boundaries apply for all dwellings:

Zone	Lot Area	Minimum distance from lot boundary (metres)			Secondary street
		Front	Side	Rear	
Residential R20	500m <sup>2</sup> average	6.0 may be averaged in accordance with Part 3.3 of the R Codes	relative to design	relative to design	1.5
Residential R12.5	800m <sup>2</sup> average	7.5 may be averaged in accordance with Part 3.3 of the R Codes	relative to design	6.0	2.0
Residential R10	1000m <sup>2</sup> average	7.5 may be averaged in accordance with Part 3.3 of the R Codes	relative to design	6.0	3.0
Special Residential R5	2,000m <sup>2</sup> minimum	12.0 may be averaged in accordance with Part 3.3 of the R Codes	Relative to design	6.0	6.0
Rural Living A	4000m <sup>2</sup> - 2ha	15	7.5	7.5	7.5
Rural Living B & Special Rural	2ha - 4ha	20	10	20	20
Farmlets	4ha – 25ha	20	10	20	20
Rural	4ha +	20	10	20	20

### Swimming Pools

The following setback distances from lot boundaries apply for a swimming pool:

Zone	Lot Area	Note	Minimum distance from lot boundary (metres)			Secondary street
			Front	Side	Rear	
Residential R20	500m <sup>2</sup> average	**distance is same as depth of pool	6	**	**	1.5
Residential R12.5	800m <sup>2</sup> average	**distance is same as depth of pool	7.5	**	**	2.0
Residential R10	1000m <sup>2</sup> average	**distance is same as depth of pool	7.5	**	**	3.0
Special Residential R5	2000m <sup>2</sup> minimum	**distance is same as depth of pool	12	**	6	6.0
Rural Living A	4000m <sup>2</sup> – 2ha		15	7.5	7.5	7.5
Special Rural, Rural Living B, Farmlet, Rural	2ha +		20	10	20	20

### Outbuildings

The following setback distances from lot boundaries apply for all sheds, outbuildings and water tanks:

Zone	Lot Area	Maximum floor area of all outbuildings combined m <sup>2</sup>	Maximum wall height of outbuildings (metres)	Max. ridge height of outbuildings	Minimum distance from lot boundary (metres)			Secondary street setback
					Front	Side	Rear	
Residential R20	500m <sup>2</sup> average	10% up to 60m <sup>2</sup> max	2.4	4.2	6.0	1.0	1.0	1.5
Residential R10	1000m <sup>2</sup> average	60	2.4	4.2	7.5	1.0	1.0	3.0
Residential R12.5	800m <sup>2</sup> average	60	2.4	4.2	7.5	1.0	1.0	2.0
Special Residential R5	2000m <sup>2</sup> minimum	100	2.7	4.5	12	3.0	3.0	6.0
Rural Living A	4000m <sup>2</sup> - 2ha	150	3.5	5	15	7.5	7.5	7.5
Rural Living B & Special Rural	2ha - 4ha	200	4.0	6	20	10	20	20
Farmlets	4ha - 25ha	300	5.0	6	20	10	20	20
Rural	4ha +	500	5.0	6	20	10	20	20

Variations made necessary by onsite conditions may require planning/codes approval.

Where a building envelope is provided, all buildings are to be located within the envelope unless otherwise approved by Council. Consideration may be given to relocation of the building envelope with comments from affected property owners, but would require an application to Council.

CARRIED 5/0

B25/05/03 INFORMATION REPORT		
Proponent	N/A	<u>In Brief</u>  Information report
Officer	Wayne Chant - Principal Building Surveyor	
Signatures - Author:		
Senior Officer:		
Date of Report	09.05.03	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee – in accordance with resolution SM065/05/02</b>	

**COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Needham seconded Cr Price that Council accepts the April 2003 Information Report.

CARRIED 5/0

13.5 Health Services

H13/05/03 INFORMATION REPORT		
Proponent	N/A	<u>In Brief</u>  Information report
Officer	Joanne Abbiss	
Signatures - Author:		
Senior Officer:		
Date of Report	12.05.03	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee – in accordance with resolution SM065/05/02</b>	

**COMMITTEE DECISION/Officer Recommended Resolution**

Moved Cr Price seconded Cr Scott that Council accepts the information report for March 2003.

CARRIED 5/0

13.6 Planning Development & Environment

<b>E025/05/03 INFORMATION REPORT</b>		
<b>Proponent</b>	Environmental Officer	<b>In Brief</b>  Information Report.
<b>Officer</b>	Dr Sue Osborne - Environmental Officer & Carlie Eldridge - Manager Sustainability Unit	
<b>Signatures - Author:</b>		
<b>Senior Officer:</b>		
<b>Date of Report</b>	8 May 2003	
<b>Previously</b>		
<b>Disclosure of Interest</b>		
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM065/05/02</b>	

**CRE025 Committee Decision/Officer Recommended Resolution**

Moved Cr Scott, seconded Cr Price that the Information Report to 8 May 2003 be received.  
CARRIED 5/0

<b>P254/05/03 SUPPLEMENTARY REPORT – ENVIRONMENTAL MANAGEMENT GUIDELINES FOR HORSE ACTIVITIES AND FACILITIES 2002 (A0327-02)</b>		
<b>Proponent</b>	Director Sustainable Development	<b>In Brief</b>  Supplementary Report to provide a context for a presentation to be made by the Water and Rivers Commission (WRC) regarding the alleged misinterpretation by Council staff of the implications of the WRC Environmental Management Guidelines for Horse Activities and Facilities 2002.
<b>Officer</b>	Richard Morup - Contract Strategic and Environmental Planner	
<b>Signatures - Author:</b>		
<b>Senior Officer:</b>		
<b>Date of Report</b>	2 May 2003	
<b>Previously</b>	E022/01/02; P215/02/03	
<b>Disclosure of Interest</b>		
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM065/05/02</b>	

**Officer Recommended Resolution**

Council resolves:

1. To advise the Water and Rivers Commission that insufficient information has been provided which adequately addresses the concerns detailed in its February 2003 resolution. However, Council and its staff are committed to working cooperatively with the Water and Rivers Commission to resolve Council's concerns regarding the Horse Guidelines and the policy framework applied in its development.
2. That the Director Sustainable Development and relevant Council staff present the Council's concerns to the Chairman of the Water and Rivers Commission board, Director of the WRC Resource Management Division, and a representative from the office of the Minister for Environment and Heritage.

**CRP254 Committee Decision**

Moved Cr Needham , seconded Cr Scott that item P254 be deferred.  
CARRIED 5/0

Note: The Officer Recommended Resolution was altered at the request of the Water and Rivers Commission who wish to have further discussions with Council officers to resolve outstanding issues with regard to the Horse Guidelines.

P255/05/03 PROPOSED SINGLE RESIDENTIAL BUILDING (OVERSIZED SHED) – LOT 1 TONKIN STREET, SERPENTINE (P05593/02)		
Proponent	A McDonald	<b>In Brief</b>  That Council approves an application dated 18 March 2003 for an oversized shed on Lot 1 Tonkin Street, Serpentine subject to conditions.
Officer	Michael Davis – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	29 April 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM065/05/02</b>	

### **CRP255 Committee Decision/Officer Recommended Resolution**

Moved Cr Price, seconded Cr Needham that Council approves an application dated 18 March 2003 for a 'Single Residential' building (oversized shed) on Lot 1 Tonkin Street, Serpentine subject to the following conditions:

1. A building licence is to be obtained prior to commencement of development;
2. 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 Legislation. Please contact Council's Health Services for setbacks and requirements to other systems;
3. Only materials identified in the Schedule of colours, materials and finishes provided in the submission dated 2 April 2003 are to be used in the construction of the shed;
4. The existing shed is to be removed prior to the construction of the new shed;
5. Screening with native vegetation of the southern side of the proposed shed is to be carried out in accordance with Council's Info Note PS03 - Landscaping and Revegetation by 30 June 2003 and is to be thereafter suitably maintained to the satisfaction of the Director Sustainable Development.

CARRIED 5/0

P256/05/03 PROPOSED EXTENSION TO TRAILER HIRE AND PRODUCE STORE (EXTENSION TO EXISTING SHED) – LOT 410 WATKINS ROAD, MUNDIJONG (P00564/03)		
Proponent	A Squire	<b>In Brief</b>  That Council approves an application dated 11 March 2003 for an extension to an existing shed on Lot 410 Watkins Road, Mundijong subject to conditions.
Officer	Michael Davis – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	29 April 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM065/05/02</b>	

### **CRP256 Committee Decision/Officer Recommended Resolution**

Moved Cr Price, seconded Cr Murphy that Council approves an application dated 11 March 2003 for an extension to an existing Trailer Hire and Produce Store (extension to existing shed) on Lot 410 Watkins Road, Mundijong subject to the following conditions:

1. A building licence is to be obtained prior to commencement of development;
2. Shed extension 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 Legislation. Please contact Council's Health Services for setbacks and requirements to other systems;
3. The extension and shall be in the same materials, colour and design as the existing building;
4. Screening with native vegetation of the shed is to be carried out in accordance with Council's Info Note PS03 - Landscaping and Revegetation by 30 June 2003 and is to be thereafter suitably maintained to the satisfaction of the Director Sustainable Development.

CARRIED 5/0

P257/05/03 RETROSPECTIVE APPLICATION – EXISTING SINGLE RESIDENTIAL BUILDING (EXISTING PATIO) – LOT 128 MCNEIL GROVE, JARRAHDAL (P03408/02)		
Proponent	M & K Pettit	<b>In Brief</b>  That Council approves a retrospective application dated 22 February 2003 for an existing 'Single Residential' building (existing patio) on Lot 128 McNeil Grove, Jarrahdale subject to conditions.
Officer	Michael Davis – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	5 May 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM065/05/02</b>	

### **CRP257 Committee Decision/Officer Recommended Resolution**

Moved Cr Price, seconded Cr Scott that Council approves a retrospective application dated 22 February 2003 for an existing 'Single Residential' building (existing patio) on Lot 128 McNeil Grove, Jarrahdale subject to the following condition:

1. An application is to be lodged with Council's Building Service to ensure that the existing 'Single Residential' building (existing patio) complies with the requirements of the Building Code of Australia prior to 30<sup>th</sup> June 2003.

CARRIED 5/0

P263/05/03 INFORMATION REPORT		
Proponent	Director Sustainable Development	<b>In Brief</b>  Information Report.
Officer	Lisa Fletcher – Support Officer Sustainable Development	
Signatures - Author:		
Senior Officer:		
Date of Report	8 May 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee In Accordance With Resolution SM065/05/02</b>	

**CRP263 Committee Decision/Officer Recommended Resolution**

Moved Cr Needham, seconded Cr Scott that the Information Report to 12 May 2003 be received.

CARRIED 5/0