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- NOTE:**
- a) **The Council Committee Minutes Item numbers may be out of sequence. Please refer to Section 10 of the Agenda – Information Report - Committee Decisions Under Delegated Authority for these items.**
  - b) **Declaration of Councillors and Officers Interest is made at the time the item is discussed.**

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET MUNDIJONG ON MONDAY 27<sup>th</sup> AUGUST, 2007. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.01PM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

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**1. ATTENDANCE & APOLOGIES:**

IN ATTENDANCE:

**COUNCILLORS:** DL Needham ..... Presiding Member  
JE Price  
AW Wigg  
K Murphy  
JC Star  
JA Scott  
MJ Geurds  
M Harris  
WJ Kirkpatrick  
EE Brown

**OFFICERS:** Ms J Abbiss ..... Chief Executive Officer  
Mr D Long ..... Director Corporate Services  
Mr B Gleeson Executive Manager Planning & Regulatory Services  
Mr T Turner ..... Principal Environmental Health Officer  
Mrs S Langmair ..... Minute Secretary

**APOLOGIES:** Ms S van Aswegen Executive Manager Strategic Community Planning

**GALLERY:** 18

**2. PUBLIC QUESTION TIME:**

2.1 Response To Previous Public Questions Taken On Notice

Public Question Time commenced at 7.01pm.

Christine Randall, 16 Stevenson Place, Byford, representing Byford Community Link

Q I urge you to assist in creating a new future for the Shire. It was first said that Byford Community Link meetings would be attended by Shire planning officers. In 2006 the Structure Plan was re-looked at. In the town centre four plans have been submitted and we have not been asked for input. This has not occurred. Do Councillors want the consultative community forums to continue? If so, will we be consulted in that we are treated as a neighbour in the process for all major developments?

A The Presiding Member advised that yes we certainly do want this to happen, this should work through the Council delegates. Unsure of the situation regarding planning staff attending forums. Council would look at setting up a process so they can be involved.

Q With regard to the latest shopping centre design, it appears to have awnings, no more than a metre wide instead of verandahs. How wide are the verandahs on the east side? How wide on the west side? If not verandahs, was the proponent told verandahs would be required as per the Green Towns study and the Townscape study? Brad Gleeson stated back in 2004 – “4 metre wide paving and full length verandahs would be incorporated as part of the design of the Byford Centre and

would be the standard for any future development along George Street". Will the plan be accepted as presented with what seems to be awnings?

A The Executive Manager Planning and Regulatory Services (EMPRS) advised that verandahs will be required as a planning condition on all sides and Council will ensure they are of an adequate width.

Q Is the truck delivery bay considered safe, backing out into George Street?

A The EMPRS advised that this was the subject of 3-4 design changes over recent times. Latest design meets all Australian Standards and the engineers have approved these designs.

Q Why doesn't it continue through to Abernethy Road?

A The EMPRS advised that due to the size, it was difficult to get any other design solutions. He noted that the Supermarket will be at the southern end of the development.

Paul Stallwood, 229 Boyd Road, Keysbrook (Shire of Murray)

Q Regarding acoustic assessment – was this undertaken and what was the result?

A The EMPRS advised that the acoustic assessment report has been received and reviewed by Council Officers. The report has identified that there are some offsite impacts on surrounding landowners. The recommendations have been forwarded to the Shire of Murray and to the Department of Environment for their review.

Q Officers report in relation to tonight's meeting state "economic benefits to the community" – what will the economic benefits be for Mr Stallwood personally.

A The Presiding Member took this question on notice and advised that there will be economic benefits to many community groups around Keysbrook and Serpentine, ie P&C and Fire Brigade.

Barry Urquhart, South West Highway, Keysbrook

Q Who or what entity conducted the acoustic assessment for the proposed event? What modelling system was utilised in the acoustic assessment and was it a rural based assessment model? What is the relationship that exists between the acoustic assessment consultant or consultancy and each of the following: Myravale Pty Ltd; Matthew Porter; the Serpentine Jarrahdale Shire Council? Will this matter be referred to the full Council of the Shire of Murray?

A The EMPRS advised that these questions will be taken on notice. It is our understanding that the Shire of Murray will take the report to their Council.

Q What, if any, are the formal, informal, social and professional relationships between Matthew Porter and/or Myravale Pty Ltd and Michael Daymond, Tony Turner, Brad Gleeson, Joanne Abbiss, other Council officers and every Councillor?

A The Presiding Member advised that it was her understanding that Councillors involvement was purely professional in dealing with this matter. The Chief Executive Officer advised that this matter will be taken on notice and a written response will be made when resources become available to deal with this request.

Mr Urquhart expressed that this answer was inadequate and inappropriate.

Q Has any Officer or Councillor been given free tickets to the music festival at Myaravale?

A The Presiding Member advised not to her knowledge. She advised that Tony Turner would probably attend in an official capacity as Principal Environmental Health Officer, to assess noise impacts.

Councillors stated that they found this line of questioning offensive.

Cr Price advised that if he was offered tickets he would not accept them. If he attended he would pay his own way.

Public Question Time concluded at 7.16pm.

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

Public Statement Time commenced at 7.16pm.

Mr Stallwood, 229 Boyd Road, Keysbrook (Shire of Murray)

In relation to the music festival, he referred to the Concept Forum briefing notes 26<sup>th</sup> June. He quoted from those notes "an approval must not be granted due to the uncertainty of an acoustic assessment. A new proposal can amend the conditions". He reminded Councillors that the Shire of Murray declined to sign the exception certificate. Due to the uncertainty of the approval the applicant changed the date of the festival. New proposal is scheduled for 19-20 October. Noise assessment has to be carried out. Reminded Council that the amending and revoking of planning approval under Council's Town Planning Scheme can only be requested in writing by the owner of the land, is the person writing the letter the owner of the land?

Mr Urquhart, South West Highway, Keysbrook

Without prejudice to any legal recourse, he wanted to address the issue of democracy. He referred to WA Week and Proclamation Day. The dealing of this application under delegated authority by an officer is not democratic. David Templeman said he would apply 55dBA at the boundary. Noise modelling must be on a rural model. When Council voted for the motion earlier, they did not know that the Shire of Murray would vote against this motion. Mr Urquhart then read an email, which he referred to as an email between two mates, from Matt Porter to Michael Daymond proposing the new date. Mr Urquhart stated an email is not a development application and the development application has lapsed. Does not think that Council should vote on this matter. Matt Porter is not the owner of the property. The application should be deferred for one month. Wanted the acoustic assessment provided to ratepayers.

Ric Sampbell, Jarrahdale

Would like to support Council with this event. He sees that it will benefit the local community groups and cannot personally see what all the fuss is about. If it is run properly it would be a good event to be run now and into the future.

Jill Urquhart, South West Highway

In response to the previous statement none of the residents are against the festival, it is just the location. There are other venues more suitable where this festival can be held other than a virgin bush block with difficult access.

Richard Lane, Byford

Wish to express the potential traffic hazard in relation to the IGA supermarket application. Referred to the 2004 Hueller and Associates survey of the traffic volumes along George Street. Mr Lane also referred to concerns expressed about reversing vehicles in a Coroner's report.

Public Statement Time concluded at 7.28pm.

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

Sue Wallrodt, Manager, South West Biodiversity Project – Council Award - South West Biodiversity Project.

**Council Note:** The Presentation of Milestones 1 and 2 for participation in the project and contribution to strategic planning for biodiversity conservation was made to the Councillors prior to the Ordinary Council Meeting.

Petitions and Deputations commenced at 7.28pm.

Joe Algeri, Director, Property Planning and Appeals Consultants, 41 Linton Street, Byford – Deputation regarding Item SD019/08/07 PROPOSED ADDITIONS TO BYFORD SHOPPING CENTRE – speaking on behalf of Mr Lenz, the applicant.

He has viewed the supplementary report circulated on Friday and liaised with Mr Lenz on the content and is prepared to accept the recommendation as proposed. This is a great step forward – appropriate and workable. There are some aspects that they are not happy with. It has been some six months since the application has been lodged. He is relieved that there has been revision in relation to the number of parking bays. The Stormwater Strategy – relieved that this has been reviewed. One outstanding issue is Condition 24 and 25 referencing Australian Standards relating to the dimension of bays and access to bays, they would be happy to accept standard dimensions not the Australian Standards as specified. If they all have to be adhered to the letter of the law, they will be restrictive. Would like these conditions as a footnote to the recommendation to give scope for further liaison with Council officers. Other developments have not had to meet the same standards.

Regarding community involvement, Council has to set out some protocols for future development. He highlighted the appeals process and that after 60 days, submissions can be lodged with the State Administrative Tribunal (SAT).

He would be grateful if the revised officers recommendation can be endorsed by Council this evening for this to move forward.

He agreed that parking has been a real difficult issue. Trucks currently park along George Street to load and unload, which is not a safe option.

Petitions and Deputations concluded at 7.34pm.

**5. PRESIDENT'S REPORT:**

The President advised that she will put a report in writing to Councillors regarding the recent Canberra delegation.

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

Cr Price declared an interest of impartiality in item OCM005.5/08/07 COUNCILLOR ATTENDANCE AT PULSE – VITAL SIGNS OF A CREATIVE LIFE CONFERENCE – 26-28 OCTOBER, 2007 as it relates to a conference that Councillor Price wishes to attend.

Cr Brown declared an interest of impartiality in item OCM005.4/08/07 COUNCILLORS ATTENDANCE AT THE WASTE & RECYCLE CONFERENCE – 10-14 SEPTEMBER, 2007, as it relates to a conference that Councillor Brown wishes to attend.

Cr Wigg declared an interest of impartiality in item OCM005.4/08/07 COUNCILLORS ATTENDANCE AT THE WASTE & RECYCLE CONFERENCE – 10-14 SEPTEMBER, 2007, as it relates to a conference that Councillor Wigg wishes to attend.

Cr Geurds declared an interest of impartiality in item SD018/08/07 PROPOSED ADDITION TO POULTRY FARM – LOT 6 BUTCHER ROAD DARLING DOWNS as he has had previous dealings with the applicant.

**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 – 23<sup>rd</sup> July, 2007**

**COUNCIL DECISION**

Moved Cr Star seconded Cr Scott  
That the minutes of the Ordinary Council Meeting held on 23<sup>rd</sup> July, 2007 be confirmed.  
**CARRIED 10/0**

**7.2 Special Council Meeting - 17<sup>th</sup> August, 2007**

**COUNCIL DECISION**

Moved Cr Wigg seconded Cr Kirkpatrick  
That the minutes of the Special Council Meeting held on 17<sup>th</sup> August, 2007 be confirmed.  
**CARRIED 10/0**

**REPORTS OF COMMITTEES:**

|  |  |  |
|--|--|--|
| SD017/08/07 RETROSPECTIVE APPLICATION FOR PLANNING APPROVAL FOR COMMERCIAL VEHICLE PARKING – LOT 10 KINGSBURY DRIVE, JARRAHDAL (P03586/03) |  |  |
| Proponent:   | Craig Hanrahan   | <b>In Brief</b><br><br>The applicant seeks retrospective planning approval for Commercial Vehicle Parking on the subject property. It is recommended that the application be conditionally approved for a period of 12 months. |
| Owner:   | As Above   |  |
| Officer:   | M Daymond – Planning Officer   |  |
| Signatures Author:   |  |  |
| Senior Officer:  |  |  |
| Date of Report   | 4 July 2007  |  |
| Previously   | SD006/07/07  |  |
| Disclosure of Interest   | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |  |
| <b>Delegation</b>  | <b>Council</b>   |  |

Date of Receipt: 15 August 2006  
 Advertised: Yes  
 Submissions: Yes  
 Lot Area: 8.095 ha  
 L.A Zoning: Rural  
 MRS Zoning: Rural  
 Byford Structure Plan: NA  
 Rural Strategy Policy Area: Agricultural Protection  
 Rural Strategy Overlay: NA  
 Municipal Inventory: NA  
 Townscape/Heritage Precinct: NA  
 Bush Forever: NA  
 Date of Inspection: 2 August 2007

**Background**

At the Ordinary Council Meeting held on 23 July 2007, Council resolved as follows:

**“SD006/07/07 COUNCIL DECISION**

*Moved Cr Murphy seconded Cr Wigg  
 That this item be deferred to the August 2007 Sustainable Development Committee meeting due to the latest information received from the proponent and for further investigation and consideration.  
 CARRIED 7/2”*

Additional information on this application was submitted by the applicant at the Council meeting on 23 July 2007. A subsequent site visit to the property was undertaken on 2 August 2007 to confirm the matters raised in the letter and examine the vehicles that are either kept proposed to be kept on site. The applicant currently keeps the following vehicles on site:

- One 140H Grader (18 tonne);
- One 320 CAT Excavator (20 tonne);
- One D6H Dozer (20 tonne);
- One Prime Mover (7 tonne) and accompanying Trailer (4 tonne).

***Photographs of these vehicles is with attachments marked SD017.1/08/07.***



### Supplementary Information from the Applicant

The applicant has provided supplementary information to support the application. This information is summarised below:

- *When the land was purchased in December 2004, the block was very untidy with all sorts of waste and rubbish dumped. As resources become available we are slowly cleaning it up and have steel waste and general waste bins on site to aid in this.*
- *Some screening vegetation has been planted both around the workshop and along the battle axe entry to reduce any visual impacts on surrounding properties. If more screening is required by Council we are happy to do so.*
- *The low loader and D6 dozer which are on contract to CALM are generally stored in our workshop which is to CALM's advantage. CALM have limited space at the depot to store this equipment.*
- *When the 140H Grader or 320 CAT Excavator are on site they are generally stored within the workshop unless they are being used on the property for general agricultural purposes.*
- *Our operation requires an average of 3 to 4 heavy vehicle movements per day, with the low loader and machine log books indicating that we have had an average of one plant move every ten days since beginning the operation. These plant moves are restricted to daylight hours as set out by the Heavy Haulage Guidelines.*
- *Jarrahdale Earthmoving supplies many of the local community groups with machinery to assist in ongoing projects at little or no cost. These groups include the Jarrahdale Community Association, the Jarrahdale Primary School P&C, the Jarrahdale Volunteer Fire Brigade and the SJ Anglican Parish. We are also permanent sponsors of World Vision, Children's Fund Australia, the World Society for the Protection of Animals and the RSPCA.*
- *Jarrahdale Earthmoving employs three local people, all of whom we have trained and whose jobs would certainly be jeopardised together with the sponsorships of the abovementioned groups if we were forced to cease trading.*

The applicant has advised that he has documentary evidence to support all of the above claims.

***A copy of the site plan is with attachments marked SD017.2/08/07.***

### Sustainability Statement

***Effect on Environment:*** There is the potential for localised soil and groundwater contamination through oil spills if the equipment is not managed properly on site. The vehicles are parked on a hard stand surface within the existing shed with an associated V-drain and three stage oil separator in case of any oil spills.

***Resource Implications:*** The proposal would assist minimising resource use, compared to the traditional approach of the equipment being stored at an industrial site as the operator would not have to drive to another site to pick up the vehicles.

***Use of Local, renewable or recycled Resources:*** If the vehicles are parked on the property then there is the potential for fuel, oils etc. to be obtained locally (within the Shire). If the vehicles were garaged at an industrial area elsewhere in the Metropolitan area then it is less likely that local businesses would benefit.

***Economic Viability & Benefits:*** There is an economic benefit to the local community as the applicant states that Jarrahdale Earthmoving Supplies assists many of the community groups with machinery on a number of ongoing projects at little or no cost. Further, the proponent will receive an economic benefit through reduced travel time to work (ie the extra time that it would take to drive to a depot to collect the vehicles) and not having to store the

truck off-site would reduce the applicant's costs. Additionally, Jarrahdale Earthmoving employs three local people to help run the business.

**Social – Quality of Life:** The proposal has the potential to impact on surrounding properties by way of dust. There is also the potential for noise and odour emissions affecting neighbours, which has been the subject of previous complaints to Council.

**Statutory Environment:** Town Planning Scheme No.2 (TPS No.2)  
Rural Strategy 1994

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

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

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

**2. Environment**  
*Objective 1: Protect and repair natural resources and processes throughout the Shire*  
Strategies:  
1. Increase awareness of the value of environmental requirements towards sustainability.  
3. Encourage protection and rehabilitation of natural resources.  
6. Value, protect and develop biodiversity.  
*Objective 2: Strive for sustainable use and management of natural resources*  
Strategies:  
1. Implement known best practice sustainable natural resource management.

**3. Economic**  
*Objective 1: A vibrant local community*  
Strategies:  
1. Attract and facilitate appropriate industries, commercial activities and employment.

**4. Governance**  
*Objective 1: An effective continuous improvement program*  
Strategies:  
1. Identify and implement best practice in all areas of operation.

### Proposal

The applicant advises that the specific pieces of earthmoving equipment that are required to be kept on site can vary from week to week depending on the type of work that the applicant undertakes. The applicant is seeking approval to keep a maximum of three pieces of earthmoving equipment together with the prime mover and trailer on the property. The request to have a maximum of the pieces of earth moving equipment on the land will mean that the applicant can store a combination of equipment (eg three graders; or one grader and two excavators; or one grader, one excavator and one dozer) on the property depending on the work being undertaken.

### **Community Consultation:**

The application was referred to an adjoining landowner for comment. A letter of objection was received and is summarised below:

| <b>Submission</b>  | <b>Officer Comment</b>   |
|--|--|
| The current and past actions on site by the applicant have illustrated a total disregard for the amenity of the area.  | Noted. The applicant has been operating on the land without planning approval.   |
| Given the outstanding matters in relation to the activities on the property, it comes as a shock that the Shire is considering this application and seeking input from nearby residents.   | The applicant has the right to apply to Council under TPS 2 for retrospective planning approval for use of the land. Council sought comments from neighbours to allow it to be fully informed on all issues prior to making a planning decision.   |
| Council is well aware of the extent of current and past activities that have been undertaken without prior approval and these activities far exceed what is being applied for. In fact, if these activities were consistent with what has been stated in the application I would have little objection to the proposal being approved. | If the development is approved, there would be a restriction on the maximum number of vehicles/equipment that can be permitted on the property   |
| We are not considering the establishment of a small business as suggested in the application.  | Noted. The proposal is not small in nature and involves commercial vehicle(s) and large pieces of earthmoving equipment.   |
| Trucks carrying heavy earthmoving equipment come and go to the property at all hours seven days a week. Light commercial vehicles (2-3 tonne trucks) are the bulk of 80 to 100+ high speed movements that take place daily along the battleaxe entry to the property (this is not an exaggeration).                                    | Complaints have been received in the past about excessive vehicle movements from the property at all hours of the day. Council officers cannot confirm if 80-100 vehicle movements per day occur on the land, however this seems unlikely. Council cannot control the number and movement of private vehicles or on the land, only commercial vehicles or defined under TPS 2. |
| The equipment on the property is typically of the heavy to very heavy classification with heavy low loader floats, a heavy scraper, D9L dozer, D6 dozer, very large caterpillar grader and semi trailer all present on site.   | The number and range of vehicles kept at the property has varied over time. At times a large number of vehicles have been kept on the property at any one time.  |
| The workshop on site is being used as a heavy maintenance facility that would far exceed the throughput of many similar businesses located in heavy industrial developments.   | Council officers are not aware if the shed is being used as a maintenance workshop. The potential use of the shed for maintenance/repairs is a valid planning issue that must be considered as part of this application.   |
| Further to the noise, dust and other environmental issues created by the operation, soil borne bacteria could also be imported on the equipment and affect our orchard and the adjoining state forest or properties.   | Concerns noted. The transfer of dieback is an existing environmental problem throughout the region.  |
| I express my strongest objection to any approval being granted for this application and firmly believe that any approval granted will be flouted by the applicant in the extreme.  | Objection noted.   |

The above submission raises a number of valid points that need to be taken into consideration with this application.

### **Referral to Government Agencies**

The application was referred to the Department of Environment and Conservation for comment as the site abuts State Forest No. 22. A letter of no objection was received.

### **Comment:**

#### **Statutory Context**

The subject property is zoned 'Rural' under Council's TPS 2 and identified as 'Agricultural Protection' under the Rural Strategy. The scheme 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.

The applicant applied for retrospective planning approval for a Home Business – Commercial Vehicle Parking.

Commercial Vehicle Parking in TPS 2 is defined as:

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

The current activities on the land does not fit within the definition of a commercial vehicle, as it involves more than one Commercial vehicle on the land , through the storage of a large number of separate pieces of earthmoving equipment or attachments.

#### **Use Not Listed**

The application is treated as a use not listed in TPS 2 as there is no existing use class that would fit the proposed use of the land. In regards to uses not listed, the TPS No.2 contains the following provision:

### **3.2 ZONING TABLE**

**3.2.5** *If the use of land for a particular purpose is not specifically mentioned in the zoning table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:*

- a) *determine that the use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted; or*

- b) determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 6.3 in considering an application for planning consent.*

The purpose of the Rural zone as stated under clause 5.10.1 of the TPS 2 is to “allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area”. It is considered that the application in its current form as an Earthmoving Storage Facility is in consistent with the objectives of the Rural.

### Unauthorised Development

As approval has not been granted previously for the various unauthorised uses on the land, the carrying out of an unauthorised development constitutes an offence under the Scheme as per clause 8.3 of the Shire’s Town Planning Scheme No. 2 below:

### **8.3 OFFENCES**

**8.3.1** *A person shall not erect, alter or add to or commence to erect, alter or add to a building or use or change the use of any land, building or part of a building for any purpose:*

- (a) otherwise than in accordance with the provisions of the Scheme;*
- (b) unless all consents required by the Scheme have been granted and issued;*
- (c) unless all conditions imposed upon the grant and issue of any consent required by the Scheme have been and continue to be complied with; and*
- (d) unless all standards laid down and all requirements prescribed by the Scheme or determined by the Council pursuant to the Scheme with respect to that building or that use of that land or building or that part have been and continue to be complied with.*

**8.3.2** *A person who fails to comply with any of the provisions of the Scheme is guilty of an offence and without prejudice to any other remedy given herein is liable to the penalties prescribed by the Act.*

In accordance with TPS No.2, planning approval is required for all commercial development within the Shire. The landowner did not obtain the prior planning consent of the Council and therefore has committed an offence under TPS 2.

### Retrospective Application

In considering whether to grant retrospective planning consent, TPS 2 contains the following provision:

### **6.8 UNAUTHORISED EXISTING DEVELOPMENT**

**6.8.1** *The Council may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, providing the development conforms to the provisions of the Scheme.*

### Vehicles & Vehicle Movements

The applicant advises that their current operation requires an average of three to four heavy vehicle movements per day, with the low loader and machine log books indicating that they have had an average of one plant move every ten days since the beginning of the operation. The plant moves are restricted to daylight hours as set out by Heavy Haulage Guidelines.

The applicant is seeking approval to keep a maximum of three pieces of earthmoving equipment together with the prime mover and trailer on the property. The specific types of earthmoving equipment kept on the property may change depending on the type of work that the applicant will need to undertake. Therefore the applicant has requested that, if granted, the planning approval be for three pieces which will mean that the applicant can store a combination of equipment (eg three graders; or one grader and two excavators; or one grader, one excavator and one dozer) on the property depending on what equipment is needed at the time.

The applicant advises that the prime mover and trailer are kept off site at the DEC depot during the fire season. This information is being verified with the DEC by Shire Officers.

#### Locality

The subject property is located outside of the Jarrahdale town site and is surrounded by State Forest and the Serpentine Falls National Park on three sides, with an adjoining Rural property located on the northern side. The site is located close to the existing DEC depot and is considered to be in a prime location with respect to the work that the applicant undertakes for and within the Jarrahdale community. In terms of impacts on surrounding properties, only one property is considered to be affected.

#### Conclusion

The existing use of the land as an Earthmoving Storage facility at Lot 10 Kingsbury Drive is not considered to be a use that is compatible within the purpose and intent of the Rural zone. Given the number, type and size of equipment that is kept on the property, a use such as this would be more suited to an industrial area.

As defined under the scheme, 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”. Planning approval for Commercial Vehicle Parking is considered an acceptable land use activity on this property. Commercial Vehicle Parking would be restricted to:

- The prime mover and tri-axle trailer; and
- One piece of earth moving equipment that is stored on the trailer.

No other pieces of earthmoving equipment or commercial vehicles would be permitted to be stored on the land or within the shed.

It is therefore recommended that the retrospective planning approval be granted for Commercial Vehicle Parking on the subject land, subject to conditions. It is also recommended that the approval be limited to a maximum period of 12 months to allow Planning officers to monitor the approval and ensure compliance with planning conditions. The applicant would be able to apply again for further planning approval prior to the 12 month period expiring.

**Voting Requirements:** Simple Majority

#### **SD017/08/07 Committee/Officer Recommended Resolution:**

The application for retrospective planning approval for Commercial Vehicle Parking at Lot 10 Kingsbury Drive, Jarrahdale be approved subject to the following conditions:

1. This approval is valid for a period of 12 months only, commencing from the date of the approval letter.
2. Approval is only for the parking of:
  - a) The prime mover and tri-axle trailer; and

- b) One piece of earth moving equipment stored on the trailer.  
No other pieces of earthmoving equipment, attachments or commercial vehicles are permitted to be stored on the land or within the shed
3. The prime mover and tri-axle trailer are to be parked within the shed or behind the shed at all times. No vehicles or equipment are permitted to be parked outside these areas or on any adjacent road.
  4. Approval is specific to the applicant only and does not run with the land.
  5. No major or minor mechanical servicing or repairs of the earthmoving equipment, prime mover or tri-axle trailer is permitted on the subject land.
  6. The earthmoving equipment, prime mover and tri-axle trailer are not to start, leave or return to the property between the hours of 9.00pm to 5.30am (Monday - Saturday) or at any time on Sundays, with the exception of the use of the commercial vehicle for emergency fire fighting purposes.
  7. Noise levels emitted from the property are to comply at all times with the Environmental Protection (Noise) Regulations 1997.
  8. The use is not to cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products or the unsightly appearance of the subject land or any structure built thereon. Where appropriate all practicable measures shall be taken to prevent/control dust nuisance and such measures shall be implemented within the time and in the manner directed by the Executive Manager Planning and Regulatory Services.
  9. Dense screening of native vegetation shall be provided along the property boundary of Lot 11 to ensure the shed and vehicle storage area is screened from view from Lot 11. The planting shall be completed by 30 November 2007 to the satisfaction of the Executive Manager Planning and Regulatory Services.

### **SD017/08/07 - Supplementary Information**

Further to the Sustainable Development Committee meeting held on 21 August 2007, a site visit was undertaken at the property by the Executive Manager, Planning and Regulatory Services and Planning Officer. The landowner was also met on site.

#### **Alternative road access**

Concern was raised about the use of the battleaxe driveway by commercial vehicles to access the property. Although the driveway to Lot 10 passes another property, this is the only legal access to the property from Kingsbury Drive.

A gravel track (Scarp Road) runs around the property that could potentially provide alternative access to the property. However, Scarp Road is not a gazetted road reserve and is only a track through the State Forrest (crown land). If this option was pursued, it would require the approval of the Department of Environment and Conservation and a number of other Government agencies. This process would be very costly (land survey costs etc) and could take many years to finalise, assuming it was supported by Government agencies.

Alternative access off Scarp Road (via the State Forrest) would involve the removal of a significant number of trees and vegetation to access the property. This is not considered desirable.

#### **Zoning**

The subject land is zoned Rural. One option available under the Town Planning Scheme, is to rezone the land to a Special Use zone. The rezoning of the land is considered an option if the predominate use of the land changes from its current rural zoning. An example would be if a large Transport Depot or industrial use was approved for the land, then a zoning change would better reflect the intended use of the land.

However, if commercial vehicle parking is approved, then a change of zoning of the land is not necessary. Commercial vehicle parking, is a land use that is consistent and complementary in a rural zone.

#### **SD017/08/07 COUNCIL DECISION**

**Moved Cr Kirkpatrick seconded Cr Wigg**

- A. Council determines that an Earthmoving Depot is a use not listed in the Zoning Table of Town Planning Scheme No. 2.**
- B. Council in accordance with Clause 3.2.5 of Town Planning Scheme No. 2 determines that the use of an Earthmoving Depot is consistent with the objectives and purposes of the Rural zone.**
- C. The application for retrospective planning approval for an Earthmoving Depot at Lot 10 Kingsbury Drive, Jarrahdale be approved subject to the following conditions:**
  - 1. This approval is valid for a period of 12 months only, commencing from the date of the approval letter.**
  - 2. Approval is only for the parking of:**
    - a) The prime mover and tri-axle trailer; and**
    - b) Three pieces of earth moving equipment stored on the trailer or within the shed.****No other pieces of earthmoving equipment, attachments or commercial vehicles are permitted to be stored on the land or within the shed**
  - 3. The prime mover and tri-axle trailer are to be parked within the shed or behind the shed at all times. No vehicles or equipment are permitted to be parked outside these areas or on any adjacent road.**
  - 4. Approval is specific to the applicant only and does not run with the land.**
  - 5. Only minor mechanical servicing and repairs of the earthmoving equipment, prime mover or tri-axle trailer is permitted on the subject land. No major mechanical servicing or repairs are permitted including panel beating, component or transmission or engine rebuilds, spray painting and welding, fabricating and assembly of parts and equipment.**
  - 6. The earthmoving equipment, prime mover and tri-axle trailer are not to start, leave or return to the property between the hours of 9.00pm to 5.30am (Monday - Saturday) or at any time on Sundays, with the exception of the use of the commercial vehicle for emergency fire fighting purposes.**
  - 7. Noise levels emitted from the property are to comply at all times with the Environmental Protection (Noise) Regulations 1997.**
  - 8. The use is not to cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products or the unsightly appearance of the subject land or any structure built thereon. Where appropriate all practicable measures shall be taken to prevent/control dust nuisance and such measures shall be implemented within the time and in the manner directed by the Executive Manager Planning and Regulatory Services.**
  - 9. Dense screening of native vegetation shall be provided along the property boundary of Lot 11 to ensure the shed and vehicle storage area is screened from view from Lot 11. The planting shall be completed by 30 November 2007 to the satisfaction of the Executive Manager Planning and Regulatory Services.**



10. All waste products and containers to be removed offsite to the satisfaction of the Executive Manager Planning and Regulatory Services.
11. A log book to be kept for all vehicles over 4 tonnes GCM and made available for inspection at all times by the Shire.

**D. The Shire to liaise with the DEC about alternate access to the property from Scarp Road.**

**CARRIED 10/0**

**Council Note:** The Committee/Officers Recommended Resolution was changed by varying Part C (2), (5) and adding C (10) and (11) and part D to ensure waste products are dealt with, vehicle movements are recorded and to explore alternate access to the property from Scarp Road.

|  |  |   |
|--|--|---|
| SD019/08/07 PROPOSED RENOVATIONS AND EXTENSIONS TO EXISTING SHOPPING CENTRE - LOT 22 (867) SOUTH WESTERN HIGHWAY (CORNER ABERNETHY ROAD) & GEORGE STREET, BYFORD (P00462/02) |  |   |
| Proponent:   | S Lenz   | In Brief<br><br>Application to renovate and expand the existing shopping centre and IGA supermarket in Byford. Approval with conditions is recommended. |
| Owner:   | Lenz Corporation Pty Ltd   |   |
| Officer:   | M Kenny – Senior Planner   |   |
| Signatures Author:   |  |   |
| Senior Officer:  |  |   |
| Date of Report   | 8 August 2007  |   |
| Previously   | Nil  |   |
| Disclosure of Interest   | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |   |
| <b>Delegation</b>  | <b>Council</b>   |   |

|                                    |   |
|------------------------------------|---|
| Date of Receipt:                   | 14 March 2007; Amended Plans 23 July 2007 |
| Advertised:                        | Not required                              |
| Submissions:                       | N/A                                       |
| Lot Area:                          | 5140m <sup>2</sup>                        |
| L.A Zoning:                        | Commercial                                |
| MRS Zoning:                        | Urban                                     |
| Byford Structure Plan              | Town Centre Urban                         |
| Byford Townsite Detailed Area Plan | Town Centre                               |
| Date of Inspection:                | 14 November 2006                          |

**Background**

The subject site contains an existing shopping centre comprising a supermarket, hardware store and eight individual shop tenancies. Existing car parking for the centre is located on-site, on the George Street road reserve and on the railway reserve adjacent to George Street.

An application for approval to commence development has been received for the following works:

1. Demolition of existing hardware, greengrocer, pizza and video tenancies.
2. Construction of a new Supa-IGA supermarket.

3. Expansion of existing shop tenancies fronting George Street.
4. Construction of formal car parking areas on George Street and extension of the existing car park on the railway reserve abutting George Street (leased by the owner of Lot 22 from the Public Transport Authority).
5. Extensive upgrade and refurbishment of whole shopping centre.

***A copy of an aerial photograph and plans of the site, existing and proposed development footprint and elevations are with the attachments marked SD019.1/08/07.***

### **Sustainability Statement**

***Effect on Environment:*** The existing vegetation along the South Western Highway and Abernethy Road frontages of the site and the existing large gum tree in the forecourt are intended to be retained. A small amount of tidying up and replanting of some beds where the plants have died will bring this landscaping up to an appropriate standard. The addition of some larger tree species in the beds along the street frontages is recommended for the purpose of providing shade to the car parking area and to improve the streetscape.

Existing large trees along the western side of the George Street road reserve and within the railway reserve can be retained. A feature survey will also be required and liaison with the Shire's Environmental Officers to identify those trees to remain and those that may be removed. Many of the trees on the railway reserve are coppiced and small and warrant removal. Additional tree and shrub planting will be required in these areas and on the eastern side of George Street.

***Use of Local, renewable or recycled Resources:*** No information provided by applicant.

***Economic Benefits:*** Additional retail facilities within the Byford townsite will help to make the community more sustainable by providing local employment, local services and goods and reducing the need for local residents to travel to other centres outside the Shire.

***Social – Quality of Life:*** The development will propose an extended range of retail and ancillary facilities in close proximity to new and existing residential areas in Byford. The development will also serve to consolidate existing development in the Town Centre and provide additional activity on the George Street frontage as is intended under the Byford Townsite Detailed Area Plan. Extension and upgrading of the existing shopping centre in this manner will help to ensure the traditional shopping area of Byford is reinforced and make the area less subject to possible decline once additional centres are development on the western side of the railway.

**Statutory Environment:** Planning and Development Act 2005  
Town Planning Scheme No. 2 (TPS 2)  
Byford Structure Plan 2005  
Byford Townsite Detailed Area Plan

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

Nil

### **Financial Implications:**

There may be financial implications to Council related to this application if the applicant seeks a review of the Council's decision by the State Administrative Tribunal if the development is refused, or not dealt with within the required timeframes under TPS 2 or the applicant objects to any conditions if the development is approved.

### **Strategic Implications:**

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

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

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

Strategies:

2. Develop compatible mixed uses and local employment opportunities in neighbourhoods.
3. Design and develop clustered neighbourhoods in order to minimise car dependency.

**2. Environment**

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

Strategies:

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

**3. Economic**

*Objective 1: A vibrant local community*

Strategies:

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

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

Strategies:

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

*Objective 3: Effective management of Shire growth*

Strategies:

1. Enhance economic futures for Shire communities.

**4. Governance**

*Objective 3: Compliance to necessary legislation*

Strategies:

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

**Community Consultation:**

The plans have recently been provided to the Byford Progress Association for their comments.

**Comment**

In the process of assessing this application the following matters were taken into consideration:

1. The relationship of the land use proposed to the provisions of TPS 2 and power for Council to approve the proposed use
2. The Use Classification of the proposed use
3. The intent of the Town Centre zone within which the development site is located
4. The Shire's retail and town centre design analysis contained in the document entitled "Byford Structure Plan Review – Market Sustainability and Centre Design Review"
5. The provisions of the Western Australian Planning Commission's (WAPC) Statement of Planning Policy 4.2 Metropolitan Centres Policy for the Perth Metropolitan Region
6. The requirements for development in the Town Centre precinct within which the development site is located under the Byford Townsite Detailed Area Plan (DAP)

These matters are discussed in detail below:

**TPS 2**

The proposed development is comprises shops and offices under TPS 2. Both of these uses are classified as "P" (permitted) uses under TPS 2.

The intent of the Commercial zone as set out in TPS 2 is as follows:

5.6 *Commercial Zone*

*The purpose and intent of the Commercial Zone is to encourage the establishment of a commercial centre in each of the four towns in the Shire, to maximise the public benefit and amenity in the towns in respect of retail, office and entertainment facilities.*

The proposed development is consistent with the stated purpose and intent of the Commercial zone.

Byford Structure Plan

The Byford Structure Plan (BSP) was adopted by the Council in accordance with the provisions of clause 5.18.3.15 of TPS2 on 22 August 2005 to provide a framework for the development of the Byford urban area. A Structure Plan commences operation on the date it is adopted by the local government. Under the adopted BSP the development site is located within the Town Centre zone which is the main activity centre in the structure plan area.

Retail Analysis and Design Review

The Shire's "Byford Structure Plan Review – Market Sustainability and Centre Design Review" includes a detailed analysis of the retail needs for the structure plan area. The outcomes of the retail analysis carried out by the Shire with regard to retail centre locations are:

1. *The hierarchy of activity centres has been revised, which allows for a town centre west of the railway line and near the current Byford Township, a village centre in the western area, and a series of local centres.*
2. *In terms of centre sustainability, the north east quadrant of the Byford District Structure Plan represents the existing Byford township population base and will ultimately represent less than 10% of the total population of Byford, estimated at 30 000. An existing IGA supermarket in the Byford Town Centre currently serves the Byford residents and underpins approximately 2 000m<sup>2</sup> of retail and supermarket floor space. An additional 5 000m<sup>2</sup> of supermarket floor space would be unsustainable and inefficient, given the proportionate size of the population in that quadrant and can therefore not be justified.*
3. *In the amended plan, the new town centre is located further south and west than envisaged in the current plan. This has a number of benefits, including the fact that the land is less environmentally constrained; the residential catchment of the future rail station can be improved; and the potential clash between shopper and commuter parking can be more readily avoided when the future train station is operational. This will also ensure the ongoing role of Old Byford as a major employment centre to compliment the adjacent dominant retail centre.*

WAPC's Statement of Planning Policy 4.2 Metropolitan Centres Policy

Applications for retail developments which are consistent with any endorsed structure plan, town planning scheme or planning policy are able to be determined under both the Town Planning Scheme and the Metropolitan Region Scheme by the local authority. In this respect clause 4.1.19 of Statement of Planning Policy No. 4.2 (SPP4.2) Metropolitan Centres Policy Statement for the Perth Metropolitan Region states as follows:

#### **4.1.19 Streamlining the Planning Approval Process**

*The planning approval process should be streamlined by allowing determination by local governments of applications for centre developments consistent with Local Planning Strategies and centre plans that have been endorsed by the Commission. Only development proposals which are inconsistent with an endorsed Local Planning Strategy, centre plan, structure plan, town planning scheme or this policy are required to be referred to the Commission for determination under the Metropolitan Region Scheme.*

In SPP 4.2, Byford is designated as a district level shopping centre. This status has been addressed in the Byford Structure Plan through the designation of the Town Centre zone. The Town Centre zone aims to build upon and consolidate the existing retail centre of Byford. The subject development would achieve this aim.

Under SPP 4.2 the Council and/or the WAPC, in dealing with an application for approval to commence development for a Shopping Centre, is required to have regard for any relevant legislation, the provisions of the Metropolitan Region Scheme (MRS), any operative or proposed town planning scheme, Statement of Planning Policy prepared pursuant to the Planning and Development Act, the Metropolitan Centres Policy Statement for the Perth Metropolitan Region and any relevant endorsed policy, strategy or plan. Therefore, in dealing with this application, both the Council and the WAPC are required to have regard to the BSP and the Byford Townsite DAP as these documents have been adopted by the Council and endorsed by the WAPC.

#### Liveable Neighbourhoods – Element 7 Activity and Employment Centre

Element 7 of Liveable Neighbourhoods (WAPC, October 2004) deals with Activity and Employment Centres, including Neighbourhood Centres. Some of the principles of Element 7 are detailed below (italics) along with commentary detailing how this current proposal fails to address those principles:

*Liveable Neighbourhoods policy is not generally supportive of enclosed retail formats, principally because they do not activate the centre's streets, and are poor catalysers of non-retail jobs. However, there may be situations where a limited amount of the total retail floorspace in a main street centre can be provided in an enclosed format. Where this occurs, the amount and location of the enclosed mall retail floorspace should comprise only a small proportion of the centre's total floorspace, and it should be located so it does not significantly reduce the effectiveness of any associated anchor stores to activate the main street retail.*

The proposed centre will remain an open retail format with all of the retail floor space directly accessible from the street (South Western Highway and George Street).

*Main street mixed use centres can also attract greater densities of both workers and residents. They are critical in the transition from a car-dominant community to one that supports public transport, walking and cycling.*

The development is within the traditional shopping area of Byford and in close proximity to the majority of existing residences on either side of South Western Highway. Accessibility to the centre by pedestrians and cyclists is reasonable from South Western Highway. The railway line on the western side of George Street opposite the centre restricts access to the existing shopping area from future residential areas west of the railway. However, there is a railway crossing in close proximity near the intersection of Abernethy Road and George Street.

*All mixed use centres should have a reasonable amount of denser housing in it and in close proximity to them. This housing within centres will often be important for providing adequate walkable custom for the centres and for supporting public transport services.*

The restrictive barrier of the railway line will reduce the amount of walkable custom for the centre. However, the Byford Structure Plan proposes the development of medium to high density housing around the existing and expanded Town Centre both on the eastern side of South Western Highway and on the western side of the railway.

*Buildings are to be located to abut and address streets or public plazas/parks.*

The buildings in the proposed centre do abut and address George Street and South Western Highway. The Abernethy Road frontage of the building is not active but conditions requiring the verandah to wrap around to part of this frontage and decorative detailing and landscaping on this frontage will help to address this issue. The access to the on-site car park is also off Abernethy Road and the L-shape of the shopping centre permits views into the active frontage of the centre.

### Assessment against Byford Townsite DAP requirements

Under the Byford Townsite DAP, the development is located within the Town Centre precinct. The DAP characterises of the Town Centre area as follows:

#### **7.14. Character Area G – Central Core (Town Centre)**

*This area is proposed, under the BSP, to continue to provide retail and employment opportunities.*

| DAP Requirement   | Proposed Development   |
|---|--|
| <b>Building Setbacks</b>  |  |
| South Western Highway – 2 metres  | Complies   |
| George Street – Nil setback   | Complies   |
| Side boundary – Nil except where provision for pedestrian linkages between streets is required    | Complies   |
| <b>Building Placement, Orientation and Frontages</b>  |  |
| - faces the street/s<br>- built up to road boundaries<br>- active and visually permeable frontage | Complies on George Street and Abernethy Road frontages and part of South Western Highway frontage. However compliance is limited by the fact that this is an existing complex that is being refurbished and extended.  |
| Building fronts contain a high level of detailing.  | Complies   |
| Continuous verandah for weather protection for pedestrians within the lot boundary.               | Partly complies – active frontage on George Street has verandah cover. Only the loading bay area and yard to hardware store do not have verandah cover but this is normally the case in town centres where crossovers and loading areas occurs (ie this is consistent with Fremantle).<br><br>Existing verandah retained on South Western Highway frontage and extended to front of new supermarket. Small extension required to link entrance to Supermarket with verandah fronting individual shops.<br><br>Verandah not provided on Abernethy Road frontage. South Western Highway frontage verandah should be extended around the Abernethy Road frontage at least as far as the electricity substation that services the development. |
| Loading court to be provided centrally or to the side of the building.                            | Complies – loading bay is recessed and undercover. Rear lane between side boundary and building for access to rear of smaller shop tenancies and hardware store yard.  |
| <b>Scale, Proportion &amp; Built Form</b>   |  |

| <b>DAP Requirement</b>  | <b>Proposed Development</b>   |
|---|---|
| Contemporary in its form and style. Consistent with best elements of neighbouring contemporary buildings (if they exist) in terms of basic form, rhythm, materials and articulation.  | Complies  |
| Roof forms broken up to add interest to the skyline. Reflective roofing materials not permitted (unless flat roof located behind pediment). Roofing should contribute visually to the context of the immediate vicinity. Pitched roofs shall be set at approximately 25 degrees.  | Complies  |
| Buildings capable of adaptation over time.  | Complies  |
| Maximum of two storeys to a maximum of 8.0 metres.  | Complies  |
| Development should incorporate covered arcades within individual lots to provide linkages between George Street and South Western Highway.  | Complies – there is through access from George Street to the South Western Highway frontage via the supermarket, chemist and hardware store. Also, as this is a corner site there is access from George Street to the South Western Highway frontage via Abernethy Road.  |
| <b>Building Materials and Colours</b>   |   |
| Predominantly of brick / masonry – either rendered or unrendered, with metal (non-reflective) roofing. Use of alternative materials as detail features encouraged.  | Complies  |
| Where roofing is visible, large profile roof sheeting is not acceptable.  | Roofing will predominantly be flat and hidden behind parapets. Verandah roofs will be colourbond sheeting.  |
| Concrete tilt-up construction for external walls only permitted if proposed articulation, detailing and windows are compatible with the objectives and provisions of these Guidelines. Detailing by texturing / grooving surfaces, the use of bas-relief designs or public artworks and brick headers around windows and doors. | Complies – adequately detailed.   |
| Intense and lurid colours not permitted. Muted neutral backgrounds with mid-range accents are acceptable. Occasional limited use of strong colour for contrast is permitted. Colours that take inspiration from the local soils and vegetation would be most appropriate.   | Developer proposes to use similar earthy colour scheme as has been used on the recently renovated Byford Tavern.  |
| <b>Car Parking and Access</b>   |   |
| Direct access to car parks from South Western Highway is not permitted where an alternative exists.   | Main Roads Western Australia has approved the retention of the existing South Western Highway crossover and the existing Abernethy Road crossover.<br>A traffic island will be required on Abernethy Road to restrict access to the shopping centre to left in/left out, when traffic lights are constructed later this year. Median required in centre of crossovers to control vehicle movements on the crossovers – conditions required. |
| Sharing of crossovers between sites should be encouraged.   | Not applicable due to the restrictions imposed by existing buildings on this site and the adjoining shopping complex on Lot 50.   |
| Clear direct pedestrian access across street blocks shall be allowed at mid-block locations that align with main Highway crossing points.   | Not required as the site is a corner site.  |
| Car parking for customers and tenants shall be provided on-site as required by the prevailing Town Planning Scheme.   | Parking bay numbers shown on the site plan do not comply with Scheme requirement. Refer to separate section of report after this table.   |
| <b>Servicing (bin storage, air conditioning and cooling plant, etc)</b>   |   |

| <b>DAP Requirement</b>  | <b>Proposed Development</b>  |
|---|--|
| Service areas shall be located out of sight of public roads and footpaths.  | Complies – loading bay for supermarket is recessed, bin storage area will be screened by masonry walls, yard to hardware store will be screened by masonry walls. Gate and fencing required to alleyway between shops and northern boundary. |
| Air conditioning equipment, satellite dishes and other roof structures shall be located so as not to extend above the roof line.  | No details provided – condition.   |
| Mechanical equipment may be permitted on building facades (other than a public street façade) where it is adequately visually screened and noise insulated in a manner that is in keeping with the development. | No details provided – condition.   |
| <b>Advertising Signage</b>  |  |
| Advertising signage to conform to the requirements of the Shire of Serpentine Jarrahdale Local Planning Policy No. 5 – “Control of Advertisements”.   | Developer intends to provide raised signage frames. A signage strategy is required – condition.  |
| <b>Environmentally Sensitive Design</b>   |  |
| New developments shall incorporate ecologically sustainable design principles.  | Retention of the existing building abutting the northern boundary means that solar passiveness cannot be improved on that side of the building. Sun and weather protection provided by verandahs on the western and eastern elevations.      |
| <b>Landscaping</b>  |  |
| No on site landscaping is required except in car parking areas where one tree is required per six car parking spaces. Tree species must be selected from Council's preferred palette of indigenous trees.       | Landscaping plan required for verges and car parking areas both on and off-site – condition required. Existing landscaping area along South Western Highway needs to be upgraded.  |
| <b>Furniture</b>  |  |
| Street furniture (seats, litter bins, bollards, street lighting, decorative lighting, signs etc) should be simple and elegant and must be approved by Council.  | No details provided – condition.   |

### Car Parking Requirements

Town Planning Scheme requirement for shopping centres is 1 space per 12.5m<sup>2</sup> gross leasable area (gla).

### Existing Development

Existing shopping centre has 1 820m<sup>2</sup> gla  
Existing parking = 83 bays (60 on site & 23 on rail reserve)

### Proposed Development

Additional floor area = 832m<sup>2</sup> gla @ 1 bay per 12.5m<sup>2</sup> = 67 additional parking bays required.

Total parking bays required = 150. A condition will be required in this regard.

### Carparking provided

Site plan shows 137 bays (shortfall 13 bays). This comprises:

On site: 31  
Railway reserve: 65  
George Street: 41



The owner of Lot 22 has a long term lease on the railway reserve with the PTA. This lease extends from Abernethy Road as far up as the bowling club. There is capacity to pick up additional spaces on that land to achieve the required 150 spaces.

It is not reasonable to retrospectively require parking numbers for the existing floor space to comply with current standards as that was built under Town Planning Scheme No. 1 which had a lesser requirement for parking. Additional parking may only be required for the additional floor space.

It should also be noted that Council has approved concessions for other developments in this part of the townsite in the last three years being:

1. The new Byford Centre on the corner of Pitman Way, George Street and South Western Highway was granted a parking concession of approximately 20 parking spaces.
2. Most of the parking that supports the tavern development is located on the railway reserve under a lease arrangement with the Public Transport Authority (PTA). When the additions to the tavern were approved by the Council in 2006 the developer was only required to provide additional parking for the increased floor area and was allowed to count the parking on the railway reserve in that calculation.

Consistency needs to be exercised in calculating the parking required for this current development application.

A detailed survey of existing vegetation on the railway reserve needs to be carried out before the car park layout on that land is finalised so that the retention of significant vegetation can occur. A condition will be required in this regard.

The Western Australian Planning Commission's Liveable Neighbourhoods only require one space per 20m<sup>2</sup> gla. If car parking is calculated based on the one space per 20m<sup>2</sup> required by Liveable Neighbourhoods then the amount of parking required for the expanded shopping centre would be reduced to a total of 125 bays. It has been suggested by the planning consultant contracted by the Shire to facilitate the Town Centre Visioning Workshop that this is the standard that should be applied to town centres developed on Main Street and/or Transit Oriented Development principles as the emphasis should be on reducing reliance on motor vehicles and encouraging the use of other forms of transport such as public transport, walking and bicycles.

Given the above, it is open to the Council to decide whether they wish to calculate the parking based on current Scheme requirements or using the standard set by Liveable Neighbourhoods.

### **Engineering Comment**

The Manager Engineering Services has provided comment on traffic management and parking as set out below:

#### *Loading Bay location and access to Loading Bay*

*The loading bay location and access still needs to be relocated further to the north and away from the proposed future traffic roundabout. An applicable property access performance criteria in line with Austroads / NAASRA Guide to Traffic Engineering Practise would require a minimum side road distance of 20 metres from the location of property access relative to the intersection, where traffic generation is less than 100 equivalent car movements per day (Note: One truck movement per day entering and leaving the site equals six (6) equivalent car movements per day, therefore allowed truck movements for the Super IGA are a maximum of 16 per day). This distance would have to be measured from the side boundary of the property to the centre of the access way at the property boundary. In this context, the*

*applicant's proposal shows a distance of approx. 10 metres and would therefore be considered insufficient.*

*However, given the proposed width of the landscaped verge, accepting a centre of the driveway at a location in line with the kerb frontage rather than measuring to the location of the driveway centre at property boundary seems reasonable. This would give the applicant a distance of approximately 16 metres to the side boundary with the current layout in lieu of 20 metres. Therefore the driveway will have to be shifted by a further 4 metres to the north. This is consistent with the advice provided to the applicant, where a requirement for a minimum distance of 18 metres to 20 metres was stated for the distance measured from the side boundary on Abernethy Road to the southern intersecting point of the kerb line of George Street and the access driveway to the proposed development. The proposed layout does not measure the distance from the side boundary nor from the edge of a future proposed lane of the roundabout, but from the existing edge of kerb on Abernethy Road. This is not acceptable. The minimum required distance shall therefore be 18 metres from the edge of the proposed new roundabout lane or 20 metres from the side boundary to the centre of the access driveway to the loading bay.*

*Further to the access I suggest a modification to barrier kerb of the southern and northern kerb return into the loading bay as per attached amended sketch. This is to prevent turning movements of trucks leaving the loading bay towards the south and further to protect parked vehicles from damage by truck movement.*

*The sight distance requirements for the loading bay access is an issue. I have shown on the attached sketch the area where no permanent sight obstruction should be ensured. The triangle is set back 2.5 metres from the kerb line and extends to 40 metres to the north. The applicant will have to restrict parking on this side of the road frontage, so that the sight distance to an approaching vehicle is warranted, e.g. converting the 90 degree parking into a parallel parking arrangement.*

#### Loading Bay Length and Footpath

*The footpath alongside the loading bay frontage will have to be skewed or the bay will have to be extended internally, otherwise a truck in the bay might obstruct the pedestrian flow. I have shown this on the attached sketch (Engineering Sketch). A possible single unit truck can reach a length up to 15.5 metres and this cannot be fully accommodated on the applicant's property. The truck shown has a length of approx. 12 metres and does protrude onto the footpath. The applicant should also provide adequate pram ramps.*

#### Car parking and Access to Car parking

*The design of the car parking facilities and access ways to the car parking shall comply with the relevant Australian Standards and regulations, e.g. AS 2890 Parts 1 to 6.*

*The revised access arrangement to the customer car parking off Abernethy Road is acceptable. A detailed design would have to be subject to information providing that the requirements for standard vehicle turning swept path clearances and reverse-in parking manoeuvres can be accommodated with the design.*

*The location of the southern entry/exit to the proposed future car parking on leased land opposite the location of the loading bay is not supported, as this location is likely to cause interference or blockage of the operations of the loading zone and road safety issues might arise from trucks reversing into the loading bay. To keep conflicts between frontage road traffic and car park traffic to an acceptable minimum, the entry/exit point should be relocated to closer proximity to and ideally north of the pedestrian crossing point north of the loading bay, so that a truck reversing into the loading bay would not temporarily block the exit to the car park. In this case the delivery truck driver would only have to pay attention to possible stacked up cars behind and oncoming traffic coming down George Street from the north. Please note the property access performance criteria as per Austroads / NAASRA 1998*

*Guide to Traffic Engineering Practice does also apply for the location of the car parking access in similar fashion as mentioned above. I have indicatively marked the area for the prohibited car park access on the attached plan (Engineering Sketch).*

*The dimension of parking bays for car parking will have to comply with AS 2890 and shall be adequate for class 3a user characteristics/land use that is short term town centre parking or high turnover parking at shopping centres. For off road parking the minimum space width requirement is 2.6m at 90 degree parking angle and ideally 5.4m length. The preferred aisle widths in this case would be 6.6m, which could be reduced to 6.2m in line with AS 2890.1, but the bay widths would then increase to 2.7m. Therefore the shown layout of the proposed future car parking on leased land and within L1 & L2 (#867) South Western Highway is not in compliance with the relevant standard and is not acceptable.*

*Also where the parking design ends in a blind aisle, such as on the southern end of the proposed future car parking on leased land towards Abernethy Road, the aisle shall be extended a minimum of 1m beyond the last parking space, with the last parking space being widened by at least 300mm where bounded by a wall or fence or in this case vegetation. This might have an impact on the provision of a sufficient number of car parking bays.*

*Further and due to the long aisle length in the proposed future car parking on leased land, installation of traffic control devices such as speed humps or a level raised pedestrian crossing point would have to be placed along the parking aisle to control vehicle speeds.*

*A detailed car parking layout with all dimensions should be submitted at building application stage, but you will have to satisfy your requirement for the provision of sufficient car parking bays.*

*The dimension of parking bays for car parking areas will have to comply with AS 2890 and shall be adequate for class 3a user characteristics/land use that is short term town centre parking or high turnover parking at shopping centres. For off road parking the minimum space widths requirement is 2.6m at 90 degree parking angle and ideally 5.4m length. The preferred aisle widths in this case would be 6.6m, which could be reduced to 6.2m in line with AS 2890.1, but the bay widths would then increase to 2.7m.*

**A copy of the Engineering Sketch is with the attachments marked SD019.2/08/07.**

#### Concept Forum Discussions

At the Concept Forum meeting held on 7 August 2007 a number of issues were discussed with regard to this development. The issues raised and the assessing officer's comments with regard to those issues are detailed below:

|   | <b>Issues Raised</b>   | <b>Officer Comment</b>  |
|---|--|---|
| 1 | Curved verandah roofs should be replaced with gable roofs as this is more in keeping with "Byford Style" and is consistent with the overall roof style. Additionally, the curved parapet on the South Western Highway and Abernethy Road frontages of the supermarket should be gabled or straight as opposed to the curved tops depicted on the elevations. | A condition has been included in the recommendation in this regard. |
| 2 | The verandah on the South Western Highway frontage should be continuous. This would require the extension of the verandah shown on the elevations so that there is   | A condition has been included in the recommendation in this regard. |

|   | <b>Issues Raised</b>   | <b>Officer Comment</b>   |
|---|--|--|
|   | continuous cover from the entrance to the supermarket to the forecourt fronting the individual shops.  |  |
| 3 | The arcade through the supermarket that allows access from George Street to South Western Highway should be designed so that it does not actually form part of the supermarket (ie maintained as a clear path and no stock displayed or stored in the area). | A condition has been included in the recommendation requiring the foyer to the supermarket to be designed so that the foyer appears as a distinct thoroughfare rather than a part of the supermarket. This could include barriers such as low walls on either side of the checkout areas or the supermarket being shut off with roller doors when it is closed so that the arcade can remain open as long as other shops in the centre are open (ie the pizza, fish and chip and video shops are generally open later than the supermarket on some nights. Another condition has been included to require the foyer to be kept clear of stock and anything else related to the supermarket (such as shopping trolley storage areas) with just items like local newspaper display stands, potted plants and community notice boards being allowed in that area. |
| 4 | The South Western Highway entrance to the supermarket should be moved to the forecourt to provide a better connection between the small shops and the supermarket.   | A condition has been included in the recommendation in this regard.  |
| 5 | The provision of trees in car parking areas should be provided at a greater ratio than the 1 per six bays required under Town Planning Scheme No. 2.   | It is not considered necessary to impose a greater requirement than the Scheme. A ratio of 1 tree per 6 parking bays generally translates on the ground to a tree centrally located with 3 bays either side that would eventually all be shaded as the canopy of the tree matures. This is consistent with the Australian Standard for car parking areas.  |
| 6 | A minimum of two (2) Disabled Parking Spaces should be provided in the South Western Highway car park as well as two (2) Disabled Parking Spaces in George Street.   | A condition has been included in the recommendation in this regard.  |
| 7 | Concern was raised that the car park on the railway could prejudice a future train station and park and ride facility being established in the future.   | The train station is unlikely to be located within 100 metres of the existing at-grade railway crossing to allow sufficient length for trains stopped at the station to not impede the crossing and cause traffic hold ups. The carpark on the railway reserve for the shopping centre can only extend a maximum of 100 metres from along George Street as this is the extent of the current leased area. Carparking areas for the future railway station will need to be provided on the railway reserve, adjacent road reserves and possibly on private land purchased by the PTA, near the proposed location of the station.<br>There are no guarantees that the PTA would  |

|    | <b>Issues Raised</b>   | <b>Officer Comment</b>   |
|----|--|--|
|    |  | not cancel the lease in the future.  |
| 8  | Concern was expressed that the Public Transport Authority may decide at some time in the future to cancel the shopping centres lease over the railway reserve resulting in a substantial amount of car parking being lost. | Council has previously approved extensions to the tavern in 2006 that rely on car parking on the railway reserve and this approval is consistent to that decision.   |
| 9  | The development should be required to be two-storey with residential apartments on top.  | <p>The Byford Townsite Detailed Area Plan states as follows:</p> <p>Residential use at first floor level or above will be encouraged, however, all ground floor uses must be non-residential (apart from the areas used to access the residential component).</p> <p>Whilst the Council can seek to encourage "shop-top" housing there is no provision of the DAP or TPS 2 that requires this to occur. It should also be taken into account that if residential is provided there is an additional need for car parking to be provided for residents and their visitors. Residential housing above a large supermarket and adjacent to cool rooms, loading docks and air conditioning units is undesirable.</p>   |
| 10 | The location of the supermarket bin bay adjacent to South Western Highway.   | <p>The bin enclosure for the supermarket needs to be in a location that is accessible to refuse trucks (ie easy off-street access) as the supermarket uses bulk bins that cannot be wheeled out and left on the street for collection. The collection vehicle operator wheels the bulk bin out of the enclosure and puts it back in when it has been emptied. The developer advises that the collection vehicles come before 8.00am so will not impede access to the South Western Highway carpark. As the centre has public frontages to all three streets there is really no other suitable location for the bin enclosure. Wherever it is placed will be adjacent to a public place.</p> <p>To contain odours the bulk bins should be required to have lids and the bin bay required to be roofed and closed in by doors rather than gates. The roof could be a simple gable style to tie in with the design features of the shopping centre and the walls constructed of masonry and finished to the same standard as the shopping centre. The walls of the enclosure could display the name of the centre ("Byford Village Centre") and the street number.</p> <p>If the design requirements detailed above are</p> |

|    | Issues Raised   | Officer Comment  |
|----|---|--|
|    |   | imposed the bin enclosure could provide an entry statement on the South Western Highway frontage of the site. To increase the impact of the entry statement it could possibly even be designed as a tower like structure that doubles as the main sign for the development. This would enable the removal of the other existing pylon signs adjacent to South Western Highway. |
| 11 | Balustrading around forecourt should be open grill style rather than solid walls. | A condition has been included in this regard.  |

Applicants response to issues raised

The applicant was advised of the issues of concerns about the development raised at the Concept Forum meeting. The applicant through his Planning consultant has advised as follows:

1. *Architectural changes – Whilst Mr Lenz does not necessarily object to the suggestions made at the Concept Forum, I am of the view that the style presented in the submitted plans is in keeping with the “Byford Style” and sympathetic to existing character of the shopping centre. The shopping centre is situated, juxtaposed to the newly renovated Byford Tavern and it can not be said that the Tavern is necessarily representative of the “Byford Style”. Furthermore, there is certainly nothing within Council’s Town Planning Scheme or existing policies that can mandate particular architectural styles in this regard.*

*It is recommended that the suggested changes be considered by the Applicant and his architect for possible inclusion in the plans at building licence stage.*

2. *Verandah extension – Agreed as suggested.*
3. *Arcade – This is the only real contention of all the issues raised. The section for the suggested arcade is too short to function as a proper arcade. This is simply not a personal preference of Mr Lenz, but an issue that has a proper planning and design basis. There are inter-related management, surveillance and security issues, particularly after-hours when the majority of the centre will be closed. It will only encourage loitering, vandalism and other anti-social behaviour. Similar arcades in other shopping centres are locked after-hours. Would you want to walk down there after hours? The necessary ‘link’ is provided during trading hours when it will be needed. There is sufficient parking on the western side of the site after-hours for the take-away facilities. Furthermore, pedestrians could also use the verandah around the perimeter of the supermarket which would have much better passive surveillance at night.*

*Any suggestion of an arcade incorporated into the design is strongly objected too.*

4. *Entrance at forecourt – Agreed. Whilst there is a level difference to overcome, the applicant’s architect advises that it is possible.*
5. *Car parking ratio – There is no basis whatsoever to ask for surplus parking.*
6. *Disabled parking – Agreed, a minimum of two (2) disabled bays and any additional as required by the Scheme or relevant Australian standard.*

7. *Future train station – A train station would never be approved so close to the level crossing at Abernethy Road.*
8. *PTA lease – Agreed with comments provided by Meredith Kenny. The PTA has no objection to the proposed development and the agreement for the car park is already in place. Another copy of the 10 year lease between the Applicant and the PTA has been provided to the Council.*

*I have personally been in contact with Geraldine Pereira, the relevant property manager at PTA, who has advised that commitments can not be made outside the terms of the lease in any situation. There are currently no other plans for the use of this reserve and Council has similarly allowed parking for the Byford Tavern in the Reserve.*
9. *‘Shop-top’ development – Council would have no basis to impose conditions along these lines and that would automatically trigger an appeal by the Applicant.*
10. *Bin bay – Agree with suggestions made.*
11. *Open balustrading in forecourt – Agree with suggestions made. Has already been shown as open on the plans.*
12. *Review by independent architect – The Applicant strongly objects to this suggestion. This should have been requested at the time of the lodgement of the original or revised plans.*
13. *Removal of asbestos roofing – Agreed, should be a condition of approval.*
14. *Provision of Artwork – Agreed, should be condition of approval.*

*There has been a long period of negotiation between Council’s technical staff and the Applicant, his architect and town planner that has resulted in a number of revisions since the application was first lodged. In spirit of co-operation and with mutual objective of achieving “a good outcome”, Mr Lenz is prepared to accept most of the suggestions made at the Concept Forum.*

*Notwithstanding the above, the additions and renovations to the only proper retail facility in Byford are now long overdue and urgent.”*

### Conclusion

The proposed development generally complies with the design guidelines contained in the Byford Townsite DAP for the Town Centre precinct and TPS 2. Areas of non-compliance are relatively minor and can be adequately addressed through conditions. Accordingly, it is recommended that the application be approved.

**Voting Requirements:** Simple Majority

### **Officer Recommended Resolution:**

- A. Subject to approval of the Car parking layout on the railway reserve by the Public Transport Authority, the application for Approval to Commence Development for the expansion and refurbishment of the Byford Village Shopping Centre on Lot 22 (867) South Western Highway, Byford be approved subject to the following conditions:

#### APPROVALS REQUIRED

1. A building licence must be applied for and issued by Council before any work commences on the site.

2. Demolition Licence is to be obtained from the Shire prior to the commencement of any demolition works on site.
3. The building is not to be occupied until the Shire has issued a Certificate of Classification. A person who uses or occupies, or permits the use or occupation, of a building without a Certificate of Classification in contravention of Building Regulation 20(4) or 22 is guilty of an offence.

#### AMENITY

4. The existing buildings on the property being upgraded to the same standard, colours and finish as the additions to provide a cohesive development to the satisfaction of the Shire. Details of the works to be undertaken to the existing building to be provided with the application for a Building Licence for the additions.
5. The external walls of the building are to be natural or earth tonings to compliment the surroundings and/or adjoining developments in the locality in which it is located. A schedule of colours and finishes is to be provided for approval to the satisfaction of the Council.
6. The location of external fans, air conditioners and the like shall be located so that they are not visible from any street or public area to the satisfaction of Council and installed to prevent loss of amenity to the area by its appearance, noise, emission or otherwise.
7. All sewerage wastes and water pipes to be concealed within the building.
8. No goods or materials are to be stored either temporarily or permanently in the parking area, driveway, landscape areas, public footpath areas, road or rail reserves.
9. Display lighting, other than that required for reasonable security, shall not be used between the hours of 9.30pm and 6.00am on any day.
10. The verandah on the South Western Highway frontage is to be continuous. This would require the extension of the verandah shown on the elevations so that there is continuous cover from the entrance to the supermarket to the forecourt fronting the individual shops.
11. The arcade through the supermarket that allows access from George Street to South Western Highway is to be designed by a low wall or other appropriate barrier so that it does not actually form part of the supermarket (ie maintained as a clear path and no stock displayed or stored in the area).
12. An additional door being provided between the supermarket and the small shops to provide better pedestrian connection.
13. Curved verandah roofs are to be replaced with gable roofs more in keeping with "Byford Style" and consistent with the overall roof style. The curved parapet on the South Western Highway and Abernethy Road frontages of the supermarket is to be modified to a gabled or straight style.
14. Decorative panels, architectural features or public art are to be included on the external face of the Supermarket Wall fronting Abernethy Road to the satisfaction of the Executive Manager Planning and Regulatory Services.

#### LOADING BAY

15. The following modifications being made to the entrance to the loading bay:
  - a) A minimum distance of 20 metres being provided from the southern side boundary to the centre of the crossover and driveway leading to the loading bay. The loading bay itself can remain in the location shown on the site plan submitted by the applicant if the driveway and crossover can be skewed to achieve this minimum setback whilst still achieving safe traffic movement to the satisfaction of the Shire.
  - b) The barrier kerbing to the southern and northern kerb return into the loading bay being extended as shown on Engineering Sketch 1, attached to and forming part of this approval, to control the turning movements of trucks leaving the loading bay towards the south and to



- protect parked vehicles on George Street from damage by truck movement.
- c) The layout of parking spaces on George Street adjacent to the loading bay is to be modified to provide adequate sight distance in the triangle marked on Engineering Sketch 1, attached to and forming part of this approval.
  - d) The alignment of the footpath alongside the loading bay frontage being modified as shown on Engineering Sketch 2, attached to and forming part of this approval, with pram ramps being provided at the ends of the footpath abutting the driveway to the loading bay.
16. All loading and unloading to take place within the boundaries of the premises.

#### CAR PARKING

- 17. A minimum of 150 car parking spaces (including Disabled parking spaces) is to be provided by the developer.
- 18. Two (2) disabled parking bays are to be located in the on-site car park and two (2) disabled bays in the on-street carparking on the George Street frontage of the building adjacent to the entrances (total of 4 disabled parking bays) along with the required statutory signage and markings to the satisfaction of the Shire.
- 19. George Street shall be upgraded at the expense of the developer to incorporate 90 degree angled car parking bays (except where otherwise required by a condition of this approval), landscaping areas, footpaths, crossovers, pedestrian crossing points and traffic management to the specifications and satisfaction of Council. Plans shall be prepared for these works for approval by the Shire, prior to the issue of a building licence.
- 20. The George Street and railway reserve car parking bays, landscaping areas, footpaths, crossovers, pedestrian crossing points and traffic management devices shall be constructed, sealed, kerbed, drained, linemarked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering prior to the occupation of the development for the use hereby permitted and at all times.
- 21. Carparking constructed within the George Street road reserve by the developer to support this development is not to extend past the northern boundary of Lot 22.
- 22. Pedestrian ramps shall be provided at all kerb crossings and contained within the development.
- 23. The developer must provide cash-in-lieu for any shortfall in the provision of on-site and on-street vehicle parking in accordance with the provisions of Town Planning Scheme No. 2 before any work associated with this approval commences on site. Valuation fees associated with determining the land value component of the cash-in-lieu contribution will be at the cost of the developer. Where Council agrees to accept cash-in-lieu of car parking spaces, the amount paid per bay will comprise:
  - a) a construction component cost being the cost of constructing, sealing, draining, kerbing, lighting and landscaping each bay; and
  - b) a land value component based on 21.25m<sup>2</sup> x land value per m<sup>2</sup> and number of parking bays required.

The per square metre value of land is to be determined from a valuation conducted by a sworn Valuer appointed by the Council and costs incurred in obtaining the valuation will be borne by the developer proposing a cash-in-lieu contribution.

- 24. The design of the car parking facilities and access ways to the car parking shall comply with the relevant Australian Standards and regulations, e.g. AS 2890 Parts 1 to 6.

25. The dimension of parking bays is to comply with AS 2890 class 3a user characteristics/land use (short term town centre parking or high turnover parking at shopping centres) to the satisfaction of the Shire. The southern most entrance to the railway reserve carpark being modified as shown on Engineering Sketch 1, attached to and forming part of this approval, and restricted to left in access only.
26. A kerbed median being constructed on George Street in the location shown on Engineering Sketch 1. to the satisfaction of the Shire.
27. Blind aisles within car parking areas are to be extended a minimum of one metre past end parking bays.
28. Where a parking bay abuts an obstruction such as wall, vegetation or fence the width of the bay shall be increased by a minimum of 300 millimetres.
29. Traffic control devices such as speed humps or level raised pedestrian crossing points are to be provided within the railway reserve carpark to the satisfaction of the Shire to restrict traffic speeds.
30. Detailed car parking layout plans showing the dimensions of parking spaces and accessways, traffic control devices, directions of traffic flow, bay numbering, special use (ie Disabled) bays, existing and proposed vegetation is to be submitted at building application stage. The design of the railway reserve car park is to accommodate the retention of existing native vegetation as much as possible to the satisfaction of the Shire.
31. The vehicle parking access(s), accessway(s) and crossover(s) shall be designed, constructed, sealed, kerbed, drained, linemarked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering prior to the occupation of the development for the use hereby permitted.
32. Lighting to be provided to all carparking areas and the exterior entrances to all buildings in accordance with Australian Standard AS 1158.3.1 (Cat. P).
33. All external lighting to be hooded and oriented so that the light source is not directly visible to the travelling public or abutting residences.
34. Bicycle parking for a minimum of ten bicycles is to be provided on site to the satisfaction of the Shire.

#### STORMWATER

35. A stormwater management plan being prepared for the subject development including the George Street road reserve and carpark on the railway reserve and to be approved by the Shire prior to the issue of a building licence.
36. All stormwater to be disposed of in accordance with the approved Stormwater Management Plan and within the confinements of the subject property to prevent the direct disposal of stormwater onto neighbouring properties. The property is located within the Byford Structure Plan area and is covered by the Byford Urban Stormwater Management Strategy. The water quality and quantity outcomes are contained within the strategy and are to be met to ensure water sensitive design principles are achieved.
37. The developer marking a contribution to the Shire, prior to the issue of a building licence, for the contribution for stormwater detention for subcatchment relevant to this development as defined in the Byford Urban Stormwater Management Strategy.

#### BIN STORAGE AND PICK-UP

38. The provision of a suitably screened bin storage area and refuse bins adequate to service the supermarket shall be provided to the specification or requirements of Council's Environmental Health Services prior to occupation of the development.
39. The design of the bin enclosure for the supermarket is to be is to incorporate the following elements:

- a) walls are to be masonry, finished to the same standard as the shopping centre building and have a minimum height of 2.1 metres;
  - b) be roofed with a gable roof style of the same pitch as any gables on the shopping centre building;
  - c) be closed in by doors rather than gates;
  - d) the walls of the enclosure facing the street are permitted to display the name of the centre (ie "Byford Village Centre") and the street number only.
40. Bins used by the individual shop tenancies are to be stored in the alley abutting the northern boundary except when awaiting collection.
  41. The alley adjacent to the northern boundary is to be fenced and gated.
  42. The provision of a hardstand bin pick-up area of sufficient size to accommodate all of the bins for the individual shop tenancies on the verge abutting the George Street frontage as shown in red on the site plan.
  43. Bins are not to be placed on the bin pick up area except on the day of pick up and shall be returned to the property as soon as possible after pick up.

#### SIGNAGE

44. Prior to the issue of a Building Licence for the development, a Signage Strategy detailing location, size and height of signage for the whole development (including wall signs, window signs, under verandah signs and fascia signage) is to be submitted for the approval of the Shire. All signage is thereafter to comply with the approved Signage Strategy and is to be maintained in good condition at all times to the satisfaction of the Shire. Only one pylon sign for the development will be permitted along South Western Highway.
45. The existing pylon signs on the South Western Highway frontage are to be removed and replaced with a single off-building sign structure in keeping with the design of the shopping centre. This may be designed as a tower structure with the bin enclosure as its base subject to the design being approved by the Council.

#### LANDSCAPING

46. Prior to issue of a Building Licence for the development, landscaping and reticulation plans must be submitted (in triplicate) to Council's Planning Services and approved, for all carparking areas on and off site and road verges abutting the site. For the purpose of this condition a detailed landscape plan shall be drawn to a scale of 1:100 and shall show the location, name and mature heights of existing and proposed trees and shrubs on George Street and the railway reserve. Trees to be planted are restricted to those contained in the palette of indigenous trees detailed in the Byford Townsite Detailed Area Plan for the Town Centre and any shrubs shall be local indigenous species unless otherwise approved in writing by the Shire.
47. Landscaping and timed reticulation is to be established in accordance with the approved plans prior to occupation of the development and thereafter maintained to the satisfaction of the Shire.
48. The provision of street furniture (fixed seating and bins) is required within the development and on the road reserve to the satisfaction of the Shire.

#### Advice Notes:

1. If any part of the premises is to be used in connection with the sale, storage, manufacture or distribution of food, detailed plans and specifications are to be submitted to the Shire's Environmental Health Services for approval prior to the commencement of construction. A food premises notification form shall also be submitted.  
The plans should include details of:

- a) the structural finishes of the floors, walls and ceilings;
  - b) the position and type and construction of the fixtures, fittings and equipment;
  - c) all sanitary conveniences and changerooms;
  - d) kitchen exhaust hoods and mechanical ventilating exhaust systems; and
  - e) drains, garbage room, grease traps and provision for waste disposal.
2. Plans of any hairdressing/skin penetration establishments are to be submitted to the Shire's Environmental Health Section for approval, in respect to conformity with relevant legislation, prior to any construction and installations being carried out.
  3. The development is to be provided with a suitable enclosure for the storage and cleaning of rubbish receptacles in accordance with the Shire of Serpentine-Jarrahdale Health Local Laws 1999. The location of the enclosure is to be to the satisfaction of the Principal Environmental Health Officer / Director Engineering.
  4. A "suitable enclosure" means an enclosure:
    - a) of sufficient size for the number of receptacles to be used;
    - b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material approved by the Principal Environmental Health Officer;
    - c) fitted with a tap connected to an adequate supply of water;
    - d) having smooth impervious walls constructed of approved material not less than 1.5m in height and an access way not less than 1 metre in width, fitted with a self-closing gate;
    - e) containing a smooth impervious floor of not less than 75mm thickness, evenly graded and adequately drained to an approved liquid refuse disposal system; and
    - f) which is easily accessible to allow for the removal of the receptacles.
  5. Staff and public toilets to be ventilated in accordance with the provisions of the Sewerage (Lighting, Ventilation and Construction) Regulations 1971.
  6. The applicant shall submit, at the time of application for a Building Licence, documentation in compliance with the Building Regulations 1989 and the Building Code of Australia, including in particular detailed plans and specifications for site works, including finished ground and floor levels, storm water and roof runoff disposal, existing easements, parking areas including pavement type, lighting, loading bays, and refuse bulk bin areas, if applicable, to the satisfaction of Council.

B. Main Roads WA to be advised of Council's decision.

**SD019/08/07 Committee Recommended Resolution:**

- A. Subject to approval of the Car parking layout on the railway reserve by the Public Transport Authority, the application for Approval to Commence Development for the expansion and refurbishment of the Byford Village Shopping Centre on Lot 22 (867) South Western Highway, Byford be approved subject to the following conditions:

**APPROVALS REQUIRED**

1. A building licence must be applied for and issued by Council before any work commences on the site.
2. Demolition Licence is to be obtained from the Shire prior to the commencement of any demolition works on site.
3. The building is not to be occupied until the Shire has issued a Certificate of Classification. A person who uses or occupies, or permits the use or occupation, of a building without a Certificate of Classification in contravention of Building Regulation 20(4) or 22 is guilty of an offence.

## AMENITY

4. The existing buildings on the property being upgraded to the same standard, colours and finish as the additions to provide a cohesive development to the satisfaction of the Shire. Details of the works to be undertaken to the existing building to be provided with the application for a Building Licence for the additions.
5. The external walls of the building are to be natural or earth tonings to compliment the surroundings and/or adjoining developments in the locality in which it is located. A schedule of colours and finishes is to be provided for approval to the satisfaction of the Council.
6. The location of external fans, air conditioners and the like shall be located so that they are not visible from any street or public area to the satisfaction of Council and installed to prevent loss of amenity to the area by its appearance, noise, emission or otherwise.
7. All sewerage wastes and water pipes to be concealed within the building.
8. No goods or materials are to be stored either temporarily or permanently in the parking area, driveway, landscape areas, public footpath areas, road or rail reserves.
9. Display lighting, other than that required for reasonable security, shall not be used between the hours of 9.30pm and 6.00am on any day.
10. The verandah on the South Western Highway frontage is to be continuous. This would require the extension of the verandah shown on the elevations so that there is continuous cover from the entrance to the supermarket to the forecourt fronting the individual shops.
11. The arcade through the supermarket that allows access from George Street to South Western Highway is to be designed by a low wall or other appropriate barrier so that it does not actually form part of the supermarket (ie maintained as a clear path and no stock displayed or stored in the area).
12. An additional door being provided between the supermarket and the small shops to provide better pedestrian access connecting onto the outside ramp.
13. Curved verandah roofs are to be replaced with gable roofs more in keeping with "Byford Style" and consistent with the overall roof style. The curved parapet on the South Western Highway and Abernethy Road frontages of the supermarket is to be modified to a gabled or straight style.
14. Decorative panels, architectural features or public art are to be included on the external face of the Supermarket Wall fronting Abernethy Road to the satisfaction of the Executive Manager Planning and Regulatory Services.

## LOADING BAY

15. The following modifications being made to the entrance to the loading bay:
  - a) A minimum distance of 20 metres being provided from the southern side boundary to the centre of the crossover and driveway leading to the loading bay. The loading bay itself can remain in the location shown on the site plan submitted by the applicant if the driveway and crossover can be skewed to achieve this minimum setback whilst still achieving safe traffic movement to the satisfaction of the Shire.
  - b) The barrier kerbing to the southern and northern kerb return into the loading bay being extended as shown on Engineering Sketch 1, attached to and forming part of this approval, to control the turning movements of trucks leaving the loading bay towards the south and to protect parked vehicles on George Street from damage by truck movement.
  - c) The layout of parking spaces on George Street adjacent to the loading bay is to be modified to provide adequate sight distance in the triangle marked on Engineering Sketch 1, attached to and forming part of this approval.

- d) The alignment of the footpath alongside the loading bay frontage being modified as shown on Engineering Sketch 2, attached to and forming part of this approval, with pram ramps being provided at the ends of the footpath abutting the driveway to the loading bay.
16. All loading and unloading to take place within the boundaries of the premises.

#### CAR PARKING

17. A minimum of 137 car parking spaces (including Disabled parking spaces) is to be provided by the developer.
18. Two (2) disabled parking bays are to be located in the on-site car park and two (2) disabled bays in the on-street carparking on the George Street frontage of the building adjacent to the entrances (total of 4 disabled parking bays) along with the required statutory signage and markings to the satisfaction of the Shire.
19. George Street shall be upgraded at the expense of the developer to incorporate 90 degree angled car parking bays (except where otherwise required by a condition of this approval), landscaping areas, footpaths, crossovers, pedestrian crossing points and traffic management to the specifications and satisfaction of Council. Plans shall be prepared for these works for approval by the Shire, prior to the issue of a building licence.
20. The George Street and railway reserve car parking bays, landscaping areas, footpaths, crossovers, pedestrian crossing points and traffic management devices shall be constructed, sealed, kerbed, drained, linemarked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering prior to the occupation of the development for the use hereby permitted and at all times.
21. Carparking constructed within the George Street road reserve by the developer to support this development is not to extend past the northern boundary of Lot 22.
22. Pedestrian ramps shall be provided at all kerb crossings and contained within the development.
23. The developer must provide cash-in-lieu for any shortfall in the provision of on-site and on-street vehicle parking in accordance with the provisions of Town Planning Scheme No. 2 before any work associated with this approval commences on site. Valuation fees associated with determining the land value component of the cash-in-lieu contribution will be at the cost of the developer. Where Council agrees to accept cash-in-lieu of car parking spaces, the amount paid per bay will comprise:
  - a) a construction component cost being the cost of constructing, sealing, draining, kerbing, lighting and landscaping each bay; and
  - b) a land value component based on 21.25m<sup>2</sup> x land value per m<sup>2</sup> and number of parking bays required.

The per square metre value of land is to be determined from a valuation conducted by a sworn Valuer appointed by the Council and costs incurred in obtaining the valuation will be borne by the developer proposing a cash-in-lieu contribution.

24. The design of the car parking facilities and access ways to the car parking shall comply with the relevant Australian Standards and regulations, e.g. AS 2890 Parts 1 to 6.
25. The dimension of parking bays is to comply with AS 2890 class 3a user characteristics/land use (short term town centre parking or high turnover parking at shopping centres) to the satisfaction of the Shire. The southern most entrance to the railway reserve carpark being modified as shown on Engineering Sketch 1, attached to and forming part of this approval, and restricted to left in access only.

26. A kerbed median being constructed on George Street in the location shown on Engineering Sketch 1. to the satisfaction of the Shire.
27. Blind aisles within car parking areas are to be extended a minimum of one metre past end parking bays.
28. Where a parking bay abuts an obstruction such as wall, vegetation or fence the width of the bay shall be increased by a minimum of 300 millimetres.
29. Traffic control devices such as speed humps or level raised pedestrian crossing points are to be provided within the railway reserve carpark to the satisfaction of the Shire to restrict traffic speeds.
30. Detailed car parking layout plans showing the dimensions of parking spaces and accessways, traffic control devices, directions of traffic flow, bay numbering, special use (ie Disabled) bays, existing and proposed vegetation is to be submitted at building application stage. The design of the railway reserve car park is to accommodate the retention of existing native vegetation as much as possible to the satisfaction of the Shire.
31. The vehicle parking access(s), accessway(s) and crossover(s) shall be designed, constructed, sealed, kerbed, drained, linemarked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering prior to the occupation of the development for the use hereby permitted.
32. Lighting to be provided to all carparking areas and the exterior entrances to all buildings in accordance with Australian Standard AS 1158.3.1 (Cat. P).
33. All external lighting to be hooded and oriented so that the light source is not directly visible to the travelling public or abutting residences.
34. Bicycle parking for a minimum of ten bicycles is to be provided on site to the satisfaction of the Shire.

#### STORMWATER

35. A stormwater management plan being prepared for the subject development including the George Street road reserve and carpark on the railway reserve and to be approved by the Shire prior to the issue of a building licence.
36. All stormwater to be disposed of in accordance with the approved Stormwater Management Plan and within the confinements of the subject property to prevent the direct disposal of stormwater onto neighbouring properties. The property is located within the Byford Structure Plan area and is covered by the Byford Urban Stormwater Management Strategy. The water quality and quantity outcomes are contained within the strategy and are to be met to ensure water sensitive design principles are achieved.
37. The developer making a contribution to the Shire, prior to the issue of a building licence, for the contribution for stormwater detention for subcatchment relevant to this development as defined in the Byford Urban Stormwater Management Strategy.

#### BIN STORAGE AND PICK-UP

38. The provision of a suitably screened bin storage area and refuse bins adequate to service the supermarket shall be provided to the specification or requirements of Council's Environmental Health Services prior to occupation of the development.
39. The design of the bin enclosure for the supermarket is to be is to incorporate the following elements:
  - a) walls are to be masonry, finished to the same standard as the shopping centre building and have a minimum height of 2.1 metres;
  - b) be roofed with a gable roof style of the same pitch as any gables on the shopping centre building;
  - c) be closed in by doors rather than gates;

- d) the walls of the enclosure facing the street are permitted to display the name of the centre (ie "Byford Village Centre") and the street number only.
- 40. Bins used by the individual shop tenancies are to be stored in the alley abutting the northern boundary except when awaiting collection.
- 41. The alley adjacent to the northern boundary is to be fenced and gated.
- 42. The provision of a hardstand bin pick-up area of sufficient size to accommodate all of the bins for the individual shop tenancies on the verge abutting the George Street frontage as shown in red on the site plan.
- 43. Bins are not to be placed on the bin pick up area except on the day of pick up and shall be returned to the property as soon as possible after pick up.

#### SIGNAGE

- 44. Prior to the issue of a Building Licence for the development, a Signage Strategy detailing location, size and height of signage for the whole development (including wall signs, window signs, under verandah signs and fascia signage) is to be submitted for the approval of the Shire. All signage is thereafter to comply with the approved Signage Strategy and is to be maintained in good condition at all times to the satisfaction of the Shire. Only one pylon sign for the development will be permitted along South Western Highway.
- 45. The existing pylon signs on the South Western Highway frontage are to be removed and replaced with a single off-building sign structure in keeping with the design of the shopping centre. This may be designed as a tower structure with the bin enclosure as its base subject to the design being approved by the Council.

#### LANDSCAPING

- 46. Prior to issue of a Building Licence for the development, landscaping and reticulation plans must be submitted (in triplicate) to Council's Planning Services and approved, for all carparking areas on and off site and road verges abutting the site. For the purpose of this condition a detailed landscape plan shall be drawn to a scale of 1:100 and shall show the location, name and mature heights of existing and proposed trees and shrubs on George Street and the railway reserve. Trees to be planted are restricted to those contained in the palette of indigenous trees detailed in the Byford Townsite Detailed Area Plan for the Town Centre and any shrubs shall be local indigenous species unless otherwise approved in writing by the Shire.
- 47. Landscaping and timed reticulation is to be established in accordance with the approved plans prior to occupation of the development and thereafter maintained to the satisfaction of the Shire.
- 48. The provision of street furniture (fixed seating and bins) is required within the development and on the road reserve to the satisfaction of the Shire.

#### Advice Notes:

- 1. If any part of the premises is to be used in connection with the sale, storage, manufacture or distribution of food, detailed plans and specifications are to be submitted to the Shire's Environmental Health Services for approval prior to the commencement of construction. A food premises notification form shall also be submitted.

The plans should include details of:

- a) the structural finishes of the floors, walls and ceilings;
- b) the position and type and construction of the fixtures, fittings and equipment;
- c) all sanitary conveniences and changerooms;



- d) kitchen exhaust hoods and mechanical ventilating exhaust systems;  
and
  - e) drains, garbage room, grease traps and provision for waste disposal.
2. Plans of any hairdressing/skin penetration establishments are to be submitted to the Shire's Environmental Health Section for approval, in respect to conformity with relevant legislation, prior to any construction and installations being carried out.
  3. The development is to be provided with a suitable enclosure for the storage and cleaning of rubbish receptacles in accordance with the *Shire of Serpentine-Jarrahdale Health Local Laws 1999*. The location of the enclosure is to be to the satisfaction of the Principal Environmental Health Officer / Director Engineering.
  4. A "suitable enclosure" means an enclosure:
    - a) of sufficient size for the number of receptacles to be used;
    - b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material approved by the Principal Environmental Health Officer;
    - c) fitted with a tap connected to an adequate supply of water;
    - d) having smooth impervious walls constructed of approved material not less than 1.5m in height and an access way not less than 1 metre in width, fitted with a self-closing gate;
    - e) containing a smooth impervious floor of not less than 75mm thickness, evenly graded and adequately drained to an approved liquid refuse disposal system; and
    - f) which is easily accessible to allow for the removal of the receptacles.
  5. Staff and public toilets to be ventilated in accordance with the provisions of the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.
  6. The applicant shall submit, at the time of application for a Building Licence, documentation in compliance with the Building Regulations 1989 and the Building Code of Australia, including in particular detailed plans and specifications for site works, including finished ground and floor levels, storm water and roof runoff disposal, existing easements, parking areas including pavement type, lighting, loading bays, and refuse bulk bin areas, if applicable, to the satisfaction of Council.

B. Main Roads WA to be advised of Council's decision.  
CARRIED 6/1

**Committee Note:** The Officer Recommended Resolution was amended by changing:

1. Condition 12 to clarify that the intent of the condition is for better pedestrian access between the supermarket and outside shops via an outside ramp; and
2. Condition 17 was amended to only require the provision of 137 car parking bays instead of 150 bays, as 137 bays have been provided in the application. It was deemed that 150 bays is excessive for this type of development in a Town Centre zone.

### **SD019/08/07 - SUPPLEMENTARY REPORT**

Further to the Sustainable Development Committee meeting on 21 August 2007, the applicant's planning consultant has submitted a request that conditions 12, 13, 17, 24, 25 and 37 contained in the Committee's recommendation be removed.

***A copy of the fax requesting removal of these conditions is with the attachments marked SD019.3/08/07.***

These conditions are as follows:

12. *An additional door being provided between the supermarket and the small shops to provide better pedestrian connection.*
13. *Curved verandah roofs are to be replaced with gable roofs more in keeping with "Byford Style" and consistent with the overall roof style. The curved parapet on the South Western Highway and Abernethy Road frontages of the supermarket is to be modified to a gabled or straight style.*
17. *A minimum of 150 car parking spaces (including Disabled parking spaces) is to be provided by the developer.*
24. *The design of the car parking facilities and access ways to the car parking shall comply with the relevant Australian Standards and regulations, e.g. AS 2890 Parts 1 to 6.*
25. *The dimension of parking bays is to comply with AS 2890 class 3a user characteristics/land use (short term town centre parking or high turnover parking at shopping centres) to the satisfaction of the Shire. The southern most entrance to the railway reserve carpark being modified as shown on Engineering Sketch 1, attached to and forming part of this approval, and restricted to left in access only.*
37. *The developer marking a contribution to the Shire, prior to the issue of a building licence, for the contribution for stormwater detention for subcatchment relevant to this development as defined in the Byford Urban Stormwater Management Strategy.*

**Condition 12** - *Additional door for supermarket*

**Officer comment**

The applicant has not given any reasons why this condition should not be imposed or is considered unreasonable.

It is important to clarify the purpose of this condition. The existing sliding doors proposed in the original application can be retained. Although the modified plans show the existing doors crossed out, it is agreed that these doors can remain.

However, Council is seeking a second door being provided to provide a direct link between the supermarket and the verandah adjacent to the chemist/hair dressing shops. If this door was not provided there would a blank wall near the chemist and customers would have to walk around the corner to the main doors. A direct doorway would provide a better urban design outcome and improve pedestrian movement patterns. If there are concerns about levels, these can be resolved by providing a ramp from these doors to the existing walkway outside the chemist shop. Further design changes to the layout of the forecourt can also be made if needed.

**Recommendation:**

That this condition be retained.

**Condition 13** - *Modification of verandah roof style*

**Officer comment:**

The applicant has not given any reasons why this condition should not be imposed or is considered unreasonable.

The changes requested would improve the appearance of the development by ensuring that the verandahs provide a consistent theme and design around the whole building. It avoids a combination of urban design styles and simplifies the architecture of the building. It is considered this would provide a better urban design outcome. An example of this is the

commercial development on George Street. South Western Highway that has verandahs around all sides of the same pattern.

Recommendation:

That this condition be retained.

**Condition 17 - Car Parking Numbers**

Officer comment:

As previously stated in this report the Shire's current Town Planning Scheme requires car parking for Shopping Centres to be provided at a rate of 1 bay per 12.5m<sup>2</sup> of gross leasable area (gla).

The applicant claims that some standards such as car parking bays numbers are different for some commercial developments in Byford. This statement is incorrect as the car parking standards for recent commercial developments in Byford were based on the current parking standards in Town Planning Scheme No. 2 (TPS 2). Examples are:

1. Commercial development on George Street/South Western Highway, where no concession was given to the required number of car parking bays for the development. The shortfall in car parking bays for that development has required to be met via a cash in lieu contribution to Council as per the requirements of TPS 2.
2. Byford Tavern – The full number of carparking bays for a tavern development were required for this development. No concessions were granted for this development.

Revised car parking standards

Notwithstanding these above, Liveable Neighbourhoods now recommends that the car parking standards be reduced to 1 bay per 20m<sup>2</sup> gla.

The parking requirements of several other local authorities have been reviewed to see how they compare to this Shire's Scheme requirements and Liveable Neighbourhoods recommended parking requirement as follows:

| <b>Local Authority</b> | <b>Shopping Centre Parking Requirements</b>  |
|------------------------|--|
| City of Stirling       | TPS 38 (Innaloo District Shopping Centre) – 1 bay per 20m <sup>2</sup> net lettable area (nla) - ie 5 spaces per 100m <sup>2</sup> (amended to comply with Liveable Neighbourhoods). |
| City of Swan           | TPS – 6 spaces per 100m <sup>2</sup> nla (1 bay per 16.6m <sup>2</sup> )   |
| City of Armadale       | TPS – 6 spaces per 100m <sup>2</sup> nla (1 bay per 16.6m <sup>2</sup> )   |
| City of Subiaco        | TPS - 1 bay per 20m <sup>2</sup> gla   |
| City of Rockingham     | TPS – 6 spaces per 100m <sup>2</sup> nla (1 bay per 16.6m <sup>2</sup> )   |
| City of Gosnells       | TPS – 6 spaces per 100m <sup>2</sup> nla (1 bay per 16.6m <sup>2</sup> )   |
| City of Melville       | TPS – 1 space per 15m <sup>2</sup> gla   |
| City of South Perth    | TPS – 1 space per 20m <sup>2</sup> nla (District and Neighbourhood Centres); 1 per 25m <sup>2</sup> nla (Local Shopping Centres)   |

The majority of the above schemes were either gazetted or amended in the last 5 years ie since the publication of Liveable Neighbourhoods.

The Shire's current parking requirement of 1 bay per 12.5m<sup>2</sup> gla seems particularly onerous when compared to the standards required by other Local Authorities. This is even more so because the Shire's requirements are based on gross leasable area (the whole floor area of the development including storage areas, toilets and staff rooms etc.) and most of the other

Council's surveyed calculate the floor area based on net lettable area which is based on the public areas of the shops only and not storage areas, plant rooms and other non-public floor area.

Clearly, TPS 2 is out of date with contemporary standards for the provision of parking in the Perth metropolitan area.

The shopping centre is located on the corner of two main roads that are part of existing bus routes and is adjacent to the railway, which may become a major public transport route in the future. Accordingly, it is considered that the proposed development represents a perfect opportunity to place a lower emphasis on car-dependent travel and a higher emphasis on the use of public transport and other modes, in the interests of sustainability and an improved public environment (ie less parking = more room for landscaping).

It is recommended that the Council apply the standard contained in Liveable Neighbourhoods of 1 car bay per 20m<sup>2</sup> gross leasable area. The revised parking requirement for the centre would therefore be:

Existing shopping centre has 1 820m<sup>2</sup> gla  
Existing parking = 83 bays (60 on site & 23 on rail reserve)

Additional floor area = 832m<sup>2</sup> gla @ 1 bay per 20m<sup>2</sup> = 42 additional parking bays required.

Minimum parking bays required = 125

Clause 5.2 of TPS 2 (see below) provides the Council with the discretion needed to vary the parking requirements as detailed above:

#### 5.2 DISCRETION TO MODIFY DEVELOPMENT STANDARDS

5.2.1 *If a development, other than a residential development, the subject of an application for planning consent, does not comply with a standard or requirement prescribed by the Scheme with respect to that development the Council, may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.*

5.2.2 *The power conferred by this Clause may only be exercised if the Council is satisfied that:*

- a) *approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenity of the locality;*
- b) *the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and*
- c) *the spirit and purpose of the requirement or standard will not be unreasonably departed from thereby.*

#### Recommendation:

That this condition be modified by deleting 150 bays and inserting 125 bays.

#### **Conditions 24. and 25 - Design of car parking areas and bay sizes**

For clarification the intent of these conditions is to ensure that the design of the car parking area and bays complies with the Australian standards. There are different components of the Australian standards that apply to different design circumstances. An example of this is car parking bays located along a blind aisle (dead end accessway) that requires a reversing bay. The majority of car parking bays will be 2.5 metres wide and 5.5 metres deep. The design of the car parking area simply needs to comply with the Australian Standards.

#### Recommendation:

It is recommended that these two conditions be retained.

**Condition 37** - Stormwater Contribution

The applicant has queried why this condition has been applied to this development and not others in Byford. This condition was imposed on the commercial development on George Street/ South Western Highway a few years ago, but the condition was not enforced at that time as the Byford Development Contribution did not apply to the commercial zoned lots in the Town Centre. The only risk to Council is if the applicant is unable to retain all their own stormwater on site, then the excess will have to be detained downstream at Council's cost.

**Recommendation**

That this condition be deleted.

**SD019/08/07 Revised Officer Recommended Resolution:**

- A. Pursuant to Clause 5.2 of Town Planning Scheme No. 2. that Council varies the car parking requirements for a Shopping Centre and applies a car parking standard of 1 bay per 20m<sup>2</sup> of gross leasable area.
- B. Subject to approval of the Car parking layout on the railway reserve by the Public Transport Authority, the application for Approval to Commence Development for the expansion and refurbishment of the Byford Village Shopping Centre on Lot 22 (867) South Western Highway, Byford be approved subject to the following conditions:

**APPROVALS REQUIRED**

- 1. A building licence must be applied for and issued by Council before any work commences on the site.
- 2. Demolition Licence is to be obtained from the Shire prior to the commencement of any demolition works on site.
- 3. The building is not to be occupied until the Shire has issued a Certificate of Classification. A person who uses or occupies, or permits the use or occupation, of a building without a Certificate of Classification in contravention of Building Regulation 20(4) or 22 is guilty of an offence.

**AMENITY**

- 4. The existing buildings on the property being upgraded to the same standard, colours and finish as the additions to provide a cohesive development to the satisfaction of the Shire. Details of the works to be undertaken to the existing building to be provided with the application for a Building Licence for the additions.
- 5. The external walls of the building are to be natural or earth tonings to compliment the surroundings and/or adjoining developments in the locality in which it is located. A schedule of colours and finishes is to be provided for approval to the satisfaction of the Council.
- 6. The location of external fans, air conditioners and the like shall be located so that they are not visible from any street or public area to the satisfaction of Council and installed to prevent loss of amenity to the area by its appearance, noise, emission or otherwise.
- 7. All sewerage wastes and water pipes to be concealed within the building.
- 8. No goods or materials are to be stored either temporarily or permanently in the parking area, driveway, landscape areas, public footpath areas, road or rail reserves.
- 9. Display lighting, other than that required for reasonable security, shall not be used between the hours of 9.30pm and 6.00am on any day.
- 10. The verandah on the South Western Highway frontage is to be continuous. This would require the extension of the verandah shown on the elevations so

- that there is continuous cover from the entrance to the supermarket to the forecourt fronting the individual shops.
11. The arcade through the supermarket that allows access from George Street to South Western Highway is to be designed by a low wall or other appropriate barrier so that it does not actually form part of the supermarket (ie maintained as a clear path and no stock displayed or stored in the area).
  12. An additional door being provided between the supermarket and the small shops to provide better pedestrian connection.
  13. Curved verandah roofs are to be replaced with gable roofs more in keeping with "Byford Style" and consistent with the overall roof style. The curved parapet on the South Western Highway and Abernethy Road frontages of the supermarket is to be modified to a gabled or straight style.
  14. Decorative panels, architectural features or public art are to be included on the external face of the Supermarket Wall fronting Abernethy Road to the satisfaction of the Executive Manager Planning and Regulatory Services.

#### LOADING BAY

15. The following modifications being made to the entrance to the loading bay:
  - a) A minimum distance of 20 metres being provided from the southern side boundary to the centre of the crossover and driveway leading to the loading bay. The loading bay itself can remain in the location shown on the site plan submitted by the applicant if the driveway and crossover can be skewed to achieve this minimum setback whilst still achieving safe traffic movement to the satisfaction of the Shire.
  - b) The barrier kerbing to the southern and northern kerb return into the loading bay being extended as shown on Engineering Sketch 1, attached to and forming part of this approval, to control the turning movements of trucks leaving the loading bay towards the south and to protect parked vehicles on George Street from damage by truck movement.
  - c) The layout of parking spaces on George Street adjacent to the loading bay is to be modified to provide adequate sight distance in the triangle marked on Engineering Sketch 1, attached to and forming part of this approval.
  - d) The alignment of the footpath alongside the loading bay frontage being modified as shown on Engineering Sketch 2, attached to and forming part of this approval, with pram ramps being provided at the ends of the footpath abutting the driveway to the loading bay.
16. All loading and unloading to take place within the boundaries of the premises.

#### CAR PARKING

17. A minimum of 125 car parking spaces (including Disabled parking spaces) are to be provided by the developer.
18. Two (2) disabled parking bays are to be located in the on-site car park and two (2) disabled bays in the on-street carparking on the George Street frontage of the building adjacent to the entrances (total of 4 disabled parking bays) along with the required statutory signage and markings to the satisfaction of the Shire.
19. George Street shall be upgraded at the expense of the developer to incorporate 90 degree angled car parking bays (except where otherwise required by a condition of this approval), landscaping areas, footpaths, crossovers, pedestrian crossing points and traffic management to the specifications and satisfaction of Council. Plans shall be prepared for these works for approval by the Shire, prior to the issue of a building licence.
20. The George Street and railway reserve car parking bays, landscaping areas, footpaths, crossovers, pedestrian crossing points and traffic management devices shall be constructed, sealed, kerbed, drained, linemarked and

- thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering prior to the occupation of the development for the use hereby permitted and at all times.
21. Carparking constructed within the George Street road reserve by the developer to support this development is not to extend past the northern boundary of Lot 22.
  22. Pedestrian ramps shall be provided at all kerb crossings and contained within the development.
  23. The developer must provide cash-in-lieu for any shortfall in the provision of on-site and on-street vehicle parking in accordance with the provisions of Town Planning Scheme No. 2 before any work associated with this approval commences on site. Valuation fees associated with determining the land value component of the cash-in-lieu contribution will be at the cost of the developer. Where Council agrees to accept cash-in-lieu of car parking spaces, the amount paid per bay will comprise:
    - a) a construction component cost being the cost of constructing, sealing, draining, kerbing, lighting and landscaping each bay; and
    - b) a land value component based on 21.25m<sup>2</sup> x land value per m<sup>2</sup> and number of parking bays required.

The per square metre value of land is to be determined from a valuation conducted by a sworn Valuer appointed by the Council and costs incurred in obtaining the valuation will be borne by the developer proposing a cash-in-lieu contribution.

24. The design of the car parking facilities and access ways to the car parking shall comply with the relevant Australian Standards and regulations, e.g. AS 2890 Parts 1 to 6.
25. The dimension of parking bays is to comply with AS 2890 class 3a user characteristics/land use (short term town centre parking or high turnover parking at shopping centres) to the satisfaction of the Shire. The southern most entrance to the railway reserve carpark being modified as shown on Engineering Sketch 1, attached to and forming part of this approval, and restricted to left in access only.
26. A kerbed median being constructed on George Street in the location shown on Engineering Sketch 1. to the satisfaction of the Shire.
27. Blind aisles within car parking areas are to be extended a minimum of one metre past end parking bays.
28. Where a parking bay abuts an obstruction such as wall, vegetation or fence the width of the bay shall be increased by a minimum of 300 millimetres.
29. Traffic control devices such as speed humps or level raised pedestrian crossing points are to be provided within the railway reserve carpark to the satisfaction of the Shire to restrict traffic speeds.
30. Detailed car parking layout plans showing the dimensions of parking spaces and accessways, traffic control devices, directions of traffic flow, bay numbering, special use (ie Disabled) bays, existing and proposed vegetation is to be submitted at building application stage. The design of the railway reserve car park is to accommodate the retention of existing native vegetation as much as possible to the satisfaction of the Shire.
31. The vehicle parking access(s), accessway(s) and crossover(s) shall be designed, constructed, sealed, kerbed, drained, linemarked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering prior to the occupation of the development for the use hereby permitted.
32. Lighting to be provided to all carparking areas and the exterior entrances to all buildings in accordance with Australian Standard AS 1158.3.1 (Cat. P).
33. All external lighting to be hooded and oriented so that the light source is not directly visible to the travelling public or abutting residences.

34. Bicycle parking for a minimum of ten bicycles is to be provided on site to the satisfaction of the Shire.

#### STORMWATER

35. A stormwater management plan being prepared for the subject development including the George Street road reserve and carpark on the railway reserve and to be approved by the Shire prior to the issue of a building licence.
36. All stormwater to be disposed of in accordance with the approved Stormwater Management Plan and within the confinements of the subject property to prevent the direct disposal of stormwater onto neighbouring properties. The property is located within the Byford Structure Plan area and is covered by the Byford Urban Stormwater Management Strategy. The water quality and quantity outcomes are contained within the strategy and are to be met to ensure water sensitive design principles are achieved.

#### BIN STORAGE AND PICK-UP

37. The provision of a suitably screened bin storage area and refuse bins adequate to service the supermarket shall be provided to the specification or requirements of Council's Environmental Health Services prior to occupation of the development.
38. The design of the bin enclosure for the supermarket is to be is to incorporate the following elements:
  - a) walls are to be masonry, finished to the same standard as the shopping centre building and have a minimum height of 2.1 metres;
  - b) be roofed with a gable roof style of the same pitch as any gables on the shopping centre building;
  - c) be closed in by doors rather than gates;
  - d) the walls of the enclosure facing the street are permitted to display the name of the centre (ie "Byford Village Centre") and the street number only.
39. Bins used by the individual shop tenancies are to be stored in the alley abutting the northern boundary except when awaiting collection.
40. The alley adjacent to the northern boundary is to be fenced and gated.
41. The provision of a hardstand bin pick-up area of sufficient size to accommodate all of the bins for the individual shop tenancies on the verge abutting the George Street frontage as shown in red on the site plan.
42. Bins are not to be placed on the bin pick up area except on the day of pick up and shall be returned to the property as soon as possible after pick up.

#### SIGNAGE

43. Prior to the issue of a Building Licence for the development, a Signage Strategy detailing location, size and height of signage for the whole development (including wall signs, window signs, under verandah signs and fascia signage) is to be submitted for the approval of the Shire. All signage is thereafter to comply with the approved Signage Strategy and is to be maintained in good condition at all times to the satisfaction of the Shire. Only one pylon sign for the development will be permitted along South Western Highway.
44. The existing pylon signs on the South Western Highway frontage are to be removed and replaced with a single off-building sign structure in keeping with the design of the shopping centre. This may be designed as a tower structure with the bin enclosure as its base subject to the design being approved by the Council.

#### LANDSCAPING



45. Prior to issue of a Building Licence for the development, landscaping and reticulation plans must be submitted (in triplicate) to Council's Planning Services and approved, for all carparking areas on and off site and road verges abutting the site. For the purpose of this condition a detailed landscape plan shall be drawn to a scale of 1:100 and shall show the location, name and mature heights of existing and proposed trees and shrubs on George Street and the railway reserve. Trees to be planted are restricted to those contained in the palette of indigenous trees detailed in the Byford Townsite Detailed Area Plan for the Town Centre and any shrubs shall be local indigenous species unless otherwise approved in writing by the Shire.
46. Landscaping and timed reticulation is to be established in accordance with the approved plans prior to occupation of the development and thereafter maintained to the satisfaction of the Shire.
47. The provision of street furniture (fixed seating and bins) is required within the development and on the road reserve to the satisfaction of the Shire.

Advice Notes:

1. If any part of the premises is to be used in connection with the sale, storage, manufacture or distribution of food, detailed plans and specifications are to be submitted to the Shire's Environmental Health Services for approval prior to the commencement of construction. A food premises notification form shall also be submitted.  
The plans should include details of:
  - a) the structural finishes of the floors, walls and ceilings;
  - b) the position and type and construction of the fixtures, fittings and equipment;
  - c) all sanitary conveniences and changerooms;
  - d) kitchen exhaust hoods and mechanical ventilating exhaust systems; and
  - e) drains, garbage room, grease traps and provision for waste disposal.
2. Plans of any hairdressing/skin penetration establishments are to be submitted to the Shire's Environmental Health Section for approval, in respect to conformity with relevant legislation, prior to any construction and installations being carried out.
3. The development is to be provided with a suitable enclosure for the storage and cleaning of rubbish receptacles in accordance with the *Shire of Serpentine-Jarrahdale Health Local Laws 1999*. The location of the enclosure is to be to the satisfaction of the Principal Environmental Health Officer/Director Engineering.
4. A "suitable enclosure" means an enclosure:
  - a) of sufficient size for the number of receptacles to be used;
  - b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material approved by the Principal Environmental Health Officer;
  - c) fitted with a tap connected to an adequate supply of water;
  - d) having smooth impervious walls constructed of approved material not less than 1.5m in height and an access way not less than 1 metre in width, fitted with a self-closing gate;
  - e) containing a smooth impervious floor of not less than 75mm thickness, evenly graded and adequately drained to an approved liquid refuse disposal system; and
  - f) which is easily accessible to allow for the removal of the receptacles.
5. Staff and public toilets to be ventilated in accordance with the provisions of the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.
6. The applicant shall submit, at the time of application for a Building Licence, documentation in compliance with the Building Regulations 1989 and the Building Code of Australia, including in particular detailed plans and

specifications for site works, including finished ground and floor levels, storm water and roof runoff disposal, existing easements, parking areas including pavement type, lighting, loading bays, and refuse bulk bin areas, if applicable, to the satisfaction of Council.

- C. Main Roads WA to be advised of Council's decision.

#### **SD019/08/07 COUNCIL DECISION**

##### **Moved Cr Harris seconded Cr Star**

- A. Pursuant to Clause 5.2 of Town Planning Scheme No. 2. that Council varies the car parking requirements for a Shopping Centre and applies a car parking standard of 1 bay per 20m<sup>2</sup> of gross leasable area.
- B. Subject to approval of the Car parking layout on the railway reserve by the Public Transport Authority, the application for Approval to Commence Development for the expansion and refurbishment of the Byford Village Shopping Centre on Lot 22 (867) South Western Highway, Byford be approved subject to the following conditions:

##### **APPROVALS REQUIRED**

1. A building licence must be applied for and issued by Council before any work commences on the site.
2. Demolition Licence is to be obtained from the Shire prior to the commencement of any demolition works on site.
3. The building is not to be occupied until the Shire has issued a Certificate of Classification. A person who uses or occupies, or permits the use or occupation, of a building without a Certificate of Classification in contravention of Building Regulation 20(4) or 22 is guilty of an offence.

##### **AMENITY**

4. The existing buildings on the property being upgraded to the same standard, colours and finish as the additions to provide a cohesive development to the satisfaction of the Shire. Details of the works to be undertaken to the existing building to be provided with the application for a Building Licence for the additions.
5. The external walls of the building are to be natural or earth tonings to complement the surroundings and/or adjoining developments in the locality in which it is located. A schedule of colours and finishes is to be provided for approval to the satisfaction of the Council.
6. The location of external fans, air conditioners and the like shall be located so that they are not visible from any street or public area to the satisfaction of Council and installed to prevent loss of amenity to the area by its appearance, noise, emission or otherwise.
7. All sewerage wastes and water pipes to be concealed within the building.
8. No goods or materials are to be stored either temporarily or permanently in the parking area, driveway, landscape areas, public footpath areas, road or rail reserves.
9. Display lighting, other than that required for reasonable security, shall not be used between the hours of 9.30pm and 6.00am on any day.
10. The verandah on the South Western Highway frontage is to be continuous. This would require the extension of the verandah shown on the elevations so that there is continuous cover from the entrance to the supermarket to the forecourt fronting the individual shops.

11. The arcade through the supermarket that allows access from George Street to South Western Highway is to be designed by a low wall or other appropriate barrier so that it does not actually form part of the supermarket (ie maintained as a clear path and no stock displayed or stored in the area).
12. An additional door being provided between the supermarket and the small shops to provide better pedestrian connection.
13. Curved verandah roofs are to be replaced with gable roofs more in keeping with "Byford Style" and consistent with the overall roof style. The curved parapet on the South Western Highway and Abernethy Road frontages of the supermarket is to be modified to a gabled or straight style.
14. Decorative panels, architectural features or public art are to be included on the external face of the Supermarket Wall fronting Abernethy Road to the satisfaction of the Executive Manager Planning and Regulatory Services.

#### **LOADING BAY**

15. The following modifications being made to the entrance to the loading bay:
  - a) A minimum distance of 20 metres being provided from the southern side boundary to the centre of the crossover and driveway leading to the loading bay. The loading bay itself can remain in the location shown on the site plan submitted by the applicant if the driveway and crossover can be skewed to achieve this minimum setback whilst still achieving safe traffic movement to the satisfaction of the Shire.
  - b) The barrier kerbing to the southern and northern kerb return into the loading bay being extended as shown on Engineering Sketch 1, attached to and forming part of this approval, to control the turning movements of trucks leaving the loading bay towards the south and to protect parked vehicles on George Street from damage by truck movement.
  - c) The layout of parking spaces on George Street adjacent to the loading bay is to be modified to provide adequate sight distance in the triangle marked on Engineering Sketch 1, attached to and forming part of this approval.
  - d) The alignment of the footpath alongside the loading bay frontage being modified as shown on Engineering Sketch 2, attached to and forming part of this approval, with pram ramps being provided at the ends of the footpath abutting the driveway to the loading bay.
16. All loading and unloading to take place within the boundaries of the premises.

#### **CAR PARKING**

17. A minimum of 125 car parking spaces (including Disabled parking spaces) are to be provided by the developer.
18. Two (2) disabled parking bays are to be located in the on-site car park and two (2) disabled bays in the on-street carparking on the George Street frontage of the building adjacent to the entrances (total of 4 disabled parking bays) along with the required statutory signage and markings to the satisfaction of the Shire.
19. George Street shall be upgraded at the expense of the developer to incorporate 90 degree angled car parking bays (except where otherwise required by a condition of this approval), landscaping areas, footpaths, crossovers, pedestrian crossing points and traffic management to the

- specifications and satisfaction of Council. Plans shall be prepared for these works for approval by the Shire, prior to the issue of a building licence.
20. The George Street and railway reserve car parking bays, landscaping areas, footpaths, crossovers, pedestrian crossing points and traffic management devices shall be constructed, sealed, kerbed, drained, linemarked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering prior to the occupation of the development for the use hereby permitted and at all times.
  21. Carparking constructed within the George Street road reserve by the developer to support this development is not to extend past the northern boundary of Lot 22.
  22. Pedestrian ramps shall be provided at all kerb crossings and contained within the development.
  23. The developer must provide cash-in-lieu for any shortfall in the provision of on-site and on-street vehicle parking in accordance with the provisions of Town Planning Scheme No. 2 before any work associated with this approval commences on site. Valuation fees associated with determining the land value component of the cash-in-lieu contribution will be at the cost of the developer. Where Council agrees to accept cash-in-lieu of car parking spaces, the amount paid per bay will comprise:
    - a) a construction component cost being the cost of constructing, sealing, draining, kerbing, lighting and landscaping each bay; and
    - b) a land value component based on 21.25m<sup>2</sup> x land value per m<sup>2</sup> and number of parking bays required.

The per square metre value of land is to be determined from a valuation conducted by a sworn Valuer appointed by the Council and costs incurred in obtaining the valuation will be borne by the developer proposing a cash-in-lieu contribution.
  24. The design of the car parking facilities and access ways to the car parking shall comply with the relevant Australian Standards and Regulations.
  25. The dimension of parking bays is to comply with AS 2890 class 3a user characteristics/land use (short term town centre parking or high turnover parking at shopping centres) to the satisfaction of the Shire. The southern most entrance to the railway reserve carpark being modified as shown on Engineering Sketch 1, attached to and forming part of this approval, and restricted to left in access only.
  26. A kerbed median being constructed on George Street in the location shown on Engineering Sketch 1. to the satisfaction of the Shire.
  27. Blind aisles within car parking areas are to be extended a minimum of one metre past end parking bays.
  28. Where a parking bay abuts an obstruction such as wall, vegetation or fence the width of the bay shall be increased by a minimum of 300 millimetres.
  29. Traffic control devices such as speed humps or level raised pedestrian crossing points are to be provided within the railway reserve carpark to the satisfaction of the Shire to restrict traffic speeds.
  30. Detailed car parking layout plans showing the dimensions of parking spaces and accessways, traffic control devices, directions of traffic flow, bay numbering, special use (ie Disabled) bays, existing and proposed vegetation is to be submitted at building application stage. The design of the railway reserve car park is to accommodate the

- retention of existing native vegetation as much as possible to the satisfaction of the Shire.
31. The vehicle parking access(s), accessway(s) and crossover(s) shall be designed, constructed, sealed, kerbed, drained, linemarked and thereafter maintained in accordance with the approved plan and specification to the satisfaction of the Director Engineering prior to the occupation of the development for the use hereby permitted.
  32. Lighting to be provided to all carparking areas and the exterior entrances to all buildings in accordance with Australian Standard AS 1158.3.1 (Cat. P).
  33. All external lighting to be hooded and oriented so that the light source is not directly visible to the travelling public or abutting residences.
  34. Bicycle parking for a minimum of ten bicycles is to be provided on site to the satisfaction of the Shire.

#### **STORMWATER**

35. A stormwater management plan being prepared for the subject development including the George Street road reserve and carpark on the railway reserve that includes pervious surfaces where appropriate, vegetated insets in car parking bays, open kerbs, and kerbless bays where appropriate, to the satisfaction of and approval by the Shire prior to the issue of a building licence.
36. All stormwater to be disposed of in accordance with the approved Stormwater Management Plan and within the confinements of the subject property to prevent the direct disposal of stormwater onto neighbouring properties. The property is located within the Byford Structure Plan area and is covered by the Byford Urban Stormwater Management Strategy. The water quality and quantity outcomes are contained within the strategy and are to be met to ensure water sensitive design principles are achieved.

#### **BIN STORAGE AND PICK-UP**

37. The provision of a suitably screened bin storage area and refuse bins adequate to service the supermarket shall be provided to the specification or requirements of Council's Environmental Health Services prior to occupation of the development.
38. The design of the bin enclosure for the supermarket is to be is to incorporate the following elements:
  - a) walls are to be masonry, finished to the same standard as the shopping centre building and have a minimum height of 2.1 metres;
  - b) be roofed with a gable roof style of the same pitch as any gables on the shopping centre building;
  - c) be closed in by doors rather than gates;
  - d) the walls of the enclosure facing the street are permitted to display the name of the centre (ie "Byford Village Centre") and the street number only.
39. Bins used by the individual shop tenancies are to be stored in the alley abutting the northern boundary except when awaiting collection.
40. The alley adjacent to the northern boundary is to be fenced and gated.
41. The provision of a hardstand bin pick-up area of sufficient size to accommodate all of the bins for the individual shop tenancies on the verge abutting the George Street frontage as shown in red on the site plan.
42. Bins are not to be placed on the bin pick up area except on the day of pick up and shall be returned to the property as soon as possible after pick up.

## **SIGNAGE**

43. Prior to the issue of a Building Licence for the development, a Signage Strategy detailing location, size and height of signage for the whole development (including wall signs, window signs, under verandah signs and fascia signage) is to be submitted for the approval of the Shire. All signage is thereafter to comply with the approved Signage Strategy and is to be maintained in good condition at all times to the satisfaction of the Shire. Only one pylon sign for the development will be permitted along South Western Highway.
44. The existing pylon signs on the South Western Highway frontage are to be removed and replaced with a single off-building sign structure in keeping with the design of the shopping centre. This may be designed as a tower structure with the bin enclosure as its base subject to the design being approved by the Council.

## **LANDSCAPING**

45. Prior to issue of a Building Licence for the development, landscaping and reticulation plans must be submitted (in triplicate) to Council's Planning Services and approved, for all carparking areas on and off site and road verges abutting the site. For the purpose of this condition a detailed landscape plan shall be drawn to a scale of 1:100 and shall show the location, name and mature heights of existing and proposed trees and shrubs on George Street and the railway reserve. Trees to be planted are restricted to those contained in the palette of indigenous trees detailed in the Byford Townsite Detailed Area Plan for the Town Centre and any shrubs shall be local indigenous species unless otherwise approved in writing by the Shire.
46. Landscaping and timed reticulation is to be established in accordance with the approved plans prior to occupation of the development and thereafter maintained to the satisfaction of the Shire.
47. The provision of street furniture (fixed seating and bins) is required within the development and on the road reserve to the satisfaction of the Shire.

## **Advice Notes:**

1. If any part of the premises is to be used in connection with the sale, storage, manufacture or distribution of food, detailed plans and specifications are to be submitted to the Shire's Environmental Health Services for approval prior to the commencement of construction. A food premises notification form shall also be submitted.  
The plans should include details of:
  - a) the structural finishes of the floors, walls and ceilings;
  - b) the position and type and construction of the fixtures, fittings and equipment;
  - c) all sanitary conveniences and change rooms;
  - d) kitchen exhaust hoods and mechanical ventilating exhaust systems; and
  - e) drains, garbage room, grease traps and provision for waste disposal.
2. Plans of any hairdressing/skin penetration establishments are to be submitted to the Shire's Environmental Health Section for approval, in respect to conformity with relevant legislation, prior to any construction and installations being carried out.

3. The development is to be provided with a suitable enclosure for the storage and cleaning of rubbish receptacles in accordance with the *Shire of Serpentine-Jarrahdale Health Local Laws 1999*. The location of the enclosure is to be to the satisfaction of the Principal Environmental Health Officer/Director Engineering.
4. A “suitable enclosure” means an enclosure:
  - a) of sufficient size for the number of receptacles to be used;
  - b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material approved by the Principal Environmental Health Officer;
  - c) fitted with a tap connected to an adequate supply of water;
  - d) having smooth impervious walls constructed of approved material not less than 1.5m in height and an access way not less than 1 metre in width, fitted with a self-closing gate;
  - e) containing a smooth impervious floor of not less than 75mm thickness, evenly graded and adequately drained to an approved liquid refuse disposal system; and
  - f) which is easily accessible to allow for the removal of the receptacles.
5. Staff and public toilets to be ventilated in accordance with the provisions of the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.
6. The applicant shall submit, at the time of application for a Building Licence, documentation in compliance with the Building Regulations 1989 and the Building Code of Australia, including in particular detailed plans and specifications for site works, including finished ground and floor levels, storm water and roof runoff disposal, existing easements, parking areas including pavement type, lighting, loading bays, and refuse bulk bin areas, if applicable, to the satisfaction of Council.

**C. Main Roads WA to be advised of Council’s decision.  
CARRIED 10/0**

**Council Note:** The Revised Officers Recommended Resolution was changed by removing the reference to the Australian Standards in part 24 – Car Parking; and adding inclusion of pervious surfaces where appropriate, vegetated inserts in car parking bays, open kerbs and kerbless bays where appropriate and to the satisfaction of the Shire in part 35 – Stormwater.

| SD021/08/07 CLARIFICATION OF APPROVAL FOR VARIATION TO CONDITION OF PLANNING APPROVAL FOR PROPOSED PUBLIC AMUSEMENT (MUSIC FESTIVAL) - LOT 15 GOBBY ROAD, KEYSBROOK (P02346/01) |  |   |
|---|--|---|
| Proponent:  | Serpentine Jarrahdale Shire  | In Brief<br><br>To clarify the approval of the Public Amusement (Music Festival) on Lot 15 Gobby Road, Keysbrook specifically with relation to the approval to grant a variation to a condition of planning approval. |
| Owner:  | Myravale Pty Ltd   |   |
| Officer:  | M Daymond – Planning Officer   |   |
| Signatures Author:  |  |   |
| Senior Officer:   |  |   |
| Date of Report  | 10 August 2007   |   |
| Previously  | SD010/07/07, SD099/04/07   |   |
| Disclosure of Interest  | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |   |
| <b>Delegation</b>   | <b>Council</b>   |   |

## **Background**

### April Ordinary Council Meeting

At the Ordinary Council Meeting held on 23 April 2007, planning approval was granted for a Public Amusement (Myravale Music Festival) on Lot 15 Gobby Road, Keysbrook. The applicant advised that the Music Festival would be held from 4 to 6 May. To reflect this requirement, condition 1 on the Form 2 Approval stated:

1. *Approval for the event is valid from 9am Friday, 4 May 2007 to 5pm Tuesday, 8 May 2007 only.*

A major issue throughout the assessment of the application related to possible noise impacts on surrounding properties, including those within the Shire of Murray. The application was deemed to be a 'non complying noise event' under Regulation 18 of the Environmental Protection (Noise) Regulations 1997 and as such required the Serpentine Jarrahdale Shire and the Shire of Murray to agree on the noise conditions imposed. However, the Shire of Murray declined to sign the exemption certificate as provided for in Regulation 18 of the Noise Regulations.

Due to the uncertainty of the approval, the applicant requested in writing that the event be postponed to another date to enable an acoustic assessment to be undertaken to determine the noise impacts of the event.

### July Concept Forum

At the July Concept Forum Meeting, an item was presented regarding the proposed variation to the date of the event in accordance with clause 6.7 of Council's Scheme. Acting pursuant to a delegated authority from the Council, the Executive Manager Planning and Regulatory Services granted an amendment to the approval by varying the abovementioned condition to the following effect:

1. *Approval for the event is valid from 9am Friday, 19 October 2007 to 5pm Tuesday, 23 October 2007 only.*

### July Sustainable Development Committee Meeting

At the Sustainable Development Committee meeting held on 17 July 2007, the following was resolved:



“SD010/07/07 COUNCIL DECISION/Committee/Officer Recommended Resolution

*Moved Cr Wigg seconded Cr Star*

- 1. The Planning Information Report to 11 July 2007 be received*
- 2. The report relating to the public amusement event at Lot 15 Gobby Road, Keysbrook be put to the August Sustainable Development Committee Meeting for the purpose of clarifying the approval of the public amusement event.*

*CARRIED 9/0”*

Committee resolved the above in response to concerns raised by residents within Keysbrook that it was not open to the Shire to grant approval to the amendment of the planning approval pursuant to clause 6.7 of the Scheme.

**Sustainability Statement**

***Effect on Environment:*** The three day festival represents a range of activities occurring in the natural environment which has the potential for impacts to occur. To help mitigate and avoid these impacts, the applicant has prepared an Environmental Management Plan (EMP) for the event which details the steps that will be taken to avoid any immediate impacts as well as outlining the longer term strategies that will be employed to improve the health of the surrounding environment. These strategies will continue after the event has been held.

***Resource Implications:*** Any waste and effluent that is created on site will be properly disposed of. On-site toilet facilities and rubbish collection receptacles will be provided for patrons' use with a majority of rubbish being recycled. Separate bins will be provided for glass and aluminium (to be recycled) and general rubbish and a compost bin will be constructed for organic wastes. The recyclable materials will be washed and separated on site and taken to the City of Armadale tip on Hopkinson Road along with the general rubbish collected during the festival. The 'Green Team' volunteers will ensure that patrons abide by the rubbish policies and dispose of rubbish in an appropriate way.

The event will not place any increased demand on any existing services on site. Water consumed by patrons will be bottled with any additional water required being carted in. All electrical systems will be operated by generators on site.

***Economic Benefits:*** The proposal will result in economic benefits for the community. A farmers market will be held on the Sunday providing an opportunity for local farmers and producers to sell their produce to the festival attendees. Further, the applicant is attempting to source all food and drink from the local community where possible.

It is considered that this event may also encourage tourism within the Shire. Although the event is by invitation only, people from all over Perth will be attending the event providing an opportunity for the Shire to be showcased to those who may be visiting the Shire for the first time.

***Economic Viability & Social – Quality of Life:*** The proposal has the potential to impact on surrounding landowners by way of noise and increased traffic along Gobby Road. The applicant has endeavoured to take all precautions necessary to help minimise the potential impacts on the locality. Firstly, the Music Festival is split into three distinct days. Friday is proposed to consist of acoustic performances with low level amplification and film screening, Saturday will be a full day of bands and Sunday will consist of gardening workshops, markets and revegetation works. There will not be any music on Sunday. A Traffic Management Plan has been prepared and submitted to Council which ensures that suitable management is in place for vehicle ingress and egress from the site, provides a safe environment for patrons and minimises disruption, delays and congestion to all road users.

***Social and Environmental Responsibility:*** The event organisers have placed a high emphasis on the safety of the community and patrons through the preparation of a

comprehensive Emergency and Risk Management Plan. This includes the employment of Paramount Security to oversee the event and the provision of First Aid and Medical facilities administered by the Royal Lifesaving Society Australia.

An EMP has also been prepared to help mitigate any impacts on the natural environment and details how the land will be rehabilitated soon after the event to ensure that impacts on the environment are minimal. Further, proposed gardening workshops and the revegetation of the Myara Brook will be undertaken on Sunday by festival volunteers and coordinated by the Murdoch University Environmental Science Association.

**Social Diversity:** The proposed festival does not disadvantage any social groups but rather will provide an event that will be attended by a variety and diverse range of people.

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

**Policy/Work Procedure Implications:** Not Applicable

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

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

**1. People and Community**

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

Strategies:

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

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

Strategies:

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

**2. Environment**

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

Strategies:

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

**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:

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

Strategy

*Objective 3: Compliance to necessary legislation*

Strategies:

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

**Community Consultation:**

The original application was referred to adjoining land owners for comment in accordance with clause 6.3 of the Town Planning Scheme No. 2.

**Comment:**

In response to this matter advice was sought from Council Barristers and Solicitors McLeods.

The advice received from McLeods indicates that the Shire had the power to amend the condition of approval in accordance with Clause 6.7 of TPS 2. Therefore, the decision to amend the planning condition and vary the date of the Public Amusement (Music Festival) on Lot 15 Gobby Road, Keysbrook under delegation by the Executive Manager Planning and Regulatory Services, remains valid.

**Voting Requirements:** Simple Majority

**SD021/08/07 Officer Recommended Resolution:**

Council notes the information and legal advice received in relation to the Variation to Condition of Planning Approval for Proposed Public Amusement (Music Festival) - Lot 15 Gobby Road, Keysbrook.

**SD021/08/07 Foreshadowed Motion:**

The variation to planning approval for the proposed Public Amusement (Music Festival) at Lot 15 Gobby Road, Keysbrook is not approved, due to the original approval by the Shire for the amusement to take place between the 6<sup>th</sup> and 8<sup>th</sup> May 2007, had no life at the time of receipt, by the Shire, of the application for amendment of the original approval. The original approval may have consequently lapsed and is not capable of being subsequently revived.  
LOST 1/6

During debate Cr Needham foreshadowed that she would move the original Officer Recommended Resolution if the motion under debate is defeated.

**SD021/08/07 COUNCIL DECISION/Committee Recommended Resolution:**

**Moved Cr Price seconded Cr Harris**

**Council notes the information and legal advice received in relation to the Variation to Condition of Planning Approval for Proposed Public Amusement (Music Festival) - Lot 15 Gobby Road, Keysbrook.**

**CARRIED 6/5 the Presiding Member exercised her casting vote.**

The Principal Environmental Health Officer (PEHO) and Director Corporate Services (DCS) left the meeting at 8.11pm and returned at 8.13pm. The PEHO left the meeting at 8.13pm and returned at 8.18pm.

The DCS left the meeting at 8.25pm.

| SD014/08/07 REQUEST FOR TENDER 009/2007-08 ENVIRONMENTAL STUDY - MUNDIJONG/WHITBY DISTRICT STRUCTURE PLAN (A0858/02) |  |   |
|--|--|---|
| Proponent:   | Serpentine Jarrahdale Shire  | <p>In Brief</p> <p>Council is requested to approve the inclusion of non conforming tenders, in the competitive tender process for the selection of a preferred tenderer for the Environmental Study – Mundijong/Whitby District Structure Plan.</p> <p>Council is requested to award the tender to SMEC for the preparation of an Environmental Study – Mundijong/Whitby District Structure Plan.</p> |
| Owner:   | Not applicable   |   |
| Officer:   | Jocelyn Ullman - Senior Strategic Planner  |   |
| Signatures Author:   |  |   |
| Senior Officer:  |  |   |
| Date of Report   | 7 August 2007  |   |
| Previously   |  |   |
| Disclosure of Interest   | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |   |
| Delegation   | Council  |   |

### **Background**

The service proposed to be provided under this Tender is for the preparation of an Environmental Study that:

- describes the state of the environment;
- identifies and assesses environmental, heritage and landscape values in the Mundijong/Whitby urban cell; and
- identifies planning and management mechanisms to protect, preserve and enhance these values within the cell and in environmentally significant areas upstream and downstream which may potentially be impacted on by development of the cell.

The Brief was originally advertised from 14 April to 8 May 2007 with three submissions being received. At the close of advertising all submissions received were evaluated and deemed non-compliant with the tender conditions. Changes were made to the timeframe for the preparation of the Study and minor modifications made to the works to be completed in the Brief and the tender was re-advertised from 16 June to 17 July 2007. Following the re-advertising period, four submissions were received by the 2.00pm deadline on 17 July 2007 and one was received at 2.20pm.

### **Sustainability Statement**

***Effect on Environment:*** This Study will provide the relevant environmental data and considerations for the preparation of the Mundijong/Whitby District Structure Plan. The issues to be investigated and addressed in the Study are:

- Overall Environmental State
- Terrestrial Flora
- Terrestrial Fauna
- Landscape and Landform
- Land Degradation
- Wetlands, Linear Watercourses and Groundwater Dependent Ecosystems
- Surface and Groundwater Quality
- Site Contamination
- Acid Sulphate Soils
- Odour
- Noise
- Aboriginal Heritage

- Non-Indigenous Heritage

The Study will involve desktop, site investigations/confirmation and a Spring survey (for areas where data relating to flora and fauna is insufficient or dated). A Briefing Paper will be produced that summarises the main points of the Study and be presented to the Community Consultation Group and Technical Group at the Briefing Sessions to be held in April 2008.

**Resource Implications:** The Study will identify, describe and prioritise the existing environmental conditions of the urban cell and make recommendations on how the impact of development of the environment can be managed in a sustainable way.

**Use of Local, renewable or recycled Resources:** The assessment process considers local and regional knowledge as part of the selection criteria.

**Economic Viability:** The assessment process considered value for money as one of five criteria, with 70% allocated to the qualitative assessment and 30% weighting allocated to the pricing assessment.

An application has been made to the Department for Planning and Infrastructure – EnviroPlanning Section for a contribution of \$80,000 towards this Study. At the time of writing this report Council officers had not been notified of the outcomes of this funding submission.

**Social – Quality of Life:** The provision and protection of the natural environment is a key component of the Mundijong/Whitby District Structure Plan. The protection and enhancement of the existing natural environment in the cell will be crucial in ensuring the maintenance of a high quality of life for those who come to live in a rapidly urbanising area.

**Social and Environmental Responsibility:** To ensure the preparation of a sustainable District Structure Plan it is fundamental that an Environmental Study be carried out to properly inform the structure planning process.

The Community Consultation Group and Technical Group will be involved in the preparation of the District Structure Plan through the Briefing Sessions and three day Workshop to be held next year. The Briefing Sessions and Workshop are as much about educating the two Groups about such topics as the environment as they are about actually producing a draft Structure Plan. The Community Consultation Group in particular will also provide community input into the process.

**Statutory Environment:**

Local Government Act 1995  
Part 4 of the Local Government (Functions and General) Amendment Regulations 2007 requires that Tenders be publicly invited for the supply of goods and services if the consideration under the Contract is, or is expected to be, more than \$100,000.

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

In particular, Regulation 18 outlines a number of requirements relating to the choice of Tender. Council is to decide which of the Tenders is most advantageous and may decline to accept any or all of the Tenders received.

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

**Policy/Work Procedure Implications:**

Procurement of Goods or Services Through Direct Purchasing and Public Tendering Policy  
General Conditions of Contract for the Engagement of General Services Consultants 2002  
CSP2 - Buy Local Policy

**Financial Implications:**

An amount of \$120,000 has been included into the 2007/2008 budget deliberations for this Study. Funding of \$80 000 has also been sought from DPI – EnviroPlanning.

**Strategic Implications:**

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

**1. People and Community**

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

Strategies:

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

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

Strategies:

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

*Objective 3: High level of social commitment*

Strategies:

1. Build key community partnerships.

**2. Environment**

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

Strategies:

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

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

Strategies:

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

### **3. Economic**

*Objective 1: A vibrant local community*

Strategies:

1. Develop tourism potential.

*Objective 3: Effective management of Shire growth*

Strategies:

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

### **4. Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

1. Identify and implement best practice in all areas of operation.
2. Promote best practice through demonstration and innovation.
3. Balance resource allocation to support sustainable outcomes.
4. 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.
2. Improve customer relations service.
3. Develop specific partnerships to effectively use and leverage additional resources.

*Objective 3: Compliance to necessary legislation*

Strategies:

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

### **Community Consultation:**

Extensive community consultation will continue to take place as part of the Mundijong/Whitby District Structure Plan project. The Environmental Study will feed directly into the preparation of the District Structure Plan.

### **Comment:**

The following submissions were received in response to the re-advertising of the tender:

- Connell Wagner
- Land inSights
- SMEC
- 360 Environmental
- Maunsell

Under the Tender documentation, tenders were to be lodged by 2.00pm on 17 July 2007. The submission from Maunsell cannot be accepted for evaluation as a result of the

submission being received at 2.20pm, as the deliverer was caught in traffic. There are no provisions within the Local Government (Functions and General) Regulations 1996 or the Tender documentation that allows for late tenders to be considered.

Under the Special Conditions of Contract contained in the Tender document, professional indemnity insurance cover to the sum of at least \$10 million was specified. None of the submissions received have this level of cover and are deemed non compliant. Cover for professional indemnity provided by those who made submissions ranges from \$2 million to \$5 million.

A review of the risks associated with the Environmental Study has been undertaken along with discussions with other local governments who have carried out similar studies recently. From these discussions and analysis, it appears that \$10 million professional indemnity cover may have been unrealistically high for this project work and that a \$5 million level would be more appropriate for the type of work being undertaken.

Regulation 18(2) of the Local Government (Functions and General) Regulations 1996 provides Council with the ability to exercise discretion to consider or reject non compliant submissions as part of the tender process. In this case it is in Council's interest to exercise its discretion to include all non-conforming tenders, otherwise Council would have to invite tenders again.

An Evaluation Panel, comprising the Senior Strategic Planner, Executive Manager Strategic Community Planning and Manager Environmental Services assessed the four submissions against the selection criteria set out in the Tender document. Aside from the issues of level of professional indemnity cover and receipt, all four submissions were deemed to be compliant with the remainder of the Tender criteria.

Following the compliance criteria assessment, the tenders were then assessed on the qualitative criteria; which provided a score based on the composition and qualifications of the study team, previous experience, statement of methodology and proposed timeframe that would enable them to undertake the project to Council's satisfaction. Being the more critical element of the assessment process, this score was given a 70% weighting as per the Project Brief. The 30% weighting was then applied to the score given for price, and the two scores were added together to determine the preferred tenderer.

The assessment process, incorporating qualitative and quantitative criteria, identified SMEC to be the preferred tender. The total fee submitted by the preferred tenderer was \$159 888.00 (including GST).

**Voting Requirements:                      ABSOLUTE MAJORITY**

**SD014/08/07 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Price seconded Cr Harris**

- 1. Council accepts the non-conforming tenders from SMEC, 360 Environmental, Land inSights and Connell Wagner for inclusion in the competitive tender evaluation process for the selection of a preferred tenderer for the Environmental Study – Mundijong/Whitby District Structure Plan.**
- 2. Council awards tender 009/2007-2008, to SMEC for the provision of an Environmental Study – Mundijong/Whitby District Structure Plan, for a total fee of \$159 888.00 (including GST).**

**CARRIED 10/0 ABSOLUTE MAJORITY**



| SD015/08/07 TOWARDS A BIODIVERSITY STRATEGY FOR SERPENTINE JARRAHDAL (A0397) |  |   |
|--|--|---|
| Proponent:   | Serpentine Jarrahdale Shire  | In Brief<br><br>Council is requested to endorse the proposed Public Consultation Program and Reference Group Structure for Stage 1 of the Local Biodiversity Strategy Discussion Paper. |
| Owner:   | Not applicable   |   |
| Officer:   | Chris Portlock – Manager Environmental Services  |   |
| Signatures Author:   |  |   |
| Senior Officer:  |  |   |
| Date of Report   | 8 August 2007  |   |
| Previously   |  |   |
| Disclosure of Interest   | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |   |
| <b>Delegation</b>  | <b>Council</b>   |   |

### **Background**

The Serpentine Jarrahdale Shire appointed a consultant to prepare Stage One - Local Biodiversity Strategy Discussion Paper (the Discussion Paper) with funding received from the Western Australian Local Government Association's South West Biodiversity Targeted Grants Project. The Discussion Paper is the first of a series of projects towards a biodiversity strategy and includes:

- Setting of the Vision
- Local Biodiversity Objectives
- Local Biodiversity Targets
- Identification of Local and Regional Ecological Linkages
- Draft Biodiversity Action Plan

The draft Discussion Paper has now been received and in order to progress it from this point into a Local Biodiversity Strategy, public consultation followed by Council endorsement is required.

This agenda item seeks Council support for the release of Stage One - Local Biodiversity Strategy Discussion Paper for public comment.

Once the Action Plan is drafted the following four key components of the Biodiversity Strategy will be developed with funds secured for the next Stage (Milestones 3 and 4) of the South West Biodiversity Project (SWBP):

#### 1. **Local Planning Policy (Milestone 3)**

The preparation of a Local Planning Policy (LPP) ensures that biodiversity can be adequately considered in Local Government land-use planning decision-making processes. The application of an LPP is triggered by proposals to rezone, subdivide or develop land containing natural areas. The LPP will ensure that the biodiversity values of natural areas likely to be impacted by development proposals are adequately assessed and where possible retained or protected. Information collected through application of the LPP should enable identification, prioritisation and designation of those areas to be protected for all Locally Significant Natural Areas as development occurs in the Shire.

## 2. Incentives Strategy (Milestone 4)

Based on the objectives and targets identified in the Local Biodiversity Strategy Action Plan, the area of Local Natural Areas (LNA) required to be retained, protected and managed on private land will be known or will be able to be determined. Knowledge of the extent of LNA's that need to be protected (to meet the targets and objectives) and the possible opportunities and constraints to protection will enable determination of the preferred incentives to be offered.

## 3. Managing Biodiversity on Local Government Land (Milestone 5)

Employment of an officer or consultant to assess all Local Government managed natural areas using Natural Area Assessment Templates (Desk Top and Field Assessments). Implementation of management activities for natural areas managed by Local Government based on either an action plan or conservation management plan.

## 4. Finalising the Protection Status of Locally Significant Natural Area's through Town Planning Scheme Review and Amendment (Milestone 6)

Employment of an officer or consultant to identify ecologically significant land in areas zoned for development to assist Council decision makers on where best to restrict development and make recommendations on the provision of facilities for active or passive recreation taking into account the biodiversity values of the whole development. Ecological surveys would be undertaken to provide recommendations and or provide assistance to Local Government for analysing and interpreting ecological information provided as part of major development proposals to ensure that priority natural areas are protected.

A further \$15 000 has been secured from the SWBP and Council has agreed to match this amount to engage a consultant to prepare a LPP and Incentives Strategy for conservation on private property.

This report seeks Council's support for the proposed Public Consultation Program, Reference Group Structure and for the release for public comment of the Stage 1 Local Biodiversity Strategy Discussion Paper.

### **Sustainability Statement**

***Effect on Environment:*** This proposal will see a significant advancement towards protecting biodiversity within the Shire through both the maintenance and continued development of a database / decision support system and progress towards developing a Biodiversity Strategy and Policy based on WALGA's South West Biodiversity Program.

***Resource Implications:*** The proposal seeks to strategically protect biodiversity assets in the Shire.

***Use of Local, renewable or recycled Resources:*** Local renewable biodiversity resources will be protected and enhanced and seed potentially collected for further resource enhancement.

***Economic Viability:*** This proposal is designed to strategically protect vegetation that remains within the Shire. This Shire has already experienced significant loss of biodiversity assets and this proposal seeks to identify what biodiversity assets should be protected or reinstated and how that should be done.

Environmental management has an ongoing cost. However, there is also a significant cost if environmental assets are not managed. Once biodiversity values have been destroyed, they are very expensive to put back. Many people consider it impossible to put back natural vegetation communities.

**Economic Benefits:** The proposal will work towards protecting that image of “beauty” that attracts residents and tourists to the Shire. The proposal will also create a part time position or provide work for a consultant.

**Social – Quality of Life:** Biodiversity is an essential component of our heritage and identity. In addition to providing social values such as recreational opportunities and spiritual renewal, biodiversity also provides essential ecosystem services.

**Social and Environmental Responsibility:** The four phase WALGA approach includes community and other stakeholder participation.

**Social Diversity:** The proposal does not impact or disadvantage any social group.

### **Statutory Environment:**

The preparation of a Local Biodiversity Strategy will enable the Shire to proactively address the requirements of the following legislation as they relate to biodiversity conservation:

- \* Environment Protection and Biodiversity Conservation Act 1999
- \* Wildlife Conservation Act 1950
- \* Environmental Protection Act 1986
- \* Soil and Land Conservation Act 1945 (to be replaced by amendments to the Environmental Protection Act 1986: (Clearing of Native Vegetation) Regulations 2004 with a Guide for Local Government Clearing Native Vegetation under the Environmental Protection Act 1986)

The conservation of biodiversity is also a relevant factor in the application of the Planning and Development Act and the Shire’s Town Planning Scheme.

Once prepared, parts of a Local Biodiversity Strategy will need to be incorporated into the Shire’s proposed Local Planning Strategy and Town Planning Scheme to have effect and standing in town planning processes. This will also require the approval of the Western Australian Planning Commission (WAPC).

State Government environmental policies addressed in a Local Biodiversity Strategy include:

- \* Bush Forever (Government of Western Australia 2000a, 2000b & 2000c) and related bushland policies (e.g. Urban Bushland Strategy)
- \* Environmental Protection Authority (EPA) Guidance Statement No. 10: Guidance for the Assessment of Environmental Factors – Level of assessment for proposals affecting natural areas within the System 6 region and Swan Coastal Plain portion of the System 1 region (Environmental Protection Authority 2003a)
- \* EPA Guidance Statement No. 33 (Draft): Policies, Guidelines and Criteria for Environmental Impact Assessment - Guidelines for Environment and Planning (Environmental Protection Authority 1997)
- \* Forest Management Plan 2004 – 2013 (Conservation Commission 2003)
- \* System 6 report (Department of Conservation and Environment 1983) and the System 6 Update program (Department of Environmental Protection unpublished (1996)
- \* Wetlands Conservation Policy for Western Australia (Government of Western Australia 1997)
- \* EPA Position Statement No. 4: Environmental Protection of Wetlands (preliminary) (Environmental Protection Authority 2001)
- \* EPA Position Statement No 2: Environmental Protection of Native Vegetation in Western Australia (Environmental Protection Authority 2000b)
- \* State Weed Plan (State Weed Plan Steering Group 2001);
- \* Draft Policy Statement No. 9 Conserving Threatened Species and Ecological Communities (Department of Conservation and Land Management 2003a)

- \* EPA Guidance Statement No. 51: Guidance for the Assessment of Environmental Factors – Terrestrial flora and vegetation surveys for environmental impact assessment in Western Australia. (Draft) (Environmental Protection Authority 2003c)
- \* EPA Guidance Statement No. 56: Guidance for the Assessment of Environmental Factors – Terrestrial fauna surveys for environmental impact assessment in Western Australia (Draft) (Environment Protection Authority 2003d)
- \* Draft Statement of Planning Policy: Bushland Policy for the Perth Metropolitan Region (WAPC in preparation)
- \* Western Australian State Sustainability Strategy (Government of Western Australia 2003a)
- \* Environment and Natural Resources Statement of Planning Policy No. 2 (WAPC 2003)
- \* Peel-Harvey Coastal Plain Catchment Statement of Planning Policy No. 2.1 (WAPC 1992)
- \* Jandakot Groundwater Protection Policy Statement of Planning Policy No. 2.3 (WAPC 1998)
- \* Development Control Policy No. 2.3 Public Open Space in Residential Areas (WAPC 2002)
- \* Position Statement: Wetlands (Water and Rivers Commission 2001)
- \* Wildlife Conservation (Rare Flora) Notice 2001 (Government of Western Australia 2001b)
- \* Wildlife Conservation (Specially Protected Fauna) Notice 2001 (Government of Western Australia 2001c)

### **Policy/Work Procedure**

#### **Implications:**

There is no work procedures/Shire policy implications directly related to this agenda item.

#### **Financial Implications:**

The proposal requests that Council seek public comment and participate in a process toward putting in place a Local Biodiversity Strategy for the Serpentine Jarrahdale Shire. Provision has been made in the 2007/2008 budget for this proposal.

#### **Strategic Implications:**

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

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

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

##### **Strategy:**

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

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

##### **Strategy:**

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

*Objective 3: High level of social commitment*

##### **Strategy:**

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

##### **2. Environment**

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

##### **Strategies:**

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

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

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

Strategy:

1. Implement known best practice sustainable natural resource management.

**3. Economic**

*Objective 1: A vibrant local community*

Strategy:

3. Develop tourism potential.

**4. Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

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

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

Strategies

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

*Objective 3: Compliance to necessary legislation*

Strategies:

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

**Community Consultation:**

The approach to participate in the SWBP toward the development of a Biodiversity Strategy for Biodiversity Conservation recognises the need for broad consultation.

Formal community consultation is proposed with the release of the Biodiversity Strategy Discussion Paper and it taking into account public comments and being finalised. A Public Consultation Program and Reference Group Structure are proposed to guide the preparation of the Strategy.

The Public Consultation Program is detailed below:

|  |                      |   |
|--|----------------------|---|
| <p><b>Council and Staff</b><br/>Consideration of the Indicative Document and invited to provide comment.</p> | <p><b>Step 1</b></p> | <p>Council and staff consider the Indicative Biodiversity Strategy Discussion Paper and its Objectives, Goals, Targets and Draft Local Action Plan at Policy Forum and agree to support the proposed public consultation program and reference group structure. Written comments are invited.</p> |
| <p><b>The Reference Group</b><br/>Review and provide comment.</p>  | <p><b>Step 2</b></p> | <p>The Reference Group is presented with the latest version of the document and written comment is invited. Written comment is included in the latest version of the Biodiversity</p>   |

|   |               |   |
|---|---------------|---|
|   |               | Strategy.   |
| <b>Workshop Held for Community Stakeholders and</b> | <b>Step 3</b> | Shire staff and Reference Group conduct a community and other stakeholder workshop to present the Draft Biodiversity Strategy Discussion Paper for Public Discussion purposes (Key Issues, Resolutions and Strategies are identified).  |
| <b>Advertise</b>                                    | <b>Step 4</b> | Following consent to advertise, the proposed Biodiversity Strategy is made available on display, put on the Shire website, advertised in a state wide and local distribution newspaper for a three month public submission period. The document is also sent to Planning and Environmental agencies (EPA, DPI & DEC) for their comment. |
| <b>Summary of Public Submissions</b>                | <b>Step 5</b> | The submissions received are summarised and the Draft Biodiversity Strategy Discussion Paper, Summary of Public Submissions with comments and amendments included within the Final Biodiversity Strategy presented to Council for Council comment and endorsement.  |
| <b>Final Approval by Council</b>                    | <b>Step 6</b> | Council adopts the Final Biodiversity Strategy and forwards it to the WAPC for its final approval.  |
| <b>Final Approval by Ministers</b>                  | <b>Step 7</b> | WAPC considers the process from here and forwards the new Biodiversity Strategy to the Minister for Planning and Infrastructure and the Minister for the Environment for final comment and endorsement, Council is notified and the Strategy finalised.   |

The Reference Group Structure proposed includes Shire staff, SWBP officers, the engaged consultant, a representative from the Department for Planning and Infrastructure and the Department of Environment and Conservation, two rural private property landholders and two representatives from the development sector. Further representatives from various other organisations may also be included following discussions at the first Reference Group meeting.

The community's existing involvement in management of local bushland and other natural areas will be strengthened by the Strategy.

**Comment:**

The preparation of a Biodiversity Strategy will be a significant environmental and land planning initiative. Whilst the Strategy will focus on biodiversity as a primary concern, it will allow the Shire to integrate biodiversity targets into land planning decisions, reserve management and other aspects of Council's business.

The Biodiversity Strategy will refine a rigorous ongoing process to assess developments for their impact on biodiversity. With each development proposal, Council will be able to determine whether they are moving towards or away from their biodiversity targets.

**Voting Requirements:** Simple Majority

**SD015/08/07 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Star seconded Cr Geurds  
Council approves the release of the Stage 1 Local Biodiversity Strategy Discussion Paper for public comment for a period of 90 days.  
CARRIED 10/0**

The DCS returned to the meeting at 8.26pm

| SD016/08/07 PROPOSED ADDITION TO EXISTING SINGLE DWELLING – LOT 15 (24)<br>BUTCHER STREET, MUNDIJONG (P00902/01 & P00902/02) |   |  |
|--|---|--|
| Proponent:   | GF & AM Pryer   | In Brief<br><br>Application for a planning approval and building licence submitted by a member of Shire staff is required to be referred to Council for determination. Approval is recommended subject to standard conditions. |
| Owner:   | GF & AM Pryer   |  |
| Officer:   | Greg Leuzzi - Contract Building Surveyor  |  |
| Signatures Author:   |   |  |
| Senior Officer:  |   |  |
| Date of Report   | 13 July 2007  |  |
| Previously   | Nil   |  |
| Disclosure of Interest   | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act. |  |
| <b>Delegation</b>  | <b>Council</b>  |  |

Date of Receipt: 3 July 2007  
 Advertised: Not required  
 Submissions: N/A  
 Lot Area: 897m<sup>2</sup>  
 L.A Zoning: Urban Development  
 MRS Zoning: Urban

**Background**

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

***A copy of the planning and building applications is with the attachments marked SD016.1/08/07.***

**Sustainability Statement**

***Effect on Environment:*** The addition will create an extra 16m<sup>2</sup> of roof space on the property. A standard condition will be imposed requiring all stormwater to be contained on site.

***Social – Quality of Life:*** The addition will be constructed to the rear of the house and will have no adverse impact and/or will not prejudice the amenity of the area.

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

Local Planning Policy LPP17 - *Residential and Incidental Development*

**Policy/Work Procedure Implications:**

Corporate Services Policy CSP34 - *Council Control Over Employees Dealing in Land and other Business Activity Within the Serpentine Jarrahdale Shire*

Any Council approval issued under the provisions of CSP34 must be made by a majority decision of those Councillors in attendance and be subject to specific conditions including audit, review, reporting and disclosure conditions.

**Corporate Services Policy No. 34**

Corporate Services Policy No. 34 (CSP34) contains the following restrictions with regard to any application for development where the applicant is a staff member:

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

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

The applicant submitted an Applicant’s Assessment Form as required under CSP34 which has been signed by the Director Engineering and Chief Executive Officer.

**Financial Implications:**

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

**Strategic Implications:**

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

**Comment:**

**General**

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



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

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

| <b>Issue</b>      | <b>Requirement</b>          | <b>Provided</b>                                 | <b>Complies</b> |
|-------------------|-----------------------------|---|-----------------|
| Side Setback      | Relative To Design          | Will be set back more than the required minimum | Yes             |
| Front setback     | N/A                         | Addition is to the rear of the existing house   | Yes             |
| Building Envelope | No building envelope on lot | No building envelope on lot                     | Yes             |

The proposed addition meets the intent of the policy and, accordingly, approval to construct the addition is recommended.

Building Licence

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

Voting Requirements:                      **ABSOLUTE MAJORITY**

**SD016/08/07 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Wigg seconded Cr Harris**

- A. Council grants planning approval for the addition to the existing single dwelling on Lot 15 (24) Butcher Street, Mundijong subject to the following conditions:**
- 1. The addition is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant legislation. Please contact Council's Health Services for setbacks and requirements for other systems.**
  - 2. No direct discharge of stormwater into watercourses or drainage lines.**
  - 3. All stormwater runoff from roof areas to be disposed of on site.**
- B. Council grants approval for a Building Licence to be issued for the addition by the Shire's Contract Building Surveyor.**

**CARRIED 10/0 ABSOLUTE MAJORITY**

| SD018/08/07 PROPOSED ADDITION TO POULTRY FARM – LOT 6 BUTCHER ROAD<br>DARLING DOWNS (P00177/04) |  |  |
|---|--|--|
| Proponent:  | P J Keefe & Co.  | In Brief<br><br>Proposed extension to existing poultry farm by installing an additional shed. It is recommended that the application be refused due to the increased unacceptable impact on the amenity of surrounding landowners. |
| Owner:  | As Above   |  |
| Officer:  | M Kenny – Senior Planner   |  |
| Signatures Author:  |  |  |
| Senior Officer:   |  |  |
| Date of Report  | 5 July 2007  |  |
| Previously  | Nil  |  |
| Disclosure of Interest  | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |  |
| <b>Delegation</b>   | <b>Council</b>   |  |

Date of Receipt: 23 May 2006  
 Advertised: Yes  
 Submissions: Objections - 3; Support - 2  
 Lot Area: 6.34 ha  
 L.A Zoning: Rural  
 MRS Zoning: Rural  
 Byford Structure Plan: NA  
 Rural Strategy Policy Area: Farmlet  
 Bush Forever: Abuts Bush Forever reserve

### **Background**

The subject site is located on the eastern side of Butcher Road and is known as Faenfil Farm. A Parks and Recreation reserve (Oscar Bruns reserve) containing remnant native vegetation separates Lot 6 from South Western Highway. However, Lot 6 uses a track through this reserve to access South Western Highway. There is no constructed vehicle access to Butcher Road even though this is the address of the property. Butcher Road is unconstructed adjacent to Lot 6.

Existing development on the site comprises seven broiler sheds, two dwellings, a workshop and some outbuildings. The existing broiler sheds are setback only six metres for the climate control sheds and 30 metres to the naturally ventilated sheds to the northern boundary of the lot. All fans are oriented to the north. All vehicle movement, forklift, harvesting and other associated activity occurs at the southern ends of the sheds.

There is a small amount of vegetation along the boundaries of Lot 6 but there are large gaps, particularly on the northern boundary adjacent to the existing sheds.

The application proposes an additional shed located in between the two climate control sheds located at the western end of the sheds.

The seven existing broiler sheds house a total of 185 000 birds. With the new shed the number of birds per batch will increase by approximately 38 500 to a total of approximately 223 500 birds.

Four of the existing sheds are older style natural ventilation sheds and three of the existing sheds and the new shed will be forced ventilation or a climate control shed (fans).

***A copy of the site and development plan is with the attachments marked SD018.1/08/07.***

The applicant has provided noise and odour modelling for the development and the results of this modelling are discussed in the comment section of this report.

### **Sustainability Statement**

#### ***Effect on Environment:***

**Vegetation:** The proposed poultry farm will not require the clearing of any remnant native vegetation. There is insufficient room between the sheds (existing and proposed) and the northern boundary to plant additional screening vegetation. Additional screening vegetation could be planted along the southern and eastern boundaries of the site.

**Air Quality:** The additional odour report submitted shows that the poultry shed will increase the amount of odour released into the surrounding locality and will therefore impact on a greater number of existing and future residents than currently exists. There will be an increasing number of residents that will be located within the odour contours detailed in the applicants report and the 2.5 odour unit zone referred to by the Department of Conservation and Environment (DEC). Claire Morris estate to the north is now being built upon and additional lots have been created to the south of Lot 6 in the Marri Fields estate. Additionally, approval has been granted for a further 30 lots to the west of the railway line that may also be impacted upon by virtue of noise and odour.

**Noise:** The above comments relating to air quality should also be read with reference to increased noise impact and the increase in sensitive receptors (residential dwellings) within the noise contours identified in the noise reports.

**Resource Implications:** The poultry farm will involve the use of groundwater as there is no reticulated water supply in the area. The new technology incorporated into the controlled environment poultry sheds means that water usage is 50% less than with older style sheds. Any increase in the use of bores outside current licensing limits, will require an application to the DEC.

**Use of local, renewable or recycled Resources:** It is uncertain whether the proposed sheds will be constructed from locally available resources.

**Economic Benefits:** The proposal has little potential to generate significant long term employment within the Shire as poultry farms usually only have two or three employees.

**Social and Environmental Responsibility:** It would not be sustainable with regard to social and environmental responsibility to approve an expansion of this poultry farm given the detail provided by the applicant in the odour/noise reports and the assessment made by the DEC and the vast increase (more than 30 additional new and proposed residences within 250-500 metres of the farm and more than 500 residences within 1 kilometre of the farm) in the number of residents that may be affected by the impacts of the farm.

**Social Diversity:** The application for the extension of the poultry farm does not directly impact on any particular social group.

#### **Statutory Environment:**

Planning and Development Act 2005  
Town Planning Scheme No.2  
Western Australian Planning Commission's Statement of  
Planning Policy SPP4.3 Poultry Farms

As per the resolution of the Western Australian Planning Commission (WAPC) made under Clause 32 of the Metropolitan Region Scheme (MRS), extensions to poultry farms that are greater than 100 square metres in area require separate determination by the WAPC under

the MRS. The Shire determines the application under the Town Planning Scheme (TPS) only.

**Policy/Work Procedure Implications:**

The application was required to be referred to the Department of Environment and Conservation (Air Quality and Land Use Branch) and Department of Agriculture as the site is within the Peel-Harvey Coastal Plain Catchment Area Statement of Planning Policy No.2.1, Statement of Planning Policy No. 5, Draft Environmental (Peel Harvey Estuarine System) Policy 1992

**Financial Implications:**

There may be financial implications to Council related to this application if the application is refused and the proponent appeals the decision to the State Administrative Tribunal.

**Strategic Implications:**

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

**2. Environment**

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

Strategies:

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

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

Strategies:

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

**3. Economic**

*Objective 1: A vibrant local community*

Strategies:

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

**4. Governance**

*Objective 3: Compliance to necessary legislation*

Strategies:

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

**Comments from External Agencies**

No comments were received from the Department of Agriculture. The DEC lodged a submission that concludes that Council should not approve the proposed addition of one shed to Lot 6. The DEC's submission is detailed in the Comment section under Odour.

**Community Consultation:**

The application was referred to adjoining land owners for comment. Three submissions objecting to the proposal and two submissions in support of the proposal were received

during the public advertising period. The issues raised in the submissions are summarised below:

Reasons for objection:

1. The odour coming from the existing poultry farm is already offensive (especially on still mornings and when the wind is coming from a northern direction). The proposed extension will only make this worse.
2. Would like to know when the expansion of this farm is going to end as it has already expanded on a number of occasions.
3. Why are neighbouring properties absorbing the buffer zone? Maybe the poultry farm should be asked to relocate to a larger property, which can contain the whole buffer. Other industries (ie mining) are required to acquire any land within their buffer zone. Why is this not the case with poultry farms?
3. They would like the same opportunity to subdivide their properties as owners to the south, north and east have been given but as long as the poultry farm is operating we have no potential for subdivision no matter what the zoning of the land is.
4. As the population of Perth keeps increasing there is more and more demand for land close to the city. There is already a large residential development 600 metres south of the poultry farm. Allowing this expansion will be doing further injustice to surrounding owners who are already unable to use their properties to their full potential.
5. The submitters' properties (and existing house) are within 250 metres of the proposed new shed and existing sheds.
6. These types of businesses should be encouraged to minimise or downsize their operations with a view to relocating to less populated areas in the future.

Support:

The two submissions in support of the proposal stated that they have no objection to the proposal.

**Comment:**

**Statutory Context**

The subject site is zoned Rural. Town Planning Scheme No. 2 (TPS 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. In the Rural zone Poultry Farm is an "AA" use (discretionary).

The site does not fall within the Poultry Farm Special Control Area recognised in TPS 2.

A use classification of 'AA' means that the Council may, at its discretion, permit the use. However, a discretionary use should only be granted approval if the Council is satisfied that the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenity of the locality and if the Council is satisfied that the proposed used will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.

Clause 6.4.2 of Town Planning Scheme No. 2 requires the Council to have regard to the following factors in determining an application for planning consent:

- "a) *the purpose for which the subject land is reserved, zoned or approved for use under the Scheme;*
- (b) *the purpose for which land in the locality is reserved, zoned or approved for use under the Scheme;*
- (c) *the size, shape and characteristics of the land, and whether it is subject to inundation by floodwaters;*
- (d) *the provisions of the Scheme and any Council policy affecting the land;*

- (e) any comments received from any authority consulted by the Council;
- (f) any submissions received in response to giving public notice of the application;
- (g) the orderly and proper planning of the locality; and
- (h) the preservation of the amenity of the locality."

Assessment of the proposal against the above criteria has determined that the proposal should not be approved as:

1. External authorities consulted do not support approval of the development.
2. The small size and narrow shape of the lot means that emissions cannot be contained or adequately ameliorated on site.
3. Approval would not be consistent with orderly and proper planning because expansion of the farm will increase the number of properties affected by emissions from the farm and adjacent land zoned for rural-residential purposes will not be able to develop to its full potential.
4. The amenity of the locality is already adversely affected by this farm and the addition of another poultry shed will increase the adverse affects.

Under the MRS the land is also zoned Rural.

Normally the single planning approval granted by a local authority represents approval under both the MRS and the local authority town planning scheme (TPS). This is by virtue of the Notice of Delegation issued by the WAPC which delegates the power to issue approvals under the MRS to local government. However, in the case of certain types of applications the WAPC has made resolutions under Clause 32 of the MRS calling in the power of determination. This is the case for all applications involving new poultry farms or extensions to existing farms. Accordingly, the application was referred to the WAPC for determination under the MRS. The Shire's decision may only relate to TPS 2.

WAPC Statement of Planning Policy No 4.3 – Poultry Farm Policy, applies to the proposal.

Application requirements under TPS 2

Although the proposal is not for land within the Poultry Farm Special Control Area, the issues raised for consideration in Part X of TPS 2 are informative and can reasonably be used as a reference against which the proposal can be assessed. One issue of significance raised in Part X, and which is relevant whether or not a proposal is within the Special Control Area, is the need for the developer to identify and assess likely environmental impacts (odour, noise, dust, traffic movement and visual impact) and to show how the impacts are to be managed.

| <b>Scheme Provision</b>   | <b>Complies?</b> | <b>Comments</b>  |
|---|------------------|--|
| Controlled environment sheds or other (more superior) best practice controlled environmental technology, will be used to house the poultry.                                       | Complies         | New shed is controlled environment. Some of the older sheds on site are naturally ventilated.  |
| There will be an internal loop road to allow articulated vehicles and truck and dog configurations to enter and leave the site, and service the facility, in a forward direction. | Complies         | Although the development complies with this provision the vehicle accessway is through a Bush Forever reserve and vehicles exit directly on to South Western Highway.  |
| Landscaping and screening of the poultry sheds and surrounds accords with the "Standards for Revegetation on New Poultry Farms".  | Does not comply  | Existing landscaping on northern boundary is patchy and there is little scope to increase the vegetation and no space for bunding or other physical screening. This is due to the small setback area between the sheds and the |

| Scheme Provision  | Complies?  | Comments   |
|---|--|--|
|   |  | boundary (6-10 metres).  |
| All litter material and dead birds will be disposed of off the site and in accordance with best practice.   | Complies   |  |
| A sign/s is placed on the site in a visible location to the satisfaction of the Council indicating the type of operation, hours of operation and possibility of undesirable environmental impacts on the surrounding areas as specified in schedules 1 and 2 of the Commission's Statement of Planning Policy No. 5 Poultry Farms Policy.   | Does not comply  |  |
| Setbacks and Separation Distances:<br>500 metres from any existing or future residential zone<br><br>300 metres from any existing or future rural-residential zone<br><br>200 metres from any wetland subject to Water and Rivers Commission advice<br><br>100 metres from the boundary of the Poultry Farm or in the case of extensions to the existing farms where a setback is already less than 100 metres then the lesser setback may be applied to that boundary. | Complies<br><br>Does not comply<br><br>Complies<br><br>Does not comply | The development does comply with the 500 metre setback to any existing or future residential zone. However, odour modelling shows that residences up to 1 kilometre away (ie Byford urban area) may be affected by odour from the farm.<br><br>The existing and proposed sheds on Lot 6 are within 250 metres of 10 existing lots zoned Farmlot and Rural Living A (rural-residential) and a large tract of land not yet subdivided that is also zoned Rural Living A. Accordingly, the proposal does not comply with the minimum setback of 300 metres from any existing or future rural-residential zone.<br><br>Additionally, the existing sheds are located between 6-10 metres from the northern boundary of Lot 6. Although the setback requirements allow the new shed to also be located this close to the boundary it is considered that the proposed setback is entirely inadequate to address the intended objectives of a boundary setback (ie an adequate separation distance). |
| All the application requirements have been provided and the Council is satisfied with the establishment, operations and management and the impacts of the proposed development on the local environs.   | Complies   | After assessment of the application, Council officers are not of the opinion that the proposed shed can be constructed with minimal additional impacts on the locality. Accordingly, approval of the proposal is not supported.  |

Environmental Protection Authority (EPA) – Guidelines for Separation Distances

Under the Environmental Protection Authority's *Guidance for the Assessment of Environmental Factors - Separation Distances between Industrial and Sensitive Land Uses*

the proposed use fits within the land use category of Poultry Industry – Intensive Farming. Under this document the potential impacts for this use are dust, noise and odour.

This document identifies a guideline separation distances between poultry farms and sensitive land uses as between 500-1000 metres depending on the size of the farm. It should be noted that the document does not detail what is considered to be a small, medium or large poultry farm but it is reasonable to assume that a farm, with this number of birds would be classified as a medium to large farm. Clause 2.3 of the document defines "Sensitive Land Uses" as follows:

*“Land uses considered to be potentially sensitive to emissions from industry and infrastructure include residential areas, hospitals, hotels, motels, hostels, caravan parks, schools, nursing homes, child care facilities, shopping centres, playgrounds and some public buildings.”*

The Environmental Code of Practice for Poultry Farms in Western Australia also recommends an internal separation distance from the shed to the boundary of 100 metres and an external separation distance of 300 metres between the development and future or existing rural residences.

There are two existing dwellings located within 140 metres and 250 metres of the new shed and these dwellings are even closer to areas of Lot 6 that are used for outside activity associated with the operation of the poultry farm (trucks, forklifts, harvesting and clean-out of sheds). There are a further four existing residences located within 400 to 500 metres of the new shed and these dwellings are even closer to existing sheds and outdoor areas of Lot 6 used for the poultry operation. Most of these residences are located on land zoned Rural Living A, with an average lot size of 4 000m<sup>2</sup>.

Of further concern is a recently completed Rural Living A subdivision (4 000m<sup>2</sup> lots) to the south of Lot 6 (Marri Fields Estate). There is the potential for new houses on eight lots in this estate to be located only 280 to 370 metres from the new and existing poultry sheds and a further 12 lots within 400 metres of the poultry sheds.

There is also a current subdivision application being considered by the WAPC for another Rural Living A subdivision, 450 metres to the west of Lot 6 (Lot 9002 Wungong South Road). In addition, land within 200 to 300 metres of the existing and proposed poultry sheds is also zoned Rural Living A but is unable to be subdivided to this potential due to proximity of the poultry farm and a pet meat abattoir located on Lot 5 Butcher Road.

***An aerial photograph showing the distances of existing and future dwellings to the poultry farm is with the attachments marked SD018.2/08/07.***

#### Environmental Health Risk Assessment

The Shire's Environmental Health Team has conducted a preliminary assessment of the application and the implications for the amenity of existing and future residential lots. This process identified the need for a more detailed Health Risk Assessment of the farm. The assessments determined that the proposal should not be approved in the interests of the existing and future populations surrounding the farm.

#### Odour

The DEC's Air Quality Management Branch has assessed the proposal and has also come to the conclusion that the development should not be approved. Their submission is set out below:

*The proponents have provided modelling of the odour distribution that could result from the proposed development.*



*We have found this modelling to contain a technical error, in the use of the 3-minute, 7 odour Unit 99.5<sup>th</sup> percentile criterion, which was recommended in the now withdrawn EPA Guidance Note 47.*

*DEC's Air Quality Management Branch remodelled the odour distribution using the proponent's data files, and found almost all of the receptors to lie within the 2.5 Odour Unit zone and the majority to lie within the 4 Odour Unit zone. DEC would normally expect all of these receptors to lie outside the 1 hour 2.5 Odour Unit 99.5<sup>th</sup> percentile zone to consider a proposal acceptable.*

*The proponents also used a modelling scheme that DEC has not endorsed (temperature dependent odour emission rates) and has stated odour emission rate estimates to be conservative when this may not be the case.*

*Therefore, it is considered that there is a significant risk of odour impact on the surrounding area, which includes land zoned for rural-residential living. On this basis the Department of Environment and Conservation (DEC) would not support the approval of this development application.*

***A copy of the odour modelling plans that show the location of the dwellings is with attachments marked SD018.3/08/07.***

#### Noise

The Environmental Protection (Noise) Regulations 1997 sets assigned or maximum levels for all residences receiving noise. However, as background noise levels are often very low in rural settings, rural residences may be particularly sensitive. The regulations set assigned or maximum noise levels for an LA10 of 35(dB) between 2200 hours on any day to 0700 hours, which is the quietest time of the day. The assigned level may be increased if there is an influencing factor present in the locality. In this case South Western Highway is an influencing factor and the developer's acoustic consultant has scaled up the assigned noise levels for each dwelling within the noise catchment of the farm. However, noise levels at the farm are highest at night (8pm to 7am) when catching of chickens is carried out and trucks, forklifts and human voices combined with the noise of the fans. During this timeframe the influencing factor of the highway noise would be at its lowest so the level of the influencing factor added to the assigned levels would be minimal (ie it is considered that the assigned level applicable at this time should be close to the assigned levels set by the EPA and not be scaled up significantly).

The noise modelling supplied by the applicant in the Environmental Noise Assessment report indicated that there would be significant additional impacts produced by the proposed shed. Nine existing dwellings would be affected by higher than allowable noise levels during night time catching and the number of affected dwellings will increase significantly as more residences are constructed on the Marri Fields and other adjacent new Rural Living estates.

The developers propose to install noise barriers behind the northern ends of the sheds to reduce the impact of noise from fans at Houses 1 and 12 (refer noise modelling plans). However, they have not produced any modelling plans that show the effect of these barriers. Also, no barriers are proposed on the southern sides of the sheds where all of the night time activity (trucks, forklifts, people) occurs and there are more houses south of the farm that will be affected by noise during catching periods than to the north.

***The noise modelling maps are with the attachments marked SD018.4/08/007.***

#### Traffic Impacts

The construction of the additional shed will result in a minor increase to existing truck movements on the property as part loads can be increased to full loads. As the proposed shed is to be located between the existing shed, no additional infrastructure is required to be

installed or any further internal road networks constructed. However, it is of continuing concern that the current access to the poultry farm is via the Bush Forever site (Oscar Bruns reserve) that is located between Lot 6 and South Western Highway. This access was not approved by the Shire and Shire officers are currently determining the action that needs to be taken to close this access and reinstate the vegetation removed from this area. The developers have also constructed two outbuildings on this reserve that need to be removed.

Conclusion

The application should be refused as the submitted odour report shows that the additional shed would increase the amount of odour released into the surrounding area and will therefore impact on a greater number of existing and future residents.

**Voting Requirements:** Simple Majority

**SD018/08/07 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Star seconded Cr Kirkpatrick**

**The application for approval to commence development of an additional poultry shed on Lot 6 Butcher Road, Darling Downs is refused for the following reasons:**

- 1. The proposal will increase the negative impacts on the amenity of surrounding existing Rural Living zoned areas by virtue of noise, odour and dust beyond the level already experienced. The existing farm already causes unacceptable amenity impacts on these properties.**
- 2. The poultry farm on Lot 6 is preventing adjacent land zoned Rural Living A (minimum 4 000m<sup>2</sup> lots) from being developed to its full potential. The additional shed proposed will extend the impacts (noise, odour, dust) beyond that currently occurring and as a result may prevent the development of other land, also zoned Rural Living A from being developed to its full potential.**
- 3. Lot 6 Butcher Road, Darling Downs is not of a sufficient size to contain the impacts of a poultry farm on site.**

**CARRIED 10/0**

| <b>SD020/08/07 PROPOSED ANCILLARY ACCOMMODATION – LOT 31 (1304) ROWLEY ROAD, DARLING DOWNS (P05073/01)</b> |  |  |
|--|--|--|
| <b>Proponent</b>   | J & R Langford   | <b>In Brief</b><br>Application for planning approval for the Ancillary Accommodation with setback exceeding that allowed as of right under Local Planning Policy LPP17. Due to site constraints preventing compliance with the maximum setback specified by LPP17 it is intended to approve the application subject to conditions. |
| <b>Owner</b>   | As above   |  |
| <b>Officer</b>   | M Kenny - Senior Planner   |  |
| <b>Signatures - Author:</b>  |  |  |
| <b>Senior Officer:</b>   |  |  |
| <b>Date of Report</b>  | 8 August 2007  |  |
| <b>Previously</b>  |  |  |
| <b>Disclosure of Interest</b>  | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |  |
| <b>Delegation</b>  | <b>Council</b>   |  |

Date of Receipt: 14 June 2007  
 Advertised: Not required  
 Submissions: N/A  
 Lot Area: 2 hectares  
 L.A Zoning: Rural

MRS Zoning: Rural  
Rural Strategy Residential and Stable

### **Background**

The subject site contains an existing dwelling, large storage shed, water tank, pool and stables.

A Development Application has been submitted for the construction of a 99m<sup>2</sup> brick and colourbond freestanding ancillary accommodation unit ("Granny Flat"). The materials and finish of the ancillary accommodation are proposed to match as closely as possible to those used for the existing dwelling.

***A floor plan and aerial photographs are with the attachments marked SD020.1/08/07.***

A variation is sought with regard to the separation distance between the main dwelling and the ancillary accommodation due to site constraints.

### **Sustainability Statement**

***Effect on Environment:*** Construction of the new dwelling in the location shown on the site plan would require the removal of a small amount of vegetation. Relocation of the dwelling closer to the stables (whilst still maintaining the minimum 15 metre separation from the stables) and turning the dwelling 90 degrees will enable the retention of the existing vegetation. In addition, re-orientation of the dwelling in this manner will achieve better solar orientation as the living area and alfresco area will face north.

Mains water is not available to the property so rainwater will be collected from the roof of both the new dwelling and existing farm buildings for use in the new dwelling.

Due to the size of the dwelling and the distance from the existing dwelling a separate effluent disposal system may be required.

***Resource Implications:*** Re-orientation of the dwelling will achieve better solar orientation by enabling the living area and alfresco area to face north. The alfresco verandah will block the sun during summer but in winter when the angle of the sun is lower sunlight will penetrate under the verandah and into living areas. The dwelling's small size will also allow for cost efficiencies with regard to heating.

***Use of Local, renewable or recycled Resources:*** The materials used to construct the dwelling are extremely low-maintenance (brick walls and colourbond roof) and minimise the use of natural resources.

***Economic Benefits:*** The provision of independent accommodation on their property with extended family also living on the same property will mean that the potential economic costs of assisted care for the couple in the future will not have to be provided by the community (ie home help, meals on wheels).

***Social – Quality of Life and Social Diversity:*** Allowing ancillary accommodation on this property will enable the owners parents to remain in the area they have lived in for many years. They currently live next door.

***Social Diversity:*** The proposed dwelling will enable the retention of seniors within this community.

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

### **Policy/Work Procedure**

**Implications:** Local Planning Policy LPP 17 Residential and Incidental Development.

**Financial Implications:**

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

**Strategic Implications:**

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

**1. People and Community**

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

Strategies:

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

**4. Governance**

*Objective 3: Compliance to necessary legislation*

Strategy:

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

**Community Consultation:**

Required: No

**Comment:**

**Local Planning Policy LPP17 Residential and Incidental Development**

LPP17 contains the following provisions relating to setback matters for Ancillary accommodation:

**5.0 ANCILLARY ACCOMMODATION**

*Ancillary Accommodation for the purpose of this policy is as defined in the Residential Design Codes 2002:*

*Self contained living accommodation on the same lot as a Single House that may be attached or detached from the Single House occupied by members of the same family as the occupiers of the main dwelling; and*

**5.1 Development requirements**

*The following standards apply to ancillary accommodation:*

*Minimum floor area: 40m<sup>2</sup>*

*Maximum floor area:*

- *Residential, Special Residential, Urban Development, Rural-Residential and & Rural Living A (lots under 2 hectares) zones 60m<sup>2</sup>*
- *Rural Living A (Lots 2 hectares and over only), Rural Living B, Special Rural, Farmlet and Rural zones 100m<sup>2</sup>*

**Exterior Finish**

*Ancillary accommodation is to be constructed in the same or similar materials to the main dwelling to the satisfaction of the Shire.*

**Connection to main dwelling**

*The ancillary accommodation shall be under the same roofline as the main dwelling or located within 10 metres of the main dwelling.*

**5.2 Variations**

*Any application to vary the development requirements for Ancillary Accommodation contained in this policy are to be accompanied by a letter*

*detailing the reasons why the variation is sought. Any variations to the development requirements for Ancillary Accommodation contained in this policy or the Residential Design Codes 2002 will be determined in the following manner:*

1. *Referred to the Concept Forum for discussion prior to determination under delegated authority by the Executive Manager Planning and Regulatory Services (or equivalent officer); or*
2. *Referred to the Sustainable Development Committee or Council for determination;*

*at the discretion of the Executive Manager Planning and Regulatory Services (or equivalent officer).*

With regard to the current proposal, areas of compliance/non-compliance with the above provisions are discussed below:

| <b>LPP 17 requirement</b>   | <b>Compliance</b> | <b>Comment</b>   |
|---|-------------------|--|
| Minimum floor area – 40m <sup>2</sup>   | Complies          | N/A  |
| Maximum floor area – 100m <sup>2</sup>  | Complies          | N/A  |
| Exterior Finish to be similar or same as existing dwelling  | Complies          | N/A  |
| Main Dwelling to be constructed prior to ancillary accommodation  | Complies          | N/A  |
| Ancillary Accommodation to be under roofline of main dwelling or be located within 10 metres of the main dwelling | Non-compliance    | <p>On site constraints prevent the ancillary accommodation being located within 10 metres of the main dwelling being:</p> <ol style="list-style-type: none"> <li>1. The narrow width of the lot.</li> <li>2. The location of existing buildings (house, shed, tank, pool and stables). In particular the Shire's Health Local Laws prevent a dwelling from being located closer than 15 metres to a stable.</li> <li>3. The desire to retain existing vegetation along lot boundaries.</li> </ol> <p>It is considered that the above constraints along with the fact that the new dwelling will still be located with the cluster of existing farm buildings and existing house provide acceptable grounds for permitting the variation of the policy provision relating to separation distance. However, there is some scope for moving the dwelling closer to the stables.</p> |
| Effluent Disposal System may be separate  | Complies          | Due to the size of the new dwelling the Department of Health may require a second effluent disposal system.  |
| Shared power, water and driveway  | Complies          | N/A  |
| Additional car parking required for ancillary accommodation   | Complies          | The ancillary accommodation has a double garage.   |

As detailed above the proposed Ancillary Accommodation complies with all the requirements of Local Planning Policy LPP17 with regard to such dwellings except for the separation

distance between the main dwelling and the new ancillary accommodation unit. For the reasons detailed in the table above it is considered that the separation distance requirements of LPP 17 could be relaxed.

The proposed location and orientation of the dwelling would result in a small amount of vegetation being removed and also represents poor solar orientation. Accordingly, it is recommended that the dwelling be relocated 14 metres to the north and the building re-orientated 90 degrees to address both of these issues.

### Conclusion

It is recommended that the application be approved subject to the conditions normally applied to applications for ancillary accommodation and other conditions including:

1. Occupation of the dwelling restricted to relatives;
2. A notification being placed on certificate of title for the land regarding the occupation restrictions applicable to the ancillary accommodation; and
3. Those standard conditions normally applied to new buildings.
4. The special condition relating to the relocation and reorientation of the dwelling.

**Voting Requirements:** Simple Majority

### **SD020/08/07 Officer Recommended Resolution:**

The application for Approval to Commence Development of Ancillary Accommodation on Lot 31 (1304) Rowley Road, Darling Downs be approved subject to the following conditions:

1. The ancillary accommodation being relocated to a distance 15 metres from the southern side of the existing stables and the orientation of the dwelling being modified so that:
  - a) The living area and alfresco area of the dwelling face north; and
  - b) All existing vegetation on the lot can be retained.

An amended site plan addressing the above requirements is to be submitted prior to the issue of a Building Licence for the ancillary accommodation.

2. Any occupier of the ancillary accommodation shall be a member of the family of the occupier of the main dwelling.
3. In relation to condition 2 above, a Notification under Section 70A 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 issue of a Building Licence to notify owners and prospective purchasers of the land that restrictions apply to the use of the ancillary accommodation as stipulated in condition 2. The Section 70A Notification shall be prepared by the Shire's solicitors to the satisfaction of the Serpentine Jarrahdale Shire 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 (refer to attached Info Note).
4. The ancillary accommodation is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant Legislation for other types of effluent disposal systems. Please contact Council's Health Services for setbacks and requirements to other systems.
5. All driveway surfaces are to be constructed of a suitable material such as paving, road base, or coarse gravel to limit the generation of dust and sediments entering nearby creeks and drainage lines.
6. All stormwater to be disposed of within the property. This shall be achieved by either soakwells or spoon drains and the grading of driveways and paved areas onto lawns or landscaped areas preventing direct disposal of stormwater onto the road or neighbouring properties. No direct discharge of stormwater into watercourses or drainage lines.

Advice Notes:

1. A planning consent is not an approval to commence any works. A building licence must be obtained for all works. Your application for a building licence must satisfy the conditions specified in this approval.
2. Native vegetation is valued and protected in the Serpentine Jarrahdale Shire. 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.
3. 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.

LOST 3/4

During debate Cr Harris foreshadowed that she would move the original Officer Recommended Resolution if the motion under debate is defeated.

**SD020/08/07 Committee Recommended Resolution:**

The application for Approval to Commence Development of Ancillary Accommodation on Lot 31 (1304) Rowley Road, Darling Downs be approved subject to the following conditions:

1. The ancillary accommodation being relocated to a distance 15 metres from the southern side of the existing stables and the orientation of the dwelling being modified so that:
  - a) The living area and alfresco area of the dwelling face north; and
  - b) All existing vegetation on the lot can be retained.

An amended site plan addressing the above requirements is to be submitted prior to the issue of a Building Licence for the ancillary accommodation.

2. Any occupier of the ancillary accommodation shall be a member of the family of the occupier of the main dwelling.
3. In relation to condition 2 above, a Notification under Section 70A 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 issue of a Building Licence to notify owners and prospective purchasers of the land that restrictions apply to the use of the ancillary accommodation as stipulated in condition 2. The Section 70A Notification shall be prepared by the Shire's solicitors to the satisfaction of the Serpentine Jarrahdale Shire 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 (refer to attached Info Note).
4. The ancillary accommodation is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant Legislation for other types of effluent disposal systems. Please contact Council's Health Services for setbacks and requirements to other systems.
5. All driveway surfaces are to be constructed of a suitable material such as paving, road base, or coarse gravel to limit the generation of dust and sediments entering nearby creeks and drainage lines.
6. All stormwater to be disposed of within the property. This shall be achieved by either soakwells or spoon drains and the grading of driveways and paved areas onto lawns or landscaped areas preventing direct disposal of stormwater onto the road or neighbouring properties. No direct discharge of stormwater into watercourses or drainage lines.

Advice Notes:

1. A planning consent is not an approval to commence any works. A building licence must be obtained for all works. Your application for a building licence must satisfy the conditions specified in this approval.
2. Native vegetation is valued and protected in the Serpentine Jarrahdale Shire. 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.
3. 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.

**Committee Note:** There was no change to the Officers Recommended Resolution however the motion was foreshadowed to ensure this matter would be considered by Council.

**SD020/08/07 COUNCIL DECISION**

**Moved Cr Brown seconded Cr Murphy**

**The application for Approval to Commence Development of Ancillary Accommodation on Lot 31 (1304) Rowley Road, Darling Downs be refused for the following reason:**

**The distance between the primary residence and the proposed ancillary accommodation exceeds the separation distance specified in Council's Local Planning Policy No 17 Residential and Incidental Development.**

**ADVICE NOTE: That the Applicant is advised that Council would consider an application that meets the requirements of Local Planning Policy No 17.**

**CARRIED 6/4**

**Council Note:** Councillors Price, Harris, Star and Needham voted against the motion.

**Council Note:** The Committee Recommended Resolution was changed to refuse the application because it was not in accordance with Council's Local Planning Policy.

**SD020/08/07 FORESHADOWED MOTION**

Cr Star foreshadowed a motion being the Officers Recommended Resolution with the removal of Part 3 if the motion under debate is defeated.



|   |  |  |
|---|--|--|
| SD022/08/07 INITIATION OF SCHEME AMENDMENT TO REZONE LOTS 1 AND 2 ROWLEY ROAD, DARLING DOWNS FROM RURAL TO URBAN DEVELOPMENT (P05052) |  |  |
| Proponent:  | Greg Rowe & Associates   | In Brief<br><br>Request for Council to initiate a Scheme Amendment to rezone Lots 1 and 2 Rowley Road, Darling Downs from "Rural" to "Urban Development" in accordance with the current "Urban" zoning of the land under the Metropolitan Region Scheme. It is recommended that the rezoning be initiated. |
| Owner:  | Deneva Pty Ltd   |  |
| Officer:  | Meredith Kenny - Senior Planner  |  |
| Signatures Author:  |  |  |
| Senior Officer:   |  |  |
| Date of Report  | 6 August 2007  |  |
| Previously  | Nil  |  |
| Disclosure of Interest  | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |  |
| <b>Delegation</b>   | <b>Council</b>   |  |

Date of Receipt: 4 October 2006  
 Advertised: Not applicable at this stage  
 Submissions: N/A  
 Lot Area: 11.4 hectares  
 L.A Zoning: Rural  
 MRS Zoning: Urban  
 Rural Strategy Policy Area: Residential and Stable  
 Rural Strategy Overlay: Nil  
 Municipal Inventory: Nil  
 Townscape/Heritage Precinct: N/A  
 Bush Forever: Nil  
 Date of Inspection: 14 November 2006

**Background**

Proposal

The application was originally presented to Council for initiation in January 2007, where it was resolved as follows:

“SD072/01/07 COUNCIL DECISION/Officer Recommended Resolution

*Moved Cr Kirkpatrick seconded Cr Star  
 Determination of the amendment be deferred until:*

- i) Formal comment has been sought and obtained from the Armadale Redevelopment Authority and the City of Armadale with regard to the amendment; and*
- ii) A meeting has been held between the Armadale Redevelopment Authority, City of Armadale, Main Roads Western Australia, Western Australian Planning Commission, the Serpentine Jarrahdale Shire and the landowner with regard to the realignment of Rowley Road.*

**CARRIED 9/0”**

Shire officers and the developers have engaged in extensive liaison with the City of Armadale and the Armadale Redevelopment Authority (ARA) since January. Main Roads Western Australia advised they did not wish to be involved as Rowley Road is not in the control of that department.

Stormwater drainage management and the future realignment of Rowley Road were identified by the ARA and the City of Armadale as major issues requiring further consideration. With regard to stormwater there is a need for the future development to link into the Wungong Urban Water Master Plan.

The City of Armadale have now approved a design for the realignment of Rowley Road that is more suitable for the traffic volumes expected on that road than the current dog-legged alignment. Accordingly, the proposed scheme amendment is now presented back to the Council for initiation.

***The plan showing the approved realignment of Rowley Road is with the attachments marked SD022.1/08/07.***

Proposal land is located on the northern side of Rowley Road and abuts the Shire's northernmost boundary. The land also has frontage to Hopkinson Road (western boundary) and Hilbert Road (eastern boundary). A dwelling and several outbuildings are located in the north east corner of the site.

The land is almost entirely cleared and has been used for intensive grazing purposes. There are four or five trees along an offshoot of the Birrega Drain, which dissects the south west corner of the site. Trees are also located along the northern boundary and around the existing buildings in the north east corner of the site.

***An aerial photo of the subject site is with the attachments marked SD022.2/08/07.***

Lots 1 and 2 Rowley Road is zoned Urban under the Metropolitan Region Scheme (MRS). The applicant has written to the Council requesting that the land be rezoned to Urban Development in order to bring the Shire's Town Planning Scheme No. 2 (TPS2) into conformity with the MRS.

The land directly to the north of the subject site (within the City of Armadale) is covered by the Wungong Master Plan. Under the structure plan a village centre will be located directly opposite the subject land at the intersection of Rowley and Hopkinson Roads. Accordingly, part of the subject land will be within the 400 metre walkable catchment of this village centre.

***A copy of the Wungong Master Plan is with the attachments marked SD022.3/08/07.***

The applicant has provided a concept plan detailing how the subject land may be developed once it is rezoned to Urban Development. The predominant Residential density coding proposed is R20 with R30/R40 within the 400 metre catchment of the village centre proposed in the Wungong Master Plan and adjacent to the main area of public open space within the centre of the site. This Concept plan will not form part of the scheme amendment documentation. A detailed local structure plan will be required to be prepared by the developers and adopted by the Council prior to subdivision of the land occurring.

***A copy of the Concept Plan submitted by the applicants is with the attachments marked SD022.4/08/07.***

The Scheme Amendment proposes to rezone Lots 1 and 2 Rowley Road, Darling Downs from "Rural" to "Urban Development" by:

- a) amending the Scheme Maps.
- b) modifying Appendix 15 "Structure Plan Boundaries for the purposes of Clause 5.18" of TPS2 by inserting a diagram of the area requiring future structure planning.
- c) modifying Appendix 16 "Specific provisions for Structure Plan Areas" to include specific provisions for the structure plan area comprising Lots 1 and 2.

***The specific provisions to be included in Appendix 16 of TPS 2 are with the attachments marked SD022.5/08/07.***

## **Sustainability Statement**

### ***Effect on Environment:***

#### **Vegetation**

Minimal clearing of the existing vegetation would be required to accommodate the urban development of Lots 1 and 2 given that most of the existing vegetation is located adjacent to the northern boundary of the site. The ultimate design of the subdivision could accommodate these trees within a linear parkland adjacent to a road reserve or within a road reserve.

#### **Drainage**

Part of the Birrega Drain crosses the south west corner of the site. The Urban Water Management Strategy for the Wungong Master Plan proposes to realign this part of the Birrega Drain to run along Hopkinson Road and Rowley Road in order to better accommodate the Village Centre proposed for the intersection of Hopkinson and Rowley Roads and to rationalise and provide a more direct flow path for the Birrega Drain.

The applicant advises that the hydraulic analysis of the existing and proposed Birrega Drain will be completed during the Structure Planning process for Lots 1 and 2. It is intended to develop the realigned Birrega Drain as a Living Stream for low flows but with capacity for 1:100 year flood events.

The Concept Plan does not identify any additional land for stormwater retention basins and the additional runoff that would result from the subdivision of Lots 1 and 2. Accordingly, this will need to be addressed at the Structure Plan stage. Additional specific provisions should be included in Appendix 16 of TPS 2 to reinforce this requirement.

#### **Solar orientation of lots**

The concept plan submitted by the applicant details a lot layout that has approximately 80% of the R20 coded lots running east west. This would allow for the best situation for the possible solar orientation of dwellings on these lots. It is recommended that a provision be included in Appendix 15 requiring the structure plan to predominantly achieve an east west alignment of lots.

***Resource Implications:*** Not known.

***Use of Local, renewable or recycled Resources:*** Not applicable to the rezoning stage of development.

***Economic Viability:*** The proposal is consistent with and is a rational extension of the Brookdale urban area given the location of the lots on the northern side of Rowley Road. The development of the Brookdale urban area will see the extension of major infrastructure (sewer, water, power etc) up to the northern boundary of Lots 1 and 2.

***Social – Quality of Life, Environmental Responsibility and Social Diversity:*** These issues will be addressed in detail at the structure planning stage of development although the provisions to be included in Appendix 16 of TPS 2 will outline the elements that the structure plan must address.

### **Statutory Environment:**

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

## **Policy/Work Procedure**

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**Implications:**

Nil

**Financial Implications:**

Proponent will be responsible for all advertising costs and will be required to pay a rezoning fee to the Shire.

**Strategic Implications:**

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

**1. People and Community**

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

Strategies:

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

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

Strategies:

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

**3. Economic**

*Objective 3: Effective management of Shire growth*

Strategies:

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

**4. Governance**

*Objective 3: Compliance to necessary legislation*

Strategies:

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

**Community Consultation:**

No community consultation has been carried out to date. However, if initiated, the Scheme Amendment will require advertising for a period of not less than 42 days in accordance with the Planning and Development Act 2005 (as amended) and the Town Planning Regulations 1967 (as amended).

Given the location of the subject land it will be necessary to refer the scheme amendment to both the City of Armadale and the ARA for comment during the advertising period.

**Comment:**

**Metropolitan Region Scheme (MRS)**

Under Section 124 of the Planning and Development Act 2005 a region planning scheme (such as the Metropolitan Region Scheme) prevails over the local planning scheme if the local planning scheme is inconsistent with the region planning scheme. Section 124(2) of the Planning and Development Act 2005 requires the local government to resolve within 90 days of the coming into effect of any amendment of the region scheme to prepare a scheme amendment to bring the local planning scheme into conformity with the region planning scheme. The subject land has been zoned Urban under the Metropolitan Region Scheme for several years. Accordingly, TPS2 is currently at variance with the MRS and the Council needs to take action to correct this anomaly.

There are sufficient provisions existing in TPS2 in relation to the Urban Development zone to ensure that development of the land for urban purposes could not occur until the required structure plan has been prepared and adopted by the Council and endorsed by the Western Australian Planning Commission. In this regard clause 5.17 of TPS2 states that development within the Urban Development zone will be facilitated by means of establishment of Structure Plans to ensure that development takes place in conformity with

those Plans. The amendment does however, include the insertion of provisions in Appendix 16 of TPS 2 to clearly outline the elements and detail the structure plan must address.

Additional Provisions recommended for inclusion in Appendix 16 for the subject land

The Scheme Amendment documents submitted by the applicant include provisions to be inserted in Appendix 16 of TPS 2 with regard to the content and form of the local structure plan for Lots 1 and 2 Rowley Road. The following modifications and additions are recommended:

1. Modifying iv) by deleting the words "public open space areas" and replacing them with the words "detention basins".
2. Adding the following additional sentences at the end of provision iv) as follows:  
  
"Stormwater detention basins are not to be located within public open space areas. Stormwater management strategy to identify and address pre and post development flow rates within the Birrega Drain and associated drains located on and adjacent to Lots 1 and 2 Rowley Road".
3. Modifying provision v) by deleting "BMP's" and replacing it with the full wording "Best Management Practice."
4. Adding a new provision x) after provision ix) as follows:  
  
"x) Lot and road layout to be designed to enable predominantly east-west alignment of lots and to provide linkages between the future development on Lots 1 and 2 and development within the Wungong Master Plan area with particular reference to pedestrian links between Lots 1 and 2 and the proposed Village centre on the corner of Hopkinson and Rowley Roads.
5. Adding a new provision xi) as follows:  
  
"xi) The layout of lots, road reserves and public open space areas to accommodate the retention of existing vegetation as much as possible."

Statutory Procedures for initiation of Scheme Amendments

The scheme amendment requires referral to the Environmental Protection Authority (EPA) for assessment and advertising of the Scheme Amendment.

Generally the EPA, upon receiving a minor scheme amendment such as this one, advise that they do not need to assess the Scheme Amendment in detail and in that case it is possible for the Council to commence advertising of the amendment.

Conclusion

It is recommended that the Council initiate an amendment to TPS2 to rezone Lots 1 and 2 Rowley Road, Darling Downs from "Rural" to "Urban Development" to achieve consistency with the "Urban" zoning of the land under the MRS and, as the site's location on the northern side of Rowley Road and directly abutting the southern boundary of the Brookdale Structure Plan, means that the development would provide a logical extension of that urban area.

**Voting Requirements:** Simple Majority

**Officer Recommended Resolution:**

- A. Council, in pursuance of Section 75 of the Planning and Development Act 2005, amends the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 by:

1. Amending the Scheme Map by including Lots 1 and 2 Rowley Road, Darling Downs in the "Urban Development" Zone in accordance with the Scheme Amendment map.
2. Amending Appendix 15 by inserting a diagram depicting Lots 1 and 2 Rowley Road as a "Development Area".
3. Amending Appendix 16 as follows:

#### URBAN WATER AND DRAINAGE MANAGEMENT

The application for a Structure Plan at Lots 1 and 2 Rowley Road shall address, where relevant:

- i) Location Plan - adjacent land use, soil profile, linkages between neighbouring lots and environmentally sensitive areas;
- ii) Management of groundwater levels, including maintenance of ecosystem health and any proposed de-watering. Proposal should demonstrate no impact on groundwater dependent ecosystems. The following figures should be included:
  - a) Existing surface level, existing groundwater levels;
  - b) Final surface level, final groundwater levels (amount of fill required)
- iii) Management of groundwater 'hotspots' and other specific site conditions including acid sulphate soils and the potential for and management of increased export of nutrient rich groundwater.
- iv) Detailed stormwater management design including the size, location and design of detention basins, integrating major and minor flood management capability and linking into the Wungong Urban Water Master Plan.

This shall include maps of areas inundated in one year, five year and 100 year ARI events, information outlining required storage, invert levels, top water and peak flow levels and information required to ensure integration with upstream and downstream systems. Stormwater detention basins are not to be located within public open space areas. Stormwater management strategy to identify and address pre and post development flow rates within the Birrega Drain and associated drains located on and adjacent to Lots 1 and 2 Rowley Road.
- v) Locations (mapped) and details of structural and non structural Best Management Practices to be implemented including maintenance requirements, expected performance and agreed ongoing management arrangements including costs;
- vi) Management measures to be implemented to achieve protection of waterways, wetlands (and their buffers), remnant vegetation and ecological linkages;
- vii) Purpose, design and management of any proposed constructed water body;
- viii) Management of subdivisional works (to ensure no impact on regional conservation areas, maintenance of any installed Best Management Practices and management of any dewatering and soil/sediment, including dust)
- ix) Implementation plan including roles, responsibilities, funding and maintenance arrangements. Contingency plans should also be indicated where necessary. Clearly outline the actions to be undertaken by the developer to meet the requirements for improved water management outcomes.
- x) Lot and road layout to be designed to enable predominantly east-west alignment of lots and to provide linkages between the future development on Lots 1 and 2 and development within the Wungong Master Plan area with particular reference to pedestrian links between

- Lots 1 and 2 and the proposed Village centre on the corner of Hopkinson and Rowley Roads.
- xi) The layout of lots, road reserves and public open space areas to accommodate the retention of existing vegetation as much as possible.
  - xii) The realignment of Rowley Road along the northern and eastern boundaries of Lots 1 and 2.

Council, in considering the Structure Plan will have due regard to:

- a) the extent to which the proposal achieves and adheres to best management practices for the management of urban water and drainage consistent with the principles of Water Sensitive Urban Design;
  - b) the advice and recommendations of the Department of Water and the Water Corporation; and
  - c) any other matters which Council considers relevant
- B. The applicant submitting to the Shire five sets of amendment documents in hard copy and one set of documents in electronic form. Documentation is required to be consistent with part A above to the satisfaction of the Executive Manager Planning and Regulatory Services.
- C. The applicant is required to pay a Scheme Amendment fee of \$4 000 to the Shire prior to endorsement of the amendment documentation by the Shire.
- D. Following endorsement, a copy of the amendment documentation be forwarded to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act 2005.
- E. Subject to the advice of the Environmental Protection Authority under Section 48A of the Environmental Protection Act that the amendment not be assessed, advertise the amendment in accordance with the requirements of Section 84 of the Planning and Development Act 2005.

**SD022/08/07 Committee Recommended Resolution:**

- A. Council, in pursuance of Section 75 of the Planning and Development Act 2005, amends the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 by:
- 1. Amending the Scheme Map by including Lots 1 and 2 Rowley Road, Darling Downs in the "Urban Development" Zone in accordance with the Scheme Amendment map.
  - 2. Amending Appendix 15 by inserting a diagram depicting Lots 1 and 2 Rowley Road as a "Development Area".
  - 3. Amending Appendix 16 as follows:

**URBAN WATER AND DRAINAGE MANAGEMENT**

The application for a Structure Plan at Lots 1 and 2 Rowley Road shall address, where relevant:

- i) Location Plan - adjacent land use, soil profile, linkages between neighbouring lots and environmentally sensitive areas;
- ii) Management of groundwater levels, including maintenance of ecosystem health and any proposed de-watering. Proposal should demonstrate no impact on groundwater dependent ecosystems. The following figures should be included:
  - a) Existing surface level, existing groundwater levels;
  - b) Final surface level, final groundwater levels (amount of fill required)

- iii) Management of groundwater 'hotspots' and other specific site conditions including acid sulphate soils and the potential for and management of increased export of nutrient rich groundwater.
- iv) Detailed stormwater management design including the size, location and design of detention basins, integrating major and minor flood management capability and linking into the Wungong Urban Water Master Plan.  
This shall include maps of areas inundated in one year, five year and 100 year ARI events, information outlining required storage, invert levels, top water and peak flow levels and information required to ensure integration with upstream and downstream systems. Stormwater detention basins are not to be located within public open space areas. Stormwater management strategy to identify and address pre and post development flow rates within the Birrega Drain and associated drains located on and adjacent to Lots 1 and 2 Rowley Road.
- v) Locations (mapped) and details of structural and non structural Best Management Practices to be implemented including maintenance requirements, expected performance and agreed ongoing management arrangements including costs;
- vi) Management measures to be implemented to achieve protection of waterways, wetlands (and their buffers), remnant vegetation and ecological linkages;
- vii) Purpose, design and management of any proposed constructed water body;
- viii) Management of subdivisional works (to ensure no impact on regional conservation areas, maintenance of any installed Best Management Practices and management of any dewatering and soil/sediment, including dust)
- ix) Implementation plan including roles, responsibilities, funding and maintenance arrangements. Contingency plans should also be indicated where necessary. Clearly outline the actions to be undertaken by the developer to meet the requirements for improved water management outcomes.
- x) Lot and road layout to be designed to enable predominantly east-west alignment of R20 lots and north south alignment of R30 lots to provide linkages between the future development on Lots 1 and 2 and development within the Wungong Master Plan area with particular reference to pedestrian links between Lots 1 and 2 and the proposed Village centre on the corner of Hopkinson and Rowley Roads.
- xi) The layout of lots, road reserves and public open space areas to accommodate the retention of existing vegetation as much as possible.
- xii) The realignment of Rowley Road along the northern and eastern boundaries of Lots 1 and 2.

Council, in considering the Structure Plan will have due regard to:

- a) the extent to which the proposal achieves and adheres to best management practices for the management of urban water and drainage consistent with the principles of Water Sensitive Urban Design;
- b) the advice and recommendations of the Department of Water and the Water Corporation; and
- c) any other matters which Council considers relevant

B. The applicant submitting to the Shire five sets of amendment documents in hard copy and one set of documents in electronic form. Documentation is required to be



- consistent with part A above to the satisfaction of the Executive Manager Planning and Regulatory Services.
- C. The applicant is required to pay a Scheme Amendment fee of \$4 000 to the Shire prior to endorsement of the amendment documentation by the Shire.
  - D. Following endorsement, a copy of the amendment documentation be forwarded to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act 2005.
  - E. Subject to the advice of the Environmental Protection Authority under Section 48A of the Environmental Protection Act that the amendment not be assessed, advertise the amendment in accordance with the requirements of Section 84 of the Planning and Development Act 2005.
  - F. The applicant be advised that the draft Subdivision Guide Plan prepared for the subject land does not address the protection of the Birrega Brook within this property. The Subdivision Guide Plan will need to be modified to incorporate the Birrega Brook into a multiple use corridor prior to adoption of the Local Structure Plan for this land.

**Committee Note:** The Officer Recommended Resolution was amended by changing part x) to add the west alignment of R20 lots and north south alignment R30 lots and adding part F to state that the applicant be advised that the draft Subdivision Guide Plan prepared for the subject land does not address the protection of the Birrega Brook within this property. The Subdivision Guide Plan will need to be modified to incorporate the Birrega Brook into a multiple use corridor prior to adoption of the Local Structure Plan for this land.

#### **SD022/08/07 COUNCIL DECISION**

**Moved Cr Murphy seconded Cr Star**

**A. Council, in pursuance of Section 75 of the Planning and Development Act 2005, amends the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 by:**

- 1. **Amending the Scheme Map by including Lots 1 and 2 Rowley Road, Darling Downs in the "Urban Development" Zone in accordance with the Scheme Amendment map.**
- 2. **Amending Appendix 15 by inserting a diagram depicting Lots 1 and 2 Rowley Road as a "Development Area".**
- 3. **Amending Appendix 16 as follows:**

#### **URBAN WATER AND DRAINAGE MANAGEMENT**

**The application for a Structure Plan at Lots 1 and 2 Rowley Road shall address, where relevant:**

- i) **Location Plan - adjacent land use, soil profile, linkages between neighbouring lots and environmentally sensitive areas;**
- ii) **Management of groundwater levels, including maintenance of ecosystem health and any proposed de-watering. Proposal should demonstrate no impact on groundwater dependent ecosystems. The following figures should be included:**
  - a) **Existing surface level, existing groundwater levels;**
  - b) **Final surface level, final groundwater levels (amount of fill required)**
- iii) **Management of groundwater 'hotspots' and other specific site conditions including acid sulphate soils and the potential for and management of increased export of nutrient rich groundwater.**
- iv) **Detailed stormwater management design including the size, location and design of detention basins, integrating major and minor flood management capability and linking into the Wungong Urban Water Master Plan.**

**This shall include maps of areas inundated in one year, five year and 100 year ARI events, information outlining required storage, invert levels, top water and peak flow levels and information**

required to ensure integration with upstream and downstream systems. Stormwater detention basins are not to be located within public open space areas. Stormwater management strategy to identify and address pre and post development flow rates within the Birrega Drain and associated drains located on and adjacent to Lots 1 and 2 Rowley Road.

- v) Locations (mapped) and details of structural and non structural Best Management Practices to be implemented including maintenance requirements, expected performance and agreed ongoing management arrangements including costs;
- vi) Management measures to be implemented to achieve protection of waterways, wetlands (and their buffers), remnant vegetation and ecological linkages;
- vii) Purpose, design and management of any proposed constructed water body;
- viii) Management of subdivisional works (to ensure no impact on regional conservation areas, maintenance of any installed Best Management Practices and management of any dewatering and soil/sediment, including dust)
- ix) Implementation plan including roles, responsibilities, funding and maintenance arrangements. Contingency plans should also be indicated where necessary. Clearly outline the actions to be undertaken by the developer to meet the requirements for improved water management outcomes.
- x) Lot and road layout to be designed to enable predominantly east-west alignment of R20 lots and north south alignment of R30 lots to provide linkages between the future development on Lots 1 and 2 and development within the Wungong Master Plan area with particular reference to pedestrian links between Lots 1 and 2 and the proposed Village centre on the corner of Hopkinson and Rowley Roads.
- xi) The layout of lots, road reserves and public open space areas to accommodate the retention of existing vegetation as much as possible.
- xii) The realignment of Rowley Road along the northern and eastern boundaries of Lots 1 and 2.
- (xiii) All dwellings within the development are to incorporate energy and water efficiency measures.

Council, in considering the Structure Plan will have due regard to:

- a) the extent to which the proposal achieves and adheres to best management practices for the management of urban water and drainage consistent with the principles of Water Sensitive Urban Design;
- b) the advice and recommendations of the Department of Water and the Water Corporation; and
- c) any other matters which Council considers relevant

- B. The applicant submitting to the Shire five sets of amendment documents in hard copy and one set of documents in electronic form. Documentation is required to be consistent with part A above to the satisfaction of the Executive Manager Planning and Regulatory Services.
- C. The applicant is required to pay a Scheme Amendment fee of \$4 000 to the Shire prior to endorsement of the amendment documentation by the Shire.
- D. Following endorsement, a copy of the amendment documentation be forwarded to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act 2005.

- E. Subject to the advice of the Environmental Protection Authority under Section 48A of the Environmental Protection Act that the amendment not be assessed, advertise the amendment in accordance with the requirements of Section 84 of the Planning and Development Act 2005.**
- F. The applicant be advised that the draft Subdivision Guide Plan prepared for the subject land does not address the protection of the Birrega Brook within this property. The Subdivision Guide Plan will need to be modified to incorporate the Birrega Brook into a multiple use corridor prior to adoption of the Local Structure Plan for this land.**
- CARRIED 10/0**

**Council Note:** The Committee Recommended Resolution was changed by adding a part (xiii) to section A number 3.

|                        |  |   |
|------------------------|--|---|
| CGAM010/08/07          |  | REQUEST TO CLOSE A PORTION OF THE UNMADE ROAD RESERVE ADJACENT TO RESERVE 2166 - WEBB ROAD EQUESTRIAN RESERVE, MUNDIJONG (RS0069/01)  |
| Proponent:             | Mundijong Thoroughbred and Standardbred Trainer's Association  | In Brief<br><br>To further consider a request for the closure and amalgamation of part of the unmade road reserve adjacent to Reserve 2166 Webb Road Equestrian Centre. Advertising has been completed in accordance with the requirements of Section 58 of the Land Administration Act 1997. |
| Owner:                 | Under care, control, and management of Serpentine Jarrahdale Shire   |   |
| Officer:               | Donna Colum<br>Engineering Support Officer   |   |
| Signatures Author:     |  |   |
| Senior Officer:        |  |   |
| Date of Report         | 6 August 2007  |   |
| Previously             | CGAM110/04/07  |   |
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |   |
| <b>Delegation</b>      | <b>Council</b>   |   |

### **Background**

At the April Corporate Governance & Asset Management Committee meeting Council resolved to publicly advertise its intention to consider an application by the Mundijong Thoroughbred & Standardbred Trainers Association (MTSTA) to close a portion of unmade road reserve adjacent to Reserve 2166 and amalgamate the closed portion of the unmade road reserve into Reserve 2166.

On 17 April 2007 Council resolved:

*That:*

- (1) *Council publicly advertise its intention to consider an application by the Mundijong Thoroughbred & Standardbred Trainers Association to close a portion of unmade road reserve (as shown on attachment CGAM110.3/04/07) adjacent to Reserve 2166 and amalgamate the land with Reserve 2166.*
- (2) *Council publicly advertise and seek submissions on the proposal for a period of 35 days pursuant to Section 58, subsection (3), of the Land Administration Act 1997.*

Advertising of the road closure has now been completed in accordance with the requirements of Section 58 of the Land Administration Act 1997.

### **Sustainability Statement**

**Effect on Environment:** The proposal will not impact the natural environment. The unmade road reserve contains a few sparse trees which would remain if the road is closed and added into Reserve 2166. One of the conditions of the amalgamation, if approved by the Council, would be that no trees should be removed by the MTSTA.

**Resource Implications:** All utility providers have been contacted to determine the need for relocation of facilities.

**Economic Viability:** All advertising costs associated with the partial closure of the unmade road reserve will be borne by Council.

**Economic Benefits:** There are no economic benefits to the Shire from the road closure.

**Social – Quality of Life:** The proposal will benefit the users of the Webb Road Equestrian Reserve who utilise the training track which encroaches into the unmade road reserve.

**Social and Environmental Responsibility:** The proposal may have a limited impact on the community by reducing pedestrian/equestrian access in the local area, however alternative trails are provided in the area.

### **Statutory Environment:**

Land Administration Regulations 1998  
Local Government Act 1995

Section 58 Land Administration Act:

*The process for closure of gazetted roads is contained within Section 58 of the Land Administration Act 1997 as set out below:*

#### **“58. Closure of Roads”**

- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*
- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*
- (4) *On receiving a request delivered to him or her under subsection (2), the Minister may, if he or she is satisfied that the relevant local government has complied with the requirements of subsections (2) and (3):*
  - (a) *by order grant the request;*
  - (b) *direct the relevant local government to reconsider the request, having regard to such matters as he or she thinks fit to mention in that direction; or*
  - (c) *refuse the request.*
- (5) *If the Minister grants a request under subsection (4):*
  - (a) *the road concerned is closed on and from the day on which the relevant order is registered; and*
  - (b) *any rights suspended under section 55(3)(a) cease to be so suspended.*
- (6) *When a road is closed under this section, the land comprising the former road:*

- (a) *becomes unallocated Crown land; or*  
(b) *if a lease continues to subsist in that land by virtue of section 57(2), remains Crown land.”*

**Policy/Work Procedure**

**Implications:**

Roadside Management Policy AP30

**Financial Implications:**

All fees associated with the costs of advertising a road closure will be borne by Council. The Lease attracts an annual charge of \$25.00 per year for the term inclusive of the optional five year extension. The lease fee is unable to be renegotiated under the terms of the lease.

**Strategic Implications:**

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

**1. People and Community**

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

Strategies:

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

*Objective 3: High level of social commitment*

Strategies:

2. Build key community partnerships

**3. Economic**

*Objective 1: A vibrant community*

Strategies:

3. Develop tourism potential

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

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

**4. Governance**

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

Strategies:

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

*Objective 3: Compliance to necessary legislation*

Strategies:

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

**Community Consultation:**

The proposed road closure was advertised for a period of 35 days in accordance with the requirements of Section 58 of the Land Administration Act 1997. Adjacent landowners and government agencies were advised of the proposal in writing. An advertisement was also placed in the Examiner newspaper. The following submissions were received:

**GOVERNMENT AGENCIES:**

| <b>Submitter</b>                         | <b>Submission</b> | <b>Comment</b> |
|--|-------------------|----------------|
| Main Roads WA                            | No Objections     | Noted          |
| Water Corporation                        | No Objections     | Noted          |
| Department of Environment & Conservation | No Objections     | Noted          |
| Western Power                            | No Objections     | Noted          |

**ADJACENT PROPERTY OWNERS:**

| Submitter   | Submission   | Officer Comment  |
|---|--|--|
| PF & KJ<br>Ridgway<br>Lot 20<br>Echoveld<br>Close   | <p><b>Objects</b> to the road closure as rear access to the properties would be required in the event of fire. The unmade road has the potential to provide a firebreak buffer between Webb Road reserve and the subdivision. Accessing this area for recreational purposes (i.e. walking) would be restricted. Closing the road will reduce further opportunity for access to the rear of these blocks should further subdivision occur.</p>  | <p>Emergency fire access, recreational access (walking) and walking trails have been planned for and incorporated into the design of the subdivision. The closure of the road will not restrict fire access to the rear of this lot as access would still be available from Reserve 2166.</p>  |
| P Harrison/C<br>Rose<br>Lot 24<br>Echoveld<br>Close | <p><b>Objects</b> to the closure:</p> <ol style="list-style-type: none"> <li>1. Only resulted as race track was incorrectly constructed.<br/>No formal requirement for specific length or width of track as used for training purposes only; current activities can continue.</li> <li>2. Financial gain to group if wider community could use the reserve.<br/>Stronger, wider community interest in using the reserve, many existing members of the (MTSTA) are not SJ residents.<br/>Requests lease renewal be advertised publicly to allow other members of the community to indicate their interest in using the reserve.<br/>In 2002 Council resolved to negotiate with the (MTSTA) to provide a variety of uses to the wider community. Council advised the residents however (MTSTA) have not been willing to negotiate membership to other residents in the area.<br/>The closure will discriminate against the wider community by allowing the reserve to suit only one group.</li> <li>3. A new subdivision abuts the road reserve in question. In the long term this restricts access to the newly created lots should potential subdivision occur. If future subdivision was considered, the existing road reserve could be upgraded by way of development however it should be closed then this is ongoing maintenance costs to be borne by Council when there is no significant income from the use of the reserve.</li> <li>4. The Amarillo proposal shows a potential Tonkin Highway extension travelling directly down Webb Road. Whilst this proposal has not been fully investigated, this will severely restrict existing access to the reserve and will result in unnecessary process to reopen the road reserve in alternative locations.</li> <li>5. The reserve is approximately 100 acres and</li> </ol> | <ol style="list-style-type: none"> <li>1. It is noted that the racing track was constructed on a portion of the road reserve. Council had previously resolved not to require the race track to be removed from the road reserve, as part of the planning consideration for the rezoning of the land and design of the subdivision.</li> <li>2. The matters are not relevant to the road closure and are issued to be considered when the lease of Reserve 2166 is renewed by Council with the MTSTA.</li> <li>3. The lots abutting the subject road reserve all have frontage to Echoveld Close. The closure of a portion of the road reserve will not impact on the adjoining landowners. There are no plans to further subdivide the lots in this area.</li> <li>4. Council has recently considered the matter of Amarillo and will be lodging a submission opposing any further extension of Tonkin Highway south of</li> </ol> |

|  |  |  |
|--|--|--|
|  | <p>as the existing racetrack is only constructed on the perimeter there is no urgency for the road portion to be used when the remainder of the large reserve can still be utilised for the current trainers and potential other groups.</p> <p>6. The current configuration further restricts use by the wider community as the group have a locked gate positioned on Malek Drive which prevents other residents gaining access to a public access way which now connects the new subdivision. This locked gate needs to be removed.</p> | <p>Mundijong.</p> <p>5. Refer to Officer comment (1) above.</p> <p>6. This is a separate matter to the road closure proposal. The locked gate at Malek Drive will need to be removed soon by MTSTA or Council.</p> |
| M Dagostoni<br>(Oakford Equestrian Centre) | <p><u>Objects</u> to the proposal:<br/>Should not allow one group to use and control what should be public and open facilities. Should be entitled to use any public open space.</p>   | <p>The matters are not relevant to the road closure and are issued to be considered when the lease of Reserve 2166 is renewed by Council with the MTSTA.</p>   |
| K Jordan<br>Lot 23<br>Echoveld<br>Close    | <p><u>Objects</u> to the proposal:<br/>Track is used for training purposes only so no requirement to be a specific length or width;<br/>Will restrict access to the rear of property should potential subdivision occur;<br/>Will give preference to one small group and discriminate against wider community.</p>   | <p>Refer to Officer comments above.</p>  |

### **Comment**

The road reservation is not being used for any purpose and is currently un-constructed. The equestrian training track within Reserve 2166 encroaches into the unmade road reservation, which is one of the reasons why the Association seeks amalgamation of the unmade road into the Webb Road Equestrian Reserve. The unmade road reservation could be used in the future to accommodate a multiple use trail however this would require the relocation of a significant length of the trotting track from the road reserve back into Reserve 2166.

As part of the rezoning and subdivision of the adjoining private land on Lot 1 and 499 Webb Road, a new road reserve has been constructed to the south of the Reserve 2166 which services lots within the subdivision (Echoveld Close).

A portion of the unmade road reserve west of the pedestrian access way between Lots 19 and 20 is still required and will not be closed. This road reserve provides access to the new subdivision through to Malek Drive, including access to the drainage reserve.

Reserve 2166 is currently vested in Serpentine Jarrahdale Shire for the purpose of public recreation and is leased by the MTSTA. The lease is due to expire on April 30, 2008 with an optional five year term from May 1, 2008 to May 1, 2013. The lease attracts an annual charge of \$25.00 per year for the term inclusive of the optional five year extension.

***A map of the Subdivision Guide Plan for Lot 1 and 499 Webb Road is with attachments marked CGAM010.1/08/07 (E06/4937).***

***A drawing detailing the section of the unmade road reserve to be closed is with attachment marked CGAM010.2/08/07 (E07/1776).***

**Voting Requirements:** Simple Majority

**CGAM010/08/07 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Price seconded Cr Kirkpatrick**

**That Council request the Minister for Lands approve the closure of the portion of the unmade road reserve adjacent to the Webb Road Equestrian Reserve, Mundijong, and amalgamate the closed portion of the unmade road reserve into Reserve 2166, in accordance with the requirements of Section 58 (1) of the Land Administration Act 1997 (as amended).**

**CARRIED 10/0**

| CGAM016/08/07          |  | METHOD OF ELECTION OF SHIRE PRESIDENT (A0047-02)   |
|------------------------|--|--|
| Proponent:             | Mr Thomas Hoyer  | In Brief<br><br>Council is in receipt of a petition requesting a change to the method of election of the President. The petition does not meet the requirements of the Local Government Act 1995 or the Shire's Standing Orders Local Law 2002. It is recommended that the lead petitioner be advised accordingly. |
| Owner:                 | Not applicable   |  |
| Officer:               | Joanne Abbiss, Chief Executive Officer   |  |
| Signatures Author:     |  |  |
| Senior Officer:        |  |  |
| Date of Report         | 19 August 2007   |  |
| Previously             |  |  |
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |  |
| Delegation             | <b>Council</b>   |  |

**Background**

At the Corporate Governance and Asset Management (CGAM) Committee meeting on 17 July 2007 a petition was received that requested a change to the method of election of the Shire President from election by the Council to election by the electors.

The Chairman of the CGAM Committee presented the petition at the Ordinary Council Meeting on 23 July 2007 where, under Clause 3.6 (4)(c) of the Shire of Serpentine-Jarrahdale Standing Orders Local Law 2002, the Council accepted the petition and referred the matter to the CGAM committee for consideration and report.

***A copy of the petition is with attachments marked CGAM016.1/08/07 (IN07/9586).***

**Sustainability Statement**

***Social and Environmental Responsibility:*** A change to the current method of election of the President to election by the electors would provide an additional opportunity for residents to have input in to the makeup of the Council.

***Social Diversity:*** The current method of election of the President by the Council does not disadvantage any social groups and does provide for diversity in the community as all electors have the opportunity to vote for their ward representative.

**Statutory Environment**

The statutory requirements for dealing with this matter involve consideration of the Local Government Act 1995, the Local Government (Constitution) Regulations 1996, the Local



Government (Elections) Regulations 1997 and the Shire of Serpentine-Jarrahdale Standing Orders Local Law 2002.

Under the Local Government Act 1995 the relevant subsections are underlined as follows:

**Section 2.11 Alternative methods of filling the office of mayor or president**

*(1) When an order is made under section 2.1 declaring an area of the State to be a district, the Governor is, by order, to specify whether the first mayor or president of the local government is to be –*

*(a) elected by the electors of the district under part 4; or*

*(b) elected by the council from amongst the councillors under Schedule 2.3, Division 1.*

*(2) A local government may change\* the method of filling the office of mayor or president used by the local government from the election by the council method to the election by the electors method.*

*\* Special majority required*

*(3) A local government may exercise the power conferred by subsection (2) whether or not a proposal has been made under section 2.12*

*(4) The method of filling the office of mayor or president used by a local government is changed from the election by the electors method to the election by the council method if the result of a poll declared under section 2.12A(4) is that a majority of the electors of the district who voted at the poll voted in favour of the change.*

**Section 2.12 Electors may propose change of method**

*(1) A proposal to change the method of filling the office of mayor or president used by a local government to the other method mentioned in section 2.11 (a) or (b) may be made to the local government by electors of the district who –*

*(a) are at least 250 in number; or*

*(b) are at least 10% of the total number of electors of the district.*

*(2) The proposal is to comply with any regulations about such proposals.*

*(3) If the proposal is to change the method of filling the office of mayor or president from the election by the council method to the election by the electors method, consideration is to be given to the proposal by such means as the council thinks fit after which a motion to change the method of filling the office of mayor or president is to be put to the council for decision under 2.11(2).*

**Section 2.13 When a new method takes effect**

*(1) A decision under section 2.11(2) to change to the election by the electors method has effect in relation to the filling of the office of mayor or president at the next ordinary elections of the local government held after the decision is made and from then on until a change under section 2.11(4) to the election by the council method takes effect.*

*(2) A change under section 2.11(4) to the election by the council method has effect in relation to the filling of the office of mayor or president at the first meeting of the council after the ordinary elections of the local government in the year in which the term of office of the incumbent mayor or president ends and from then on until a decision under section 2.11(2) to change to the election by the electors method takes effect.*

*(3) A decision under section 2.11(2) has no effect if it is made during, and a decision under section 2.12A(2) has no effect unless a poll resulting from it is held before, the period beginning on the 80<sup>th</sup> day before, and ending on, the ordinary election day in the year in which the term of office of the incumbent mayor or president ends.*

**Section 1.10 Decisions by special majority**

The footnote "**Special majority required**" applying to a power conferred in this Act on a local government, means that –

- (a) *if there are more than 11 offices of member of the council, the power can only be exercised by, or in accordance with, a decision of a 75% majority of the council; or*
- (b) *if there are not more than 11 offices of member of the council, the power can only be exercised by, or in accordance with, a decision of an absolute majority of the council.*

#### **Section 1.4 Interpretation**

*In this Act unless the contrary intention appears –  
“absolute majority” –*

- (a) *in relation to a council, means a majority comprising enough of the members for the time being of the council for their number to be more than 50% of the number of offices (whether vacant or not) of member of the council;*
- (b) *in relation to any other body, means a majority comprising enough of the persons for the time being constituting the body for their number to be more than 50% of the number of offices (whether vacant or not) on the body;*

Under the Local Government (Constitution) Regulations 1998 the relevant provision is as follows:

#### **Regulation 11 Proposals to change the method of filling the office of mayor or president (s.2.12)**

*A proposal by electors under section 2.12 to change the method of filling the office of mayor or president of a local government to the other method mentioned in section 2.11(1)(a) or (b) is to be in the form of Form 4*

**A copy of the Form 4 requirements is with attachments marked CGAM016.2/08/07.**

Under the Local Government (Elections) Regulations 1997 the relevant provision is as follows:

#### **Regulation 13 Register – S 4.32(6)**

- (1) *Subject to subregulation (2), the following information is to be recorded in the owner and occupiers register –*
  - (a) *the full name (family name and other names) and postal address of each person making an eligibility claim;*
  - (b) *each decision to accept or reject an enrolment eligibility claim;*
  - (c) *the date of the decision;*
  - (d) *if an enrolment eligibility is accepted –*
    - (i) *the expiry date as set out in section 4.33*
    - (ii) *details of each parcel of rateable property on the basis of which the person has claimed eligibility;*
    - (iii) *whether the person makes the claim as an owner or occupier or as the nominee of joint owners or of a body corporate;*
    - (iv) *the ward to which the claim applies.*
- (2) *If –*
  - (a) *an elector gives the CEO a declaration made before –*
    - (i) *a justice; or*
    - (ii) *a person who has authority under the Declarations and Attestations Act 1913 to take statutory declarations,**in which the elector states that publication of the elector’s address would place or places the elector’s safety, or the safety of the elector’s family at risk;*
  - (b) *the elector requests that the address be omitted from the register and from rolls; and*
  - (c) *the CEO approves of the omission,**the notation “ address omitted under regulation 13(2)” is to be included in the register instead of the elector’s address and subregulation (1)(d)(ii) does not apply.*

- (3) *Information from the enrolment eligibility claim is to be recorded in the register at or as soon as is practicable after the time notice of the decision to accept or reject the claim is given to the claimant under section 4.32(6).*
- (4) *The CEO may amend the register from time to time to make sure that the information recorded is accurate.*

Under the Shire of Serpentine-Jarrahdale Standing Orders Local Law 2002 the relevant provision is as follows:

**Clause 3.6 Petitions**

- (1) *A petition in order to be effective, is to –*
  - (a) *be addressed to the President;*
  - (b) *be made by electors or residents of the district;*
  - (c) *state the request on each page of the petition;*
  - (d) *contain the names, addresses and signatures of the electors or residents making the request, and the date each signed;*
  - (e) *contain a summary of the reasons for the request;*
  - (f) *state the name of the person upon whom, and an address at which, notice to the petitioners can be given;*
  - (g) *be in the form prescribed by the Act and Local Government (Constitution) Regulations 1996 if it is –*
    - (i) *a proposal to change the method of filling the office of President;*
    - (ii) *a proposal to create a new district or the boundaries of the Local Government;*
    - (iii) *a request for a poll on a recommended amalgamation;*
    - (iv) *a submission about changes to wards, the name of a district or ward or the number of councillors for a district or ward.*
- (2) *A councillor presenting a petition shall be limited to a statement of the parties from whom it comes, of the number of signatures attached to it, the material issues contained in it and to the reading of the prayer.*
- (3) *A councillor presenting a petition shall be familiar with the nature and contents of the petition and ascertain that it does not contain language disrespectful to the Council or other persons.*
- (4) *The only question which be considered by the Council on the presentation of any petition shall be –*
  - (a) *that the petition shall be accepted; or*
  - (b) *that the petition not be accepted; or*
  - (c) *that the petition be accepted and referred to a committee for consideration and report; or*
  - (d) *that the petition be accepted and dealt with by the Council at a subsequent meeting.*

**Policy/Work Procedure**

**Implications:**

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

**Financial Implications:**

There will be an increased cost to rate payers for the conduct of ordinary elections if the method of election of the president were to change to election by the electors.

**Strategic Implications:**

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

**1. People and Community**

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

**Strategies:**

4. Respect diversity within the community.

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

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.
4. Foster a strong sense of community, place and belonging.

*Objective 3: High level of social commitment*

Strategies:

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

**4. Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

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

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

Strategies

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

*Objective 3: Compliance to necessary legislation*

Strategies:

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

**Community Consultation:**

In order for Council to consider this matter there is no statutory requirement for community consultation to occur. However, under the Local Government Act 1995 Section 2.12(3), upon receipt of a petition requesting the method of filling the position of president be changed to election by the electors, Council is to give consideration to the proposal by such means as the council thinks fit. It would be open therefore to Council to determine that the appropriate means would involve broad consultation with the community.

**Comment:**

Under the Local Government Act 1995 there are statutory requirements that must be met for a proposal to change the method of filling the office of the president to be considered and it is necessary to verify whether the petition received complies with these specifications. The requirements are described in Section 2.12(1) and (2) underlined below:

**Section 2.12 Electors may propose change of method**

(1) A proposal to change the method of filling the office of mayor or president used by a local government to the other method mentioned in section 2.11 (a) or (b) may be made to the local government by electors of the district who –

(a) are at least 250 in number; or

(b) are at least 10% of the total number of electors of the district.

(2) The proposal is to comply with any regulations about such proposals.

To assess compliance with Section 2.12(2) the relevant regulations are the Local Government (Constitution) Regulations 1998 and the relevant provision is as follows:

**Regulation 11 Proposals to change the method of filling the office of mayor or president (s.2.12)**

*A proposal by electors under section 2.12 to change the method of filling the office of mayor or president of a local government to the other method mentioned in section 2.11(1)(a) or (b) is to be in the form of Form 4*

The petition complies with the requirements of Form 4 for the covering page but does not strictly comply with the requirements of Form 4 for each page of signatories. The areas of non compliance with the signatory pages are as follows:

- (i) The summary of the purpose of the petition on each signatory page differs in wording to that specified in Form 4. It is arguable that although the exact wording for the summary of the purpose of the petition as specified in Form 4 was not used, the intent of the wording that does appear on all pages except one is clearly of the same intent.
- (ii) One page does not contain a summary of the purpose of the petition. It is therefore unclear as to whether the signatories knew the purpose of the petition they were signing.
- (iii) Although the name field does request the full name of the elector, many of the persons signing the petition did not state their full name providing only an initial and their surname. It is difficult therefore to verify their eligibility to be considered as electors.
- (iv) The address field does not contain the requirement that it be the address which entitles the elector to vote in the elections of the local government to which this proposal relates. It is unclear as to whether persons signing the petition were aware they had to use the address that entitles them to vote in the elections of Serpentine Jarrahdale Shire. In many cases therefore the address on the petition did not match the address on the electoral roll.
- (v) The signature of the elector and the date field are not in separate columns. This is a minor discrepancy and is one of format and not of content as the petition does contain a single column for the signature and date.

Therefore, after consultation with Council's solicitors, it is recommended that the difference in wording of the summary of the purpose of the petition from the requirements of Form 4 for each signatory page not preclude the petition from consideration by Council, that the page which contains no summary be discounted, only those signatures with verifiable names and addresses against the electoral roll be considered and given the Shire's Standing Orders Local Law 2002 and the Local Government (Constitution) Regulations 1998 both require a date, those signatures without a date be discounted. Council's solicitors did not believe it was reasonable to discount the whole petition by reason of non compliance of the individual parts, but that it was reasonable to discount the individual non compliant parts from consideration as part of the whole petition.

There are currently over 8000 registered electors in Serpentine Jarrahdale and as such the requirement for at least 10% of the total number of electors of the district has not been met in this petition. Therefore it remains to be established whether there are at least 250 electors on the petition. Of the 350 signatures on the petition:

- (i) 21 signatures had to be discounted because a page did not have a summary regarding the nature of the petition and therefore it is impossible to determine whether the persons signing the petition were aware of what they were signing.
- (ii) 47 signatures had to be discounted because they did not have a date.
- (iii) 83 signatures had to be discounted because they could not be verified against the electoral roll and a further 56 were questionable.

It is evident that the proposal does not comply with the requirements of Section 2.12(1) of the Local Government Act 1995 as it could not be verified that 250 electors had signed the petition.

Although the Shire's Standing Orders Local Law 2002 states that the petition can be made by electors or residents of the district the Local Government Act 1995 requires that the proposal for changing the method of filling the office of president be made by electors. As

such the Act prevails and the definition of electors as specified under Regulation 13 of the Local Government (Elections) Regulations 1997 applies.

Under Clause 3.6 (1) of the Shire of Serpentine-Jarrahdale Standing Orders Local Law 2002 a petition, in order to be effective, is to meet the requirements outlined in the table below:

| <b>Standing Orders Requirement</b>   | <b>Complies/Does Not Comply</b> | <b>Officer Comment</b>   |
|--|---------------------------------|--|
| Be addressed to the President.   | Complies                        |  |
| Be made by electors or residents of the District.  | Does Not Comply                 | 83 signatures had to be discounted as they could not be verified against the electoral roll and a further 56 were questionable.  |
| State the request on each page of the petition.  | Does Not Comply                 | One page of the petition containing 21 signatures does not state the request and therefore cannot be considered.   |
| Contain the names, addresses and signatures of the electors or residents making the request and the date each signed.  | Does Not Comply                 | 47 signatures are not accompanied by the date each signed and therefore cannot be considered.  |
| Contain a summary of the reasons for the request.  | Complies                        |  |
| State the name of the person upon whom, and an address at which, notice to the petitioners can be given.   | Complies                        |  |
| Be in the form prescribed by the Act and Local Government (Constitution) Regulations 1996 if it is a proposal to change the method of filling the office of President. | Does Not Comply                 | See the comments relating to the Local Government Act provisions and the Local Government (Constitution) Regulations 1996 in the comment section of this report above. |

It is evident that the proposal does not comply with the requirements of the Shire of Serpentine Jarrahdale Standing Orders Local Law 2002.

After determining the validity or otherwise of the petition under Section 2.12(1) and (2) of the Local Government Act 1995 and the Shire's Standing Orders Local Law 2002 it would have been necessary for council to determine the means by which consideration is to be given to the proposal under Section 2.12(3) of the Act. For the purposes of this report it would have been assumed that Council's decision on acceptance of this petition to refer the matter to the CGAM committee for consideration and report was Council's indication of the means it thought fit for the proposal to be considered. If this was not the case then it would have been open to Council to resolve some other means, such as further community consultation, prior to having a motion to change the method of filling the office of mayor or president being put to the council for decision under 2.11(2).

The interesting nature of section 2.12(3) of the Act is that after Council has given the matter such consideration as it thinks fit, a motion to change the method must be put i.e. a motion in the positive must be put. This is interesting as it would require at least one mover and one

seconded to put the motion but if there were no councillors who were of a view to support the motion for change then compliance with the Act could not be achieved. Even if the officer's recommendation was for a change in the method, that in itself is only a recommendation and would still require two councillors to ensure that the motion was put. It is conceivable that it may fall on the President to move the motion given their responsibilities under the Act to provide leadership and guidance to the community if a mover could not be found.

Had Council considered this matter prior to the 1<sup>st</sup> August 2007 and a decision had been made to change the method of electing the president to election by the electors then, as per Section 2.13(1) of the Act, the change would have been in effect as of the ordinary elections on 20<sup>th</sup> October 2007. However it is now relevant to consider Section 2.13(3) which provides that a decision under 2.11(2) made at any time from the 1<sup>st</sup> August 2007 until the election day on 20<sup>th</sup> October 2007 has no effect.

Therefore, it is not possible for Council to make any decision at this time, whether in the affirmative or negative, under Section 2.11(2) that would have effect, even if the local government used its power under section 2.11(3) to consider the matter without a proposal by the electors being made under Section 2.12(1).

### **Conclusion:**

The Department of Local Government advised that currently there are only 23 local authorities who have a mayor or president elected by the electors and 117 who choose to have the elected by the council method. Interestingly Geraldton and Northam both chose to revert back to the elected by the council method as part of their recent amalgamations.

It is pertinent to add that the ability to have a popularly elected premier or prime minister does not exist at State or Federal levels of government respectively. Instead the leader of the winning party takes the position of premier or prime minister and it is acutely apparent that having the backing of the majority of elected colleagues for the direction and implementation of policy is absolutely necessary to have effective government.

Had Council been able to consider this matter it would have been the officer's recommendation that the method of filling the office of the president remain unchanged to enable the ten (10) councillors who have been elected by the people of the district to choose their leader. The President needs to have the respect and support of the majority of their fellow councillors in order that the Council functions well as a team in representing the interests of the district and this can only be assured, in the opinion of the officer, if the councillors themselves have the discretion and authority to make this determination.

In conclusion, the petition did not comply with the requirements of the Local Government Act 1995 or the Shire of Serpentine Jarrahdale's Standing Orders Local Law 2002. As such it is not necessary for Council to make a determination on the proposal. However, had Council wished to consider the matter using the powers conferred upon it under section 2.11(3) in order to accommodate a response to the petition, it is unable to because of the restrictions placed upon it by Section 2.13(3).

Therefore all that can be resolved by Council is that the petition did not comply with the Act and the Standing Orders and that Council is unable to make a determination on the matter at this time using its own authority under the Act and to advise the petitioner accordingly.

**Voting Requirements:** Simple Majority

**CGAM016/08/07 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

**Moved Cr Price seconded Cr Murphy**

**That:**

- (i) The petition received at the Ordinary Council Meeting of 23 July 2007 requesting the method of election of the President be changed from election by the Council to election by the electors cannot be deemed effective in accordance with the Clause 3.6 (1) of the Shire of Serpentine Jarrahdale Standing Orders Local Law 2002.
- (ii) The petition received at the Ordinary Council Meeting of 23 July 2007 requesting the method of election of the President be changed from election by the Council to election by the electors does not fulfil the requirements of Section 2.12(1) of the Local Government Act 1995.
- (iii) At this time any decision made under Section 2.11(2) of the Local Government Act 1995 would have no effect, as detailed under Section 2.13(3), even if the local government used its power under section 2.11(3) to consider the matter without a proposal by the electors being made under Section 2.12(1).
- (iv) Council advises the lead petitioner, Mr Thomas Hoyer, accordingly.

**CARRIED 10/0**

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

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

|                        |  |  |
|------------------------|--|--|
| OCM005/08/07           |  | INFORMATION REPORT   |
| Proponent              | Chief Executive Officer                        | <b>In Brief</b><br><br>Information Report for the month of August, 2007. |
| Officer                | S Langmair – PA to the Chief Executive Officer |  |
| Signatures - Author:   |  |  |
| Senior Officer:        |  |  |
| Date of Report         | 22 <sup>nd</sup> August, 2007                  |  |
| Previously             |  |  |
| Disclosure of Interest |  |  |
| <b>Delegation</b>      | <b>Council</b>                                 |  |

**OCM005.1/08/07 COMMON SEAL REGISTER REPORT – JULY, 2007(A1128)**

***The Common Seal Register Report for the month of June, 2007 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the attachments marked OCM005.1/08/07.(E02/5614)***



OCM005.2/08/07      **POLICY FORUM – AUGUST, 2007 (A0429/05)**

The following items were discussed at the August, 2007 Policy Forum:

| <b>ITEMS FOR PRELIMINARY DISCUSSION</b> |   |
|---|---|
| 1.                                      | Biodiversity Strategy Discussion Paper  |
| 2.                                      | Brief Updates on Strategic Projects:<br>a) Update on Mundijong/Whitby Structure Plan (project and timeframe)<br>b) Community Facilities & Services Plan |
| 3.                                      | Draft Disability Access Inclusion Plan  |
| 5.                                      | General discussion on developing a Policy for the location of music festivals   |
| 6.                                      | Main Roads – Safety Audit of South West Highway   |
| 7.                                      | Naming of Jarrahdale Heritage Park  |

OCM005.3/08/07      **USE OF DELEGATION REPORT (A0039-02)**

The Chief Executive Officer exercised the following delegations during the month of July, 2007:

AF-29 Write Off of Rates or Rate Interest

Writing off outstanding balances under \$5.00 (235 properties) balances totalling \$397.60.

CS-9 Internal & External Funding Applications Seeking Council Endorsement

Letter of Support – South East Metro Regional Council Supporting Environmental Due Diligence Resource Recovery Facility (OC07/5766)

OCM005.4/08/07      **COUNCILLORS ATTENDANCE AT THE WASTE & RECYCLE CONFERENCE – 10-14 SEPTEMBER, 2007 (A0906)**

The Waste & Recycle 2007 Conference is to be held from 10-14 September, 2007 at the Convention Centre, The Esplanade Hotel, Fremantle. **A copy of the Registration form is with the attachments marked OCM005.4/08/07.** Cr A Wigg and Cr B Brown request Council's consideration under Council Policy CSP25 – Council Training, Development and Conference Attendance Policy to attend this Conference.

OCM005.5/08/07      **COUNCILLOR ATTENDANCE AT PULSE – VITAL SIGNS OF A CREATIVE LIFE CONFERENCE – 26-28 OCTOBER, 2007 (A0906)**

The Pulse Vital Signs of a Creative Life Regional WA State Arts Conference is to be held in Denmark WA from 26-28 October, 2007. **A copy of the Registration form is with the attachments marked OCM005.5/08/07.** Cr J Price requests Council's consideration under Council Policy CSP25 – Council Training, Development and Conference Attendance Policy to attend this Conference.

**OCM005.6/08/07 APPOINTMENT OF TRADITIONAL MALE CUSTODIAL ELDER FOR PEEL MURRAY REGION (A0100-02)**

Council has been informed by the Bilya Noongar Organisation Inc. of the appointment of Mr Clarence (Clarry) Walley as the Traditional Custodial Elder for Men's Business in the Peel Murray Region. This appointment follows the passing of the late Mr Joseph (Joe) Terrence Walley in January 2007.

**OCM005.7/08/07 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – ANNUAL GENERAL MEETING MINUTES 5 AUGUST, 2007 (A1164)**

*The Minutes of the WALGA Annual General Meeting held on 5<sup>th</sup> August, 2007 are with the attachments marked OCM005.7/08/07. (IN07/10556).*

**OCM005.8/08/07 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – SUMMARY OF STATE COUNCIL MINUTES 6 AUGUST, 2007 (A1164)**

*The Summary of the Minutes of the WALGA State Council Meeting held on 6<sup>th</sup> August, 2007 are with the attachments marked OCM005.8/08/07 (IN07/10552).*

**OCM005.9/08/07 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – SOUTH EAST ZONE MEETING 1 AUGUST, 2007 (A1164)**

*The Minutes of the WALGA South East Zone Meeting held on 1 August, 2007 are with the attachments marked OCM005.9/08/07. (IN07/9951).*

**OCM005/08/07 COUNCIL DECISION/Officers Recommended Resolution**

Moved Cr Star seconded Cr Harris

1. The Information Report to 22<sup>nd</sup> August, 2007 is received.
2. That the Council approves Cr A Wigg and Cr B Brown attendance at the Waste and Recycle Conference to be held from 10-14 September, 2007.
3. That the Council approves Cr J Price attendance at the Pulse – Vital Signs of a Creative Life Conference to be held from 26-28 October, 2007

**CARRIED 10/0**

**10. URGENT BUSINESS:**

Nil

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

Cr J Kirkpatrick

Q1. Can the shire flag at Armadale Hospital be repaired or replaced as it is badly tattered?

A1. The Armadale Hospital Maintenance Division has been contacted to organise a replacement flag.

Q2. When will the footpath along Atkins Street Jarrahdale from Harris Place to the beginning of the Chestnuts Subdivision be completed? This issue has been pending for about three years or so. I understand that it is to be built at the cost of the Developer of the Chestnuts. I was told that it would be completed before the end of

the last financial year. With more young people walking to and from school it is only a matter of time before there is a serious accident there.

A2. The Manager Design and Assets has written to McGees requesting a submission of detailed engineering drawings to Council by 24th September, 2007, detailing the construction of bonded drainage works on the southern side of Atkins Street, Jarrahdale as part of the Chestnuts Estate subdivision. Those works are required to facilitate construction of a footpath link on the southern side of Atkins Street, Jarrahdale by Council. The footpath cannot be constructed until the construction of the drain, including verge backfill, has been completed. An option was given to the Developer to either relinquish the bond monies (\$15,000) held by Council for the completion of drainage works on the southern side of Atkins Street, Jarrahdale to facilitate construction of the drain by Council or to accept an ultimatum with respect to commencement of construction by midst November, 2007, and the completion of the street drain by end of December, 2007. In both cases, McGees have been requested to submit detailed engineering drawings to Council in relation to the construction of the drainage, by 24th September, 2007. If these drawings are not forthcoming and/or the drainage link is not completed in a timely manner, then Council will utilize the bond money to complete the works themselves. Once the works have been completed, the footpath will be installed by Council.

Q3. What is happening with Gooralong Park and the removal of the pine trees?

A3. Advice from the Acting District Manager, Department of Environment and Conservation advised that with the present restrictions that the Shire has placed on the Forest Products Commission regarding the transport of the timber through town (ie only a semi trailer), it is not financially viable for the Forest Products Commission to harvest this area. Therefore, at present the Forest Products Commission does not plan to harvest Bell Plantation (Gooralong) in the near future.

Q4. Has a reply been received from the Minister for the Environment about the possibility of a short term caravan park in Gooralong Park. About 5 or 6 caravans a week pass my house gong to the park and turn around for there is no where to stop.

A4. A letter has been sent to the Minister for the Environment and Peel and at this stage there has not been a reply.

## 12. CLOSURE:

There being no further business the Presiding Member closed the meeting at 9.15pm.

I certify that these minutes were confirmed at the ordinary council meeting held on 24<sup>th</sup> September, 2007

.....  
Presiding Member

.....  
Date

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

| SD011/08/07 BUILDING INFORMATION REPORT |  |                                    |
|---|--|------------------------------------|
| Proponent:                              | N/A  | In Brief<br><br>Information report |
| Owner:                                  | N/A  |                                    |
| Officer:                                | Jason Robertson - Manager<br>Building Services   |                                    |
| Signatures Author:                      |  |                                    |
| Senior Officer:                         |  |                                    |
| Date of Report                          | 3 August 2007  |                                    |
| Previously                              |  |                                    |
| Disclosure of Interest                  | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |                                    |
| Delegation                              | Committee – in accordance with resolution SM051/06/04  |                                    |

**SD011/08/07 COMMITTEE DECISION/Officer Recommended Resolution**

**That Council accepts the July 2007 Building Information Report.  
CARRIED 7/0**

| SD012/08/07 HEALTH INFORMATION REPORT |  |                                    |
|---------------------------------------|--|------------------------------------|
| Proponent:                            | N/A  | In Brief<br><br>Information report |
| Owner:                                | N/A  |                                    |
| Officer:                              | Tony Turner - Principal<br>Environmental Health Officer  |                                    |
| Signatures Author:                    |  |                                    |
| Senior Officer:                       |  |                                    |
| Date of Report                        | 2 August 2007  |                                    |
| Previously                            |  |                                    |
| Disclosure of Interest                | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |                                    |
| Delegation                            | Committee – in accordance with resolution SM051/06/04  |                                    |

**SD012/08/07 COMMITTEE DECISION/Officer Recommended Resolution**

**That Council accepts the July 2007 Health Information Report.  
CARRIED 7/0**

|   |  |  |
|---|--|--|
| <b>SD013/08/07 DRAFT DISABILITY ACCESS AND INCLUSION PLAN 2007 - 2011 (A0216)</b> |  |  |
| Proponent:  | Serpentine Jarrahdale Shire  | In Brief<br><br>Council to endorse the release of the Draft Serpentine Jarrahdale Shire Disability Access and Inclusion Plan 2007 – 2011 for public comment. |
| Owner:  | Not applicable   |  |
| Officer:  | Elaine Edwards - Community Development Officer   |  |
| Signatures Author:  |  |  |
| Senior Officer:   |  |  |
| Date of Report  | 6 August 2007  |  |
| Previously  | Not applicable   |  |
| Disclosure of Interest  | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |  |
| Delegation  | <b>Committee in accordance with resolution SM051/06/04</b>   |  |

**SD013/08/07 COMMITTEE DECISION/Officer Recommended Resolution:**

**Council approves the release of the Draft Serpentine Jarrahdale Shire Disability Access and Inclusion Plan 2007 – 2011 at *attachment SD013.1/08/07* for public comment for a period of 28 days.**

**CARRIED 7/0**

**Committee Note:** Minor amendments were made to the attachment in order to comply with the ACROD requirements.

|  |  |                                     |
|--|--|-------------------------------------|
| <b>SD023/08/07 PLANNING INFORMATION REPORT</b> |  |                                     |
| Proponent                                      | Executive Manager Planning & Regulatory Services               | In Brief<br><br>Information Report. |
| Officer  | Lisa Fletcher - Support Officer Planning & Regulatory Services |                                     |
| Signatures – Author:                           |  |                                     |
| Senior Officer:                                |  |                                     |
| Date of Report                                 | 1 August 2007  |                                     |
| Previously                                     |  |                                     |
| Disclosure of Interest                         |  |                                     |
| Delegation                                     | <b>Committee – in accordance with resolution SM046/05/04</b>   |                                     |

**SD023/08/07 COMMITTEE DECISION/Officer Recommended Resolution**

**The Planning Information Report to 10 August 2007 be received.**

**CARRIED 7/0**

|   |   |  |
|---|---|--|
| <b>CGAM011/08/07 MONTHLY FINANCIAL REPORT – 30 JUNE 2007 (A0924/07)</b> |   |  |
| Proponent:  | Local Government Act 1995   | In Brief<br><br>To receive the Monthly Financial Report as at 30 June 2007 |
| Owner:  |   |  |
| Officer:  | Casey Mihovilovich - Manager Finance Services   |  |
| Signatures Author:  |   |  |
| Senior Officer:   |   |  |
| Date of Report  | 6 August 2007   |  |
| Previously  |   |  |
| Disclosure of Interest  | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995 |  |
| Delegation  | <b>Committee in accordance with resolution SM051/06/04</b>  |  |

**CGAM011/08/07 COMMITTEE DECISION/Officer Recommended Resolution:**

**That Council receives the Monthly Financial Report, as at 30 June 2007, in accordance with Section 6.4 of the Local Government Act 1995.  
CARRIED 7/0**

|   |  |  |
|---|--|--|
| <b>CGAM012/08/07 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)</b> |  |  |
| Proponent:  | Director Corporate Services  | In Brief<br><br>To confirm the creditor payments made during July 2007 |
| Owner:  | N/A  |  |
| Officer:  | Tracy Mladenovic – Assistant Accountant  |  |
| Signatures Author:  |  |  |
| Senior Officer:   |  |  |
| Date of Report  | 6 August 2007  |  |
| Previously  |  |  |
| Disclosure of Interest  | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |  |
| Delegation  | <b>Committee in accordance with resolution SM051/06/04</b>   |  |

**CGAM012/08/07 COMMITTEE DECISION/Officer Recommended Resolution:**

**That Council notes the payments authorised under delegated authority and detailed in the list of invoices for the month of July 2007, presented to the Corporate Governance & Asset Services Committee and to Council, per the summaries set out above include Creditors yet to be paid and in accordance with the Local Government (Financial Management) Regulations 1996.  
CARRIED 7/0**

| CGAM013/08/07 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917) |  |   |
|--|--|---|
| Proponent:   | Director Corporate Services  | In Brief<br><br>To receive the sundry debtor balances as at 31 July 2007. |
| Owner:   | Not Applicable   |   |
| Officer:   | Melissa Armitage– Finance Officer - Debtors  |   |
| Signatures Author:                                       |  |   |
| Senior Officer:  |  |   |
| Date of Report   | 6 August 2007  |   |
| Previously   |  |   |
| Disclosure of Interest                                   | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |   |
| Delegation   | <b>Committee in accordance with resolution SM051/06/04</b>   |   |

**CGAM013/08/07 COMMITTEE DECISION/Officer Recommended Resolution:**

**That Council receive and note the report on Sundry Debtor Outstanding Accounts as at 31 July 2007.  
CARRIED 7/0**

| CGAM014/08/07 RATE DEBTORS REPORT (A0917) |  |   |
|---|--|---|
| Proponent:                                | Director Corporate Services  | In Brief<br><br>To receive the rates report as at 31 July 2007. |
| Owner:                                    | Not Applicable   |   |
| Officer:                                  | T Mladenovic – Assistant Accountant – Finance Services   |   |
| Signatures Author:                        |  |   |
| Senior Officer:                           |  |   |
| Date of Report                            | 6 August 2007  |   |
| Previously                                |  |   |
| Disclosure of Interest                    | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |   |
| Delegation                                | <b>Committee in accordance with resolution SM051/06/04</b>   |   |

**CGAM014/08/07 COMMITTEE DECISION/Officer Recommended Resolution:**

**That Council receive and note the report on the Rate Debtors accounts as at 31 July 2007.  
CARRIED 7/0**

| CGAM015/08/07 INFORMATION REPORT |  |
|----------------------------------|--|
| Proponent:                       | Director Corporate Services  |
| Owner:                           | Not Applicable   |
| Officer:                         | Various  |
| Signatures Author:               |  |
| Senior Officer:                  |  |
| Date of Report                   | 6 August 2007  |
| Previously                       |  |
| Disclosure of Interest           | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act |
| Delegation                       | <b>Committee in accordance with resolution SM051/06/04</b>   |

In Brief  
 To receive the information report to 31 July 2007.

**CGAM015/08/07 COMMITTEE DECISION/Officer Recommended Resolution:**

1. The Information Report be received; and
2. Council request Main Roads WA to carry out a safety audit of South Western Highway from Armadale to North Dandalup.

**CARRIED 7/0**