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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 27TH MARCH, 2006. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.02PM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

1. ATTENDANCE & APOLOGIES:

IN ATTENDANCE:

COUNCILLORS: DL Needham Presiding Member
AW Wigg
WJ Kirkpatrick
THJ Hoyer
JC Star
KR Murphy
IJ Richards
JA Scott
EE Brown

OFFICERS: Ms J Abbiss Chief Executive Officer
Mr D Long Director Corporate Services
Mr B Gleeson Executive Manager Planning & Regulatory Services
Mr R Montgomery Executive Manager Strategic Community Planning
Mr N Jurisev Acting Manager Engineering
Mr T Turner Principal Environmental Health Officer from 7.06pm
Mrs S Langmaid Minute Secretary

APOLOGIES: Cr JE Price

GALLERY: 10

2. PUBLIC QUESTION TIME:

2.1 Response To Previous Public Questions Taken On Notice

Mr Salmeri

Q In relation to Page 35 of the orders made by the tribunal regarding odour part 34b and Page 36 part 35 regarding odour and bunding, Mr Salmeri advised he cannot understand these parts of the report.

A The CEO advised that she did not have this document at the meeting, however was willing to get the officer to investigate these queries and advise. The Presiding Member advised that this would be taken on notice.

Response to Question

Condition 32(i) is a noise related condition. This condition requires the construction of continuous earth bunds at least 4.0 metres in height and vegetated in accordance with the approved Landscape Plan.

Condition 34 is a odour related condition. The purpose of condition 34 (b) is that prior to the commencement of usage of the poultry sheds, the landowner is required to construct either steep earthen bunds or windbreak walls that are 4 metres in height. The bunds or walls are to be constructed as close as possible to the tunnel fan ends of the shed in order to assist in dispersing odours.

Condition 34 also states that the landowner has the option of employing an environmental engineer with experience in odour emission and mitigation, to prepare a report that provides evidence that the construction of the earthen bunds required under Condition 32(i), would substantially have the same effect in dispersing odours as any of the earthen bunds or windbreaks wall required under condition 34. If the Shire is satisfied with the evidence provided in this report, then the landowner would not be required to construct either the steep earthen bunds or the windbreak walls adjacent to the tunnel fan ends of the sheds.

Mavis Gassati

Q Cleaning and catching in 72 hours – how does this work.

A The Presiding Member advised that we would take this on notice and provide Council's interpretation on this.

Response to question

The 72 hours cleaning policy is an industry policy/guideline for farmers to apply in their operations. It relates to the period of time when the last bird leaves the shed and the first new batch of birds are returned to the farm. The reasons for the 72 hour period is to reduce the risk of transfer of disease between batches and to give time for the farmers to sterilise, dry and aerate the sheds.

2.2 Public Question Time

Public Question Time commenced at 7.03pm

Peter Biffin, Lot 18 Tiara Court Darling Downs

Q Did Councillors or Council receive my correspondence regarding change of hours for the riding school as no acknowledgement has been received nor have we been asked about any of our concerns?

A Executive Manager Planning & Regulatory Services (EMPRS) advised that the issues contained in Mr Biffin's letter are included in the agenda report.

Q How come there was no acknowledgement?

A The EMPRS advised this was an error and would take action to remedy this in the future.

Q As per the committee meeting on Tuesday, has a full inspection been done on the property – the Ranger advised he did not know anything about it when asked?

A The EMPRS advised that the status of all conditions were contained in the supplementary report and advised that previous inspections have been done.

Q When Council puts conditions on a development are they obliged to abide by them?

A The Presiding Member advised that this was the case.

Mr Biffin referred to a drain on the property.

The EMPRS advised that the drain and basin on the property are part of the planning conditions. This is one of the conditions that will be monitored.

Paul Runnervan, 7 Tiara Court

Q Previously stated that the business would have no expansion for 2 years.

A The Presiding Member advised that this was not classed as an expansion. Viewed this as a change of hours, not an expansion.

The CEO advised that under the Town Planning Scheme they can apply to Council for an expansion at any time.

Q Regarding policing of the business. Previously told that if there was a complaint it could be phoned through to Council as a complaint against the property. Was then later advised that the complaint needed to be put in writing. How is this to be policed?

A The Presiding Member asked how many complaints have been received. The EMPRS advised that a number of complaints have been received. There is a need to gather evidence before any legal action can commence. Shire staff have met with the landowners regarding their conditions.

A number of the specific complaints received have been investigated and the conditions are being complied with.

Public Question Time concluded at 7.15pm

3. PUBLIC STATEMENT TIME:

Public Statement Time commenced at 7.15pm

Erwin Roberts, on behalf of Urban Pacific Limited (UPL)

Wish to address item SD112/03/06 to support lifting of Urban Deferred Zone to Urban Zone. Concerned over the confused content of the report and resolution. We seek a clear Resolution – however prior to putting an alternative resolution for Council's consideration wish to comment on report content.

Bush Forever

Portion of the site is delineated as Bush Forever, recognising the regional conservation values on the site – which are protected. Majority of Bush Forever is located in Parks and Recreation Reserve.

The balance of the Bush Forever area, development cannot occur without a negotiated planning solution, co-ordinated through Bush Forever Office on behalf of the WAPC – which UPL has commenced.

Metropolitan Development Program (MDP)

Reference in report that land is not in the MDP. However, UPL purchased land in October 2005. Together with Council, UPL sought to have the land included in the MDP. The WAPC advised that the time for applications had closed, however were further advised that reference would be included in the MDP that SJ was to initiate district structure plan in 2006. The MDP published today makes reference to Council's intention to commence structure planning for expanded Mundijong townsite which includes Whitby.

Urban Drainage

Acknowledged that drainage is a matter that needs to be addressed, however requires a district solution involving Mundijong and Whitby. The District Structure Plan process facilitates this requirement. Urban drainage is not a 'deal breaker' – it is part of the mechanics of urban development and will be able to be addressed and assessed to the

satisfaction of Council, Water Corporation and the Department of Environment (DOE) through the District Structure Plan process.

Structure Planning

The District Structure Plan process logically follows the lifting of the Urban Deferred zone. Urban Pacific is currently working with Council officers to assist with commencing this initiative.

The above were flagged as issues requiring attention, but logically can be addressed as part of the District Structure Plan process. The lifting of Urban Deferred will not jeopardise the environmental sustainable objectives nor the future structure planning for the locality. Council maintains control over these requirements through the next level in planning process – the District Structure Plan and the Town Planning Scheme amendment process. Furthermore, the DOE has control over the environmental issues as both the District Structure Plan and Town Planning Scheme amendment will be subject to DOE assessment. Regarding item on agenda this evening. Some concerns about the report.

1. Council has previously supported and been a strong advocate for rezoning the land
 - Previously supported the Commission's proposal to zone the land Urban in the MRS; and
 - Council has initiated an amendment to the Town Planning Scheme to rezone the land for residential development.
2. Community / Council / Urban Pacific do not want mining at Whitby.
3. To give effect to this desire requires a strong message from Council.
4. As Councillors are aware, there are others working against this proposal – who support mining on the land prior to urban development. A heavily conditioned Council response plays into their hands by providing an environment and perception of uncertainty.

There is a need for a clear, positive message from Council to support lifting of the Urban Deferred.

We seek Council's support for an alternative Resolution.

Four significant issues:

- Bush forever site on Whitby location
- Urban drainage
- Metropolitan Development Program
- Need for structure planning for the locality

Resolution

- 1 Council supports the request to transfer the land from Urban Deferred to Urban Zone;
- 2 The Shire does not support mineral sand mining within the Shire of Serpentine-Jarrahdale Shire as per Planning Policy No 7- Objections Against Mineral Sand Mining in the Shire of Serpentine-Jarrahdale.

Advice Notes can be included to address the other points raised in Council's existing resolution that includes recognising that final decisions regarding the extent of development relating to the Bush Forever areas are subject to a Negotiated Planning Solution.

Fred Long, President, Sport Aircraft Builders Association

Serpentine Airfield is leased as a recreational airfield and our operations are governed by the Civil Aviation Safety Authority.

The area indicated as a wetland has disappeared we believe, due to an excessive draw down of underground water by surrounding properties, which has also given rise to a vast increase in Banksia stands dieback. The area is regularly mowed as part of CASA's safety requirements.

The 4708 metres square area requested by the club for immediate hanger development is within the guidelines given to us by Bush Forever (4 May 2001) Ministry for Planning head office reference 805/2/1/40 P378.

Over the past 33 years the club is on record as having planted in the order of 10,000 local tree and shrub species, of which not all have survived the harsh conditions of the Bassendean type sand dune soil which covers the airfield.

Serpentine Airfield has attracted a significant number of tourists from around the world and Australia to view the varied collection of historic and vintage aircraft maintained and flown from the airfield.

As there are no limitations on visitors to the airfield this is increasing. Please note that there has never been and there is not a requirement for staffing or cost to the Shire.

Serpentine Airfield is recognised across Australia as the foremost fire fighting support system for local brigades, water bombers, heli tankers and road tankers. The SABC was recognised in the 2006 Australia Day awards.

The club has a diverse membership which has enabled it to prosper.

For every Banksia tree removed, we are prepared to replace them with 4 new Banksia trees.

Peter Biffin

As a neighbour of Lot 18 Tiara Court, he does not object to all the activities taking place at Lot 18 Tiara Court. He does however object to Sunday lessons because this is the day he entertains guests at his house. He has placed awnings and planted numerous trees around his house to give some privacy. He has also requested the owner of Lot 18 Tiara Court to have a sprinkler system installed on the arena to stop the dust. Mr Biffin looks forward to having Sundays at home. Mr Biffin asked Council to leave the riding school operating from Monday to Saturday and not to operate on Sunday.

Margaret Barnesby-Johnson

Advised that the arena is reticulated and trees have been planted. She advised that she has met all conditions of the licence. Concerns raised by nearby neighbours are not complaints relating to the riding school. Happy for Councillors to ask any questions.

Public Statement Time concluded at 7.29pm

4. PETITIONS & DEPUTATIONS:

Nil

5. PRESIDENT'S REPORT:

Nil

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Cr Wigg declared a financial interest in item OCM030/03/06 REQUEST FOR IN PRINCIPAL APPROVAL FOR LAND USE OF EDUCATIONAL ESTABLISHMENT – LOTS 22, 23, 24, 302, 1 & 2 SOUTH WESTERN HIGHWAY, LOTS 45, 399 & 25 KEIRNAN STREET AND 26, 27 & 29 ROBERTSON ROAD, WHITBY as a guarantor of the SJ Grammar School and will leave the meeting when this matter is discussed.

Cr Hoyer declared an interest of impartiality in item SD112/03/06 SUBMISSION TO LIFT MRS 'URBAN DEFERRED' ZONING – LOTS 1, 2, 22, 23, 24 & 302 SOUTH WESTERN HIGHWAY, LOTS 25, 45 & 399 KEIRNAN STREET & LOTS 26, 27 & 29 ROBERTSON ROAD, WHITBY as Chairman of the Mining Objectors Group and advised that this will not affect how he votes on this matter.

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

7.1 Ordinary Council Meeting – 27th February, 2006

COUNCIL DECISION

Moved Cr Wigg seconded Cr Richards
That the minutes of the Ordinary Council Meeting held on 27th February, 2006 be confirmed.
CARRIED 9/0

7.2 Special Council Meeting – 7th March, 2006

COUNCIL DECISION

Moved Cr Scott seconded Cr Hoyer
That the minutes of the Special Council Meeting held on 7th March, 2006 be confirmed.
CARRIED 9/0

REPORTS OF COMMITTEES:

SD101/03/06 COMMUNITY FUNDING PROGRAM (A1173/06)		
Proponent:	Serpentine Jarrahdale Shire	In Brief Council is asked to nominate three Council representatives from separate wards to sit with the Community Development Officer on the 2006/07 Community Funding Program Working Group.
Owner:	Not applicable	
Officer:	Lucy Cotton - Community Development Officer	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously	CRD04/05 CRD20/03/04, CRD10/01/03, CRD43/03/02, CRD19/01/01, CRD17/06/00	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

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

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

Sustainability Statement

Effect on Environment: The program places high priority on projects that are environmentally responsible.

Use of Local, renewable or recycled Resources: The program supports the use of local, renewable or recycled resources.

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

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

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

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

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

Statutory Environment:

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

Policy/Work Procedure Implications:

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

Financial Implications:

Up to \$20,000 to be requested in each year's budget as per Policy CSP8

Strategic Implications:

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

1 People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

Objective 3: High level of social commitment

Strategies:

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

4 Governance

Objective 1: An effective continuous improvement program

Strategy:

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

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

Strategy:

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

Community Consultation

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

Comment

The Working Group will meet in late April once the Community Development Officer has conducted the initial processing and evaluation of the applications submitted. The recommendations of the Working Group will be presented through the May 2006 Sustainable Development Committee Agenda.

Voting Requirements:

Normal

Officer Recommended Resolution:

Council nominates Councillor, Councillor and Councillor representing three separate wards, as per Council Policy CSP8 to sit with the Community Development Officer on the 2006/2007 Community Funding Program Working Group.

SD101/03/06 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Star seconded Cr Hoyer
Council nominates Councillor Scott, Councillor Kirkpatrick and Councillor Wigg representing three separate wards, as per Council Policy CSP8 to sit with the Community Development Officer on the 2006/2007 Community Funding Program Working Group.
CARRIED 9/0

SD102/03/06 TOWARDS A BIODIVERSITY STRATEGY FOR SERPENTINE JARRAHDAL (A0397)		
Officer:	Dr Sue Osborne Environmental Coordinator	In Brief Council is requested to consider a \$15,000 allocation for biodiversity management in the 2006/2007 financial year to: - Leverage additional funding worth \$15 000 from the South West Biodiversity Project to prepare a discussion paper that will include draft targets and management recommendations; and - Ongoing support for the vegetation inventory and decision support system.
Signatures Author:		
Senior Officer:		
Date of Report	2 March 2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Biodiversity is the variety of all life forms – the different plants, animals and micro-organisms, the genes they contain and the ecosystems of which they form a part.

There is a worldwide trend of decreasing biodiversity as development clears natural ecosystems and introduces new threats to native species and ecosystems.

The conservation of biodiversity is the responsibility of all levels of Government and all landholders. It is especially important given that the Perth Metropolitan Region (PMR) forms part of one of 25 biodiversity hotspots recognised in the world.

At the national level, the Federal Government has passed legislation and provides funds for the conservation of biodiversity.

At the state level, legislation is in place to protect native flora and fauna, conservation estate lands are managed, and the Bush Forever initiative has identified specific sites of regional significance within the PMR that are to be protected.

At the regional level, community-led natural resource management (NRM) organisations (eg South West Catchments Council) have produced regional strategies that have been accredited by the State and Federal Governments. These regional strategies will be used to

allocate federal and state funds to projects. Local Governments can apply for funds to prepare and implement local Biodiversity Strategies.

The Serpentine Jarrahdale Shire recognises the importance of biodiversity conservation through a variety of mechanisms including on-ground works in Shire reserves, conservation zoning, the assessment of rezoning, subdivision and development proposals, the development and implementation of a Shire reserves planning and management framework, and the development of a vegetation database and decision support system. This Shire has also signed a Memorandum of Understanding with the Western Australian Local Government Association for the Protection of Native Vegetation.

The Shire has access to some data relating to vegetation extent based on broad vegetation categories called complexes. The table below summarises the extent of vegetation complexes remaining throughout the Shire and provides additional information at a broader regional scale in relation to vegetation complexes on the Swan Coastal Plain.

Vegetation complex	TOTAL pre-European extent (ha)	1997 extent on Swan coastal plain (ha)	% of each complex remaining in 1997 in Swan coastal Plain	SJ Pre-European Total area (ha)	SJ Pre-European %	SJ Remaining extent Total area (ha)	SJ Remaining extent %
Bassendean Complex – central and south	87,626	23,635	27	9854	11	3033	31
Beermullah Complex	6,707	402	6	3691	4	43	1
Cooke				914	1	895	98
Dardanup Complex	9,504	754	8	1113	1	163	15
Darling Scarp				4175	7	2114	51
Dwellingup 1				11030	12	10528	95
Dwellingup 2				11398	13	10688	94
Forrestfield	20,169	3518	17	4128	7	316	8
Goonaping				304	<1	283	93
Guildford	92,467	4662	5	13244	23	703	5
Helena 1				599	1	592	99
Murray 1				8530	9	6995	82
Serpentine River Complex	19,855	2103	11	783	1	51	7
Southern River Complex	57,979	11,501	19.8	7653	9	732	10
Swamp				1797	2	1670	93
Yarragil 1				4734	5	4225	89
Yarragil 2				6030	7	5649	94

It is clear from the data in the table above that for some complexes on the Swan Coastal Plain, there is very little vegetation remaining either at a local or regional scale.

Although the statistics presented in the table above provide a useful indication of the current extent of vegetation within the Shire, the broad category of vegetation complex has limited value in decision making at the local or site scales.

The Shire has developed a vegetation database for the Swan Coastal Plain component of the Shire with the support of the Perth Biodiversity Project. This vegetation database includes over 1 000 areas of deep rooted vegetation on the coastal plain component of the Shire. Data is continuing to be gathered to populate this database and we are also working in partnership with the Peel-Harvey Catchment Council to amalgamate the Shire vegetation

database with their decision support system and provide web access (a demonstration of the amalgamated database and PHCC decision support system will be provided to Councillors at the May Concept Forum). Having developed the amalgamated data management system the Shire will then be in a good position to answer the first essential management questions of *what vegetation assets do we have in the Shire?* and *where are these assets?*

Having nearly reached this stage, it is now appropriate to consider some of the following questions:

1. How much bushland and wetland must we/should we/can we protect as our Shire is developed?
2. How much will it cost to manage our Local Natural Areas, plus reestablish and protect the essential buffers and connecting corridors, to conserve biodiversity?
3. How can we ensure that we will meet our legal requirements to protect Local Natural Areas on private and public lands?
4. How should we encourage the protection of bushland and wetlands on private lands?
5. How can we use our Town Planning Scheme and planning policies to ensure significant natural areas are protected?

In order to address these questions, it is proposed that the Serpentine Jarrahdale Shire works towards the preparation of a Strategy that is guided by the Local Biodiversity Planning Guidelines published by the Western Australian Local Government Association (WALGA) in 2004.

Strategies generated through this process are non-statutory documents which plan for the protection and management of Locally Significant Natural Areas (LSNAs) across private and public lands. The strategies are designed to set long term targets (10-25 year horizons) and shorter term targets. These targets will enable the Shire to demonstrate compliance with State and Federal Government policy and legislation and regional natural resource management targets.

Using the WALGA Local Biodiversity Planning Guidelines, a Local Biodiversity Strategy would have four major components:

- * Local Planning Policy for Biodiversity Conservation
- * Incentives Strategy for Private Land Conservation
- * Planning for the management of local reserves and other Local Government lands to conserve biodiversity
- * Formalisation of the protection status of LSNAs.

These components are addressed over the four-phase process described in more detail in the Guidelines:

Phase One: Project scoping

This involves initiating the local biodiversity planning process by:

- * scoping out the local biodiversity planning and conservation process
- * obtaining Council commitment to the process (this agenda item)
- * commitment of resources to complete Phase 2 (this agenda item if external funds are sourced as well)
- * Forming a steering committee/working group.

Phase Two: Discussion paper preparation (6 to 12 months estimated)

The WALGA Guidelines encourage a Discussion Paper to be prepared before the full Strategy is drafted. This is so that local biodiversity conservation objectives can be set which take into account the local community aspirations and the prevailing constraints and opportunities in the Local Government area.

The key outputs from the Discussion Paper are:

- * identification, quantification and mapping of the biodiversity resource
- * development of a vision and objectives for the Strategy
- * establishment of Natural Area Condition targets to formalise the ecological criteria to be used to identify which Local Natural Areas are locally significant (LSNAs)
- * identification of the four key components of a Strategy that will help meet the local biodiversity targets.

Following community consultation on the Discussion Paper, Council will be able to endorse specific local biodiversity targets to provide a framework for the preparation of the Strategy.

Phase Three: Strategy preparation and establishment of its components such as Local Planning Policy and Incentives Strategy (1 to 3 years estimated)

An Action Plan is developed at the beginning of this Phase to guide the Strategy's preparation and implementation (Phase 4). It will contain detailed information on how the Strategy's targets and objectives will be met.

The following are key components of Phase 3:

- preparing a Local Planning Policy for Biodiversity Conservation
- preparing an Incentives Strategy for Private Land Conservation
- planning for the management of biodiversity on Local Government land
- formalising the protection status of LSNAs
- endorsing and finalising the Strategy.

The Local Planning Policy, Incentives Strategy for Private Land Conservation and the planning for the management of Local Government lands provide the process for strategic assessment of all natural areas (on private and public lands) to determine those that are locally significant.

Phase Four: Implementation of Local Biodiversity Strategy (ongoing).

Upon completion of the Strategy there will be a number of new activities and existing policy and processes that will need to be implemented, these include:

- staff training and technical support
- review/amendment of Town Planning Scheme
- application of Local Planning Policy
- application of private land biodiversity Incentives Strategy
- management of Local Government land for biodiversity outcomes
- monitoring and review of the Strategy.

It is evident from this summary that the Serpentine Jarrahdale Shire has already commenced work in many of the areas in all four phases. However, it is worthwhile for Council to plug into this proposed framework not only because the development of environmental management targets is urgent but also because it is through this process that funds become available and some support will be provided.

There is already some protection for biodiversity in areas covered by existing policies such as Bush Forever. However, despite the new clearing regulations, there is little protection for vegetation outside existing policy areas unless it is identified as having local significance through the development of an endorsed Strategy such as that developed in the WALGA four phase process.

A Strategy developed through the WALGA four phase process will also address how Local Natural Areas relate to and support the biodiversity values of the CALM estate, Bush Forever Sites and Regional Parks. Our local Strategy will also need to consider the relationships of Local Natural Areas to other natural areas at the regional, national and international level (the term 'natural area' is used in biodiversity planning to describe an area that contains indigenous species or communities including wetlands and water bodies).

The Environmental Coordinator has forwarded to the South West Biodiversity project coordinators an expression of interest for \$15 000 to be used by the Shire to work on phases

one and two of the WALGA biodiversity framework. The expression of interest includes the following activities:

- * Prepare a Council agenda item seeking support for the Biodiversity Strategy preparation (this agenda item);
- * Engage a competent consultant through an open competitive process;
- * Add to the already extensive vegetation inventory database by extrapolating across to currently uncharacterised vegetation polygons to facilitate queries at vegetation community rather than vegetation complex level of detail;
- * Establish a steering committee based on the Perth Biodiversity Guidelines ;
- * Prepare summaries of Shire environmental assets and present this information to Councillors to raise awareness;
- * In consultation with the steering committee, prepare a draft discussion paper including biodiversity management targets and an action plan.

This agenda item seeks:

- * Council in principle support for the development of a Biodiversity Strategy based on the
- * Council's financial support (\$15 000) in the 2006/2007 financial year to progress and maintain the vegetation database and to progress the preparation of a Biodiversity Strategy by applying for a further \$15 000 from the South West Biodiversity Project to undertake phases one and two of the WALGA Biodiversity Strategy planning framework.

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 based on the WALGA four phase process.

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

Use of Local, renewable or recycled Resources: Not applicable

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 Controls regulations)

The conservation of biodiversity is also a relevant factor in the application of the Town Planning and Development Act 1928 and the Shire Town Planning Scheme.

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

Local Biodiversity Strategies are proposed under the draft Statement of Planning Policy: Bushland Policy for the Perth Metropolitan Region (a policy under Section 5AA of the Town Planning and Development Act 1928, Western Australian Planning Commission in preparation).

The Local Planning Policy that is recommended within a Local Biodiversity Strategy is a policy under Part 2 of the Town Planning Amendment Regulations 1999.

State Government environmental policies that will be 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 & 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 (Western Australian Planning Commission in preparation)

- * Western Australian State Sustainability Strategy (Government of Western Australia 2003a)
- * Environment and Natural Resources Statement of Planning Policy No. 2 (Government of Western Australia 2003b)
- * Peel-Harvey Coastal Plain Catchment Statement of Planning Policy No. 2.1 (Government of Western Australia 1992d)
- * Jandakot Groundwater Protection Policy Statement of Planning Policy No. 2.3 (Government of Western Australia 1998b)
- * Public Drinking Water Source Policy Statement of Planning Policy No. 2.7 (Government of Western Australia 2003g).
- * Development Control Policy No. 2.3 Public Open Space in Residential Areas (Western Australian Planning Commission 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)
- * Statement of Planning Policy No. 2.6: State Coastal Planning Policy (Government of Western Australia 2003c).

Policy/Work Procedure Implications:

There are no work procedures/Shire policy implications directly related to this agenda item. However, a Biodiversity Strategy will provide clearer pathways for development by identifying important natural areas at the earliest possible stage. Hence, the preparation of a Local Biodiversity Strategy is a key to the Shire achieving its sustainability objectives.

Financial Implications:

The proposal seeks Council to consider an allocation of \$15,000 in biodiversity management during the 2006/2007 financial year.

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 four phase WALGA approach to the development of a Biodiversity Strategy recognises the need for broad consultation.

Formal community consultation will occur once the Discussion Paper has been finalised. A Steering Group guiding the preparation of the Strategy will also include community representatives from the environment and development sectors, aswell as indigenous communities. The make up of this steering group will include the following representatives:

- * Two Local Government Councillor(s) (aim to have one representative from both environmental advisory and planning committees or equivalent if they exist)
- * One Executive Manager (preferably from the directorate that has the greatest influence over land use planning decisions)
- * One Department of Conservation and Land Management
- * One Department of Environment (DoE)
- * One Department for Planning and Infrastructure
- * Two community (aim to have representative(s) from the conservation and development sectors)
- * One indigenous community member

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

Comment:

The existing vegetation database is an indispensable tool for decision making in relation to biodiversity management.

The Shire has the potential to raise its profile and get recognition for its innovative approach to vegetation data management.

The preparation of a 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 Discussion Paper prepared in phase two will set the context for the Strategy and allow Council to determine targets for local biodiversity conservation.

The Local Planning Policy in phase three will refine a rigorous ongoing process to assess developments for their impact on biodiversity. With each development proposal, Council will be able to see whether they are moving towards or away from their biodiversity targets.

Voting Requirements: Normal

SD102/03/05 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Star seconded Cr Kirkpatrick

1. Council gives in principle support for the development of a Biodiversity Strategy based on the four phase approach outlined in the *Local Government Biodiversity Planning Guidelines 2004*.
2. Council considers the allocation of \$15 000 of Shire funds during the 2006 / 2007 financial year to both continue to support the Shire vegetation database and Peel-Harvey Catchment Council decision support system and to be used as leverage to seek an additional \$15 000 from the South West Biodiversity Project to undertake phases one and two of the Biodiversity Strategy development framework set out in the *Local Government Biodiversity Planning Guidelines 2004*.

CARRIED 9/0

SD103/03/06 DRAFT LOCAL STRUCTURE PLAN – LOTS 4 & 5 ABERNETHY ROAD, BYFORD (P04145/01)		
Proponent:	Gray and Lewis Planning Consultants	In Brief To consider a draft Local Structure Plan for residential neighbourhood development within the Byford Structure Plan area. The draft Local Structure Plan proposes approximately 350 residential lots of average R20 density (including strategically located pockets of higher density R30 lots); two local neighbourhood nodes; provision of a multiple use corridor and associated drainage; provision of a neighbourhood connector road; neighbourhood park public open space; part provision of district park open space and an associated traffic and pedestrian movement network. It is recommended that subject to modifications, the draft Local Structure Plan is satisfactory for advertising as provided for under clause 5.18.3.2 of the Scheme.
Owner:	JM Petricevich (Byford West Pty Ltd under contract for purchase)	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	8 March 2006	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 23 November 2005
 Advertised: N/A
 Submissions: N/A
 Lot Area: 31.56ha
 L.A Zoning: Urban Development
 MRS Zoning: Urban and Urban Deferred
 Byford Structure Plan: Residential (R20); Neighbourhood Node; Multiple Use Corridor; Drainage Basin; Neighbourhood and District Parks; Traffic and Pedestrian Movement Network

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

Background

A draft Local Structure Plan has been received for consideration under clause 5.18.3 of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 (“Scheme”). The draft Local Structure Plan (LSP) covers Lots 4 and 5 Abernethy Road, Byford (“subject land”).

With regard to the consideration of structure plans, clause 5.18.3.2 of the Scheme states:

- 5.18.3.2 *Upon receiving a Proposed Structure Plan, the local government is to either:*
 (a) *determine that the Proposed Structure Plan is satisfactory for advertising;*

- (b) *determine that the Proposed Structure Plan is not to be advertised until further details have been provided or modifications undertaken;*
or
- (c) *determine that the Proposed Structure Plan is not satisfactory for advertising and give reasons for this to the Proponent”*

The draft LSP is determined to be generally satisfactory for advertising subject to modifications. While the draft LSP generally accords with the district planning framework designated under the Byford Structure Plan, there are important modifications required in relation to the following:

- i. The need for the draft LSP to adequately address the requirements of the Byford Urban Stormwater Management Strategy in relation to minimum fill amounts and drainage detention storage requirements;
- ii. All references to entry statements and/or signage being removed, and the proponent using public art instead;
- iii. Requiring the installation of technical infrastructure as part of the development;
- iv. Submitting a Community and Economic Development Plan for the draft LSP area, including a memorandum of understanding between the proponent and Council.
- v. Preparation of a detailed area plan for the smaller lots abutting the Neighbourhood Node site, Abernethy Road and areas of public open space.

The above modifications generally relate to the provision of further technical information. As such, these changes can be undertaken prior to consideration of final adoption. This in essence is the recommendation to Council.

A copy of the locality plan within the Byford Structure Plan, draft Local Structure Plan and landscaping plans is with the attachments marked SD103.1/03/06.

Sustainability Statement

Effect on Environment: The draft LSP generally accords with the Byford Structure Plan and Byford Urban Stormwater Management Strategy, both of which focus on environmental sustainability as part of the urbanisation of Byford. The draft LSP is considered to respond well to the noted physical and environmental characteristics of the site and the included draft Landscape Master Plan for the development is generally supported. It provides for a strong native and indigenous vegetation theme throughout the development, passive recreational pursuits within the multiple use corridor and appropriate planting of drainage swales.

Use of Local, renewable or recycled Resources: While no direct implications, it is recommended that the proponent be encouraged to use local contractors and materials wherever possible in the eventual construction phase of the development. Also, the reuse of drainage and stormwater runoff in the irrigation of public open space and the multiple use corridor will be required.

Economic Viability: The draft LSP has addressed and focussed on environmental and resource sustainability and appropriate neighbourhood design. Through the clear commitment to environmental sustainability and water sensitive urban design as established under the Byford Structure Plan and Byford Urban Stormwater Management Strategy, it is expected that subsequent structure plans and detailed area plans will advocate these in design. The draft LSP is considered to achieve this.

Economic Benefits: The draft LSP is considered to offer economic benefits through the development of an appropriately scaled urban village which generally accords with the Byford Structure Plan and Byford Urban Stormwater Management Strategy. It is also considered appropriate for its context in the future urbanisation of Byford.

It should also be noted that the proponent will be required to submit a Community and Economic Development Plan for the draft LSP area. This is to include a memorandum of

understanding between the proponent and Council in relation to per lot contributions toward a community development trust to assist with the funding of a community infrastructure plan, community facilities and services, a framework and principles for provision, roles and responsibilities and management processes.

Social – Quality of Life: The draft LSP is considered to be socially responsible through a dedication to environmental sustainability and particularly to ensure an appropriate neighbourhood environment promoting social interaction will be achieved. In relation to solar orientation and street block layout, the clear majority of streets are aligned north/south and east/west allowing for good solar passive design potential.

Social and Environmental Responsibility: The draft LSP will be advertised for community consultation thus enabling comment and involvement by local and interested residents. This promotes social responsibility on behalf of the Shire and the proponent.

Social Diversity: The draft LSP is consistent with the Byford Structure Plan and provides for good diversity in lot sizes. An average density of R20 (500m²) is achieved over the site. This diversity in lot sizes will promote social mix in the eventual development of the area, which is an evolving concept in the planning of new communities within Western Australia.

Statutory Environment:

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

Metropolitan Region Scheme: The majority of the subject land is zoned 'Urban' under the Metropolitan Region Scheme, except for a small portion in the north east corner of the site. This is zoned 'Urban Deferred', and coincides with a 200m buffer from properties located within the Byford Trotting Complex on the north side of Abernethy Road. To realise development in the 'Urban Deferred' portion of the subject land, it will need to be transferred to the 'Urban' zone of the Metropolitan Region Scheme as provided for under clause 27 of the *Metropolitan Region Scheme Town Planning Scheme Act 1959*.

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

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

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

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

With regard to ii., Amendment No. 113 to the Scheme has recently been finalised and submitted to the Western Australian Planning Commission with a request for final approval.

In the current absence of this amendment being approved and included in the Scheme, subdividers have been entering into legal agreements with the Shire at the time of subdivision to ensure all required development contributions will be paid at the time of gazettal of the amendment to the Scheme.

Policy/Work Procedure

Implications:

Serpentine Jarrahdale Shire Rural Strategy
Statement of Planning Policy No. 1 (*State Planning Framework Policy - Variation 1*)
Statement of Planning Policy No. 2 (*Environmental and Natural Resources Policy*)
Draft Statement of Planning Policy No. 1 (*Draft State Planning Framework Policy - Variation 2*)
Draft Statement of Planning Policy No. 3 (*Draft Urban Growth and Settlement*)
Local Planning Policy No. 6 (*Water Sensitive Design*)
Byford Urban Stormwater Management Strategy

Financial Implications:

Future ongoing costs to the Shire to maintain new areas within the development e.g. public open space, roads, pathways etc.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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

Strategies:

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

2. Environment

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

Strategies:

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

3. Economic

Objective 1: A vibrant local community

Strategy:

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

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

Strategy:

1. Improved freight, private and public transport networks.

Objective 3: Effective management of Shire growth

Strategy:

1. Enhance economic futures for Shire communities.

4. Governance

Objective 3: Compliance to necessary legislation

Strategy:

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

Community Consultation

This will be required in accordance with clause 5.18.3.2 of the Scheme, subject to the draft Local Structure Plan being adopted by Council for advertising. Adoption is recommended subject to modifications. The procedure for advertising is then established under clause 5.18.3.5 of the Scheme.

Comment

Statutory Requirements

Assessment of the draft Local Structure Plan has been undertaken in accordance with the Byford Structure Plan, which itself has been developed in accordance with the following key elements:

- i. Sustainable and best management practices for urban stormwater management;
- ii. Creation of urban nodes, town centre and neighbourhood centres to facilitate community formation and strong local identity;
- iii. Improved landscape elements; and
- iv. Legible and robust street layout to encourage walking and cycling as alternatives to driving.

In specific relation to the area represented by the draft Local Structure Plan, the following aspects of the Byford Structure Plan are relevant:

- i. The identification of a drainage line/multiple use corridor running east-west across the site, and locally significant remnant vegetation along this corridor;
- ii. A general 50m recommended setback either side of the drainage line, forming the multiple use corridor;
- iii. An average annual maximum groundwater level of less than 1m below the surface of the site, with this intersecting with the ground level in areas;
- iv. The 200m wide buffer to the Byford Trotting Complex extends within the area, and the need to appropriately address this;
- v. The need to provide land for the two separate neighbourhood nodes as designated by the Byford Structure Plan;
- vi. The need to ensure that the draft LSP and eventual development is based implicitly upon the Byford Urban Stormwater Management Strategy;
- vii. The need for the draft LSP to be reflective of the objectives of the Byford Structure Plan, particularly relevant to urban form; provision of a neighbourhood focus; diversity of lot sizes; environmental sustainability; water sensitive urban design; energy efficiency; predominant solar orientation of lots; local employment opportunities and effective provision of public open space;

- viii. The provision of paths along all streets, with dual use paths on both sides of neighbourhood connectors;
- ix. Passive recreational opportunities being provided within the multiple use corridor, rather than being used in the delivery of pedestrian traffic;
- x. Public open space provision to be consistent with the Byford Structure Plan and Byford Urban Stormwater Management Strategy;
- xi. Appropriate landscaping and urban artwork being implemented as part of development.

In relation to the above elements, several modifications are required to the draft LSP to bring it into total conformity with the Byford Structure Plan. These modifications, while not substantial in terms of alterations to the current plan, require further information to be incorporated into the draft LSP to guarantee fulfilment of development objectives.

Staging of Development

In relation to the proposed staging of the subdivision, the developer has indicated that the first stage is proposed in the area between Abernethy Road and the Multiple Use Corridor. In conjunction with the development of the first stage, the developers have also indicated their intention to lodge a Development Application in the near future to commence earthworks within stage 1. The developer is seeking to commence and complete the stage 1 earthworks before the onset of winter.

A copy of the draft Stage 1 Plan is with the attachments marked SD103.2/03/06.

Detailed Area Plan (DAP)

A DAP will be prepared for the:

- i) northern Residential R30 Neighbourhood Node and surrounding Residential R20 lots located between Abernethy Road and the east-west local distributor road south of Abernethy Road.
- ii) The R30 lots adjacent to the central POS and adjacent to the southern POS/Neighbourhood node.

In accordance with clause 5.18.5.1(a)(ii) of the scheme, the Detailed Area Plan will set out design requirements for the future development of the 'Residential R30' zoned lots and elaborate on the details contained within the draft structure plan. The proposed laneways servicing the R20 and R30 lots will also form part of the DAP indicating how these lots will be serviced by the rear laneway whilst maintaining active surveillance from private properties over the POS, street network and laneways.

Traffic Study

Council has recently appointed Maunsell Australia Pty Ltd to undertake a traffic impact study of the Byford Structure Plan area including Abernethy Road. Until such time as the study is completed, the exact ramifications that the urbanisation of the Byford urban cell will have on the current width of Abernethy Road is unknown. Currently, Abernethy Road has a 20 metre wide reservation with this being widened to 40 metres under the Byford Structure Plan.

The LSP has not shown the 20 metre road widening as required under the Byford Structure Plan. The plan will need to be modified to show the proposed road widening of 20 metres. The POS buffer, R20 lots and neighbourhood node will need to be redesigned to reflect the road widening. The final width of Abernethy Road will then be known at the completion of the traffic studies for the Byford urban cell.

Conclusion

The proposed draft LSP for Lots 4 and 5 Abernethy Road, Byford generally accords with the adopted Byford Structure Plan. It is therefore recommended that advertising be undertaken subject to modifications being made.

Voting Requirements: Normal

SD103/03/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Hoyer seconded Cr Brown

1. Council, in pursuance of clause 5.18.3.2(b) of Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2, determines that the draft Local Structure Plan for Lots 4 and 5 Abernethy Road, Byford, can be advertised subject to the provision of further details and modifications undertaken in relation to the following matters prior to advertising:
 - a) The draft Local Structure Plan being modified to provide
 - i. a 20 metre wide road widening along the southern boundary of Abernethy Road to allow for a total width of 40 metres of Abernethy Road, in accordance with the Byford Structure Plan
 - ii. relocation of the 20 metre wide public open space corridor, residential lots and the neighbourhood node further south to accommodate the road widening.
 - iii. a redesign of the small lots adjacent to Abernethy Road to remove the rear laneways and provide frontage of lots to a road reserve adjacent to the public open space
 - b) Payment of the associated planning assessment fee of \$2 500
 - c) The Shire undertake an independent review of the Drainage and Nutrient Management Plan submitted prior to advertising to ensure the Local Structure Plan adequately addresses the requirements of the Byford Urban Stormwater Management Strategy and any modifications are made to the Local Structure Plan as a result of this review.
2. Subject to 1 being undertaken to the satisfaction of the Executive Manager Strategic Community Planning, the draft Local Structure Plan be advertised for public inspection and notice given to affected landowners and relevant public authority's in accordance with clause 5.18.3.5 of the Scheme. In this regard, the advertisement and notice are to explain the scope and purpose of the draft Local Structure Plan, when and where it may be inspected, and invite submissions by a specified date at least 21 days from the date of advertisement and notice.
3. Subject to 1 being undertaken to the satisfaction of the Executive Manager Strategic Community Planning, within seven (7) days of the date of this resolution, a copy of the draft Local Structure Plan and Council's resolutions be sent to the WA Planning Commission in accordance with clause 5.18.3.7 of the Scheme.
4. Prior to the draft Local Structure Plan being referred back to Council for final consideration (following advertising) under clause 5.18.3.7 of the Scheme, the applicant is required to provide further details and undertake modifications in relation to the following matters to the satisfaction of the Executive Manager Strategic Community Planning:
 - a) No entry statement or advertising works is to be permitted. All references to entry statements and/or signage being removed from plans. It is suggested the applicant liaise with the Executive Manager Strategic Community Planning regarding possible use of public art instead of entry statements;
 - b) Council shall require the installation of technical infrastructure as a condition of development approval;

- c) **Submitting a Community and Economic Development Plan for the draft Local Structure Plan area, including a memorandum of understanding between the proponent and Council.**
- d) **Preparation of a detailed area plan for:**
 - i) **the smaller lots abutting the Neighbourhood Node site, Abernethy Road and area of public open space; and**
 - ii) **lots 27-28, 41-44, 58-61, 76-79 and 96-97 to allow for wider frontages to allow for adequate solar orientation for north facing lots**

5. **The applicant is directed to request by submission to the WA Planning Commission the lifting of the ‘Urban Deferred’ zoned portion of the subject land under the Metropolitan Region Scheme. The applicant should address the following information as required by the WA Planning Commission:**

- a) **Details showing that the land is capable of being provided with essential services and agreement has been reached between the developers and service providers with regard to the staging and financing of services;**
- b) **Evidence that planning is sufficiently advanced to depict an acceptable overall design to guide future development;**
- c) **Details demonstrating that the proposed urban development represents a logical progression of development;**
- d) **Details demonstrating that regional requirements (such as regional roads, open space and public purposes) have been satisfied or provision made for them; and**
- e) **Evidence that any constraints to urban development can be satisfactorily addressed.**

The proponents submission will be referred to Council for comment by the WA Planning Commission.

CARRIED 9/0

SD105/03/06 PROPOSED AERIAL WALKWAY, FOOTBRIDGE & CAR PARK WITHIN JARRAHDAL E HERITAGE PARK - LOT 200 JARRAHDAL E ROAD, JARRAHDAL E (P05576/57)		
Proponent	Serpentine Jarrahdale Shire	In Brief Proposed aerial walkway, footbridge and car park within the park as part of the implementation of the Jarrahdale Heritage Park Master Plan. It is proposed to advertise the proposal to surrounding landowners for comment and subject to no objections being received, approve the application subject to conditions.
Owner	National Trust of Australia	
Officer	M Kenny - Senior Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	7 March 2006	
Previously	SD019/08/05 (Amphitheatre)	
Disclosure of Interest	No officer involved in the preparation of this report has a declared interest.	
Delegation	Council	

Date of Receipt: 10 February 2006
 Advertised: To be undertaken
 Submissions: N/A
 Lot Area: N/A
 L.A Zoning: Special Use
 MRS Zoning: Rural
 Byford Structure Plan: N/A
 Rural Strategy Policy Area: N/A
 Rural Strategy Overlay: N/A
 Municipal Inventory: Yes
 Townscape/Heritage Precinct: Heritage

Bush Forever: Nil
Date of Inspection: 12 February 2006

Background

The development site is within the Jarrahdale Heritage Park and was included in the master plan for the Park. The proposal includes the construction of an aerial walkway, a carpark adjacent to Armstrong Way and a pedestrian footbridge across the Gooralong Brook to provide a link between the car park and the aerial walkway. The aerial walkway will span from the proposed picnic shelter and toilet area at the rear of the old post office across the Gooralong Brook and then link by a pathway to the gravel access road on the northern side of the park and the Armstrong Road car park.

The proposed carpark off Armstrong Road will provide 49 car parking bays (including two Acrod bays) and two coach/bus bays. The car park surface will be asphalt and rock pitched table drains will be installed. The carpark will include pedestrian path links to park facilities and restricted vehicle access (lockable gate) to the gravel access road that runs from east to west through the park and services the amphitheatre. A toilet block is to be built adjacent to the car park in the future.

The proposed footbridge across the Gooralong Brook will be constructed of timber decking with steel balustrading.

The aerial walkway will contain two components – the laminated timber lattice tunnel and a steel viewing platform. The lattice tunnel will be accessed via a path from the rear of the post office and will extend for a length of approximately 750 metres south to north ending just on the northern side of Gooralong Brook. At that point the steel walkway commences and runs for a distance of approximately 429 metres in a north westerly direction where it will join a path to the Armstrong Road car park.

The height of the floor of the aerial walkway above ground ranges between approximately 2.5 metres at the southern end to 4.5 metres at the northern end. The pathway from the car park/picnic shelter are at the southern end will be constructed to provide a gently downward sloping ramp from the southern car park area. The steel viewing platform at the northern end of the aerial walkway ramps upward to the northern pathway and access road to provide pedestrian access to the Armstrong Road car park.

The lattice shell of the walkway is approximately 4 metres in diameter.

Site plans, sections and elevation drawings are with attachments marked SD105.1/03/06.

Sustainability Statement

Effect on Environment: The design of the proposed carpark and structures aims to accommodate existing native trees. Site fill has been limited to a minimum where necessary to provide level pedestrian access. Excavation will occur in the construction of the car park and the excess fill from this is intended to be used for the construction of the previously approved amphitheatre. This will significantly reduce the need to transport fill and excavation material to and from the site in general and therefore reduce the adverse fossil fuel consumption associated with heavy transportation. In addition, the recycling of the excavated soil from the car park areas in the construction of the amphitheatre would mean a reduction in the risk of foreign micro-organisms being introduced into the Park.

Resource Implications and Use of local, renewable or recycled Resources: It is intended to use excavated fill from the proposed car parking area within the Park in the construction of the amphitheatre. In addition, the decking on the footbridge is intended to be constructed from jarrah off-cuts from the Jarrahdale timber mill, also located within the Park. Usually these off-cuts end up as firewood.

Water management during construction will need to be carefully considered prior to construction particularly in relation to the prevention of erosion and the washing of sediment from exposed areas of soil into the adjacent watercourse. The time of year of construction will significantly affect the ability for this issue to be managed.

Economic Benefits: The facilities proposed as part of this application combined with other existing and approved features in the park will provide a draw for people to come to the Jarrahdale townsite. Visitors to the park could provide a flow on of custom for existing businesses in and around the town including the tavern, cafes/restaurants, shops and fuel outlets.

Local labour (such as Karnet Prison work groups and Greenskills groups) are intended to be used as much as possible in the construction of facilities, weed management and landscaping throughout the park. In addition, where possible, local materials will be sourced for use in the construction of the proposed facilities.

Social – Quality of Life: There is a single residence on a rural property on Armstrong Road opposite the proposed car park, with the dwelling being almost directly opposite the northern crossover to the car park. It is likely that this crossover will be an exit only so the residents in this house may be affected by head lights when night time events occur in the park. Armstrong Road is to be widened from 4.0 metres to 7.4 metres and this may result in the loss of some screening roadside vegetation between Armstrong Road and the residence on Lot 224. Accordingly, a site assessment should be undertaken to determine whether additional roadside planting is required to reduce the possible impact of noise and headlight glare on the residence on Lot 224.

Social Diversity: The proposal will not directly impact on any particular social group. Ramped access is provided at either end of the aerial walkway. The ramps and the walkway itself should be designed to achieve a maximum gradient of 1:20 for any pathways linking the walkway from car parking and picnic areas (ie maximum gradient permitted without handrails) and 1:14 on the aerial walkway and viewing platform walkway. This will maximise accessibility to this important park feature for all visitors to the park.

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

Policy/Work Procedure Implications: Nil

Financial Implications: These projects will be predominately funded from existing grants as well as Council's own contributions.

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Community consultation will be undertaken to adjoining landowners located adjacent to the project. The overall master plan for the Park, which included these proposals, was put out for public comment in 2002.

Comment

The facilities proposed in this and previous planning applications for the park are beginning to provide connective accessibility between the various components that will make up the park including multiple parking areas, access roads, pathways, picnic and barbecue facilities, toilets, the amphitheatre, the Mill Managers House and the Old Post Office.

Disabled Access

It is considered important to make the park facilities accessible to as wide a variety of people as possible in the interests of addressing social equality. Accordingly, it is considered that all built facilities within the park (toilets, picnic and barbecue areas, amphitheatre, aerial walkway and car parks) should provide for people with mobility restrictions.

Generally, this is achieved through the grouping of facilities such as car parks, picnic areas and toilets and the provision of ramped pathways and ramped access at both ends of the aerial walkway. However, the gradient within these areas and facilities should be restricted to a maximum of 1:20 where hand rails are not provided and 1:14 where handrails/balustrading is provided. Level landings (rest areas) are also required at certain distances along paths and ramps. It is therefore recommended that a condition be imposed requiring paths and ramps to be built to the specifications set out in Australian Standard AS1428.1 which contains the Australian standard of specifications for disabled facilities.

Conclusion

As the proposed works are consistent with the Jarrahdale Heritage Park master plan and form part of the landscape plan for the project, approval is recommended.

Voting Requirements: **ABSOLUTE MAJORITY**

SD105/03/06 Officer Recommended Resolution:

- A. The proposal be advertised to landowners located adjacent to the proposed aerial walkway and carpark for comment in accordance with Clauses 6.2.1(c) and 6.2.2 of the Town Planning Scheme.
- B. Subject to no valid objections being received in the opinion of the Executive Manager Planning and Regulatory Services, the Executive Manager Planning and Regulatory Services be granted delegated authority to approve the application for development of an aerial walkway, footbridge and car park on Lot 200 Jarrahdale Road, Jarrahdale subject to the following conditions:
 1. A Building Licence is to be obtained prior to the commencement of any development (including earthworks) with the exception of the car park.
 2. A landscaping and vegetation management plan for the areas of the subject site affected by these proposals is to be submitted (in triplicate) to the Shire

and approved prior to the issue of a Building Licence for the development. For the purpose of this condition, a detailed landscape plan shall be drawn to a scale of 1:100 and shall show the following:

- a) The location, name and mature heights of existing and proposed trees and shrubs;
 - b) Any paved areas to be established;
 - c) Any natural landscaped area to be retained;
 - d) Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles;
 - e) Revegetation with local indigenous species only;
 - f) The retention of all native vegetation indigenous to the site (where practicable);
 - g) Use of shade trees in the car parking areas at the rate of one tree per six parking bays; and
 - h) Existing and proposed vegetative screening between the Armstrong Road carpark and the residence on Lot 224 corner Jarrahdale Road and Armstrong Road.
3. The materials and finishes of the development are to comply with the approved plans unless otherwise approved by the Shire.
 4. All timber components used shall include the implementation of measures designed to prevent termite infestation. Details of the measures to be taken shall be submitted with the Building Licence application.
 5. The car park, pedestrian pathways, footbridge and aerial walkway shall be designed and constructed to allow ramped access for people with disabilities with the maximum gradient and provision of handrails to comply with the specifications for such contained in Australian Standard AS1428.1.
 6. All storm water is to be disposed of within the confines of the property. A detailed storm water management plan is to be submitted for approval prior to the issue of a building licence and is to utilise water sensitive design principles.
 7. Details of signs and hoardings is to be a separate application to Council.

LOST 0/7

Cr Kirkpatrick foreshadowed a motion to include the original Officers Recommended Resolution and a new part C as follows:

- C. Construction not proceed on an aerial walkway until completion of a Business Plan approved by Council for the Jarrahdale Heritage Park which confirms construction of the aerial walkway.

SD105/03/06 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Star seconded Cr Brown

- A. **The proposal be advertised to landowners located adjacent to the proposed aerial walkway and carpark for comment in accordance with Clauses 6.2.1(c) and 6.2.2 of the Town Planning Scheme.**
- B. **Subject to no valid objections being received in the opinion of the Executive Manager Planning and Regulatory Services, the Executive Manager Planning and Regulatory Services be granted delegated authority to approve the application for development of an aerial walkway, footbridge and car park on Lot 200 Jarrahdale Road, Jarrahdale subject to the following conditions:**
 1. **A Building Licence is to be obtained prior to the commencement of any development (including earthworks) with the exception of the car park.**
 2. **A landscaping and vegetation management plan for the areas of the subject site affected by these proposals is to be submitted (in triplicate) to the Shire and approved prior to the issue of a Building Licence for the development. For the purpose of this condition, a detailed landscape plan shall be drawn to a scale of 1:100 and shall show the following:**

- a) The location, name and mature heights of existing and proposed trees and shrubs;
 - b) Any paved areas to be established;
 - c) Any natural landscaped area to be retained;
 - d) Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles;
 - e) Revegetation with local indigenous species only;
 - f) The retention of all native vegetation indigenous to the site (where practicable);
 - g) Use of shade trees in the car parking areas at the rate of one tree per six parking bays; and
 - h) Existing and proposed vegetative screening between the Armstrong Road carpark and the residence on Lot 224 corner Jarrahdale Road and Armstrong Road.
3. The materials and finishes of the development are to comply with the approved plans unless otherwise approved by the Shire.
 4. All timber components used shall include the implementation of measures designed to prevent termite infestation. Details of the measures to be taken shall be submitted with the Building Licence application.
 5. The car park, pedestrian pathways, footbridge and aerial walkway shall be designed and constructed to allow ramped access for people with disabilities with the maximum gradient and provision of handrails to comply with the specifications for such contained in Australian Standard AS1428.1.
 6. All storm water is to be disposed of within the confines of the property. A detailed storm water management plan is to be submitted for approval prior to the issue of a building licence and is to utilise water sensitive design principles.
 7. Details of signs and hoardings is to be a separate application to Council.
- C. Construction not proceed on an aerial walkway until completion of a business plan for the Jarrahdale Heritage Park which confirms construction of the aerial walkway.**
- CARRIED 9/0 ABSOLUTE MAJORITY**

Committee Note: The Officer Recommended Resolution was changed by adding a part C.

SD106/03/06 PRIVATE RECREATION – TWO DAY MOTORCYCLE TRACK EVENT – LOT 2 (1475) SOUTH WESTERN HIGHWAY, WHITBY (P00435/10)		
Proponent:	Winton Lawton	In Brief The applicant seeks planning approval for a Motorcycle Event on Lot 2 South Western Highway, Whitby. The event will be held over two days on 22 and 23 April 2006. It is recommended that the application be conditionally approved.
Owner:	Tumbulgum Farm	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	3 March 2006	
Previously	SD038/03/05	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 3 March 2006
 Advertised: Not Applicable
 Submissions: Not Applicable
 Lot Area: 42.4259 ha
 L.A Zoning: Rural
 MRS Zoning: Rural
 Byford Structure Plan: Not Applicable
 Rural Strategy Policy Area: Agricultural Protection
 Rural Strategy Overlay: Not Applicable
 Municipal Inventory: Not Applicable
 Townscape/Heritage Precinct: Not Applicable
 Bush Forever: Not Applicable
 Date of Inspection: Not Applicable

Background

The applicant is seeking to operate a Trail and Enduro Motorcycle Event on the weekend of the 22 and 23 April 2006. This event has been held for the past two years on the same site with great success. The format of the event will be exactly the same with the only modifications proposed being slight changes to the track layout to improve spectator viewing and safety.

Similar to previous years, the applicants are proposing to use two paddocks on the property for the purpose of the event. The Mustering Paddock (upper paddock) will be used for the motorcycle track adjacent to Leonda Reception Centre and Tumbulgum Farm. The lower paddocks adjacent to South Western Highway will be used for car parking and other associated activities including toilet facilities. Part of the track will also extend onto the lower paddocks. Food catering will be provided by Tumbulgum Farm and on site food vans.

A copy of the site plan is with attachments marked SD106.1/03/06.

In the past, the applicants have run similar successful events with the WA Trail and Enduro Motorcycle Club organising off-road races for nearly 30 years.

Sustainability Statement

Effect on Environment: The use of the paddocks on the property as a motorcycle track and car parking area is not envisaged to cause any environmental degradation to the land. The land will be managed stringently and will be returned to its previous state as a paddock by the applicant subject to a final inspection by the property owner. The land was used for

the same event last year, with the paddocks returning to their previous state within a couple of months of the event being held.

It is considered that the use of the motorcycles over the weekend will cause an increase in noise within the area. This increase in noise is not predicted to have a negative impact on surrounding residents due to the distance between the event and surrounding landowners. The nearest dwelling is approximately 350 metres from the event. Noise impacts to surrounding landowners will be minimal as the races are run during daylight hours and will be a one off event this year.

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.

Use of Local, renewable or recycled Resources: The proposal does not use locally available resources and no renewable resources will be used in the development of the event. The application will support local business through Tumbulgum Farm providing the catering for the event.

Economic Benefits: The proposal will result in economic benefits for Tumbulgum Farm as they will be providing the catering for the event. It is considered that this event will also encourage tourism within the Shire as people from surrounding localities and other towns will visit the Shire to witness the event.

Social – Quality of Life: It is considered that the event will provide an opportunity for residents to attend a social/recreational event within the Shire. Motorcycle riders within the Shire will be presented with the opportunity to participate in races and other activities at the event. It is not envisaged that the event will cause a long term reduction in the quality of life of surrounding landowners as the noise produced by the event will only occur during daylight hours and will only run for two days.

Social and Environmental Responsibility: The event organisers have placed a high emphasis on the safety of the community and spectators through the preparation of a comprehensive Emergency and Risk Management Plan. This includes the provision of between 30 and 50 staff on site and the provision of First Aid and Medical facilities. The land will be returned to its original state soon after the event so the negative impacts on the environment will be minimal. The event will also encourage riders to participate in races over the weekend and discourage them to ride illegally through private reserves and bush land.

Statutory Environment: Town Planning Scheme No.2
Environmental Protection (Noise) Regulations 1997
Health Act 1911
Health (Public Buildings) Regulations 1992

Policy/Work Procedure Implications: Nil

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

Strategic Implications: This proposal relates to the following Key Sustainability Result Areas:-
1. People and Community
Objective 1: Good quality of life for all residents
Strategy:
1. Provide recreational opportunities.
Objective 3: High level of social commitment
Strategy:
2. Build key community partnerships.

3. Economic

Objective 1: A vibrant local community

Strategy:

3. Develop tourism potential.

4. Governance

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

Strategy

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

Objective 3: Compliance to necessary legislation

Strategies:

1. Ensure development and use of infrastructure and land complies with required standards.
2. Develop a risk management plan.

Community Consultation:

Community consultation was not undertaken as it was not considered necessary for this type of application due to the short nature of the event and the separation distances to surrounding residents.

Comment:

The event is to be held on Lot 2 South Western Highway, Whitby on the weekend of 22 and 23 April 2006 and is to be run along the same lines as previous years. Details of the event that have previously been submitted by the applicant include:

Expected Numbers

On Saturday there will be approximately 150 riders and up to 2,000 spectators. On Sunday there will be 250 riders and up to 4,000 spectators.

Opening and Closing Times

Organisers in attendance from 7am to 6pm on Saturday and 6am to 6pm on Sunday. Competitors will arrive approximately 7am and leave from 4pm onwards on both days. Spectators will arrive from 9am and leave from 4pm on both days. Racing will be between the hours of 10am and 4pm on Saturday and 9am and 5pm on Sunday. Set up and pull down will be done during daylight hours on the Friday before and Monday after the event.

Parking and Traffic

Access will be controlled by voluntary marshals, keeping vehicles away from main buildings and interfering with other visitors access. Up to 20 marshals will be used to direct the flow of traffic and parking. Police assistance will be requested although not normally provided.

Spectator Parking

This area will be defined and bunted off from other areas by barrier tape. Cars will be parked two per row with approximately 30 vehicles per row side, with a 10 metre space between the rows. Entry and exit points to and from the car parking area will be at either end, with additional exit points that can be opened in the case of an emergency.

Security Staff

Approximately 30 people will be appointed to supervise on Saturday and 50 people on Sunday. All staff will be identifiable by the wearing of an orange vest. Key people will have a two way radio contact to Race Steward, Event Co-ordinator, First Aid etc. Additional security staff will also be employed this year.

Building Structures

The only structure to be erected is a small weather shade, with an area of 5.0 by 3.0 metres. We also have a small quick shade of size 2.5 by 2.5 metres that is used for a Control

Personnel base. Both of these are erected just prior to the event and taken down immediately after. Some riders may provide their own sun-shades.

Environmental Factors

The cancellation or suspension of the event due to weather factors will be made by the Race Steward, the senior official on the day.

Toilet Facilities

Toilet facilities in the main building will be available for use and includes a disabled access toilet. In addition, we will be hiring 40 individual toilets from Coates Prestige and can all be used if required. They will also check the condition of the toilets and pump out if required. Ladies toilets will be defined.

Electrical

No electrical connections will be required. The PA announcing system is run by a small 600W muffled camping generator.

Food

All food is being catered for by the Reception Centre at Tumbulgum Farm.

The applicant has recently advised that on site food vans will also be used to help ease the burden on the Reception Centre.

Waste and Rubbish

Twenty (20) portable wheelie bins will be provided by SITA and will be distributed through the parking and spectator areas. Each competitor is also provided with a rubbish bag at registration. Bins are to be collected and rubbish disposed of by the contractor.

Noise

Noise impact will be minimal and Motorcycling Australia noise limits will be enforced.

Other

Alcohol, dogs and pets are prohibited on site. Camping is also not permitted.

Fencing

The track is defined by pegs and barrier tape. A safety lane of 3 metres either side of the main straight will be defined by barrier tape.

First Aid

Qualified First Aid and Ambulance will be on site during the hours of racing. The First Aid personnel will be in telephone contact with the local hospital. In the case of an extreme emergency requiring a medical airlift, racing will be stopped and the main straight used for helicopter landing.

Competitors

All riders hold a competitive Motorcycling Licence issued by Motorcycling Australia. Riders wear approved safety equipment as detailed in the Motorcycling Australia Manual of Motorsport.

Motorcycles

Are inspected by a Licensed Machine Examiner and comply with Motorcycling Australia regulations before racing. They must be fitted with an approved muffler or silencer and be in a clean state to minimize soil borne diseases from other areas.

Spectators

Spectators will not be allowed to access the track area within the paddock. The paddock is fenced. Spectators will be able to walk around the perimeter on the outside of the fence and view from the top of the hill in front of the Tumbulgum building. Spectators are able to view

along the main straight behind the safety barrier fence and tape. No stands or viewing structures are to be constructed.

Storage of Fuels

All competitors provide their own fuel in approved fuel containers. Fuel Spillage Absorption mats (enviro mats) provided to competitors for use while refuelling. No other chemicals to be kept on site.

Fire Extinguishers

Two (2) 9kg foam type extinguishers will be placed in the pit area. Two 4.5kg chemical type will be placed in the competitor parking area and two 2.1kg chemical type will be placed at the entry and exit gate to the spectator parking area.

Health Requirements

The applicant has discussed the health issues with the Principal Environmental Health Officer, including temporary structures, toilet numbers, waste management, provision of food and details relating to electrical appliances and the information submitted is considered acceptable. A Public Building approval permit for the two day event will be issued by Health Services if the event is approved.

The applicant has recently advised that on site food vans will also be provided. These will require assessment and approval from Council's Health Services Department.

Traffic

The applicants proposed a single entry and exit point into the event via South Western Highway. This point will utilise the slip lane on South Western Highway and existing Tumbulgum driveway. This single access point will make it easier for spectators to enter and exit the event. The entry and exit of spectators into the site will be managed by traffic marshals who will also ensure that no traffic up to Leonda, Tumbulgum Farm or the Quarry is hindered.

Emergency & Risk Management

The applicant has submitted an Emergency and Risk Management Plan to accompany the current application. The plan identifies how various risks and hazards can be mitigated to help ensure the safety of competitors, organisers and spectators at the event.

Noise

It is recognised that there will be increases in noise due to the event. However, the location of surrounding residents and the duration of the races and the event will ensure that noise impacts are kept to a minimum and the quality of life for surrounding landowners maintained.

Zoning

The subject land is zoned Rural under Council's Town Planning Scheme No.2 and is the current location of Tumbulgum Farm. It is considered that the proposed use falls under the use class of 'Private Recreation' under Town Planning Scheme No.2. Private Recreation is defined as "land used for parks, gardens, playgrounds, sports arenas or other grounds for recreation which are not normally open to the public without charge". This use is an AA use in the Rural zone.

Conclusion

The Emergency and Risk Management Plan submitted by the applicant will ensure that any problems that may arise are dealt with effectively and professionally by the operator. The event has the potential to promote tourism within the Shire and a social/recreational event

that the community can attend. In considering the above comments and the fact that the event will only be run for a period of two days during daylight hours, it is recommended that the application be granted conditional temporary approval.

Voting Requirements: Normal

SD106/03/05 Officer Recommended Resolution:

The application for Private Recreation – Two Day Motorcycle Track Event at Lot 2 (1475) South Western Highway, Whitby be granted temporary approval subject to the following conditions:

1. Approval for the event is valid from 9am Friday, 21 April 2006 to 5pm Monday, 24 April 2006 only.
2. Motorcycle races are to be limited to 10am to 4pm on Saturday, 22 April and 9am to 5pm Sunday, 23 April 2006 only.
3. No lasers, fireworks, pyrotechnics or any related or similar activity shall be permitted at the event.
4. No signs for the event are permitted to be displayed on any road reserves.
5. No temporary structures with a floor area greater than 25 square metres are permitted without Engineers Certification and approved under the Public Building Regulations.
6. A Certificate of Approval Form 4 under the Health (Public Building) Regulations 1992 is to be obtained prior to the start of the event.
7. No electrical appliances, cables or ancillary electrical equipment is to be used without them being certified as compliant by an electrical contractor on Form 5 – Certificate of Electrical Compliance in accordance with Regulation No.10 of the Public Building Regulations 1992.
8. All food offered for sale to be prepared in an approved food preparation area under the Health (Food Hygiene) Regulations 1993.
9. Adequate toilet facilities are to be provided in accordance with the requirements under the guidelines for the Health (Public Building) Regulations 1992 appendix 7A – Recommended Toilet Facilities for Temporary Events. This shall include at least one portable disabled toilet.
10. Adequate rubbish receptacles to be provided and a suitable disposal system to be in place to ensure litter and waste material does not cause a litter and health problem.
11. All structures and facilities erected for the purpose of the event must be removed at the applicants expense by 5pm Monday, 24 April 2006.
12. The premises must be cleaned and all rubbish disposed of at the expense of the applicant to the satisfaction of the Principal Environmental Health Officer by 5pm Monday, 24 April 2006.
13. Any outdoor display lighting or security lighting used in conjunction with the event shall be located or shielded so that no additional light is cast on land adjoining the premises or so as to provide a distraction to traffic on roads surrounding or nearby to the premises.
14. The land is to be returned to the state as if it were prior to the event by the operator/landowner by 31 May 2006 to the satisfaction of the Shire.
15. The disposal of petrol, grease, oil and other chemicals shall occur at a suitably approved facility to the satisfaction of the Shire. Petrol, grease, oil or other chemicals shall not be disposed of on the subject land.
16. Entry and exit to the parking area for competitors and spectators is to be via the existing sealed driveway used for access to Tumbulgum Farm only. Entry and exit signs shall be installed to the satisfaction of the Shire.
17. No closure or partial closure is to be carried out on South Western Highway without prior approval from Main Roads WA.
18. Access to other properties shall be maintained at all times.
19. No camping on the property shall be permitted unless it occurs in accordance with the Caravan Parks and Camping Grounds Regulations 1997.

Advice Note:

1. It is recommended that the applicant liaise with the Shires Community Emergency Services Manager with regard to any additional preparation or measures that are needed to be taken to prevent any fire related hazards as a result of the event.

LOST 0/7

Cr Kirkpatrick foreshadowed that Advice Note 1 become condition 20.

SD106/03/05 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Richards seconded Cr Hoyer

The application for Private Recreation – Two Day Motorcycle Track Event at Lot 2 (1475) South Western Highway, Whitby be granted temporary approval subject to the following conditions:

1. Approval for the event is valid from 9am Friday, 21 April 2006 to 5pm Monday, 24 April 2006 only.
2. Motorcycle races are to be limited to 10am to 4pm on Saturday, 22 April and 9am to 5pm Sunday, 23 April 2006 only.
3. No lasers, fireworks, pyrotechnics or any related or similar activity shall be permitted at the event.
4. No signs for the event are permitted to be displayed on any road reserves.
5. No temporary structures with a floor area greater than 25 square metres are permitted without Engineers Certification and approved under the Public Building Regulations.
6. A Certificate of Approval Form 4 under the Health (Public Building) Regulations 1992 is to be obtained prior to the start of the event.
7. No electrical appliances, cables or ancillary electrical equipment is to be used without them being certified as compliant by an electrical contractor on Form 5 – Certificate of Electrical Compliance in accordance with Regulation No.10 of the Public Building Regulations 1992.
8. All food offered for sale to be prepared in an approved food preparation area under the Health (Food Hygiene) Regulations 1993.
9. Adequate toilet facilities are to be provided in accordance with the requirements under the guidelines for the Health (Public Building) Regulations 1992 appendix 7A – Recommended Toilet Facilities for Temporary Events. This shall include at least one portable disabled toilet.
10. Adequate rubbish receptacles to be provided and a suitable disposal system to be in place to ensure litter and waste material does not cause a litter and health problem.
11. All structures and facilities erected for the purpose of the event must be removed at the applicants expense by 5pm Monday, 24 April 2006.
12. The premises must be cleaned and all rubbish disposed of at the expense of the applicant to the satisfaction of the Principal Environmental Health Officer by 5pm Monday, 24 April 2006.
13. Any outdoor display lighting or security lighting used in conjunction with the event shall be located or shielded so that no additional light is cast on land adjoining the premises or so as to provide a distraction to traffic on roads surrounding or nearby to the premises.
14. The land is to be returned to the state as if it were prior to the event by the operator/landowner by 31 May 2006 to the satisfaction of the Shire.
15. The disposal of petrol, grease, oil and other chemicals shall occur at a suitably approved facility to the satisfaction of the Shire. Petrol, grease, oil or other chemicals shall not be disposed of on the subject land.
16. Entry and exit to the parking area for competitors and spectators is to be via the existing sealed driveway used for access to Tumbulgum Farm only. Entry and exit signs shall be installed to the satisfaction of the Shire.

17. **No closure or partial closure is to be carried out on South Western Highway without prior approval from Main Roads WA.**
18. **Access to other properties shall be maintained at all times.**
19. **No camping on the property shall be permitted unless it occurs in accordance with the Caravan Parks and Camping Grounds Regulations 1997.**
20. **The applicant liaise with the Shires Community Emergency Services Manager with regard to any additional preparation or measures that are needed to be taken to prevent any fire related hazards as a result of the event.**

CARRIED 9/0

Committee Note: The Officer Recommended Resolution was changed by including the Advice Note as condition 20.

SD107/03/06 PROPOSED CHILD MINDING CENTRE – LOT 76 (58) PATERSON STREET, MUNDIJONG (P01280/03)		
Proponent:	Sunil Varma	In Brief Proposal for the establishment of a child minding centre on Paterson Street, Mundijong for up to 80 children. It is recommended that the application be conditionally approved for a maximum of 65 children.
Owner:	As Above	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	4 January 2006	
Previously	NA	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 22 April 2005
 Advertised: 29/09/05 – 21/10/05
 Submissions: 7 objection, 1 letter of concern, 1 petition (objection)
 Lot Area: 0.2023 ha
 L.A Zoning: Urban Development
 MRS Zoning: Urban
 Byford Structure Plan: NA
 Rural Strategy Policy Area: NA
 Rural Strategy Overlay: NA
 Municipal Inventory: NA
 Townscape/Heritage Precinct: NA
 Bush Forever: NA
 Date of Inspection: October 2005

Background

The applicant seeks planning approval for the construction of a child minding centre on the subject site. The centre is proposed to cater for up to 80 children. Up to 13 staff will be provided in accordance with the Children and Community Services (Early Childhood Care) Regulations 2006. As the subject site contains an existing cottage, this will need to be demolished prior to the child minding centre being constructed. The centre is to be constructed out of 'cream' midland brick and terracotta tiles.

A copy of the original development plans (Plan A) are with attachments marked SD107.1/03/06.

A revised site plan was submitted after consultation with Shire staff showing only one combined entry and exit point (Plan B). The reason for this was the two crossovers on the original site plan were deemed to be too close together and it was thought that only one entry/exit point would result in an improved streetscape appearance. Further, increased landscaping was also recommended and incorporated into the revised plan. This plan was referred to adjoining landowners for comment.

A copy of revised Plan B is with attachments marked SD107.2/03/06.

Both the original site plan as submitted with the application (Plan A) and the revised site plan (Plan B) still did not achieve the best planning and environmental outcomes for the property and were again revised after consultation with the community. Plan C was prepared by designing the proposed car park around the existing mature trees on site and therefore shows how the car parking can be constructed whilst still maintaining most of the existing vegetation. Two crossovers are proposed in this plan (entry and exit) but are only 3.0 metre wide each and are set 10.0 metre apart reducing impacts to the existing streetscape. This plan also results in increased landscaping not only around the car bays but also along the street frontage. Plan C is the site plan being presented to Council for approval.

A copy of revised Plan C is with attachments marked SD107.3/03/06.

Sustainability Statement

Effect on Environment:

Vegetation The original site plan as submitted with the application resulted in the removal of almost all of the existing mature trees on site. The revised plan preserves a majority of mature trees out the front of the building which will screen the development from the road and provide some shade within the car park area. The development will require landscaping and any condition in this regard should require the use of plants that are either locally native or Western Australian natives.

Energy Efficiency The indoor and outdoor play spaces are oriented quite well with regard to solar passive design. The outdoor play areas are located on the northern, western and southern sides of the building. Indoors the babies' sleeping area and play areas are located on the southern side of the building helping to keep these areas cool during summer.

Water Sensitive Design No details have been provided with regard to the use of opportunities for stormwater capture and re-use for watering landscaping areas. There are opportunities for captured stormwater to be used in the proposed landscaping areas. It is recommended that the development be required to install rainwater tank/s for use in watering landscaping areas.

Energy Use The location of the site near an existing primary school may have benefits for reducing car usage. For example parents with both school age and child care age children will only have to make one trip to drop off and pick up children.

Economic Viability: Transport or car dependence can be minimised by the development being located in the local community and being located near an existing primary school. Further, there will be opportunities to enhance the quality of life of residents through reduced reliance on resources (car travel) as a result of the location of the child care centre on a road that will provide the main vehicle and public transport route through Mundijong and which already is part of the existing pedestrian route to the Mundijong Primary School.

Economic Benefits: Under the current proposal, the child care centre will provide employment for up to 13 people and will enable parents to place their children in a local environment and go out to work. Also, the applicant advises that many of the junior unqualified staff employed will be local to the Mundijong area.

Social – Quality of Life The child care centre will enable parents to have their children cared for in a location that is easily accessible on their way to and from work.

Statutory Environment: Town Planning Scheme No.2
Town Planning & Development Act 1928
Children and Community Services (Early Childhood Care)
Regulations 2006

Policy/Work Procedure Implications: There are 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:-

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

2. Develop good services for health and well being.

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.

Objective 3: High level of social commitment

Strategies:

2. Build key community partnerships.

2. Environment

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

Strategies:

3. Encourage protection and rehabilitation of natural resources.

6. Value, protect and develop biodiversity.

3. Economic

Objective 1: A vibrant local community

Strategies:

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.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

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

Community Consultation:

The application, including the revised plan B, was referred to adjoining landowners for a period of 21 days in accordance with the scheme requirements. During the advertising period 7 objections, 1 letter of concern and 1 petition (objection) was received. The main reasons for the objections and concerns are summarised below:

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Dismiss)
A177800	<p>Objects for the following reason:</p> <p>The proposal will reduce the value of neighbouring properties by as much as 10% as people do not want to live next to 40 to 85 children for up to 11 hours a day, 5 days a week and the noise level will be more or less constant.</p> <p>The 2.0m landscaping strip may help to screen the parking but will do nothing to stop noise.</p> <p>Are all the trees to be removed as they are home to a colony of possums?</p> <p>The proposal would affect the lifestyle and peace and quiet of the area.</p>	<p>A concern about a decrease in property values is unsubstantiated.</p> <p>It is acknowledged that the proposed landscaping will do little to reduce noise. However, conditions can be placed on the approval ensuring compliance with the Environmental Protection (Noise) Regulations 1997.</p> <p>The plan that was referred for comment showed the removal of most of the trees on site. However, the revised plan as presented to Council preserves all but 2 trees.</p> <p>Relevant conditions can be placed on the approval to help limit impacts of the development on surrounding landowners.</p>	Comments noted.
A21800	<p>Objects for the following reasons:</p> <p>I feel the proposal is premature at this time as my establishment, Serpentine Child Care and Byford Child Care are not running at full capacity.</p>	<p>The proposal if approved will be the only centre in the Mundijong townsite and will be a much needed facility when the townsite experiences residential growth over the next few years. Commercial decisions about the number of child care centres in a specific area cannot be</p>	Comments noted.

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Dismiss)
	<p>If proposal runs at full capacity they would require more than 12 staff to do so under the Community Services (Child Care) Regulations. This means that they would require more than the proposed number of car bays.</p> <p>A single entry and exit point will create traffic problems.</p> <p>The proposal is more suited to a corner block as this would alleviate many of the above problems and have less impact on surrounding landowners.</p>	<p>considered as part of the planning assessment of this proposal.</p> <p>For 85 children the centre will require 14 staff. If required, a condition can be placed on the approval limiting the number of children, thereby reducing staff numbers and freeing up car bays for parents.</p> <p>Agreed. The revised plan proposes two crossovers, one for entry and one for exit.</p> <p>It is acknowledged that traffic would be easier to cater for on a corner block. However, through appropriate conditions and a redesign incorporating landscaping and an additional driveway it is believed that the proposal can be catered for on the subject site.</p>	
A106500	<p>Objects for the following reasons:</p> <p>All the neighbouring properties are currently fenced using ring lock and pine posts which allows us the illusion of having more land than we actually own. I cannot see this continuing under the proposal.</p> <p>We already contend with a high levels of noise from the existing primary school. The proposed centre will increase these levels to span the entire day.</p> <p>Future impacts on house and land values is also a huge consideration.</p> <p>The proposed centre should be located along side the existing commercial blocks along Paterson Street and not in the residential zone.</p>	<p>Under the current zoning of the land a solid fence could be built at any time. Under the Child Care Regulations, fencing needs to be solid and a minimum of 1.2m high. The existing post and rail fencing will not be permitted and will need to be replaced.</p> <p>Noted. Conditions can be placed on the approval ensuring compliance with the Environmental Protection (Noise) Regulations 1997.</p> <p>Concerns about a decrease in property values is unsubstantiated.</p> <p>The commercial zone extends along Paterson Street to Richardson Street. North of Richardson Street, the land is zoned Urban Development.</p>	Comments noted. Appropriate conditions can be put on the approval to address these concerns.

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Dismiss)
		Clause 5.18.7.3 allows for development other than single dwellings to be carried out on land zoned Urban Development.	
A398328	<p>Objects for the following reasons:</p> <p>This centre could have a detrimental effect on my child care centre at Byford. A new child care centre at Mundijong would create an over supply of this service in surrounding areas which would have a negative effect on current providers as well as the new supplier.</p> <p>Unless Mundijong is to have an explosion of new residential subdivisions in the near future, I am at a loss to see how an 85 place centre could even be contemplated.</p> <p>The overspill of cars in the car park would necessitate verge parking in front of the child care centre and adjoining neighbours or alternatively, on the verge in front of the railway line thereby causing problems with parents trying to cross Paterson Street with their children. Paterson Street is a busy through road which doesn't lend itself to providing for children's safety.</p>	<p>Refer above officer comments.</p> <p>Although the proposal will not reach maximum numbers in the short term, once Mundijong is developed there will be a need for these services within the townsite. The centre will reach maximum numbers over the course of a few years.</p> <p>It is considered that a reduction in the maximum number of children permitted in the centre will increase the number of car bays available for parents. On street parking would not be encouraged and all parking will be contained on site.</p>	<p>Comments noted. Appropriate conditions can be put on the approval to address these concerns.</p>
A175100	<p>Objects for the following reasons:</p> <p>The size of the proposal seems more suited to a commercial area and there is no mention of the type of fencing to be placed around the perimeter.</p> <p>The parking plan does not seem that it will cope with the number of parents picking up and dropping off children as well as staff parking. How much street parking is to occur?</p>	<p>Clause 5.18.7.3 allows for development other than single dwellings to be carried out on land zoned Urban Development. Solid fencing a minimum height of 1.2m will be required.</p> <p>It is considered that a reduction in the maximum number of children permitted in the centre will increase the number of car bays available for parents. On street parking would not be</p>	<p>Comments noted. Appropriate conditions can be put on the approval to address these concerns.</p>

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Dismiss)
		encouraged and all parking will be contained on site.	
A105200	<p>Objects for the following reasons:</p> <p>A commercial facility being built right in the middle of a block of residential homes will directly affect adjoining neighbours and their quiet lifestyles.</p> <p>A business catering for 85 children is not quiet and there are still vacant blocks in the commercial area of town which could easily accommodate such a business.</p> <p>I cannot see how the proposed car parking could be enough to cater for 85 children after parking has already been taken up by a possible 12 staff. Parents attending this facility will decide that parking on the road is a quicker and easier option rather than the car park.</p>	<p>Relevant conditions can be placed on the approval to help limit impacts of the development on surrounding landowners.</p> <p>Clause 5.18.7.3 allows for development other than single dwellings to be carried out on land zoned Urban Development.</p> <p>It is considered that a reduction in the maximum number of children permitted in the centre will increase the number of car bays available for parents.</p>	Comments noted. Appropriate conditions can be put on the approval to address these concerns.
A176600	<p>Objects for the following reasons:</p> <p>Half the parking will be taken up by staff cars leaving the rest available to parents to drop off and pick up the children. During peak times there will not be enough bays for parking and therefore the surplus will spill onto Paterson Street. We ask that a Traffic Impact Safety Assessment be carried out.</p> <p>The single entry/exit point will be unattractive to parents so they are likely to opt for the convenience of parking on Paterson Street.</p> <p>We would never have set up home had we any idea that the Shire would approve a business which will be open for 13 hours a day amongst family homes.</p> <p>The noise level generated from</p>	<p>It is considered that a reduction in the maximum number of children permitted in the centre will increase the number of car bays available for parents. A traffic impact assessment was not deemed necessary during the assessment of this application.</p> <p>The revised plan proposes 2 crossovers, one for entry and one for exit.</p> <p>Noted.</p> <p>Conditions can be placed on the</p>	Comments noted. Appropriate conditions can be put on the approval to address these concerns.

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Dismiss)
	<p>the property will be high and there is no indication of what type of fencing is to be used or vegetation planted to help buffer the noise from neighbours. We request that a Noise Impact Assessment be carried out.</p> <p>Indications suggest that our home will devalue by a staggering 27%. The community supports planned business areas and not a mix of commercial and family areas.</p> <p>The proposal does not indicate the type of septic system to be used as sewer is not available in Mundijong.</p> <p>The proposed site has a number of large trees that are home to a family of possums. What is to happen to these?</p> <p>The proposal is best suited to a commercial area within the Shire and not a residential area.</p>	<p>approval ensuring compliance with the Environmental Protection (Noise) Regulations 1997. Solid fencing a minimum height of 1.2m will be required. Conditions will be imposed requiring a landscaping plan to be prepared however, landscaping would not have any impact on minimising noise.</p> <p>Concerns about a decrease in property values is unsubstantiated.</p> <p>An ATU system will be installed.</p> <p>The revised site plan preserves all but 2 existing trees out the front of the property.</p> <p>Clause 5.18.7.3 allows for development other than single dwellings to be carried out on land zoned Urban Development.</p>	
A177900	<p>Concerned for the following reasons:</p> <p>The parking bay sizes are of concern and with one entry/exit point family cars would have trouble getting in and out.</p> <p>As most of the bays will be used by staff, how much street parking would occur?</p> <p>There is no mention on the type of fencing to be used or the type of sewerage system that would be in place to cope with the amount of waste produced from a centre such as this.</p>	<p>The revised plan shows 2 crossovers making access to the site easier. Car bays are in accordance with the R-Codes.</p> <p>Refer above officer comment.</p> <p>Solid fencing a minimum height of 1.2m will be required. Conditions will be imposed on the approval stipulating that an effluent disposal system is to be installed to the satisfaction of the Shire. Exact requirements can be worked out at a later stage.</p>	Comments noted.

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Dismiss)
	<p>What type of security would be needed (eg lights) and would these impinge on our quality of life?</p> <p>The proposed location of the centre may produce more problems than if it were located off the main road.</p>	<p>Conditions can be imposed requiring these details to be submitted prior to a building licence being issued.</p> <p>The location is considered suitable as it is located on a distributor road in the town.</p>	
<p>Various land owners</p>	<p>A 66 name signed petition was received objecting to the proposal for the following reasons:</p> <p>This location is unsuitable due to the negative impact on the existing families in homes immediately surrounding this property and also the increase in traffic entering, exiting and parking on Paterson Street which is already busy.</p>	<p>Noted. Refer above officers comment.</p> <p>Of the 66 signatures that are on the petition, only 5 are from people who live within 100m of the subject site. The remaining 61 people are therefore unlikely to be impacted upon by the centre.</p>	<p>Comments noted. Appropriate conditions can be put on the approval to address these concerns.</p>

Comment:

Zoning

The proposed centre is to be located on an 'Urban Development' zoned property within the Mundijong townsite, an area that is set aside for future structure planning. When assessing proposed development within the Urban Development zone before the adoption of a structure plan, clause 5.18.7.3 of Council's Town Planning Scheme No.2 states the following:

"Council may approve the development or use for other than a single house within the 'Urban Development' zone subject to Council being satisfied that the nature or scale of such development or use will not have an adverse effect on:

- a) *the preparation of a Structure Plan for, or*
- b) *the orderly and proper planning of, or*
- c) *the health, amenity, safety or convenience of the future occupants of,*

the area intended for the preparation of a Structure Plan, and subject to the proposed development or use being advertised for public inspection in accordance with Clause 6.3".

It is considered that the proposed development will not negatively impact on the above three points and can be a compatible land use within the Mundijong townsite. Although structure planning has only recently commenced, it is likely that the subject land will take on either a residential or commercial zoning. Under both these zonings, a Child Minding Centre is a use that Council can consider.

The Site

The subject site is regularly shaped and has frontage to Paterson Street only. Therefore, any vehicles entering and exiting the site will do so via Paterson Street which is a distributor road. The site is also surrounded by single residential houses so issues of noise and traffic need to be taken into consideration.

Access & Car Parking

Under the revised plan (Plan C), entry and exit to and from the site is to be via two separate 3.0m wide crossovers. The one way traffic system provides an easier form of access for parents to drop off and pick up their children and reduces conflicts between cars and pedestrians.

Under Council's Town Planning Scheme No.2 the minimum number of car parking spaces required for a child minding centre is 1 space per 5 children accommodated. Therefore, based on the above requirement and as the centre is proposed to accommodate 80 children, a minimum of 16 parking spaces are required. If the maximum number of children is set at 65, then 13 bays are required. On the revised site plan (Plan C) 16 bays have been accommodated.

Right-of-Way (ROW)

The rear of the subject property abuts an existing ROW that is approximately 4.0 metres wide. In terms of the future structure planning and subdivision of the Mundijong townsite, consideration needs to be given to whether this ROW will be widened and constructed as a proper road. When comparing the current proposal with the situation that is now occurring in Byford, the Byford Detailed Area Plan (DAP) states that *“where rear laneways adjoin a lot, at the time of subdivision, the laneway shall be widened to 10 metres total with the widening being shared by lots on both sides of the laneway”*. If something similar is to occur under the Mundijong Structure Plan, the widening should be planned for now rather than waiting until the structure plan is finalised as the widening will affect outdoor play areas and child ratios. Further, if a solid wall is to be constructed along the rear boundary as recommended in the conditions, this would have to be removed and reinstated along the new alignment. As the laneway is currently only 4.0 metres wide, 3.0 metres needs to be taken off the back of the subject property to allow for the widening to eventually occur. The reduction in outdoor play areas by 95.34m² as a result of the widening will still allow for a maximum of 65 children on site as previously recommended.

It is therefore recommended that a condition be included on the planning approval to widen the ROW by 3.0 metres where it abuts the subject property to allow for future widening of the ROW between Richardson Street and Livesey Street under the Mundijong Structure Plan.

Setbacks, Plot Ratio, Site Coverage & Landscaping

Assessed against requirements as stipulated in Council's Town Planning Scheme No.2.

	Required	Provided	Complies
<u>Setbacks</u>			
Front	7.5m	25.0m	Yes
Rear	7.5m	11.13m	Yes
Side	3.0m	6.08m	Yes
Plot Ratio (ratio of the gross total of the areas of all internal floors of a building to the area of site)	0.5:1	0.23:1	Yes
Site Coverage (how much of site is covered by roofed area)	0.3	0.23	Yes

	Required	Provided	Complies
Landscaping (% of site)	50	50	Yes

Notes

Additional shade structures such as pergola's and shade sails will be erected in the outdoor play areas. However, as these types of structures are generally water permeable they are not considered to comprise roofed areas and don't have to be taken into account in the site coverage calculations.

Landscaping may include shrubs, trees, turf, paving, decks and water features among other things but does not include car parking areas and driveways. Generally trees and shrubs are not planted within the outdoor play areas of child minding centres these days due to the potential safety issues related to children climbing trees or ingesting possibly poisonous plant matter. It is recommended that a condition be imposed requiring the use of local or Western Australian native plants only in the landscaping areas.

Fencing

The type of fencing to be used around the boundaries of the property is proposed to be colorbond along the side and rear boundaries and pool style fencing along the front boundary. Under the Child Care Regulations, it states that *“child care premises shall be enclosed by a fence, or an equivalent approved by the Director General, of not less than 1200mm in height.”* At other existing child minding centres throughout the metropolitan area, Council's have received complaints of children throwing things from the play areas over the fence into adjoining residential yards, invading the privacy of the adjoining yards through children on climbing frames and continual banging on metal fencing by children. Accordingly, it is the general policy of other Council's to require masonry walls a minimum of 2.0 metres high between the outdoor play areas of a child care centre and adjoining residential properties. Under Council's fencing local law, fences above 1.8m in height behind the building line are permitted with the approval of Council. It is therefore recommended that this requirement be enforced as a condition of planning approval.

Although the requirement for these walls to be erected around three sides of the property may be considered out of place in the current post and rail environment, this type of fencing will be needed to help limit disturbance to adjoining neighbours. The fencing will abut two properties on the northern and southern sides of the block and the existing right of way at the rear. Residential properties can currently install colorbond or solid fencing in accordance with the local law. Therefore, although the fencing may seem out of place at the moment it does comply with the fencing local law for residential areas and will eventually be surrounded by similar fencing in the future.

Fencing in front of the building line between the car park areas and neighbouring properties is recommended to be colorbond sheeting a maximum of 1.8m height. Fencing of this style is considered appropriate for the subject property. It is recommended that details of all proposed fencing be submitted with the building licence application. Conditions can be imposed on the approval to this effect.

Effluent Disposal

The applicant has investigated a number of effluent disposal system types that can be installed on site. An alternative treatment unit can be installed on site to cater for the number of children and staff proposed. Further, below ground irrigation methods can be used to reduce potential health impacts to children and staff. As the proponent is proposing to use lawn within the play areas as opposed to artificial turf, there is a substantial area that can be used for irrigation purposes. Also, the landscaped areas out the front of the building can also be utilised. Although the specific details of the system still need to be negotiated

between the installer and the applicant, enough information has been provided as this stage to indicate that an appropriate system can be installed to cater for the required needs of the centre.

Ancillary Facilities (bin storage etc)

Screened clothes drying and bin storage areas are included in the development and are adequate for the proposed centre.

Health Services Comments

Food Preparation Area

Child Minding centres have changed over the past five years, with the Eat Right Start Right promotion the ranges of foods and level of food preparation and storage at these facilities is now as per a restaurant. Therefore from an Environmental Health Services perspective we are now assessing child minding centres in the same way as any Class 1 food outlet. Under the Food Hygiene Regulations this type of operation is defined as a Class 1 food outlet. Under the new Food Safety Standards a child minding centre prepares food for at risk customers (ie children under the age of 6) and as such is assessed as a High Risk food business.

As such, the applicant will be required to complete an application for the construction of a food premises and submit detailed drawings as per the *Guide to the Construction of a Class 1 Food Premises Food Hygiene Regulations 1993*, and in accordance with the Food Safety Standards standard 3.2.3, design and construct a food preparation area that is appropriate for the activities for which it is proposed, provide adequate space for the activities to be conducted and for the fixtures, fittings and equipment used for those activities. These need to be to the satisfaction of Council's Environmental Health Services section and conditions requiring such information will be included on the planning approval.

Effluent Disposal

The subject site is not connected to reticulated sewerage and thus will need to rely on on-site effluent disposal methods. Council's Principal Environmental Health Officer has advised that due to the size of the system that will be required and the lack of space on-site to accommodate such a system, the applicant should consider an Aerobic Treatment unit with subsurface and/or below ground irrigation. A below ground and subsurface irrigation systems have reduced separation distances to boundaries and structures and may also provide some reductions to water usage if located under lawns or in garden beds. The proposed irrigation area for the ATU system can be accommodated within the landscaping areas and partially encroach into the play areas. As the system is an approved sub-strata system which is chlorinated, there is unlikely to be any health risks.

As the applicant will require approval from the Shire and the Department of Health for effluent disposal, appropriate conditions advising of this requirement will be included on the approval.

Environmental Comments

Under the original site plan, there was concern regarding the removal of most of the existing large trees on site. However, as the car park has been redesigned to save these trees, impacts on existing vegetation will be minimal.

Existing Cottage

The subject site contains an existing weatherboard cottage which will need to be demolished prior to construction of the child minding centre. A condition requiring a demolition licence to be obtained is recommended to be included as a condition of approval. The date of construction of the existing cottage is uncertain as there is no documentation on Council records relating to this cottage. Also, the cottage is not listed in Council's Municipal Inventory or in the Scheme. Further, if it was deemed necessary to relocate the cottage to another

block in the Shire for preservation purposes, the asbestos sheeting would need to be removed and trees cut down on site to enable the cottage to be taken off the land. Therefore, it is not deemed necessary to preserve the existing cottage on site.

Signage

No details of proposed signage have been submitted and will therefore be subject to a separate planning application.

Conclusion

It is considered that the proposal for a Child Minding Centre to cater for a maximum of 80 children on Lot 76 Paterson Street, Mundijong is excessive given the location of the subject site and proximity to houses. As the lot only has one street frontage and is surrounded by single residential dwellings on all three sides, issues of traffic and noise generation and other impacts on neighbours need to be considered carefully. Whilst preserving most of the existing mature trees on site, 16 car bays have been provided.

The proposal will provide the first Child Minding Centre in Mundijong to cater for an urban population that will soon rapidly increase. If approved, it is unlikely that 65 children will be enrolled in the centre straight away as it is envisaged that it will take a couple of years to reach maximum capacity. The Mundijong townsite is set for significant urban development over the next five years and this current proposal provides the opportunity to put the services in place first instead of trying to catch up with the demands of existing and new residents after they have moved in. The centre will provide local residents with an easier alternative to child care as they will not need to travel to Serpentine and Byford to get the same service.

Although the size of the proposal may be considered excessive on the subject lot, it is deemed to comply with clause 5.18.7.3 of the scheme which deals with development prior to the adoption of a structure plan. The proposal will not impact upon the preparation of a structure plan or the orderly planning of the area as the land is likely to be zoned either residential or commercial under the plan which allows for the development of a child minding centre. Further, the subject lot has already been created and is not, for example, on a parent lot which will be subject to future subdivision. The health and amenity of existing residents may be impacted upon by the centre but can be addressed through the implementation of appropriate planning conditions, as mentioned previously in the report. Future residents are unlikely to be impacted on as the centre will be operational by the time the structure plan is adopted and subdivision throughout Mundijong approved.

Through the implementation of appropriate conditions on the approval it is considered that the proposal can be catered for on the subject site, all be it at a smaller scale. The reduction in the number of children, the preparation of a landscape plan and the requirement for all parking to be on site will help the development be compatible with existing surrounding land uses. It is therefore recommended that the proposal be conditionally approved.

Voting Requirements: Normal

SD107/03/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Hoyer seconded Cr Wigg

The application for development of a Child Minding Centre on Lot 76 (58) Paterson Street, Mundijong be approved subject to the following conditions:

- 1. A building licence is required to be obtained prior to the commencement of any development (including earthworks).**
- 2. The specific approval of the Department of Health is required for effluent disposal prior to the commencement of development.**
- 3. The right of way abutting the rear of Lot 76 Paterson Street shall be widened by 3.0 metres to allow for the widening of the right of way between Livesey Street and Richardson Street under the future Mundijong Structure Plan. An endorsed**

- diagram of survey should be issued by the Department of Land Information prior to the issue of a building licence.
4. The applicant is to maintain at all times a licence to operate the premises as a “Child Care Premises” as required under the Community Services (Child Care Regulations) 1988.
 5. The maximum number of children on the premises at any one time shall not exceed 65.
 6. Operating hours are to be restricted to a drop off time of no earlier than 7.00am and a pick up time of no later than 6.00pm Monday to Friday unless with the prior written approval of the Shire.
 7. A demolition licence for the removal of the existing cottage is to be obtained prior to removing the cottage from site.
 8. The building is not to be occupied until a Certificate of Classification has been issued by the Shire. 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.
 9. 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, fencing materials, lighting, loading bays, and refuse bulk bin areas, if applicable, to the satisfaction of Council.
 10. Approval is required for a Class 1 Food Premise in accordance with the Health (Food Hygiene) Regulations 1993.
 11. Only materials identified in the schedule of colours, materials and finishes, submitted on 22 April 2005, are to be used in the construction of the Child Minding Centre unless the prior written approval of the Shire is obtained.
 12. Notwithstanding the detailed specifications required to be submitted for a building licence approval, a separate schedule of colour and texture of any proposed additional structures (including shade sails) shall be submitted and approved to the satisfaction of the Shire prior to the issue of a building licence and before the commencement of any work or use authorised by this approval.
 13. Vehicle parking areas, accessways and crossovers shall be designed, constructed, sealed, kerbed, drained, linemarked in accordance with the approved plans and thereafter maintained to the satisfaction of the Shire prior to the occupation of the development for the use hereby permitted.
 14. Vehicle parking in association with the operation of the Child Minding Centre is not permitted on Paterson Street. All parking is to be contained on site.
 15. The provision of 6 on site car parking bays for the exclusive use of centre staff and shall be sign posted accordingly.
 16. The provision of 10 on site car parking bays for the drop-off or pick-up of children, marked as such and located as close as possible to the main entrance to the building.
 17. A minimum of one (1) car parking bay to be provided and marked for the exclusive use of vehicles displaying government issued disabled parking permits. Such bay shall be located conveniently to the principal building entrance and with a minimum width of 3.8 metres.
 18. Traffic flow within the car parking area shall be restricted to one-way only with access via two separate crossovers on Paterson Street. The crossovers shall be sign posted to show entry and exit signs to the satisfaction of the Shire.
 19. Lighting to be provided to the carparking areas and entrance to the site to the satisfaction of the Shire.
 20. Any outdoor security lighting be so located or shielded that no additional light is cast on adjoining residential land or so as to cause a distraction to traffic.
 21. 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. A stormwater management plan shall be

- submitted and approved by the Director of Engineering prior to the issue of a building licence.
22. The provision of a suitably screened bin storage area and refuse bins adequate to service the development shall be provided to the specification or requirements of the Shire prior to occupation of the development.
 23. Manufacturer's noise rating specifications or an Acoustic Consultants report must be submitted to the Shire's Principal Environmental Health Officer prior to the installation of air conditioning units, compressors, extraction systems or machinery likely to emit excessive noise.
 24. Noise emissions generated as a result of the operation of the premises are to comply with the assigned noise levels contained in the Environmental Protection (Noise) Regulations 1997 when measured at neighbouring properties at all times.
 25. Only the trees shown in red on the approved site plan are to be removed unless the prior written approval of the Shire is obtained.
 26. A landscape plan must be submitted (in duplicate) to Council's Planning Services and approved, prior to the issue of a building licence. For the purpose of this condition a detailed landscape plan shall be drawn to a scale of 1:100 and shall show the following:
 - a) The location, name and mature heights of proposed and existing trees and shrubs;
 - b) Any lawns, paved areas, decks, water features, shade structures and the like to be established; and
 - c) Those areas to be reticulated or irrigated or demonstrated to be designed using water sensitive principles.Plants used to landscape the site shall comprise species indigenous to the Mundijong area or the south-west of Western Australia.
 27. 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.
 28. Fencing between outdoor play areas and any adjoining residential property shall be a minimum standard of masonry constructed with a minimum height of 2.0 metres measured from the finished ground level within the outdoor play area. Details to be submitted with the building licence application.
 29. Fencing between car parking areas and any adjoining residential property shall be a minimum standard of powder-coated coloured metal sheeting with a minimum height of 1.8 metres except as otherwise required by condition 30 below. Details to be submitted with the building licence application.
 30. No wall, fence or landscaping greater than 0.75 metres in height measured from the natural ground level at the boundary, shall be constructed within 3.0 metres of a vehicular accessway unless such wall or fence is constructed with a 3 metre truncation.
 31. The development being designed and constructed to allow access and facilities for people with disabilities in accordance with the Building Code of Australia 1996 Part D3 and AS 1428.1.
 32. A separate application for planning approval including a plan or description of all signs for the proposed development (including signs painted on the building) shall be submitted and approved by the Council prior to the issue of a building licence.
 33. No signs to be displayed in the road reserve at any time.

Advice Notes:

1. For the Shire to licence and register the food preparation area of the proposed centre the applicant is required to:
 - a) Make an application for the registration of a food handling premises and licence to conduct the same and will be registered as a Class 1 Food Premises, as defined in Schedule 3 of the Health (Food Hygiene) Regulations 1993;

- b) Complete a Food Premises Notification Form as required under Standard 3.2.2 Food Safety Practices and General Requirements of the Food Safety Standards and will be classified as a High Risk Food Premise.
- 2. To facilitate the hygienic design, construction and fit-out of the food handling and storage sections of the centre, the applicant is required to submit the following premises and operational details with the building application:
 - a) Three copies of a floor plan scale 1:100 for all the food handling and associated storage areas identifying all equipment fixtures, fittings and finishes as per the Australian Standard AS 4674 – 2004 Design, Construction and Fit-out of Food Premises; and
 - b) Details of proposed range of foods to be served or a copy of a typical menu.
- 3. The applicant is advised to submit a food safety plan or procedure manual outlining safe food handling practices and procedures.
- 4. It is recommended that the applicant consider an Aerobic Treatment Unit with subsurface and or below ground irrigation. The below ground and subsurface irrigation systems have reduced separation distances to boundaries and structures and may also provide some reductions to water usage if located under lawns and or garden beds. Please contact the Environmental Health Services section for further information.

CARRIED 9/0

Committee Note: Committee requests that the officers liaise with neighbouring properties in regard to the type of masonry wall to be constructed.

SD108/03/06 PROPOSED AMENDMENT TO OPERATING HOURS – ARRONE RIDING SCHOOL – LOT 19 (8) TIARA COURT, DARLING DOWNS (P02057/02)		
Proponent:	Arrone Riding School	In Brief The applicant seeks approval to amend the operating hours for Arrone Riding School. It is recommended that an amendment be granted.
Owner:	Margaret Barnesby-Johnson	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	3 March 2006	
Previously	SD012/01/05	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 6 December 2006
 Advertised: 9 – 28 January 2006
 Submissions: 1 letter of objection
 Lot Area: 2.1035ha
 L.A Zoning: Special Rural
 MRS Zoning: Rural
 Byford Structure Plan: N/A
 Rural Strategy Policy Area: Residential & Stable
 Rural Strategy Overlay: N/A
 Municipal Inventory: N/A
 Townscape/Heritage Precinct: N/A
 Bush Forever: N/A
 Date of Inspection: 11 November 2004 (for original application)

Background

At the Ordinary Council Meeting of 24 January 2005, Council resolved to approve a planning application for the establishment of a Riding School on Lot 19 Tiara Court, Darling Downs subject to conditions. Condition 6 on the Form 2 Approval issued on 28 January 2005 states:

"Hours of operation are to be Monday to Friday 9:00am - 3:00pm and Saturday 9:00am - 3:00pm".

The applicant is now seeking approval to amend the hours of operation to be as follows:

"Hours of operation are to be Wednesday to Friday 9:00am - 3:00pm, Saturday 9:00am - 3:00pm and Sunday 9:00am - 3:00pm".

This proposed amendment will enable Sunday lessons to occur and will result in a reduction in operation of six hours over the course of the week.

A copy of the original Form 2 Approval is with attachments marked SD108.1/03/06.

Sustainability Statement

Effect on Environment: The proposed change to the operating hours of the riding school will not result in any additional impacts on the environment.

Resource Implications: There are no resource implications relating to this proposal.

Use of Local, renewable or recycled Resources: The application may use locally and regionally available resources.

Economic Viability and Benefits: The riding school provides employment for three staff. It is considered that the proposal may increase tourism within the Shire by attracting residents from surrounding localities into the Shire to learn how to ride. By allowing the riding school to operate on both days of the weekend may make it easier for potential students to use the facility.

Social – Quality of Life: Changes in operating hours may result in some increased impacts on surrounding properties by way of noise, odour and traffic as the riding school would be operating on both days of the weekend. Under the current approval, no lessons are to occur on Sundays.

Social and Environmental Responsibility: It is considered that the change in hours may create more opportunities for the community to participate in the activities on the property.

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

Statutory Environment: Town Planning Scheme No.2
Statement of Planning Policy No.2 – The Peel-Harvey
Coastal Plain Catchment

Policy/Work Procedure Implications: There are 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:-
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.

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.
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

Strategies:

1. Attract and facilitate appropriate industries, commercial activities and employment.
3. Develop tourism potential.

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

Strategy:

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

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

Strategy:

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

Community Consultation:

Advertising of the proposed change in operating hours was undertaken as a requirement of the Scheme to nine surrounding properties. The proposal was referred to the same landowners as per the original application for the riding school. One letter of objection was received.

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Dismiss)
A248203	<p>Objects for the following reasons:</p> <p>14 conditions on the current 32 condition Form 2 Approval are not being complied with. The applicant should not be undertaking any equestrian business until all conditions</p>	<p>A recent site inspection by Council's Senior Ranger with the landowner revealed that the accusation of a significant level of non compliance with planning</p>	<p>Comments noted.</p>

Affected Property	Summary of Submission	Officer's Comment	Action (Condition/ Support/ Dismiss)
	<p>are complied with.</p> <p>The weekend lifestyle afforded to the quiet rural locality is adversely impacted upon through the operation of the business on weekends and more importantly Sundays.</p> <p>We gave verbal confirmation to allow a trial period to occur on Sundays. We assumed the owner was granted approval for this by the Shire. During the trial period it became evident that the operation of the business on Sundays had a significantly higher impact on the amenity of the locality than it does on Monday to Friday.</p>	<p>conditions was unfounded. The business is adhering to the conditions of approval with the exception of a crossover not sealed. Any apparent variations to the conditions are a result of private use of the land and are no way associated with the operation of the riding school.</p> <p>Even though there may be more customers attending on Saturday then during the week, the riding school is still complying with the conditions of approval which states that a maximum of four (4) students are permitted on the property at any one time for lessons on Saturday.</p> <p>The applicant confirmed that a trial of Sunday trading was undertaken for a couple of weeks. Surrounding neighbours gave written and verbal approval to this. Student numbers for Sunday lessons were similar to Saturday lessons.</p>	

Comment:

As part of the application to amend the operating hours, the applicant has provided the following justification for such a change:

“As per condition 29 on the Form 2 Approval, a crossover was installed on Hopkinson Road with Council approval. This has taken away the need for an entrance for the Riding School to take place on Tiara Court which was an original area of concern for the surrounding neighbours of Tiara Court. Now that the entrance and arena are adjacent to Hopkinson Road, we feel that Sunday lessons will not impact on the surrounding residents. This is also a reduction in operation of 6 hours”.

When the original application was presented to Council in January 2005, concerns were raised regarding trading on both days of the weekend. The consensus at the time was that the riding school should only operate on Saturdays to give residents a guarantee that only one day of the weekend would be used for lessons. However, it is considered that by allowing trading on Sundays that any additional impacts on surrounding neighbours will be minimal.

Since the riding school has been operational only a small number of complaints have been received. However, these complaints relate to issues that are not directly related to the school itself. Many of the complaints relate to the number of horses and students on site, but site visits to the property have confirmed that the conditions on the current approval are being adhered to. For example, as the applicant has six horses of her own it may appear that the conditions are being breached whereas in fact these horses have nothing to do with the lessons. Further, although the number of students permitted on site are being complied with, if they bring a friend or family member with them it would appear to an outsider that the numbers are being breached. The construction of the crossover onto Hopkinson Road has enabled customers to access the property via Hopkinson Road rather than via the quieter Tiara Court. Both the arena and car park are located at the rear of the property near Hopkinson Road with impacts on surrounding properties being minimal.

Conclusion

It is considered that the proposed amendment to the operating hours of the Arrone Riding School will not significantly impact on surrounding property owners. Site visits to the property have confirmed that most of the conditions of approval are being adhered to and that the school is providing a service that is well utilised by the community. It is therefore recommended that the amendment to the operating hours be approved and that the number of students permitted on Sundays is the same as that permitted for Saturdays.

Voting Requirements: Normal

SD108/03/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

**Moved Cr Brown seconded Cr Murphy
Council grant approval for a Riding School on Lot 19 (8) Tiara Court, Darling Downs
subject to the following conditions:**

1. A maximum of six (6) horses are to be kept on the property at any one time unless the prior written approval of the Shire is obtained.
2. Horses to be stabled a minimum of 12 hours during each 24 hour period.
3. A maximum of up to six (6) students are permitted on the property during the day for lessons Wednesday to Friday.
4. Only one (1) student per lesson is permitted Wednesday to Friday.
5. A maximum of up to four (4) students are permitted on the property at any one time for lessons on Saturday and Sunday.
6. Hours of operation are to be Wednesday to Friday 9:00am – 3:00pm, Saturday 9:00am – 3:00pm and Sunday 9.00am – 3.00pm.
7. This approval is granted to the applicant only and is not transferable.
8. All customer parking is to be contained wholly within the boundaries of the lot and located behind the front setback line of the existing residence.
9. The construction of the hardstand for customer parking as shown on the site plan is not permitted.
10. No vehicle associated with the operation of the Riding School is permitted to stand on the adjacent road verge or street at any time.
11. All activities associated with the operation of the Riding School are to be contained on site. The Darling Downs trails network is not to be used for riding school activities.
12. A maximum of three (3) people are permitted to be employed to operate the Riding School.
13. Manure from paddocks is to be collected daily and either taken off site or composted in a fly proof container with an impermeable base and covered to prevent rainwater access.
14. All paddocks to be irrigated as required to maintain a pasture coverage of at least 95 percent year round.

15. Stock are to be kept out of any paddock that is partially or completely inundated with water.
16. No direct discharge of stormwater into watercourses or drainage lines.
17. All chemicals associated with the care of the land and stock are to be stored as to eliminate the possibility of spillage onto permeable surfaces.
18. All existing drainage lines and areas are to be fenced off from stock.
19. All existing trees on the property are to be maintained and fenced off from stock.
20. Disposal of hard and liquid wastes is to be in accordance with Health Local Law 1999 – Part 6, Division 2 – ‘Keeping of Large Animals’.
21. All declared and environmental weeds are to be eliminated from the lot.
22. All revegetation works are to be fenced to prevent access by stock.
23. Flooring of all stables is to consist of an impermeable base to prevent nutrients leaching into the soil.
24. Proposed signage on the property shall be in accordance with the requirements for ‘Ground Based’ signs as stipulated within Shire’s Local Planning Policy No.5 – Control of Advertisements.
25. No flood lighting is to be installed on the property unless the prior written approval of the Shire is obtained.
26. The development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products or grit, oil or otherwise.
27. A building licence is required to be obtained prior to the commencement of any development (including earthworks) of the toilet facilities.
28. Toilet facilities are to be provided in accordance with the requirements of the Building Code of Australia and the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974. Toilet facilities are to be accessible for people with disabilities.
29. A sealed crossover to Hopkinson Road is to be installed and located in a position to the satisfaction of the Director Asset Services prior to commencement of development.
30. Screening vegetation is to be established on the north, south, west and east boundaries of the property prior to 30 September 2005 to the satisfaction of the Executive Manager Planning and Regulatory Services and thereafter maintained to the satisfaction of the Executive Manager Planning and Regulatory Services.
31. The approval expires two years from the date of issue.
32. All traffic associated with the riding school shall enter and exit the property via the constructed crossover on Hopkinson Road.

Advice Notes

1. A planning consent is not an approval to commence any works. A building licence must be obtained for all works. An application for a building licence will not be accepted unless proof of payment of all bonds and guarantees accompanies the application documents.
2. Your application for a building licence must be accompanied by a photocopy of the Form 2 Approval, and all plans, where appropriate, must satisfy the conditions specified.
3. Native vegetation is valued and protected in the Shire of Serpentine-Jarrahdale. You are advised that Council’s Town Planning Scheme requires separate approval for the clearing of native trees in most instances if approval for this is not given above.
4. The construction or deepening of drains outside of the above approval requires separate approval by the Commissioner of Soil and Land Conservation.
5. Council can advise on energy efficient opportunities that can benefit your operations.
6. Approval does not obviate compliance with any other appropriate legislation in particular, the Environmental Protection (Noise) Regulations 1997.

7. 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.
8. The applicant is advised in relation to this development approval, the consent of the Minister for Indigenous Affairs under the Aboriginal Heritage Act 1972 may be required. This development approval does not constitute a consent under that Act, and the Shire does not take responsibility for assessing the site of the development in terms of compliance with the Aboriginal Heritage Act. The applicant is advised to pursue their own enquiries with the Department of Indigenous Affairs to ensure compliance with the Aboriginal Heritage Act.
9. Council has a Local Business Directory on the Shire website (www.sjshire.wa.gov.au) which can be used by anyone who runs a business locally. All you need to do is register your details online at no charge and you will be issued a password. You are then able to update your own details as the need arises.

LOST 4/5

Committee Note: Committee recommended a supplementary report prior to the Ordinary Council Meeting of the level of compliance with each condition of the existing approval.

SUPPLEMENTARY REPORT:

COMPLIANCE REPORT

- 1 A maximum of six (6) horses are to be kept on the property at any one time unless the prior written approval of the Shire is obtained. **Report:** *4 site inspections have been undertaken since December 2004, there has been no evidence to support that more than 6 horses are being KEPT on the property, however, some students bring their own horses along to the property for the tuition classes and then take the horses away. This is permitted as the horses are not being KEPT on the land.*
- 2 Horses to be stabled a minimum of 12 hours during each 24 hour period. **Report:** *Land owner states this is occurring, there is no evidence to contradict this information.*
- 3 A maximum of up to six (6) students are permitted on the property during the day for lessons Monday to Friday. **Report:** *Land owner states this is occurring, there is no evidence to contradict this information. At times there are often more people present as parents or friends of students may attend as observers.*
- 4 Only one (1) student per lesson is permitted Monday to Friday. **Report:** *Land owner states this is occurring, there is no evidence to contradict this information. At times there are often more people present as parents or friends of students may attend as observers.*
- 5 A maximum of up to four (4) students are permitted on the property at any one time for lessons on Saturday. **Report:** *Land owner states this is occurring, there is no evidence to contradict this information. At times there are often more people present as parents or friends of students may attend as observers.*

- 6 Hours of operation are to be Monday to Friday 9:00am – 3:00pm and Saturday 9:00am – 3:00pm. **Report:** *All reports and information provided support that these hours are being complied with.*
- 7 This approval is granted to the applicant only and is not transferable. **Report:** *This condition is not under consideration.*
- 8 All customer parking is to be contained wholly within the boundaries of the lot and located behind the front setback line of the existing residence. **Report:** *A crossover and parking area for customers and students has been constructed and established on the western side of the property, accessed from Hopkinson Road. Also see Condition 9.*
- 9 The construction of the hardstand for customer parking as shown on the site plan is not permitted. **Report:** *As per condition number 8.*
- 10 No vehicle associated with the operation of the Riding School is permitted to stand on the adjacent road verge or street at any time. **Report:** *On advice from the landowner and a number of other land owners, this condition is being complied with.*
- 11 All activities associated with the operation of the Riding School are to be contained on site. The Darling Downs trails network is not to be used for riding school activities. **Report:** *Stated by land owner and Chief Riding Instructor, this condition is being complied with. However, family and friends of the landowner generally use the Bridle Trail Network for personal and recreation purposes and not associated with the Riding School activities.*
- 12 A maximum of three (3) people are permitted to be employed to operate the Riding School. **Report:** *Stated by land owner and Chief Riding Instructor, this condition is being complied with.*
- 13 Manure from paddocks is to be collected daily and either taken off site or composted in a fly proof container with an impermeable base and covered to prevent rainwater access. **Report:** *Materials being stored and maintained on site, and disposed of each week to the Hopkinson Road waste Facility, all site visits indicate compliance. It is understood the landowner may be considering a more effective process which will comply with the conditions, but will consult with Councils Health Services team.*
- 14 All paddocks to be irrigated as required to maintain a pasture coverage of at least 95 percent year round. **Report:** *In compliance.*
- 15 Stock are to be kept out of any paddock that is partially or completely inundated with water. . **Report:** *In compliance.*
- 16 No direct discharge of stormwater into watercourses or drainage lines. . **Report:** *In compliance. However, excessive surface water does drain and flow through existing drains to Hopkinson Road. This drainage does not appear to contain any effluent or manure. There is a fenced compensating basin to the south eastern corner of the land which has the capacity to contain stormwater and water discharge from the horse paddocks.*
- 17 All chemicals associated with the care of the land and stock are to be stored as to eliminate the possibility of spillage onto permeable surfaces. . **Report:** *In compliance.*
- 18 All existing drainage lines and areas are to be fenced off from stock. . **Report:** *In compliance.*
- 19 All existing trees on the property are to be maintained and fenced off from stock. **Report:** *. Condition currently not fully complied with. Works in progress to comply with the condition.*

- 20 Disposal of hard and liquid wastes is to be in accordance with Health Local Law 1999 – Part 6, Division 2 – ‘Keeping of Large Animals’. **Report:** *Appears to be in compliance.*
- 21 All declared and environmental weeds are to be eliminated from the lot. **Report:** *In compliance. No declared or pest weed species evident on the land.*
- 22 All revegetation works are to be fenced to prevent access by stock. **Report:** *Condition currently not fully complied with. Works in progress to comply with the condition.*
- 23 Flooring of all stables is to consist of an impermeable base to prevent nutrients leaching into the soil. **Report:** *In compliance.*
- 24 Proposed signage on the property shall be in accordance with the requirements for ‘Ground Based’ signs as stipulated within Shire’s Local Planning Policy No.5 – Control of Advertisements. **Report:** *In compliance.*
- 25 No flood lighting is to be installed on the property unless the prior written approval of the Shire is obtained. **Report:** *In compliance.*
- 26 The development is not to interfere with the amenity of the locality or cause nuisance by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products or grit, oil or otherwise. **Report:** *In compliance.*
- 27 A building licence is required to be obtained prior to the commencement of any development (including earthworks) of the toilet facilities. **Report:** *Building licence not needed. In compliance.*
- 28 Toilet facilities are to be provided in accordance with the requirements of the Building Code of Australia and the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974. Toilet facilities are to be accessible for people with disabilities. **Report:** *In compliance.*
- 29 A sealed crossover to Hopkinson Road is to be installed and located in a position to the satisfaction of the Director Asset Services prior to commencement of development. **Report:** *Condition not completed complied with. Completion of this condition is subject to crossover application dated January 2006 being approved by Asset Services.*
- 30 Screening vegetation is to be established on the north, south, west and east boundaries of the property prior to 30 September 2005 to the satisfaction of the Director Sustainable Development and thereafter maintained to the satisfaction of the Director Sustainable Development. **Report:** *Currently not fully in compliance as per the dates as required by the approval, there has been substantial plantings undertaken, there has also been a generally high attrition rate for the new plants from natural causes, further plantings will be undertaken after summer with the erection of a protective fence to complete the condition as required.*
- 31 The approval expires two years from the date of issue. **Report:** *This condition is not under consideration at this time.*
- 32 All traffic associated with the riding school shall enter and exit the property via the constructed crossover on Hopkinson Road. **Report:** *In compliance.*

SD110/03/06 APPEAL – RETROSPECTIVE DEVELOPMENT APPLICATION FOR INERT LANDFILLING & DEVELOPMENT APPLICATION FOR PLACEMENT OF INERT LANDFILL – LOT 12 (36) BIRD ROAD AND LOT 1 JACKSON ROAD, OLDBURY (P05586/01 & P00098)		
Proponent:	Phoenix Forest Products Pty Ltd	<p>In Brief</p> <p>Council on 22 July 2002 resolved to:</p> <ol style="list-style-type: none"> 1. Grant retrospective planning approval for inert landfill on Lot 12 Bird Road and Lot 1 Jackson Road, Oldbury; and 2. Refuse to grant approval for the placement of further fill on Lot 1 Jackson Road, Oldbury. <p>The landowner subsequently lodged an appeal with the Town Planning Appeal Tribunal (now State Administrative Tribunal) in September 2002. Since that time, the matter has been the subject of ongoing mediations hearings and discussions.</p> <p>It is recommended that:</p> <ol style="list-style-type: none"> A. Subject to Council receiving and approving a planning application for retrospective fill on Lot 12 Bird Road and Lot 1 Jackson Road, Oldbury, the Shire execute a Minute of Consent Order in the State Administrative Tribunal proceeding whereby the Tribunal would grant conditional development approval for filling on Lot 1 Jackson Road, Oldbury. B. Council resolves upon formal application for planning approval being received by the landowner, to authorise the Chief Executive Officer to issue a development approval for the retrospective filling on Lot 12 Bird Road and Lot 1 Jackson Road, Oldbury.
Owner:	Phoenix Forest Products Pty Ltd	
Officer:	Brad Gleeson, Executive Manager Planning & Regulatory Services & Joanne Abbiss, Chief Executive Officer	
Signatures Author:		
Senior Officer:		
Date of Report	15 March 2006	
Previously	P142/09/02; P018/07/02; P019/07/02	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 13 November 2001 (original application)
 Advertised: Yes to surrounding landowners and Government agencies.
 Submissions: Eleven received and previously considered by Council
 Lot Area: 12.39 hectares
 L.A Zoning: Rural
 MRS Zoning: Rural
 Byford Structure Plan: N/A
 Rural Strategy Policy Area: Rural
 Rural Strategy Overlay: N/A
 Municipal Inventory: N/A
 Townscape/Heritage Precinct: N/A
 Bush Forever: Portion of Lot 1 Jackson Road.

Background

As far as the proposed further landfilling on Lot 1 is concerned, Council refused approval on 30 July 2002, and the then-owner of Lot 1, McLean Recycling Industries Pty Ltd, appealed against that refusal to the Town Planning Appeal Tribunal. (Appeals to the Town Planning Appeal Tribunal are now handled by the State Administrative Tribunal). There has been a long-running mediation in that appeal. The appeal has been taken over by the now-owners of the land. As a result of a significant amount of further information and preparation of a post-closure management plan in the mediation process, the point has now been reached where Council is in a position to decide whether it will consent to the State Administrative Tribunal issuing a planning approval.

With regard to the existing landfill on Lot 12 and part of Lot 1, McLean Recycling's application for retrospective planning approval was conditionally approved by Council on 30 July 2002. Various conditions were initially appealed to the Town Planning Appeal Tribunal. That aspect of the appeal was later withdrawn. At present, formally speaking, there is no appeal on foot against Council's decision of 30 July 2002. However in practice, a mediation in relation to further landfill on Lot 1 has been conducted on the basis that the Shire would only consider supporting further landfill on Lot 1 if the existing landfill on Lots 12 and 1 could become the subject of a properly-enforceable post-closure management plan - that would require a substituted retrospective planning approval.

On 23 December 2002, Council did pass a resolution in similar terms to the proposal now being put to Council - that is, Council resolved that it was willing to consent to the Tribunal granting planning approval for Lot 1; and Council resolved that it would be prepared to grant a new, conditional retrospective planning approval in relation to Lots 12 and 1 for the landfill already placed. However neither resolution was taken up by McLeans Recycling at the time because Council's resolution required bonds totalling \$1.5m to be posted.

As mentioned, the land ownership has now changed to the Phoenix group. Now that a more comprehensive post-closure management plan has been put forward, and the Shire has also engaged an independent environmental consultant to comment on the landfill, it is considered that Council can support approval with a significantly reduced bond.

In recommending support for the granting of planning approval, the following should be noted:

- 1 Granting retrospective approval to the existing landfill provides the Shire with more focussed and precise remedies in the event that any environmental remediation was required in the future. If the existing landfill remains unapproved, Council's remedies are relatively ill-adapted and could be said to be disproportionate to the environmental issue. An excessive bond could therefore be seen as counterproductive.
- 2 The bond amount should be arrived at consistently with the evidence as to what the true nature and environmental risk is assessed to be. That assessment is such that \$50,000 is considered appropriate for the retrospective component. This assessment has been made possible by preparation of a post-closure management plan by the proponent, the provision of further environmental information, and the input of an independent environmental consultant engaged by the Shire.

If Council is satisfied that it should approve both aspects, that is, the further fill on Lot 1 and the substituted, conditional, retrospective approval for Lots 12 and 1, then the appropriate resolution will take the form of:

- (a) In relation to further fill on Lot 1, that the Shire is prepared to execute a Minute of Consent Orders in the State Administrative Tribunal proceedings whereby the Tribunal would grant conditional approval for the development.

- (b) In relation to the existing fill on Lot 12 and part of Lot 1, Council resolves that it is prepared to authorize under delegation, and subject to detailed conditions set out in this resolution, planning approval for further fill upon formal application being made in that regard,.

The recommended conditions appear in the fuller version of the Officer's Recommendation at the conclusion of this report.

A copy of the two reports relating to this matter that were considered by Council on 22 July 2002 is with attachments marked SD110.1/03/06.

A copy of the original site plan is with attachments marked SD110.2/03/06.

Statutory Environment: Town Planning and Development Act 1928
Environmental Protection Act 1986
Town Planning Scheme No. 2.
State Administrative Tribunal 2004

Policy/Work Procedure Implications: Department of Environment Code of Practice 'Draft Code of Practice for Inert Landfilling Operations' (1997)

Financial Implications: A condition of development approval for the retrospective placement and deployment of inert landfill, a Development Bond or Bank Guarantee is required.

Considerable costs have been expended by Council over the last four years as a result of the planning appeal. This includes legal costs and costs associated with appointing environmental consultants to assist the Shire.

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

1. People and Community

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

Strategies:

1. 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:

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 2: Well developed and maintained infrastructure to support economic growth

Strategy:

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

Objective 3: Effective management of Shire growth

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Nearby landowners and key Government agencies were notified directly in writing of the proposal in 2002 and invited to comment. A total of eleven (11) submissions were received and were considered by Council at that time.

Comment:

Council engaged independent environmental consultants to assist the Shire to review the environmental reports and new information submitted by the landowner and their consultants.

Conclusion

Considerable work has been undertaken to review these reports to ensure that the most practicable outcomes can be reached. This report is the culmination of this work over a number of years, especially by the Chief Executive Officer and Council's Solicitors.

It is recommended that SAT be advised that Council consents to the approval of the development on Lots 1 Jackson Road and Lot 12 Bird Road, subject to the conditions as outlined in the recommendation.

Voting Requirements: Normal

Officer Recommended Resolution:

- A. Subject to the Shire receiving and subsequently approving a planning application for retrospective fill on Lot 12 Bird Road and Lot 1 Jackson Road, Oldbury in accordance with the conditions indicated in Part B of this resolution, the Shire execute a Minute of Consent Order in the State Administrative Tribunal proceeding whereby the Tribunal would grant conditional development approval for Lot 1 Jackson Road, Oldbury; subject to the following conditions:
 1. Development is to comply with the plans annexed hereto.

CONDITIONS TO BE FULFILLED BEFORE FILL COMMENCING

2. No filling is to commence until such time as:
 - (a) the bond required by condition 5, of the retrospective approval for filling on Lots 12 Bird Road and Lot 1 Jackson Road, Oldbury, resolved by Council on 27 March 2006 to be authorised to be granted under delegated authority ("27 March 2006 approval") has been paid;
 - (b) the requirements of condition 8 concerning test pits, of the 27 March 2006 approval have been complied with;
 - (c) the requirements of condition 13 concerning groundwater monitoring bores, of the 27 March 2006 approval, have been complied with;

- (d) the requirements of condition 10 concerning cross-easements of the 27 March 2006 approval, have been complied with;
- (e) the bond required by condition 4 this approval has been paid;
- (f) the testing of water quality pursuant to condition 14 of the 27 March 2006 approval, has demonstrated groundwater quality to accord, for at least one year immediately prior to commencement of the proposed further fill, with concentrations as defined in the ANZECC Water Quality Guidelines 2000 for recreational use (or no worse than concentrations within the background water quality as determined in appropriate locations hydraulically up-gradient from the site, to the satisfaction of the Shire).

INERT FILL ONLY

- 3. Filling by way of inert fill (as defined in the Landfill Waste Classification and Waste Definitions 1996 published by the Department of Environment pursuant to Items 63, 64, 65 and 66 of Schedule 1 of the Environmental Protection Regulations 1987) is hereby approved. No filling by way of non-inert material is approved.

BOND

- 4. (i) The owner(s) shall furnish to the Shire a bond of \$50,000 (“the Bond”) to secure compliance with the conditions of this approval in the event of default at the site.
- (ii) The Shire may deposit the Bond into an interest-bearing account.
- (iii) The owner(s) shall prior to commencing any further fill, enter into a legal agreement to be prepared by the Shire’s solicitors at the cost of the owner(s), to give contractual force to the matters set out in subparagraphs (iv)-(vii) below of this condition, and by which the owner(s) charges the land with the obligations pursuant to the conditions of this approval and with the obligations of this condition; and whereby the owner(s) covenant to ensure that any person acquiring a legal or equitable estate in the land shall enter into a legal agreement with the Shire in the same terms; and authorises the Shire to lodge an absolute caveat over the land to ensure that such obligations run with the land.
- (iv) If in the opinion of the Executive Manager, Planning and Regulatory Services Shire of Serpentine-Jarrahdale, any of the said conditions have not been fully complied with, then without prejudice to any other remedy available to the Shire, the Shire may, after giving at least 45 days written notice to the owner(s) of non-compliance with any condition of this approval and such non-compliance remaining unremedied at the expiration of that time (which notice need only be given prior to the first occasion of entry) by its officers, employees, agents, contractors or subcontractors, enter into and upon the land the subject of this approval, or any part of it as many times as the Executive Manager, Planning and Regulatory Services deems necessary, with or without vehicles, machinery, equipment or plants, and to remain on the land on each such occasion as long as the Shire deems necessary, and to:
 - (a) do such works as the Shire deems necessary to give effect or partial effect to the said conditions;
 - (b) for such purpose to do such excavation, clearing, re-contouring, and planting as the Shire deems necessary or desirable;
 - (c) for such purpose to make such installation (permanent or temporary) of equipment, fences, gates, fixtures, services, tracks, accesses or roads as the Shire considers necessary or desirable;
 - (d) to maintain any plants or any of the things referred to in subparagraph (c) above; and
 - (e) to carry out such tests or monitoring as the Shire deems necessary to give effect to the requirements of the conditions of this approval.

- (v) The Shire may, for the purpose of giving effect to subparagraph (iv) above, draw from the Bond, whether from corpus or income or both, in payment of the reasonable costs of the Shire's officers', employees', and agents' time, and/or the costs of the contractors and subcontractors engaged by the Shire for such purpose, and to pay for the materials, equipment, hire of machinery and other costs involved in giving effect or partial effect to the said conditions.
- (vi) By acting upon (whether personally or through tenants or occupiers), and thereby accepting the benefit of this approval, the owner(s) as owner(s) jointly and severally give an irrevocable licence to the Shire to do all of the things aforementioned in this clause, and all persons from time to time holding any legal or equitable estate in the land do, by accepting the benefit of this approval (whether by themselves or through their tenants or occupiers) likewise irrevocably licence the Shire in the same terms.
- (viii) Upon the requirements of all the conditions of this approval having been satisfied, the Shire shall on request from the owner(s), pay back to the owner(s) (or the nominee appointed in writing by the owner(s)) the balance (if any) of corpus and income of the Bond then standing to the credit of the Shire.

CROSS-EASEMENTS

- 5. Within three months of the date of this approval, the owner(s) of the respective Lots 1 and 12 are to enter into a cross-easement legal agreement to ensure that each will enjoy a legal right to continue to use and maintain the leachate drains and ponds on Lots 12 and 1, as part of one integrated system, and to carry out all testing and monitoring of that integrated system as required pursuant to these conditions.

NOTIFICATION

- 6. Notification in the form of a memorial to be placed on the Certificate of Title of the lot advising the existence of a hazard or other factor, in accordance with section 12A of the Town Planning and Development Act 1928, and notice of this memorial be lodged to the satisfaction of Council and at the applicant's cost. The memorial to state as follows:

"The quality of groundwater obtained from the proposed lots may not be suitable for human consumption and any person proposing to use groundwater for such purposes should have water scientifically analysed to determine its quality."

SURFACE LAND FORM RECONTOURING AND VEGETATION MANAGEMENT PLAN

- 7. Within three months of the date of this approval, the owner(s) are to ensure that a Surface Land Form Recontouring and Vegetation Management Plan is lodged with the Shire for the site for approval by the Shire. The Plan is to comply with the requirements of Schedule 1 to these conditions. If the Plan is to the Shire's satisfaction, the Shire will approve the Plan. The owner(s) shall thereafter ensure that the Plan is implemented, and maintained in implementation.

LEACHATE DRAINAGE AND RETENTION

- 8. The owner(s) are to ensure that leachate drains and stormwater drains are installed and maintained in a fully functional state around the area the subject of the proposed fill, in accordance with the approved plans.
- 9. All leachate is to be retained on the adjoining site (Lot 12 and area of Lot 1 the subject of the 27 March 2006 approval) by means of leachate drains on Lot 1 and Lot 12 and the leachate retention ponds on Lot 12 and Lot 1.

Leachate may be re-used on site, but only where:

- (i) a sample of leachate has been taken from the leachate retention pond;
- (ii) that sample has been analyzed in accordance with Schedule 2;
- (iii) the water quality pursuant to that sample accorded with concentrations as defined in the ANZECC Water Quality Guidelines 2000 for irrigation use; and
- (iv) use of leachate must not be carried out or continued where the sample was taken more than three months prior to any given day on which it is intended to re-use leachate on site.

Leachate is not to be discharged to local drains.

STORMWATER

10. Uncontaminated stormwater run-off, such as water from roofs and site drainage, shall be directed away from the filled and peripheral areas and associated sumps or drains into dedicated stormwater drains.
11. The owner(s) and operators shall ensure stormwater drains on the premises are kept clear of waste to allow for their effective use.

WINDBLOWN WASTE

12. The owner(s) and operators shall ensure that any windblown waste is removed from the premises, fences and roads, and any windblown waste emanating from the premises is collected and removed on a weekly basis or more frequently when directed by the Shire.

DUST

13. The owner(s) and operators shall ensure that all areas on the premises from which dust may be generated are maintained in a moist condition so that no visible dust crosses the boundary of the premises.

ANNUAL MONITORING REPORT

14. The owner(s) shall provide to the Shire an annual monitoring report containing monitoring data required by any condition of this approval. The report shall contain data collected from the previous calendar year and shall be provided no later than a date two months from each anniversary date of this Tribunal approval. The Shire will dictate the format of the report.

In the annual monitoring report, the owner(s) shall list any monitoring methods used to collect and analyse data required by any condition of this approval to demonstrate they comply with the methods specified in this approval.

In the annual monitoring report, the owner(s) shall also provide details of:

- Measures taken to control pests and vermin
- The number and severity of any fires on site
- Measures taken to suppress dust
- Measures taken to prevent windblown waste

The number and type of complaints received including complainant's name, address, nature of complaint (where appropriate cross referenced with prevailing wind directions) and action taken.

MANAGEMENT PLAN

15. The owner(s) is to ensure that a Management Plan is lodged with the Shire, detailing measures to be taken to ensure that only inert fill is placed in site. The Management Plan shall deal with supervision and inspection of loads, control of access to the site, immediate removal of any inert fill, an auditable record of the aforementioned matters, and a written record detailing dates, volumes and composition of every load and by whom the load was delivered. If the Management Plan is to the Shire's satisfaction, it is to be implemented and maintained in implementation at all times. No filling is to commence until Shire approval of the Management Plan. The auditable record and the written record of loads are to be made available to the Shire upon request at any time.
16. If the development the subject of this approval is not commenced within five years of the date of this Tribunal approval, the approval shall lapse and be of no further effect. Where an approval has so lapsed, no development shall be carried out without the further approval of the responsible authority having been first sought and obtained.

<p>Schedule 1 Requirements of Landscape and Vegetation Management Plan</p>
<p>The Landscape and Vegetation Management Plan is required to address the following:</p> <ul style="list-style-type: none">- Include a scaled map of the bund walls which can be placed as an overlay over a recent (since 2003) aerial photograph of the whole of Lot 12 Bird Road and Lot 1 Jackson Road;- Locate on the map, and both identify and describe how existing indigenous and exotic vegetation between the leachate drain and the base of the inside of the bund walls is to be protected or is not to be retained as a result capping and revegetation works;- Locate on the map and identify both the types and magnitudes of weed infestations and describe weed management to be undertaken both during the establishment of revegetation and as ongoing maintenance;- Locate proposed revegetation works on the map and describe the species, densities, soil preparation and plant protection to provide a complete vegetation cover of the bund wall slopes and tops to both screen the whole industrial site from roads, adjoining properties and the wetland to the north of the property and provide habitat for local woodland and wetland fauna;- Describe ongoing management of vegetation on site;- Clearly state auditable landscaping and vegetation management targets including capping outcomes plus weed control and revegetation outcomes in accordance with the conditions in this document;- A timetable for implementation of each step in the Plan;- Locate fire breaks on the map. <p>The implementation of the approved Landscape and Vegetation Management Plan will establish auditable targets. Vegetation on site is thereafter to be maintained in accordance with the approved Landscape and Vegetation Management Plan.</p> <ul style="list-style-type: none">- The bund walls are to be capped with sufficient clay and clean soil materials and stabilised to:- Completely cover all waste materials such that the surface does not have protrusions caused by waste materials below, minimise so far as practicable to the satisfaction of the Shire seepage holes down through waste materials below, or erosion ruts and channels across the surface at any time from the time that the capping material was placed on the bund walls;- Support the establishment of native plants on the slopes and top of all bunds;- Prevent regrowth from smothered weeds. <p>Materials used for capping bund walls are to be clean and the proponent is to provide written certification that they are dieback free.</p>

Schedule 1 Requirements of Landscape and Vegetation Management Plan
Revegetation will have management targets, such as: <ol style="list-style-type: none">1. A minimum stem density of 25 established locally native plants per 10 linear meters of bund wall when a minimum of 80% of the plants have survived at least two summer seasons;2. Sedges and rushes planted around settling ponds that abut the bund walls are to be clumped with densities of four stems per meter squared within clumps, and interspersed with other local wetland species at densities of one stem per four square meters when a minimum of 80% of the plants have survived at least two summer seasons;3. Bund planting is to include a mixture of tree and shrub species such that no more than one third of the plants are trees;4. Unless agreed in writing by the Executive Manager Strategic Community Planning of the Shire because of the disturbed nature of the substrate, all plants are to be of locally native species indicative of neighbouring woodland and wetland communities;5. Unless agreed in writing by the Executive Manager Strategic Community Planning because of the disturbed nature of the substrate, plant diversity is to achieve a level of at least 80% of the plant species that are listed within the dominant shoreline ground cover, ground cover and small shrub, medium shrub, tall shrub and tree categories for the relevant woodland and wetland communities on the Shire Planting List;6. Agricultural and environmental weeds on site are to be managed at levels not likely to threaten the native species;7. Revegetated areas are to be fenced if livestock are grazed on the property.

Schedule 2 Requirements for Water or Soil Sampling
Where sampling and analysis of water or soil is required pursuant to any of the conditions of this approval: <ol style="list-style-type: none">(a) Analysis is to be made for the following parameters:<ul style="list-style-type: none">- pH [*]- Total suspended solids*- Sulphates, sulphur [*]- Arsenic, mercury (low level), chromium, copper, nickel, cadmium, lead and zinc- Organo-chlorine pesticides- Total petroleum hydrocarbons.* Applies only to water samples, not soil.(b) The owner(s) shall ensure that all water samples are collected in accordance with Australian Standard 5667.1,1998(c) The owner(s) shall ensure that all water samples are submitted to a laboratory registered by NATA for the analyses specified.(d) With the exception of pH, conductivity and SWL all measurements are to be in accordance with Australian Standard 5667.1, 1998.(e) The result of the groundwater monitoring shall be reported in the annual monitoring report submitted to the Shire.

B. Council resolves upon formal application for planning approval being received by the landowner, to authorise the Chief Executive Officer to issue a development approval

for the retrospective filling on Lot 12 Bird Road and Lot 1 Jackson Road. Oldbury, subject to the following conditions:

PLANS

1. Development is to comply with the plans annexed hereto.

SUPERSEDES PREVIOUS APPROVAL

2. This approval supersedes any previous approval for landfill in relation to the area the subject of the landfill hereby approved.

INERT FILL ONLY

3. Existing filling by way of inert fill (as defined in the Landfill Waste Classification and Waste Definitions 1996 published by the Department of Environment pursuant to Items 63, 64, 65 and 66 of Schedule 1 of the Environmental Protection Regulations 1987) is hereby approved. No filling by way of non-inert material is approved.

NO FURTHER FILL

4. No further filling is to take place on the area of the land the subject of the fill approved by this approval, other than capping required by conditions of this approval.

BOND

5. (i) The owner(s) shall furnish to the Shire a bond of \$50,000 ("the Bond") to secure compliance with the conditions of this approval in the event of default at the site.
(ii) The Shire may deposit the Bond into an interest-bearing account.
(iii) The owner(s) shall within two months of the date of this approval enter into a legal agreement to be prepared by the Shire's solicitors at the cost of the owner(s), to give contractual force to the matters set out in subparagraphs (iv)-(vii) below of this condition, and by which the owner(s) charge the land with the obligations pursuant to the conditions of this approval and with the obligations of this condition; and whereby the owner(s) covenant to ensure that any person acquiring a legal or equitable estate in the land shall enter into a legal agreement with the Shire in the same terms; and authorise the Shire to lodge an absolute caveat over the land to ensure that such obligations run with the land.
(iv) If in the opinion of the Executive Manager, Planning and Regulatory Services of the Shire of Serpentine-Jarrahdale, any of the said conditions have not been fully complied with, then without prejudice to any other remedy available to the Shire, the Shire may, after giving at least 45 days written notice to the owner(s) of non-compliance with any condition of this approval and such non-compliance remaining unremedied at the expiration of that time (which notice need only be given prior to the first occasion of entry) by its officers, employees, agents, contractors or subcontractors, enter into and upon the land the subject of this approval, or any part of it as many times as the Executive Manager, Planning and Regulatory Services deems necessary, with or without vehicles, machinery, equipment or plants, and to remain on the land on each such occasion as long as the Shire deems necessary, and to:
(a) do such works as the Shire deems necessary to give effect or partial effect to the said conditions;
(b) for such purpose to do such excavation, clearing, re-contouring, and planting as the Shire deems necessary or desirable;

- (c) for such purpose to make such installation (permanent or temporary) of equipment, fences, gates, fixtures, services, tracks, accesses or roads as the Shire considers necessary or desirable;
 - (d) to maintain any plants or any of the things referred to in subparagraph (c) above; and
 - (e) to carry out such tests or monitoring as the Shire deems necessary to give effect to the requirements of the conditions of this approval.
- (v) The Shire may, for the purpose of giving effect to subparagraph (iv) above, draw from the Bond, whether from corpus or income or both, in payment of the reasonable costs of the Shire's officers', employees', and agents' time, and/or the costs of the contractors and subcontractors engaged by the Shire for such purpose, and to pay for the materials, equipment, hire of machinery and other costs involved in giving effect or partial effect to the said conditions.
- (vi) By acting upon (whether personally or through tenants or occupiers), and thereby accepting the benefit of this approval, the owner(s) as owner(s) jointly and severally give an irrevocable licence to the Shire to do all of the things aforementioned in this clause, and all persons from time to time holding any legal or equitable estate in the land do, by accepting the benefit of this approval (whether by themselves or through their tenants or occupiers) likewise irrevocably licence the Shire in the same terms.
- (vii) Upon the requirements of all the conditions of this approval having been satisfied, the Shire shall on request from the owner(s), pay back to the owner(s) (or the nominee appointed in writing by the owner(s)) the balance (if any) of corpus and income of the Bond then standing to the credit of the Shire.

CROSS-EASEMENTS

6. Within three months of the date of this approval, the owner(s) of the respective Lots 1 and 12 are to enter into a cross-easement legal agreement to ensure that each will enjoy a legal right to continue to use and maintain the leachate drains and ponds on Lots 12 and 1, as part of one integrated system, and to carry out all testing and monitoring of that integrated system as required pursuant to these conditions.

NOTIFICATION

7. Within two months of the date of this approval, notification in the form of a memorial to be placed on the Certificate of Title of the lots advising the existence of a hazard or other factor, in accordance with section 12A of the *Town Planning and Development Act 1928*, and notice of this memorial be lodged to the satisfaction of Council and at the applicant's cost. The memorial to state as follows:

"The quality of groundwater obtained from the proposed lots may not be suitable for human consumption and any person proposing to use groundwater for such purposes should have water scientifically analysed to determine its quality."

TEST PIT SAMPLING

8. The owner(s) are to ensure that, within two months of the date of this approval, test pits are dug, and samples taken, in accordance with the requirements of Schedule 1. Sampling is to comply with the requirements of Schedule 3.

SURFACE LAND FORM RECONTOURING AND VEGETATION MANAGEMENT PLAN

9. Within three months of the date of this approval, the owner(s) are to ensure that a Surface Land Form Recontouring and Vegetation Management Plan is lodged with the Shire for the site for approval by the Shire. The Plan is to comply with the requirements of Schedule 2 to these conditions. If the Plan is to the Shire's satisfaction, the Shire will approve the Plan. The owner(s) shall thereafter ensure

that the Plan is implemented, and maintained in implementation (except to the extent, and so long as, such implementation is inconsistent with the requirements of any direction issued by the Shire arising from the findings of the testing pursuant to the test pit sampling).

LEACHATE DRAINAGE AND RETENTION

10. Within three months of the date of this approval, the owner(s) are to ensure that a certificate of a hydrological engineer or other appropriate consultant is provided to the Shire, stating that:
 - (a) The leachate drains are fully functional in terms of their capacity, gradient and absence of obstructions, to drain into the leachate retention ponds on Lots 12 and 1; and
 - (b) The stormwater drainage system for Lots 12 and 1 is hydraulically and physically separate from the leachate drainage system.

The owner(s) shall thereafter ensure that the leachate and stormwater drains are maintained in a fully functional state in terms of the aforementioned.

11. The owner(s) and operator(s) shall ensure that:
 - (a) Subject to (d) below, all leachate is retained on site by means of leachate drains and the leachate retention pond;
 - (b) The capacity of the leachate retention pond is not exceeded;
 - (c) Any disposal of leachate which is required in order to achieve this requirement is to be disposed offsite in an appropriate licensed facility;
 - (d) Leachate may be re-used on site, but only where:
 - (i) a sample of leachate has been taken from the leachate retention pond;
 - (ii) that sample has been analyzed in accordance with Schedule 3;
 - (iii) the water quality pursuant to that sample accorded with concentrations as defined in the ANZECC Water Quality Guidelines 2000 for irrigation use; and
 - (iv) use of leachate must not be carried out or continued where the sample was taken more than three months prior to any given day on which it is intended to re-use leachate on site.
 - (e) Leachate is not discharged to local drains.
12. The owner(s) and operator(s) are responsible to ensure that, prior to any off-site disposal of leachate at an appropriately licensed facility pursuant to condition 11(c), a sample of leachate is taken from the leachate retention pond and analysed in accordance with Schedule 3.

GROUNDWATER MONITORING

13. The owner(s) are to ensure that within six months of the date of this approval a minimum of six groundwater monitoring wells are to be installed around the site (two bores at each of three locations). The monitoring wells are to be located to the satisfaction of the Shire so as to provide representative samples of any potential impact on groundwater of the development. One well at each location will be installed inside the leachate drain and one outside the leachate drain where practicable. At the time of installing each groundwater monitoring well the owner(s) are to ensure that the soil profiles at each location are logged and soil samples collected and analysed in accordance with Schedule 3.
14. The owner(s) are to ensure that groundwater samples from each bore are obtained on a quarterly basis for the first year, and thereafter annually (unless, due to analysis showing a worsening or fluctuation in water quality, the Shire advises in writing that it

requires quarterly sampling to continue) and analysed in accordance with Schedule 3 until:

- (a) in the event no further filling pursuant to separate approval occurs on Lot 1, such time as the sampling indicates for three consecutive years that water quality accords with concentrations as defined in the ANZECC Water Quality Guidelines 2000 for recreational use (or no worse than concentrations within the background groundwater quality for the locality as determined at appropriate locations hydraulically up-gradient of the site, to the satisfaction of the Shire); or
- (b) in the event that further filling pursuant to separate approval occurs on Lot 1, such time as the sampling indicates for three consecutive years after the cessation of fill on Lot 1 that water quality accords with concentrations as defined in the ANZECC Water Quality Guidelines 2000 for recreational use (or no worse than concentrations within the background groundwater quality for the locality as determined at appropriate locations hydraulically up-gradient of the site, to the satisfaction of the Shire).

STORMWATER

15. Uncontaminated stormwater run-off, such as water from roofs and site drainage, shall be directed away from the filled and peripheral areas and associated sumps or drains into dedicated stormwater drains.
16. The owner(s) and operators shall ensure stormwater drains on the premises are kept clear of waste to allow for their effective use.

WIND-BLOWN WASTE

17. The owner(s) and operators shall ensure that any windblown waste is removed from the premises, fences and roads, and any windblown waste emanating from the premises is collected and removed on a weekly basis or more frequently when directed by the Shire.

DUST

18. The owner(s) and operators shall ensure that all areas on the premises from which dust may be generated are maintained in a moist condition so that no visible dust crosses the boundary of the premises.

ANNUAL MONITORING REPORT

19. The owner(s) shall provide to the Shire an annual monitoring report containing monitoring data required by any condition of this approval. The report shall contain data collected from the previous calendar year and shall be provided no later than a date two months from each anniversary date of this approval. The Shire will dictate the format of the report.

In the annual monitoring report, the owner(s) shall list any monitoring methods used to collect and analyse data required by any condition of this approval to demonstrate they comply with the methods specified in this approval.

Schedule 1
Test Pit Inspection and Sampling

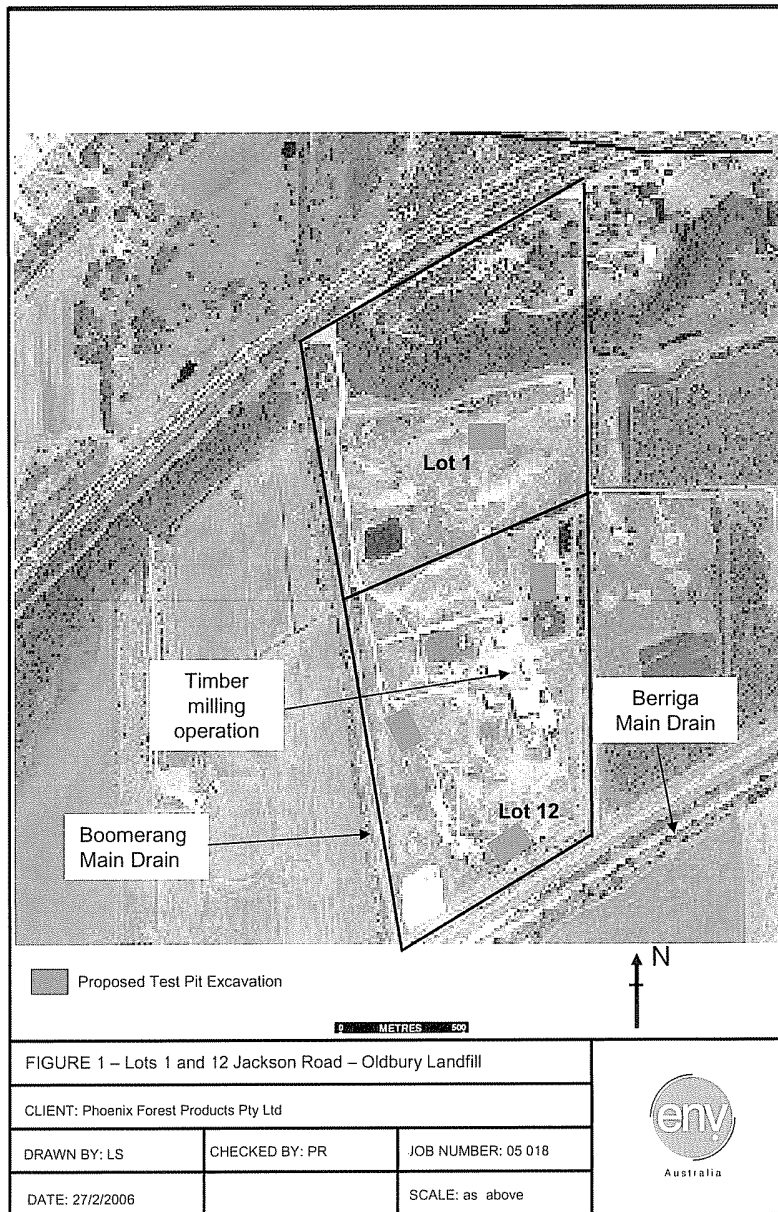
Within three months of the date of this approval, four test pits are to be excavated through the landfill to provide visual assessment of the nature of the fill. The test pits are to be located in accordance with the locations in Figure 1 of the Sampling and Analysis Program of ENV Australia (a copy of which forms part of this Schedule) so as to provide, to the satisfaction of the Shire, a representative sample of the nature of the fill.

The soil at the base of each test pit is sampled (minimum 4 samples) at the interface with the natural clay, and analysed for:

- [pH - clarification needed from A Mack whether this is necessary for soil testing or only water testing]
- Sulphates, sulphur - clarification needed from A Mack whether this is necessary for soil testing or only water testing]
- Arsenic, mercury (low level), chromium, copper, nickel, cadmium, lead and zinc
- Organo-chlorine pesticides
- Total petroleum hydrocarbons

The owner(s) are responsible for liaising with the Shire so as to enable appropriate representatives or consultants of the Shire to be present at the time of excavation and sampling.

Provide results to the Shire in a documented form.



Schedule 2
Requirements of Landscape and Vegetation Management Plan

The Landscape and Vegetation Management Plan is required to address the following:

- Include a scaled map of the bund walls which can be placed as an overlay over a recent (since 2003) aerial photograph of the whole of Lot 12 Bird Road and Lot 1 Jackson Road;
- Locate on the map, and both identify and describe how existing indigenous and exotic vegetation between the leachate drain and the base of the inside of the bund walls is to be protected or is not to be retained as a result capping and revegetation works;
- Locate on the map and identify both the types and magnitudes of weed infestations and describe weed management to be undertaken both during the establishment of revegetation and as ongoing maintenance;
- Locate proposed revegetation works on the map and describe the species, densities, soil preparation and plant protection to provide a complete vegetation cover of the bund wall slopes and tops to both screen the whole industrial site from roads, adjoining properties and the wetland to the north of the property and provide habitat for local woodland and wetland fauna;
- Describe ongoing management of vegetation on site;
- Clearly state auditable landscaping and vegetation management targets including capping outcomes plus weed control and revegetation outcomes in accordance with the conditions in this document;
- A timetable for implementation of each step in the Plan;
- Locate fire breaks on the map.

The implementation of the approved Landscape and Vegetation Management Plan will establish auditable targets. Vegetation on site is thereafter to be maintained in accordance with the approved Landscape and Vegetation Management Plan.

The bund walls are to be capped with sufficient clay and clean soil materials and stabilised to:

- Completely cover all waste materials such that the surface does not have protrusions caused by waste materials below, minimize so far as practicable to the satisfaction of the Shire seepage holes down through waste materials below, or erosion ruts and channels across the surface at any time from the time that the capping material was placed on the bund walls;
- Support the establishment of native plants on the slopes and top of all bunds;
- Prevent regrowth from smothered weeds.

Materials used for capping bund walls are to be clean and the proponent is to provide written certification that they are dieback free.

Revegetation will have management targets, such as:

1. A minimum stem density of 25 established locally native plants per 10 linear meters of bund wall when a minimum of 80% of the plants have survived at least two summer seasons;
2. Sedges and rushes planted around settling ponds that abut the bund walls are to be clumped with densities of four stems per meter squared within clumps, and interspersed with other local wetland species at densities of one stem per four square meters when a minimum of 80% of the plants have survived at least two summer seasons;
3. Bund planting is to include a mixture of tree and shrub species such that no more than one third of the plants are trees;
4. Unless agreed in writing by the Executive Manager, Strategic Community Planning

Schedule 2
Requirements of Landscape and Vegetation Management Plan

- of the Shire because of the disturbed nature of the substrate, all plants are to be of locally native species indicative of neighbouring woodland and wetland communities;
5. Unless agreed in writing by the Executive Manager Strategic Community Planning because of the disturbed nature of the substrate, plant diversity is to achieve a level of at least 80% of the plant species that are listed within the dominant shoreline ground cover, ground cover and small shrub, medium shrub, tall shrub and tree categories for the relevant woodland and wetland communities on the Shire Planting List;
 6. Agricultural and environmental weeds on site are to be managed at levels not likely to threaten the native species;
 7. Revegetated areas are to be fenced if livestock are grazed on the property.

Schedule 3
Requirements for Water or Soil Sampling

Where sampling and analysis of water or soil is required pursuant to any of the conditions of this approval:

- (a) Analysis is to be made for the following parameters:
 - pH [^{*}]
 - Total suspended solids*
 - Sulphates, sulphur [^{*}]
 - Arsenic, mercury (low level), chromium, copper, nickel, cadmium, lead and zinc
 - Organo-chlorine pesticides
 - Total petroleum hydrocarbons

* Applies only to water samples, not soil. [*Asterisk in square brackets above indicates that A Mack input required to confirm this parameter inapplicable to soil*]

- (b) The owner(s) shall ensure that all water samples are collected in accordance with Australian Standard 5667.1,1998
- (c) The owner(s) shall ensure that all water samples are submitted to a laboratory registered by NATA for the analyses specified.
- (d) With the exception of pH, conductivity and SWL all measurements are to be in accordance with Australian Standard 5667.1, 1998.
- (e) The result of the groundwater monitoring shall be reported in the annual monitoring report submitted to the Shire.

Groundwater monitoring wells are to be installed pursuant to condition 13:

- (a) according to the specifications of Figure 1 forming part of this Schedule; and
- (b) at the locations identified by Figures 2 and 3 forming part of this Schedule.

Figure 3 also shows the point in terms of soil profile at which soil samples are to be taken pursuant to condition 13.

FIGURE 1

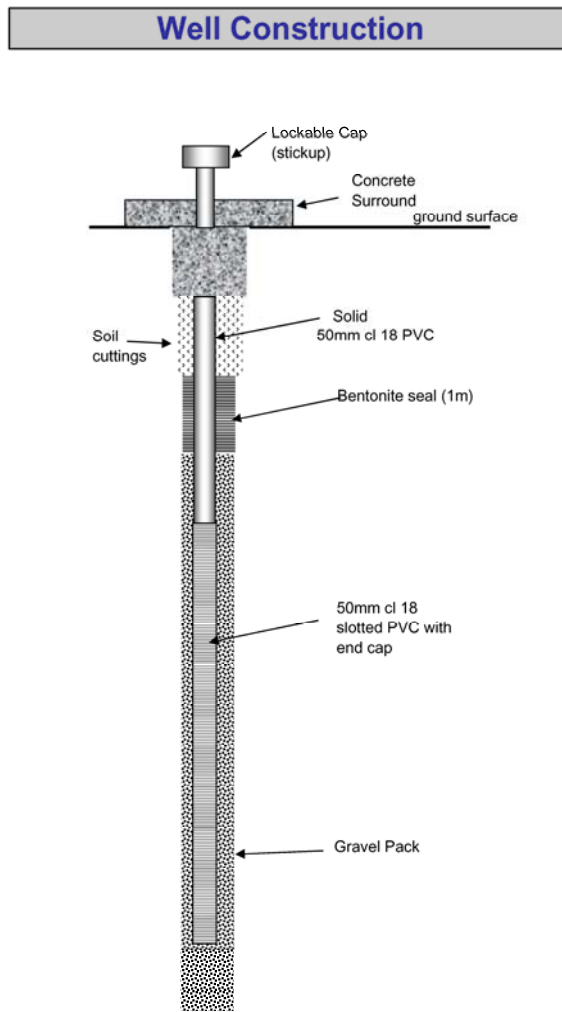


FIGURE 2

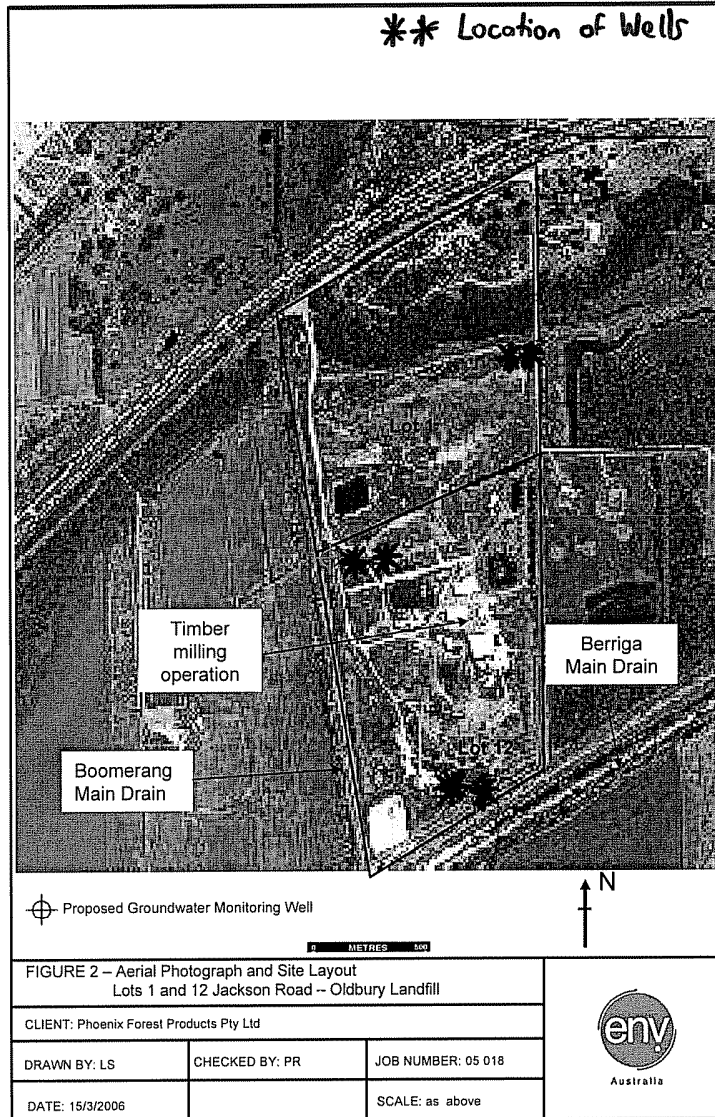


FIGURE 3 (to be provided prior to Ordinary Council Meeting)

SD110/03/05 Committee Recommended Resolution:

- A. Subject to the Shire receiving and subsequently approving a planning application for retrospective fill on Lot 12 Bird Road and Lot 1 Jackson Road, Oldbury in accordance with the conditions indicated in Part B of this resolution, the Shire execute a Minute of Consent Order in the State Administrative Tribunal proceeding whereby the Tribunal would grant conditional development approval for Lot 1 Jackson Road, Oldbury; subject to the following conditions:
1. Development is to comply with the plans annexed hereto.

CONDITIONS TO BE FULFILLED BEFORE FILL COMMENCING

2. No filling is to commence until such time as:
 - (a) the bond required by condition 5, of the retrospective approval for filling on Lots 12 Bird Road and Lot 1 Jackson Road, Oldbury, resolved by Council on 27 March 2006 to be authorised to be granted under delegated authority ("27 March 2006 approval") has been paid;
 - (b) the requirements of condition 8 concerning test pits, of the 27 March 2006 approval have been complied with;
 - (c) the requirements of condition 13 concerning groundwater monitoring bores, of the 27 March 2006 approval, have been complied with;
 - (d) the requirements of condition 10 concerning cross-easements of the 27 March 2006 approval, have been complied with;
 - (e) the bond required by condition 4 this approval has been paid;
 - (f) the testing of water quality pursuant to condition 14 of the 27 March 2006 approval, has demonstrated groundwater quality to accord, for at least one year immediately prior to commencement of the proposed further fill, with concentrations as defined in the ANZECC Water Quality Guidelines 2000 for recreational use (or no worse than concentrations within the background water quality as determined in appropriate locations hydraulically up-gradient from the site, to the satisfaction of the Shire).

INERT FILL ONLY

3. Filling by way of inert fill (as defined in the Landfill Waste Classification and Waste Definitions 1996 published by the Department of Environment pursuant to Items 63, 64, 65 and 66 of Schedule 1 of the Environmental Protection Regulations 1987) is hereby approved. No filling by way of non-inert material is approved.

BOND

4.
 - (i) The owner(s) shall furnish to the Shire a bond of \$50,000 ("the Bond") to secure compliance with the conditions of this approval in the event of default at the site.
 - (ii) The Shire may deposit the Bond into an interest-bearing account.
 - (iii) The owner(s) shall prior to commencing any further fill, enter into a legal agreement to be prepared by the Shire's solicitors at the cost of the owner(s), to give contractual force to the matters set out in subparagraphs (iv)-(vii) below of this condition, and by which the owner(s) charges the land with the obligations pursuant to the conditions of this approval and with the obligations of this condition; and whereby the owner(s) covenant to ensure that any person acquiring a legal or equitable estate in the land shall enter into a legal agreement with the Shire in the same terms; and authorises the Shire to lodge an absolute caveat over the land to ensure that such obligations run with the land.
 - (iv) If in the opinion of the Executive Manager, Planning and Regulatory Services Shire of Serpentine-Jarrahdale, any of the said conditions have not been fully

complied with, then without prejudice to any other remedy available to the Shire, the Shire may, after giving at least 45 days written notice to the owner(s) of non-compliance with any condition of this approval and such non-compliance remaining unremedied at the expiration of that time (which notice need only be given prior to the first occasion of entry) by its officers, employees, agents, contractors or subcontractors, enter into and upon the land the subject of this approval, or any part of it as many times as the Executive Manager, Planning and Regulatory Services deems necessary, with or without vehicles, machinery, equipment or plants, and to remain on the land on each such occasion as long as the Shire deems necessary, and to:

- (a) do such works as the Shire deems necessary to give effect or partial effect to the said conditions;
 - (b) for such purpose to do such excavation, clearing, re-contouring, and planting as the Shire deems necessary or desirable;
 - (c) for such purpose to make such installation (permanent or temporary) of equipment, fences, gates, fixtures, services, tracks, accesses or roads as the Shire considers necessary or desirable;
 - (d) to maintain any plants or any of the things referred to in subparagraph (c) above; and
 - (e) to carry out such tests or monitoring as the Shire deems necessary to give effect to the requirements of the conditions of this approval.
- (v) The Shire may, for the purpose of giving effect to subparagraph (iv) above, draw from the Bond, whether from corpus or income or both, in payment of the reasonable costs of the Shire's officers', employees', and agents' time, and/or the costs of the contractors and subcontractors engaged by the Shire for such purpose, and to pay for the materials, equipment, hire of machinery and other costs involved in giving effect or partial effect to the said conditions.
- (vi) By acting upon (whether personally or through tenants or occupiers), and thereby accepting the benefit of this approval, the owner(s) as owner(s) jointly and severally give an irrevocable licence to the Shire to do all of the things aforementioned in this clause, and all persons from time to time holding any legal or equitable estate in the land do, by accepting the benefit of this approval (whether by themselves or through their tenants or occupiers) likewise irrevocably licence the Shire in the same terms.
- (viii) Upon the requirements of all the conditions of this approval having been satisfied, the Shire shall on request from the owner(s), pay back to the owner(s) (or the nominee appointed in writing by the owner(s)) the balance (if any) of corpus and income of the Bond then standing to the credit of the Shire.

CROSS-EASEMENTS

5. Within three months of the date of this approval, the owner(s) of the respective Lots 1 and 12 are to enter into a cross-easement legal agreement to ensure that each will enjoy a legal right to continue to use and maintain the leachate drains and ponds on Lots 12 and 1, as part of one integrated system, and to carry out all testing and monitoring of that integrated system as required pursuant to these conditions.

NOTIFICATION

6. Notification in the form of a memorial to be placed on the Certificate of Title of the lot advising the existence of a hazard or other factor, in accordance with section 12A of the Town Planning and Development Act 1928, and notice of this memorial be lodged to the satisfaction of Council and at the applicant's cost. The memorial to state as follows:

“The quality of groundwater obtained from the proposed lots may not be suitable for human consumption and any person proposing to use groundwater for such purposes should have water scientifically analysed to determine its quality.”

SURFACE LAND FORM RECONTOURING AND VEGETATION MANAGEMENT PLAN

7. Within three months of the date of this approval, the owner(s) are to ensure that a Surface Land Form Recontouring and Vegetation Management Plan is lodged with the Shire for the site for approval by the Shire. The Plan is to comply with the requirements of Schedule 1 to these conditions. If the Plan is to the Shire's satisfaction, the Shire will approve the Plan. The owner(s) shall thereafter ensure that the Plan is implemented, and maintained in implementation.

LEACHATE DRAINAGE AND RETENTION

8. The owner(s) are to ensure that leachate drains and stormwater drains are installed and maintained in a fully functional state around the area the subject of the proposed fill, in accordance with the approved plans.
9. All leachate is to be retained on the adjoining site (Lot 12 and area of Lot 1 the subject of the 27 March 2006 approval) by means of leachate drains on Lot 1 and Lot 12 and the leachate retention ponds on Lot 12 and Lot 1.

Leachate may be re-used on site, but only where:

- (i) a sample of leachate has been taken from the leachate retention pond;
- (ii) that sample has been analyzed in accordance with Schedule 2;
- (iii) the water quality pursuant to that sample accorded with concentrations as defined in the ANZECC Water Quality Guidelines 2000 for irrigation use; and
- (iv) use of leachate must not be carried out or continued where the sample was taken more than three months prior to any given day on which it is intended to re-use leachate on site.

Leachate is not to be discharged to local drains.

STORMWATER

10. Uncontaminated stormwater run-off, such as water from roofs and site drainage, shall be directed away from the filled and peripheral areas and associated sumps or drains into dedicated stormwater drains.
11. The owner(s) and operators shall ensure stormwater drains on the premises are kept clear of waste to allow for their effective use.

WINDBLOWN WASTE

12. The owner(s) and operators shall ensure that any windblown waste is removed from the premises, fences and roads, and any windblown waste emanating from the premises is collected and removed on a weekly basis or more frequently when directed by the Shire.

DUST

13. The owner(s) and operators shall ensure that all areas on the premises from which dust may be generated are maintained in a moist condition so that no visible dust crosses the boundary of the premises.

ANNUAL MONITORING REPORT

14. The owner(s) shall provide to the Shire an annual monitoring report containing monitoring data required by any condition of this approval. The report shall contain data collected from the previous calendar year and shall be provided no later than a date two months from each anniversary date of this Tribunal approval. The Shire will dictate the format of the report.

In the annual monitoring report, the owner(s) shall list any monitoring methods used to collect and analyse data required by any condition of this approval to demonstrate they comply with the methods specified in this approval.

In the annual monitoring report, the owner(s) shall also provide details of:

- Measures taken to control pests and vermin
- The number and severity of any fires on site
- Measures taken to suppress dust
- Measures taken to prevent windblown waste

The number and type of complaints received including complainant's name, address, nature of complaint (where appropriate cross referenced with prevailing wind directions) and action taken.

MANAGEMENT PLAN

15. The owner(s) is to ensure that a Management Plan is lodged with the Shire, detailing measures to be taken to ensure that only inert fill is placed in site. The Management Plan shall deal with supervision and inspection of loads, control of access to the site, immediate removal of any inert fill, an auditable record of the aforementioned matters, and a written record detailing dates, volumes and composition of every load and by whom the load was delivered. If the Management Plan is to the Shire's satisfaction, it is to be implemented and maintained in implementation at all times. No filling is to commence until Shire approval of the Management Plan. The auditable record and the written record of loads are to be made available to the Shire upon request at any time.
16. If the development the subject of this approval is not commenced within five years of the date of this Tribunal approval, the approval shall lapse and be of no further effect. Where an approval has so lapsed, no development shall be carried out without the further approval of the responsible authority having been first sought and obtained.

Schedule 1 Requirements of Landscape and Vegetation Management Plan
The Landscape and Vegetation Management Plan is required to address the following: <ul style="list-style-type: none">- Include a scaled map of the bund walls which can be placed as an overlay over a recent (since 2003) aerial photograph of the whole of Lot 12 Bird Road and Lot 1 Jackson Road;- Locate on the map, and both identify and describe how existing indigenous and exotic vegetation between the leachate drain and the base of the inside of the bund walls is to be protected or is not to be retained as a result capping and revegetation works;- Locate on the map and identify both the types and magnitudes of weed infestations and describe weed management to be undertaken both during the establishment of revegetation and as ongoing maintenance;- Locate proposed revegetation works on the map and describe the species, densities, soil preparation and plant protection to provide a complete vegetation cover of the bund wall slopes and tops to both screen the whole industrial site from roads, adjoining properties and the wetland to the north of the property and provide habitat for local woodland and wetland fauna;

Schedule 1

Requirements of Landscape and Vegetation Management Plan

- Describe ongoing management of vegetation on site;
- Clearly state auditable landscaping and vegetation management targets including capping outcomes plus weed control and revegetation outcomes in accordance with the conditions in this document;
- A timetable for implementation of each step in the Plan;
- Locate fire breaks on the map.

The implementation of the approved Landscape and Vegetation Management Plan will establish auditable targets. Vegetation on site is thereafter to be maintained in accordance with the approved Landscape and Vegetation Management Plan.

- The bund walls are to be capped with sufficient clay and clean soil materials and stabilised to:
- Completely cover all waste materials such that the surface does not have protrusions caused by waste materials below, minimise so far as practicable to the satisfaction of the Shire seepage holes down through waste materials below, or erosion ruts and channels across the surface at any time from the time that the capping material was placed on the bund walls;
- Support the establishment of native plants on the slopes and top of all bunds;
- Prevent regrowth from smothered weeds.

Materials used for capping bund walls are to be clean and the proponent is to provide written certification that they are dieback free.

Revegetation will have management targets, such as:

1. A minimum stem density of 25 established locally native plants per 10 linear meters of bund wall when a minimum of 80% of the plants have survived at least two summer seasons;
2. Sedges and rushes planted around settling ponds that abut the bund walls are to be clumped with densities of four stems per meter squared within clumps, and interspersed with other local wetland species at densities of one stem per four square meters when a minimum of 80% of the plants have survived at least two summer seasons;
3. Bund planting is to include a mixture of tree and shrub species such that no more than one third of the plants are trees;
4. Unless agreed in writing by the Executive Manager Strategic Community Planning of the Shire because of the disturbed nature of the substrate, all plants are to be of locally native species indicative of neighbouring woodland and wetland communities;
5. Unless agreed in writing by the Executive Manager Strategic Community Planning because of the disturbed nature of the substrate, plant diversity is to achieve a level of at least 80% of the plant species that are listed within the dominant shoreline ground cover, ground cover and small shrub, medium shrub, tall shrub and tree categories for the relevant woodland and wetland communities on the Shire Planting List;
6. Agricultural and environmental weeds on site are to be managed at levels not likely to threaten the native species;
7. Revegetated areas are to be fenced if livestock are grazed on the property.

Schedule 2

Requirements for Water or Soil Sampling

Where sampling and analysis of water or soil is required pursuant to any of the conditions of this approval:

Schedule 2 Requirements for Water or Soil Sampling	
(a)	Analysis is to be made for the following parameters: <ul style="list-style-type: none">- pH [*]- Total suspended solids*- Sulphates, sulphur [*]- Arsenic, mercury (low level), chromium, copper, nickel, cadmium, lead and zinc- Organo-chlorine pesticides- Total petroleum hydrocarbons.
* Applies only to water samples, not soil.	
(b)	The owner(s) shall ensure that all water samples are collected in accordance with Australian Standard 5667.1,1998
(c)	The owner(s) shall ensure that all water samples are submitted to a laboratory registered by NATA for the analyses specified.
(d)	With the exception of pH, conductivity and SWL all measurements are to be in accordance with Australian Standard 5667.1, 1998.
(e)	The result of the groundwater monitoring shall be reported in the annual monitoring report submitted to the Shire.

- B. Council resolves upon formal application for planning approval being received by the landowner, to authorise the Chief Executive Officer to issue a retrospective approval for the existing fill on Lot 12 Bird Road and Lot 1 Jackson Road, Oldbury subject to the following conditions:

PLANS

1. Development is to comply with the plans annexed hereto.

SUPERSEDES PREVIOUS APPROVAL

2. This approval supersedes any previous approval for landfill in relation to the area the subject of the landfill hereby approved.

INERT FILL ONLY

3. Existing filling by way of inert fill (as defined in the Landfill Waste Classification and Waste Definitions 1996 published by the Department of Environment pursuant to Items 63, 64, 65 and 66 of Schedule 1 of the Environmental Protection Regulations 1987) is hereby approved. No filling by way of non-inert material is approved.

NO FURTHER FILL

4. No further filling is to take place on the area of the land the subject of the fill approved by this approval, other than capping required by conditions of this approval.

BOND

5. (i) The owner(s) shall furnish to the Shire a bond of \$50,000 ("the Bond") to secure compliance with the conditions of this approval in the event of default at the site.
(ii) The Shire may deposit the Bond into an interest-bearing account.
(iii) The owner(s) shall within two months of the date of this approval enter into a legal agreement to be prepared by the Shire's solicitors at the cost of the owner(s), to give contractual force to the matters set out in subparagraphs

- (iv)-(vii) below of this condition, and by which the owner(s) charge the land with the obligations pursuant to the conditions of this approval and with the obligations of this condition; and whereby the owner(s) covenant to ensure that any person acquiring a legal or equitable estate in the land shall enter into a legal agreement with the Shire in the same terms; and authorise the Shire to lodge an absolute caveat over the land to ensure that such obligations run with the land.
- (iv) If in the opinion of the Executive Manager, Planning and Regulatory Services of the Shire of Serpentine-Jarrahdale, any of the said conditions have not been fully complied with, then without prejudice to any other remedy available to the Shire, the Shire may, after giving at least 45 days written notice to the owner(s) of non-compliance with any condition of this approval and such non-compliance remaining unremedied at the expiration of that time (which notice need only be given prior to the first occasion of entry) by its officers, employees, agents, contractors or subcontractors, enter into and upon the land the subject of this approval, or any part of it as many times as the Executive Manager, Planning and Regulatory Services deems necessary, with or without vehicles, machinery, equipment or plants, and to remain on the land on each such occasion as long as the Shire deems necessary, and to:
- (a) do such works as the Shire deems necessary to give effect or partial effect to the said conditions;
 - (b) for such purpose to do such excavation, clearing, re-contouring, and planting as the Shire deems necessary or desirable;
 - (c) for such purpose to make such installation (permanent or temporary) of equipment, fences, gates, fixtures, services, tracks, accesses or roads as the Shire considers necessary or desirable;
 - (d) to maintain any plants or any of the things referred to in subparagraph (c) above; and
 - (e) to carry out such tests or monitoring as the Shire deems necessary to give effect to the requirements of the conditions of this approval.
- (v) The Shire may, for the purpose of giving effect to subparagraph (iv) above, draw from the Bond, whether from corpus or income or both, in payment of the reasonable costs of the Shire's officers', employees', and agents' time, and/or the costs of the contractors and subcontractors engaged by the Shire for such purpose, and to pay for the materials, equipment, hire of machinery and other costs involved in giving effect or partial effect to the said conditions.
- (vi) By acting upon (whether personally or through tenants or occupiers), and thereby accepting the benefit of this approval, the owner(s) as owner(s) jointly and severally give an irrevocable licence to the Shire to do all of the things aforementioned in this clause, and all persons from time to time holding any legal or equitable estate in the land do, by accepting the benefit of this approval (whether by themselves or through their tenants or occupiers) likewise irrevocably licence the Shire in the same terms.
- (vii) Upon the requirements of all the conditions of this approval having been satisfied, the Shire shall on request from the owner(s), pay back to the owner(s) (or the nominee appointed in writing by the owner(s)) the balance (if any) of corpus and income of the Bond then standing to the credit of the Shire.

CROSS-EASEMENTS

6. Within three months of the date of this approval, the owner(s) of the respective Lots 1 and 12 are to enter into a cross-easement legal agreement to ensure that each will enjoy a legal right to continue to use and maintain the leachate drains and ponds on Lots 12 and 1, as part of one integrated system, and to carry out all testing and monitoring of that integrated system as required pursuant to these conditions.

NOTIFICATION

7. Within two months of the date of this approval, notification in the form of a memorial to be placed on the Certificate of Title of the lots advising the existence of a hazard or other factor, in accordance with section 12A of the *Town Planning and Development Act 1928*, and notice of this memorial be lodged to the satisfaction of Council and at the applicant's cost. The memorial to state as follows:

"The quality of groundwater obtained from the proposed lots may not be suitable for human consumption and any person proposing to use groundwater for such purposes should have water scientifically analysed to determine its quality."

TEST PIT SAMPLING

8. The owner(s) are to ensure that, within two months of the date of this approval, test pits are dug, and samples taken, in accordance with the requirements of Schedule 1. Sampling is to comply with the requirements of Schedule 3.

SURFACE LAND FORM RECONTOURING AND VEGETATION MANAGEMENT PLAN

9. Within three months of the date of this approval, the owner(s) are to ensure that a Surface Land Form Recontouring and Vegetation Management Plan is lodged with the Shire for the site for approval by the Shire. The Plan is to comply with the requirements of Schedule 2 to these conditions. If the Plan is to the Shire's satisfaction, the Shire will approve the Plan. The owner(s) shall thereafter ensure that the Plan is implemented, and maintained in implementation (except to the extent, and so long as, such implementation is inconsistent with the requirements of any direction issued by the Shire arising from the findings of the testing pursuant to the test pit sampling).

LEACHATE DRAINAGE AND RETENTION

10. Within three months of the date of this approval, the owner(s) are to ensure that a certificate of a hydrological engineer or other appropriate consultant is provided to the Shire, stating that:
- (a) The leachate drains are fully functional in terms of their capacity, gradient and absence of obstructions, to drain into the leachate retention ponds on Lots 12 and 1; and
 - (b) The stormwater drainage system for Lots 12 and 1 is hydraulically and physically separate from the leachate drainage system.

The owner(s) shall thereafter ensure that the leachate and stormwater drains are maintained in a fully functional state in terms of the aforementioned.

11. The owner(s) and operator(s) shall ensure that:
- (a) Subject to (d) below, all leachate is retained on site by means of leachate drains and the leachate retention pond;
 - (b) The capacity of the leachate retention pond is not exceeded;
 - (c) Any disposal of leachate which is required in order to achieve this requirement is to be disposed offsite in an appropriate licensed facility;
 - (d) Leachate may be re-used on site, but only where:
 - (i) a sample of leachate has been taken from the leachate retention pond;
 - (ii) that sample has been analyzed in accordance with Schedule 3;
 - (iii) the water quality pursuant to that sample accorded with concentrations as defined in the ANZECC Water Quality Guidelines 2000 for irrigation use; and

- (iv) use of leachate must not be carried out or continued where the sample was taken more than three months prior to any given day on which it is intended to re-use leachate on site.
 - (e) Leachate is not discharged to local drains.
12. The owner(s) and operator(s) are responsible to ensure that, prior to any off-site disposal of leachate at an appropriately licensed facility pursuant to condition 11(c), a sample of leachate is taken from the leachate retention pond and analysed in accordance with Schedule 3.

GROUNDWATER MONITORING

13. The owner(s) are to ensure that within six months of the date of this approval a minimum of six groundwater monitoring wells are to be installed around the site (two bores at each of three locations). The monitoring wells are to be located to the satisfaction of the Shire so as to provide representative samples of any potential impact on groundwater of the development. One well at each location will be installed inside the leachate drain and one outside the leachate drain where practicable. At the time of installing each groundwater monitoring well the owner(s) are to ensure that the soil profiles at each location are logged and soil samples collected and analysed in accordance with Schedule 3.
14. The owner(s) are to ensure that groundwater samples from each bore are obtained on a quarterly basis for the first year, and thereafter annually (unless, due to analysis showing a worsening or fluctuation in water quality, the Shire advises in writing that it requires quarterly sampling to continue) and analysed in accordance with Schedule 3 until:
- (a) in the event no further filling pursuant to separate approval occurs on Lot 1, such time as the sampling indicates for three consecutive years that water quality accords with concentrations as defined in the ANZECC Water Quality Guidelines 2000 for recreational use (or no worse than concentrations within the background groundwater quality for the locality as determined at appropriate locations hydraulically up-gradient of the site, to the satisfaction of the Shire); or
 - (b) in the event that further filling pursuant to separate approval occurs on Lot 1, such time as the sampling indicates for three consecutive years after the cessation of fill on Lot 1 that water quality accords with concentrations as defined in the ANZECC Water Quality Guidelines 2000 for recreational use (or no worse than concentrations within the background groundwater quality for the locality as determined at appropriate locations hydraulically up-gradient of the site, to the satisfaction of the Shire).

STORMWATER

15. Uncontaminated stormwater run-off, such as water from roofs and site drainage, shall be directed away from the filled and peripheral areas and associated sumps or drains into dedicated stormwater drains.
16. The owner(s) and operators shall ensure stormwater drains on the premises are kept clear of waste to allow for their effective use.

WIND-BLOWN WASTE

17. The owner(s) and operators shall ensure that any windblown waste is removed from the premises, fences and roads, and any windblown waste emanating from the premises is collected and removed on a weekly basis or more frequently when directed by the Shire.

DUST

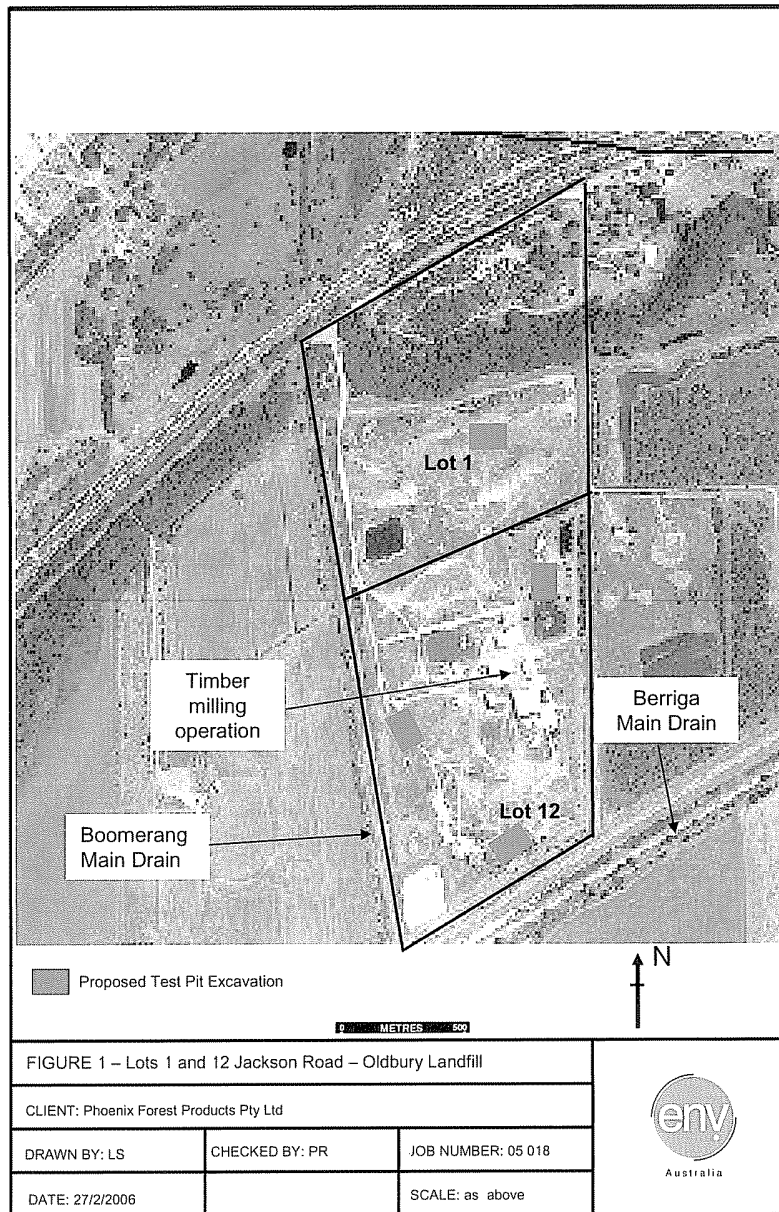
18. The owner(s) and operators shall ensure that all areas on the premises from which dust may be generated are maintained in a moist condition so that no visible dust crosses the boundary of the premises.

ANNUAL MONITORING REPORT

19. The owner(s) shall provide to the Shire an annual monitoring report containing monitoring data required by any condition of this approval. The report shall contain data collected from the previous calendar year and shall be provided no later than a date two months from each anniversary date of this approval. The Shire will dictate the format of the report.

In the annual monitoring report, the owner(s) shall list any monitoring methods used to collect and analyse data required by any condition of this approval to demonstrate they comply with the methods specified in this approval.

<p>Schedule 1 Test Pit Inspection and Sampling</p>
<p>Within three months of the date of this approval, four test pits are to be excavated through the landfill to provide visual assessment of the nature of the fill. The test pits are to be located in accordance with the locations in Figure 1 of the Sampling and Analysis Program of ENV Australia (a copy of which forms part of this Schedule) so as to provide, to the satisfaction of the Shire, a representative sample of the nature of the fill.</p> <p>The soil at the base of each test pit is sampled (minimum 4 samples) at the interface with the natural clay, and analysed for:</p> <ul style="list-style-type: none">- [pH – clarification needed from A Mack whether this is necessary for soil testing or only water testing]- Sulphates, sulphur - clarification needed from A Mack whether this is necessary for soil testing or only water testing]- Arsenic, mercury (low level), chromium, copper, nickel, cadmium, lead and zinc- Organo-chlorine pesticides- Total petroleum hydrocarbons <p>The owner(s) are responsible for liaising with the Shire so as to enable appropriate representatives or consultants of the Shire to be present at the time of excavation and sampling.</p> <p>Provide results to the Shire in a documented form.</p>



Schedule 2
Requirements of Landscape and Vegetation Management Plan

The Landscape and Vegetation Management Plan is required to address the following:

- Include a scaled map of the bund walls which can be placed as an overlay over a recent (since 2003) aerial photograph of the whole of Lot 12 Bird Road and Lot 1 Jackson Road;

Schedule 2

Requirements of Landscape and Vegetation Management Plan

- Locate on the map, and both identify and describe how existing indigenous and exotic vegetation between the leachate drain and the base of the inside of the bund walls is to be protected or is not to be retained as a result capping and revegetation works;
- Locate on the map and identify both the types and magnitudes of weed infestations and describe weed management to be undertaken both during the establishment of revegetation and as ongoing maintenance;
- Locate proposed revegetation works on the map and describe the species, densities, soil preparation and plant protection to provide a complete vegetation cover of the bund wall slopes and tops to both screen the whole industrial site from roads, adjoining properties and the wetland to the north of the property and provide habitat for local woodland and wetland fauna;
- Describe ongoing management of vegetation on site;
- Clearly state auditable landscaping and vegetation management targets including capping outcomes plus weed control and revegetation outcomes in accordance with the conditions in this document;
- A timetable for implementation of each step in the Plan;
- Locate fire breaks on the map.

The implementation of the approved Landscape and Vegetation Management Plan will establish auditable targets. Vegetation on site is thereafter to be maintained in accordance with the approved Landscape and Vegetation Management Plan.

The bund walls are to be capped with sufficient clay and clean soil materials and stabilised to:

- Completely cover all waste materials such that the surface does not have protrusions caused by waste materials below, minimize so far as practicable to the satisfaction of the Shire seepage holes down through waste materials below, or erosion ruts and channels across the surface at any time from the time that the capping material was placed on the bund walls;
- Support the establishment of native plants on the slopes and top of all bunds;
- Prevent regrowth from smothered weeds.

Materials used for capping bund walls are to be clean and the proponent is to provide written certification that they are dieback free.

Revegetation will have management targets, such as:

1. A minimum stem density of 25 established locally native plants per 10 linear meters of bund wall when a minimum of 80% of the plants have survived at least two summer seasons;
2. Sedges and rushes planted around settling ponds that abut the bund walls are to be clumped with densities of four stems per meter squared within clumps, and interspersed with other local wetland species at densities of one stem per four square meters when a minimum of 80% of the plants have survived at least two summer seasons;
3. Bund planting is to include a mixture of tree and shrub species such that no more than one third of the plants are trees;
4. Unless agreed in writing by the Executive Manager, Strategic Community Planning of the Shire because of the disturbed nature of the substrate, all plants are to be of locally native species indicative of neighbouring woodland and wetland communities;
5. Unless agreed in writing by the Executive Manager Strategic Community Planning because of the disturbed nature of the substrate, plant diversity is to achieve a level of at least 80% of the plant species that are listed within the dominant shoreline ground cover, ground cover and small shrub, medium shrub, tall shrub

Schedule 2 Requirements of Landscape and Vegetation Management Plan
and tree categories for the relevant woodland and wetland communities on the Shire Planting List;
6. Agricultural and environmental weeds on site are to be managed at levels not likely to threaten the native species;
7. Revegetated areas are to be fenced if livestock are grazed on the property.

Schedule 3 Requirements for Water or Soil Sampling
Where sampling and analysis of water or soil is required pursuant to any of the conditions of this approval:
(a) Analysis is to be made for the following parameters: <ul style="list-style-type: none">- pH [[*]]- Total suspended solids*- Sulphates, sulphur [[*]]- Arsenic, mercury (low level), chromium, copper, nickel, cadmium, lead and zinc- Organo-chlorine pesticides- Total petroleum hydrocarbons
* Applies only to water samples, not soil. <i>[Asterisk in square brackets above indicates that A Mack input required to confirm this parameter inapplicable to soil]</i>
(b) The owner(s) shall ensure that all water samples are collected in accordance with Australian Standard 5667.1,1998
(c) The owner(s) shall ensure that all water samples are submitted to a laboratory registered by NATA for the analyses specified.
(d) With the exception of pH, conductivity and SWL all measurements are to be in accordance with Australian Standard 5667.1, 1998.
(e) The result of the groundwater monitoring shall be reported in the annual monitoring report submitted to the Shire.
Groundwater monitoring wells are to be installed pursuant to condition 13:
(a) according to the specifications of Figure 1 forming part of this Schedule; and
(b) at the locations identified by Figures 2 and 3 forming part of this Schedule.
Figure 3 also shows the point in terms of soil profile at which soil samples are to be taken pursuant to condition 13.

FIGURE 1

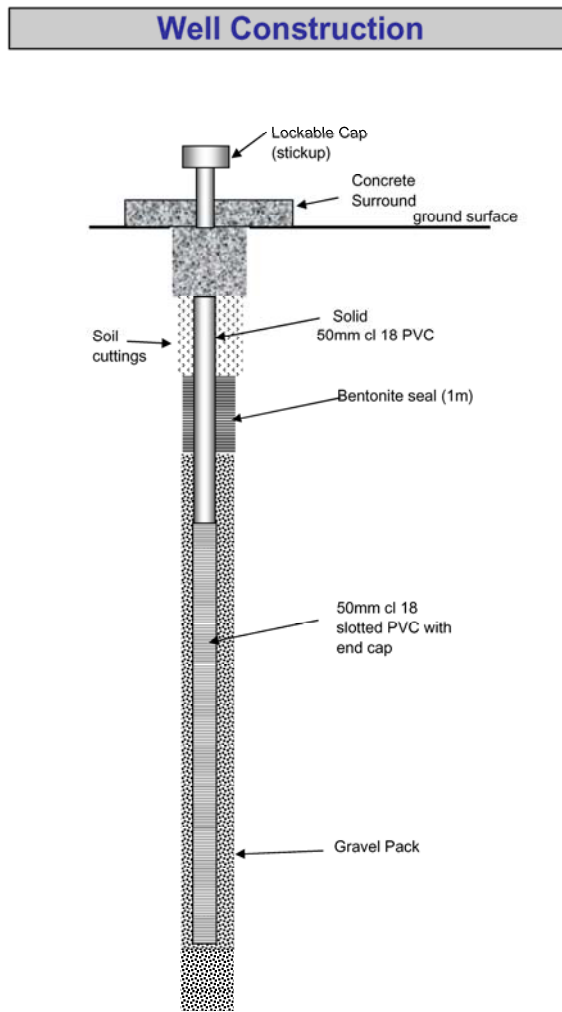


FIGURE 2

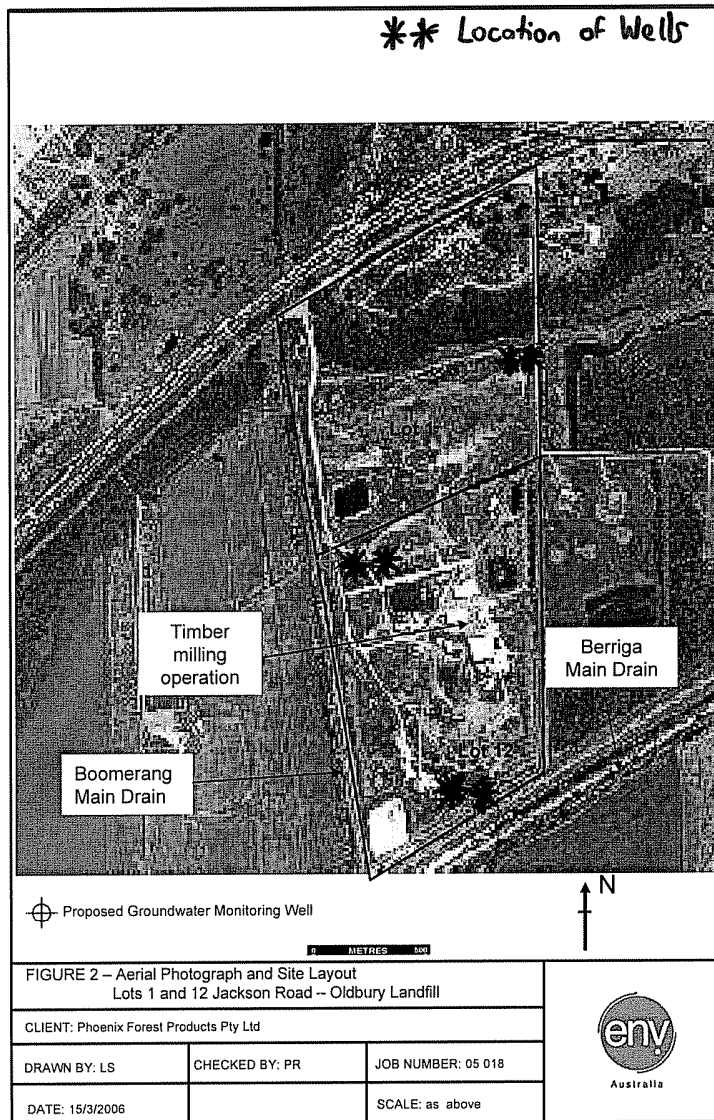


FIGURE 3 (to be provided prior to Ordinary Council Meeting)

- C. Council expresses its disappointment regarding the reduction in the buffer distance for development to the wetland and its reduction from 200 metres progressively down to ten metres by the Water and Rivers Commission.

Committee Note: The Officer Recommended Resolution was changed by amending part B to read “.... to authorise the Chief Executive Officer to issue a retrospective approval for the existing fill on Lot 12 Bird Road....” and adding part C.

SUPPLEMENTARY REPORT

SD110/03/06 APPEAL – RETROSPECTIVE DEVELOPMENT APPLICATION FOR INERT LANDFILLING & DEVELOPMENT APPLICATION FOR PLACEMENT OF INERT LANDFILL – LOT 12 BIRD ROAD AND LOT 1 JACKSON ROAD, OLDBURY (P05586/01 & P00098)

The following changes have been recommended to the committee recommended resolution to deal with minor typographical errors:

Part A

Condition 2(d) the requirements of condition 40 6 concerning cross-easements of the 27 March 2006 approval, have been complied with;

This was required as the incorrect cross reference had been made, condition 10 was referenced instead of condition 6.

Part A

Condition 4(viii)

~~(viii)~~(vii)

Upon the requirements of all the conditions of this approval having been satisfied, the Shire shall on request from the owner(s), pay back to the owner(s) (or the nominee appointed in writing by the owner(s)) the balance (if any) of corpus and income of the Bond then standing to the credit of the Shire.

This was required as the numbering did not follow the previous part of the condition, the condition was numbered 4(viii) instead of 4(vii)

Part A

Condition 15.

The owner(s) is to ensure that a Management Plan is lodged with the Shire, detailing measures to be taken to ensure that only inert fill is placed in site. The Management Plan shall deal with supervision and inspection of loads, control of access to the site, immediate removal of any non-inert fill, an auditable record of the aforementioned matters, and a written record detailing dates, volumes and composition of every load and by whom the load was delivered. If the Management Plan is to the Shire’s satisfaction, it is to be implemented and maintained in implementation at all times. No filling is to commence until Shire approval of the Management Plan. The auditable record and the written record of loads are to be made available to the Shire upon

The additional of “non-“ in front of the words “inert fill” was required to realize the intent of the condition.

Part B Schedule 1

<p>Schedule 1 Test Pit Inspection and Sampling</p> <p>Within three months of the date of this approval, four test pits are to be excavated through the landfill to provide visual assessment of the nature of the fill. The test pits are to be located in accordance with the locations in Figure 1 of the Sampling and Analysis Program of ENV Australia (a copy of which forms part of this Schedule) so as to provide, to the satisfaction of the Shire, a representative sample of the nature of the fill.</p> <p>The soil at the base of each test pit is sampled (minimum 4 samples) at the interface with the natural clay, and analysed for:</p> <ul style="list-style-type: none">- [pH – clarification needed from A Mack whether this is necessary for soil testing or only water testing]- Sulphates, sulphur – clarification needed from A Mack whether this is necessary for soil testing or only water testing]- Arsenic, mercury (low level), chromium, copper, nickel, cadmium, lead and zinc- Organo-chlorine pesticides- Total petroleum hydrocarbons <p>The owner(s) are responsible for liaising with the Shire so as to enable appropriate representatives or consultants of the Shire to be present at the time of excavation and sampling.</p> <p>Provide results to the Shire in a documented form.</p>
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These parameters were deleted as they were only required for water testing consistent with Schedule 2 of Part A.

Part B Schedule 3

<p>Schedule 3 Requirements for Water or Soil Sampling</p> <p>Where sampling and analysis of water or soil is required pursuant to any of the conditions of this approval:</p> <p>(a) Analysis is to be made for the following parameters:</p> <ul style="list-style-type: none">- pH [*]- Total suspended solids[*]- Sulphates, sulphur [*]- Arsenic, mercury (low level), chromium, copper, nickel, cadmium, lead and zinc- Organo-chlorine pesticides- Total petroleum hydrocarbons <p>* Applies only to water samples, not soil. [Asterisk in square brackets above indicates that A Mack input required to confirm this parameter inapplicable to soil]</p> <p>(b) The owner(s) shall ensure that all water samples are collected in accordance with Australian Standard 5667.1,1998</p> <p>(c) The owner(s) shall ensure that all water samples are submitted to a laboratory registered by NATA for the analyses specified.</p> <p>(d) With the exception of pH, conductivity and SWL all measurements are to be in accordance with Australian Standard 5667.1, 1998.</p>
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<p>Schedule 3 Requirements for Water or Soil Sampling</p> <p>(e) The result of the groundwater monitoring shall be reported in the annual monitoring report submitted to the Shire.</p> <p>Groundwater monitoring wells are to be installed pursuant to condition 13:</p> <p>(a) according to the specifications of Figure 1 forming part of this Schedule; and (b) at the locations identified by Figures 2 and 3 forming part of this Schedule.</p> <p>Figure 3 also shows the point in terms of soil profile at which soil samples are to be taken pursuant to condition 13.</p>

The square brackets around the asterisks and the notation inside the square brackets is not needed.

Figure 3 has also been provided which was indicated in the committee resolution as being provided prior to the Ordinary Council Meeting and is included in the revised officer's recommended resolution below.

Included for Council's reference are the plans that would be attached to the approval for Part A Condition 1 and Part B condition 1 at SD110/03/06.

In addition the applicant has asked for the following changes to Part B

1. the words "Subject to condition 5(viii) below," be inserted at the commencement of condition 5(vii)
2. the following condition 5(viii) be inserted:
"The Bond may be released upon partial satisfaction of the conditions of this approval, only where the following requirements have been fulfilled:
 - (a) an approval of the Shire for further fill on Lot 1 has been obtained and has not lapsed;
 - (b) the owner(s) have advised the Shire in writing that they intend to act on the approval;
 - (c) the owner(s) have authorised the Shire in writing to rollover, to the approval for further fill, the whole of the Bond then standing to the credit of the Shire under this approval and have paid the balance (if any) required to make up the full amount of the Bond required on the approval for further fill;
 - (d) the following conditions of this approval have been satisfied: condition 6 (cross easements); condition 8 (installation of test pits and sampling) and condition 13 (installation of groundwater monitoring wells and sampling); and
 - (e) the testing of water quality pursuant to condition 14, has demonstrated groundwater quality to accord, for at least one year immediately prior to the commencement of the proposed further fill, with concentrations as defined in the ANZECC Water Quality Guidelines 2000 for recreational use (or no worse than concentrations within the background water quality as determined in appropriate locations hydraulically upgradient from the site, to the satisfaction of the Shire)."

However it is recommended that the most appropriate manner to deal with the intent of this proposed clause is to give the matter due consideration as part of the legal agreement required to be prepared under the existing Part B condition 5(iii). The necessary changes to implement this would then be to amend Part B condition 5(iii) to allow the legal agreement to cover matters set out in subparagraphs (iv) – (viii) instead of (iv) – (vii).

Part B

Condition 5(iii) The owner(s) shall within two months of the date of this approval enter into a legal agreement to be prepared by the Shire's solicitors at the cost of the owner(s), to give contractual force to the matters set out in subparagraphs (iv)-(vii) (viii) below of this

condition, and by which the owner(s) charge the land with the obligations pursuant to the conditions of this approval and with the obligations of this condition; and whereby the owner(s) covenant to ensure that any person acquiring a legal or equitable estate in the land shall enter into a legal agreement with the Shire in the same terms; and authorise the Shire to lodge an absolute caveat over the land to ensure that such obligations run with the land.

Then adding a new condition 5(viii)

Part B

Condition 5(viii) The legal agreement pursuant to condition 5(iii) may provide for the release or partial release of the Bond for its rolling over to the requirements of any development approval on Lot 1.

The revised officer recommended resolution is the committee recommended resolution with the changes outlined in this supplementary report included.

SD110/03/05 COUNCIL DECISION/Revised Officer Recommended Resolution:

Moved Cr Hoyer seconded Cr Murphy

A. Subject to the Shire receiving and subsequently approving a planning application for retrospective fill on Lot 12 Bird Road and Lot 1 Jackson Road, Oldbury in accordance with the conditions indicated in Part B of this resolution, the Shire execute a Minute of Consent Order in the State Administrative Tribunal proceeding whereby the Tribunal would grant conditional development approval for Lot 1 Jackson Road, Oldbury; subject to the following conditions:

1. Development is to comply with the plans annexed hereto.

CONDITIONS TO BE FULFILLED BEFORE FILL COMMENCING

2. No filling is to commence until such time as:

- (a) the bond required by condition 5, of the retrospective approval for filling on Lots 12 Bird Road and Lot 1 Jackson Road, Oldbury, resolved by Council on 27 March 2006 to be authorised to be granted under delegated authority ("27 March 2006 approval") has been paid;
- (b) the requirements of condition 8 concerning test pits, of the 27 March 2006 approval have been complied with;
- (c) the requirements of condition 13 concerning groundwater monitoring bores, of the 27 March 2006 approval, have been complied with;
- (d) the requirements of condition 6 concerning cross-easements of the 27 March 2006 approval, have been complied with;
- (e) the bond required by condition 4 this approval has been paid;
- (f) the testing of water quality pursuant to condition 14 of the 27 March 2006 approval, has demonstrated groundwater quality to accord, for at least one year immediately prior to commencement of the proposed further fill, with concentrations as defined in the ANZECC Water Quality Guidelines 2000 for recreational use (or no worse than concentrations within the background water quality as determined in appropriate locations hydraulically up-gradient from the site, to the satisfaction of the Shire).

INERT FILL ONLY

3. Filling by way of inert fill (as defined in the Landfill Waste Classification and Waste Definitions 1996 published by the Department of Environment pursuant to Items 63, 64, 65 and 66 of Schedule 1 of the Environmental Protection

Regulations 1987) is hereby approved. No filling by way of non-inert material is approved.

BOND

- 4. (i) The owner(s) shall furnish to the Shire a bond of \$50,000 (“the Bond”) to secure compliance with the conditions of this approval in the event of default at the site.**
- (ii) The Shire may deposit the Bond into an interest-bearing account.**
- (iii) The owner(s) shall prior to commencing any further fill, enter into a legal agreement to be prepared by the Shire’s solicitors at the cost of the owner(s), to give contractual force to the matters set out in subparagraphs (iv)-(vii) below of this condition, and by which the owner(s) charges the land with the obligations pursuant to the conditions of this approval and with the obligations of this condition; and whereby the owner(s) covenant to ensure that any person acquiring a legal or equitable estate in the land shall enter into a legal agreement with the Shire in the same terms; and authorises the Shire to lodge an absolute caveat over the land to ensure that such obligations run with the land.**
- (iv) If in the opinion of the Executive Manager, Planning and Regulatory Services Shire of Serpentine-Jarrahdale, any of the said conditions have not been fully complied with, then without prejudice to any other remedy available to the Shire, the Shire may, after giving at least 45 days written notice to the owner(s) of non-compliance with any condition of this approval and such non-compliance remaining unremedied at the expiration of that time (which notice need only be given prior to the first occasion of entry) by its officers, employees, agents, contractors or subcontractors, enter into and upon the land the subject of this approval, or any part of it as many times as the Executive Manager, Planning and Regulatory Services deems necessary, with or without vehicles, machinery, equipment or plants, and to remain on the land on each such occasion as long as the Shire deems necessary, and to:**
- (a) do such works as the Shire deems necessary to give effect or partial effect to the said conditions;**
 - (b) for such purpose to do such excavation, clearing, re-contouring, and planting as the Shire deems necessary or desirable;**
 - (c) for such purpose to make such installation (permanent or temporary) of equipment, fences, gates, fixtures, services, tracks, accesses or roads as the Shire considers necessary or desirable;**
 - (d) to maintain any plants or any of the things referred to in subparagraph (c) above; and**
 - (e) to carry out such tests or monitoring as the Shire deems necessary to give effect to the requirements of the conditions of this approval.**
- (v) The Shire may, for the purpose of giving effect to subparagraph (iv) above, draw from the Bond, whether from corpus or income or both, in payment of the reasonable costs of the Shire’s officers’, employees’, and agents’ time, and/or the costs of the contractors and subcontractors engaged by the Shire for such purpose, and to pay for the materials, equipment, hire of machinery and other costs involved in giving effect or partial effect to the said conditions.**
- (vi) By acting upon (whether personally or through tenants or occupiers), and thereby accepting the benefit of this approval, the owner(s) as**

owner(s) jointly and severally give an irrevocable licence to the Shire to do all of the things aforementioned in this clause, and all persons from time to time holding any legal or equitable estate in the land do, by accepting the benefit of this approval (whether by themselves or through their tenants or occupiers) likewise irrevocably licence the Shire in the same terms.

- (vii) Upon the requirements of all the conditions of this approval having been satisfied, the Shire shall on request from the owner(s), pay back to the owner(s) (or the nominee appointed in writing by the owner(s)) the balance (if any) of corpus and income of the Bond then standing to the credit of the Shire.

CROSS-EASEMENTS

5. Within three months of the date of this approval, the owner(s) of the respective Lots 1 and 12 are to enter into a cross-easement legal agreement to ensure that each will enjoy a legal right to continue to use and maintain the leachate drains and ponds on Lots 12 and 1, as part of one integrated system, and to carry out all testing and monitoring of that integrated system as required pursuant to these conditions.

NOTIFICATION

6. Notification in the form of a memorial to be placed on the Certificate of Title of the lot advising the existence of a hazard or other factor, in accordance with section 12A of the Town Planning and Development Act 1928, and notice of this memorial be lodged to the satisfaction of Council and at the applicant's cost. The memorial to state as follows:

“The quality of groundwater obtained from the proposed lots may not be suitable for human consumption and any person proposing to use groundwater for such purposes should have water scientifically analysed to determine its quality.”

SURFACE LAND FORM RECONTOURING AND VEGETATION MANAGEMENT PLAN

7. Within three months of the date of this approval, the owner(s) are to ensure that a Surface Land Form Recontouring and Vegetation Management Plan is lodged with the Shire for the site for approval by the Shire. The Plan is to comply with the requirements of Schedule 1 to these conditions. If the Plan is to the Shire's satisfaction, the Shire will approve the Plan. The owner(s) shall thereafter ensure that the Plan is implemented, and maintained in implementation.

LEACHATE DRAINAGE AND RETENTION

8. The owner(s) are to ensure that leachate drains and stormwater drains are installed and maintained in a fully functional state around the area the subject of the proposed fill, in accordance with the approved plans.
9. All leachate is to be retained on the adjoining site (Lot 12 and area of Lot 1 the subject of the 27 March 2006 approval) by means of leachate drains on Lot 1 and Lot 12 and the leachate retention ponds on Lot 12 and Lot 1.

Leachate may be re-used on site, but only where:

- (i) a sample of leachate has been taken from the leachate retention pond;
(ii) that sample has been analyzed in accordance with Schedule 2;

- (iii) the water quality pursuant to that sample accorded with concentrations as defined in the ANZECC Water Quality Guidelines 2000 for irrigation use; and
- (iv) use of leachate must not be carried out or continued where the sample was taken more than three months prior to any given day on which it is intended to re-use leachate on site.

Leachate is not to be discharged to local drains.

STORMWATER

10. Uncontaminated stormwater run-off, such as water from roofs and site drainage, shall be directed away from the filled and peripheral areas and associated sumps or drains into dedicated stormwater drains.
11. The owner(s) and operators shall ensure stormwater drains on the premises are kept clear of waste to allow for their effective use.

WINDBLOWN WASTE

12. The owner(s) and operators shall ensure that any windblown waste is removed from the premises, fences and roads, and any windblown waste emanating from the premises is collected and removed on a weekly basis or more frequently when directed by the Shire.

DUST

13. The owner(s) and operators shall ensure that all areas on the premises from which dust may be generated are maintained in a moist condition so that no visible dust crosses the boundary of the premises.

ANNUAL MONITORING REPORT

14. The owner(s) shall provide to the Shire an annual monitoring report containing monitoring data required by any condition of this approval. The report shall contain data collected from the previous calendar year and shall be provided no later than a date two months from each anniversary date of this Tribunal approval. The Shire will dictate the format of the report.

In the annual monitoring report, the owner(s) shall list any monitoring methods used to collect and analyse data required by any condition of this approval to demonstrate they comply with the methods specified in this approval.

In the annual monitoring report, the owner(s) shall also provide details of:

- Measures taken to control pests and vermin
- The number and severity of any fires on site
- Measures taken to suppress dust
- Measures taken to prevent windblown waste

The number and type of complaints received including complainant's name, address, nature of complaint (where appropriate cross referenced with prevailing wind directions) and action taken.

MANAGEMENT PLAN

15. The owner(s) is to ensure that a Management Plan is lodged with the Shire, detailing measures to be taken to ensure that only inert fill is placed in site. The Management Plan shall deal with supervision and inspection of loads,

control of access to the site, immediate removal of any non-inert fill, an auditable record of the aforementioned matters, and a written record detailing dates, volumes and composition of every load and by whom the load was delivered. If the Management Plan is to the Shire's satisfaction, it is to be implemented and maintained in implementation at all times. No filling is to commence until Shire approval of the Management Plan. The auditable record and the written record of loads are to be made available to the Shire upon request at any time.

16. If the development the subject of this approval is not commenced within five years of the date of this Tribunal approval, the approval shall lapse and be of no further effect. Where an approval has so lapsed, no development shall be carried out without the further approval of the responsible authority having been first sought and obtained.

Schedule 1

Requirements of Landscape and Vegetation Management Plan

The Landscape and Vegetation Management Plan is required to address the following:

- Include a scaled map of the bund walls which can be placed as an overlay over a recent (since 2003) aerial photograph of the whole of Lot 12 Bird Road and Lot 1 Jackson Road;
- Locate on the map, and both identify and describe how existing indigenous and exotic vegetation between the leachate drain and the base of the inside of the bund walls is to be protected or is not to be retained as a result capping and revegetation works;
- Locate on the map and identify both the types and magnitudes of weed infestations and describe weed management to be undertaken both during the establishment of revegetation and as ongoing maintenance;
- Locate proposed revegetation works on the map and describe the species, densities, soil preparation and plant protection to provide a complete vegetation cover of the bund wall slopes and tops to both screen the whole industrial site from roads, adjoining properties and the wetland to the north of the property and provide habitat for local woodland and wetland fauna;
- Describe ongoing management of vegetation on site;
- Clearly state auditable landscaping and vegetation management targets including capping outcomes plus weed control and revegetation outcomes in accordance with the conditions in this document;
- A timetable for implementation of each step in the Plan;
- Locate fire breaks on the map.

The implementation of the approved Landscape and Vegetation Management Plan will establish auditable targets. Vegetation on site is thereafter to be maintained in accordance with the approved Landscape and Vegetation Management Plan.

- The bund walls are to be capped with sufficient clay and clean soil materials and stabilised to:
- Completely cover all waste materials such that the surface does not have protrusions caused by waste materials below, minimise so far as practicable to the satisfaction of the Shire seepage holes down through waste materials below, or erosion ruts and channels across the surface at any time from the time that the capping material was placed on the bund walls;
- Support the establishment of native plants on the slopes and top of all bunds;
- Prevent regrowth from smothered weeds.

Materials used for capping bund walls are to be clean and the proponent is to provide written certification that they are dieback free.

Revegetation will have management targets, such as:

**Schedule 1
Requirements of Landscape and Vegetation Management Plan**

1. A minimum stem density of 25 established locally native plants per 10 linear meters of bund wall when a minimum of 80% of the plants have survived at least two summer seasons;
2. Sedges and rushes planted around settling ponds that abut the bund walls are to be clumped with densities of four stems per meter squared within clumps, and interspersed with other local wetland species at densities of one stem per four square meters when a minimum of 80% of the plants have survived at least two summer seasons;
3. Bund planting is to include a mixture of tree and shrub species such that no more than one third of the plants are trees;
4. Unless agreed in writing by the Executive Manager Strategic Community Planning of the Shire because of the disturbed nature of the substrate, all plants are to be of locally native species indicative of neighbouring woodland and wetland communities;
5. Unless agreed in writing by the Executive Manager Strategic Community Planning because of the disturbed nature of the substrate, plant diversity is to achieve a level of at least 80% of the plant species that are listed within the dominant shoreline ground cover, ground cover and small shrub, medium shrub, tall shrub and tree categories for the relevant woodland and wetland communities on the Shire Planting List;
6. Agricultural and environmental weeds on site are to be managed at levels not likely to threaten the native species;
7. Revegetated areas are to be fenced if livestock are grazed on the property.

**Schedule 2
Requirements for Water or Soil Sampling**

Where sampling and analysis of water or soil is required pursuant to any of the conditions of this approval:

(a) Analysis is to be made for the following parameters:

- pH *
- Total suspended solids*
- Sulphates, sulphur *
- Arsenic, mercury (low level), chromium, copper, nickel, cadmium, lead and zinc
- Organo-chlorine pesticides
- Total petroleum hydrocarbons.

* Applies only to water samples, not soil.

- (b) The owner(s) shall ensure that all water samples are collected in accordance with Australian Standard 5667.1,1998
- (c) The owner(s) shall ensure that all water samples are submitted to a laboratory registered by NATA for the analyses specified.
- (d) With the exception of pH, conductivity and SWL all measurements are to be in accordance with Australian Standard 5667.1, 1998.
- (e) The result of the groundwater monitoring shall be reported in the annual monitoring report submitted to the Shire.

B. Council resolves upon formal application for planning approval being received by the landowner, to authorise the Chief Executive Officer to issue a retrospective approval for the existing fill on Lot 12 Bird Road and Lot 1 Jackson Road, Oldbury subject to the following conditions:

PLANS

1. Development is to comply with the plans annexed hereto.

SUPERSEDES PREVIOUS APPROVAL

2. This approval supersedes any previous approval for landfill in relation to the area the subject of the landfill hereby approved.

INERT FILL ONLY

3. Existing filling by way of inert fill (as defined in the Landfill Waste Classification and Waste Definitions 1996 published by the Department of Environment pursuant to Items 63, 64, 65 and 66 of Schedule 1 of the Environmental Protection Regulations 1987) is hereby approved. No filling by way of non-inert material is approved.

NO FURTHER FILL

4. No further filling is to take place on the area of the land the subject of the fill approved by this approval, other than capping required by conditions of this approval.

BOND

5. (i) The owner(s) shall furnish to the Shire a bond of \$50,000 (“the Bond”) to secure compliance with the conditions of this approval in the event of default at the site.
(ii) The Shire may deposit the Bond into an interest-bearing account.
(iii) The owner(s) shall within two months of the date of this approval enter into a legal agreement to be prepared by the Shire’s solicitors at the cost of the owner(s), to give contractual force to the matters set out in subparagraphs (iv)-(viii) below of this condition, and by which the owner(s) charge the land with the obligations pursuant to the conditions of this approval and with the obligations of this condition; and whereby the owner(s) covenant to ensure that any person acquiring a legal or equitable estate in the land shall enter into a legal agreement with the Shire in the same terms; and authorise the Shire to lodge an absolute caveat over the land to ensure that such obligations run with the land.
(iv) If in the opinion of the Executive Manager, Planning and Regulatory Services of the Shire of Serpentine-Jarrahdale, any of the said conditions have not been fully complied with, then without prejudice to any other remedy available to the Shire, the Shire may, after giving at least 45 days written notice to the owner(s) of non-compliance with any condition of this approval and such non-compliance remaining unremedied at the expiration of that time (which notice need only be given prior to the first occasion of entry) by its officers, employees, agents, contractors or subcontractors, enter into and upon the land the subject of this approval, or any part of it as many times as the Executive Manager, Planning and Regulatory Services deems necessary, with or without vehicles, machinery, equipment or plants, and to remain on the land on each such occasion as long as the Shire deems necessary, and to:
(a) do such works as the Shire deems necessary to give effect or partial effect to the said conditions;
(b) for such purpose to do such excavation, clearing, re-contouring, and planting as the Shire deems necessary or desirable;

- (c) for such purpose to make such installation (permanent or temporary) of equipment, fences, gates, fixtures, services, tracks, accesses or roads as the Shire considers necessary or desirable;
 - (d) to maintain any plants or any of the things referred to in subparagraph (c) above; and
 - (e) to carry out such tests or monitoring as the Shire deems necessary to give effect to the requirements of the conditions of this approval.
- (v) The Shire may, for the purpose of giving effect to subparagraph (iv) above, draw from the Bond, whether from corpus or income or both, in payment of the reasonable costs of the Shire's officers', employees', and agents' time, and/or the costs of the contractors and subcontractors engaged by the Shire for such purpose, and to pay for the materials, equipment, hire of machinery and other costs involved in giving effect or partial effect to the said conditions.
- (vi) By acting upon (whether personally or through tenants or occupiers), and thereby accepting the benefit of this approval, the owner(s) as owner(s) jointly and severally give an irrevocable licence to the Shire to do all of the things aforementioned in this clause, and all persons from time to time holding any legal or equitable estate in the land do, by accepting the benefit of this approval (whether by themselves or through their tenants or occupiers) likewise irrevocably licence the Shire in the same terms.
- (vii) Upon the requirements of all the conditions of this approval having been satisfied, the Shire shall on request from the owner(s), pay back to the owner(s) (or the nominee appointed in writing by the owner(s)) the balance (if any) of corpus and income of the Bond then standing to the credit of the Shire.
- (viii) The legal agreement pursuant to condition 5(iii) may provide for the release or partial release of the Bond for its rolling over to the requirements of any development approval on Lot 1.

CROSS-EASEMENTS

6. Within three months of the date of this approval, the owner(s) of the respective Lots 1 and 12 are to enter into a cross-easement legal agreement to ensure that each will enjoy a legal right to continue to use and maintain the leachate drains and ponds on Lots 12 and 1, as part of one integrated system, and to carry out all testing and monitoring of that integrated system as required pursuant to these conditions.

NOTIFICATION

7. Within two months of the date of this approval, notification in the form of a memorial to be placed on the Certificate of Title of the lots advising the existence of a hazard or other factor, in accordance with section 12A of the *Town Planning and Development Act 1928*, and notice of this memorial be lodged to the satisfaction of Council and at the applicant's cost. The memorial to state as follows:

"The quality of groundwater obtained from the proposed lots may not be suitable for human consumption and any person proposing to use groundwater for such purposes should have water scientifically analysed to determine its quality."

TEST PIT SAMPLING

8. The owner(s) are to ensure that, within two months of the date of this approval, test pits are dug, and samples taken, in accordance with the requirements of Schedule 1. Sampling is to comply with the requirements of Schedule 3.

SURFACE LAND FORM RECONTOURING AND VEGETATION MANAGEMENT PLAN

9. Within three months of the date of this approval, the owner(s) are to ensure that a Surface Land Form Recontouring and Vegetation Management Plan is lodged with the Shire for the site for approval by the Shire. The Plan is to comply with the requirements of Schedule 2 to these conditions. If the Plan is to the Shire's satisfaction, the Shire will approve the Plan. The owner(s) shall thereafter ensure that the Plan is implemented, and maintained in implementation (except to the extent, and so long as, such implementation is inconsistent with the requirements of any direction issued by the Shire arising from the findings of the testing pursuant to the test pit sampling).

LEACHATE DRAINAGE AND RETENTION

10. Within three months of the date of this approval, the owner(s) are to ensure that a certificate of a hydrological engineer or other appropriate consultant is provided to the Shire, stating that:
- (a) The leachate drains are fully functional in terms of their capacity, gradient and absence of obstructions, to drain into the leachate retention ponds on Lots 12 and 1; and
 - (b) The stormwater drainage system for Lots 12 and 1 is hydraulically and physically separate from the leachate drainage system.

The owner(s) shall thereafter ensure that the leachate and stormwater drains are maintained in a fully functional state in terms of the aforementioned.

11. The owner(s) and operator(s) shall ensure that:
- (a) Subject to (d) below, all leachate is retained on site by means of leachate drains and the leachate retention pond;
 - (b) The capacity of the leachate retention pond is not exceeded;
 - (c) Any disposal of leachate which is required in order to achieve this requirement is to be disposed offsite in an appropriate licensed facility;
 - (d) Leachate may be re-used on site, but only where:
 - (i) a sample of leachate has been taken from the leachate retention pond;
 - (ii) that sample has been analyzed in accordance with Schedule 3;
 - (iii) the water quality pursuant to that sample accorded with concentrations as defined in the ANZECC Water Quality Guidelines 2000 for irrigation use; and
 - (iv) use of leachate must not be carried out or continued where the sample was taken more than three months prior to any given day on which it is intended to re-use leachate on site.
 - (e) Leachate is not discharged to local drains.
12. The owner(s) and operator(s) are responsible to ensure that, prior to any off-site disposal of leachate at an appropriately licensed facility pursuant to condition 11(c), a sample of leachate is taken from the leachate retention pond and analysed in accordance with Schedule 3.

GROUNDWATER MONITORING

13. The owner(s) are to ensure that within six months of the date of this approval a minimum of six groundwater monitoring wells are to be installed around the site (two bores at each of three locations). The monitoring wells are to be

located to the satisfaction of the Shire so as to provide representative samples of any potential impact on groundwater of the development. One well at each location will be installed inside the leachate drain and one outside the leachate drain where practicable. At the time of installing each groundwater monitoring well the owner(s) are to ensure that the soil profiles at each location are logged and soil samples collected and analysed in accordance with Schedule 3.

14. The owner(s) are to ensure that groundwater samples from each bore are obtained on a quarterly basis for the first year, and thereafter annually (unless, due to analysis showing a worsening or fluctuation in water quality, the Shire advises in writing that it requires quarterly sampling to continue) and analysed in accordance with Schedule 3 until:
- (a) in the event no further filling pursuant to separate approval occurs on Lot 1, such time as the sampling indicates for three consecutive years that water quality accords with concentrations as defined in the ANZECC Water Quality Guidelines 2000 for recreational use (or no worse than concentrations within the background groundwater quality for the locality as determined at appropriate locations hydraulically up-gradient of the site, to the satisfaction of the Shire); or
 - (b) in the event that further filling pursuant to separate approval occurs on Lot 1, such time as the sampling indicates for three consecutive years after the cessation of fill on Lot 1 that water quality accords with concentrations as defined in the ANZECC Water Quality Guidelines 2000 for recreational use (or no worse than concentrations within the background groundwater quality for the locality as determined at appropriate locations hydraulically up-gradient of the site, to the satisfaction of the Shire).

STORMWATER

15. Uncontaminated stormwater run-off, such as water from roofs and site drainage, shall be directed away from the filled and peripheral areas and associated sumps or drains into dedicated stormwater drains.
16. The owner(s) and operators shall ensure stormwater drains on the premises are kept clear of waste to allow for their effective use.

WIND-BLOWN WASTE

17. The owner(s) and operators shall ensure that any windblown waste is removed from the premises, fences and roads, and any windblown waste emanating from the premises is collected and removed on a weekly basis or more frequently when directed by the Shire.

DUST

18. The owner(s) and operators shall ensure that all areas on the premises from which dust may be generated are maintained in a moist condition so that no visible dust crosses the boundary of the premises.

ANNUAL MONITORING REPORT

19. The owner(s) shall provide to the Shire an annual monitoring report containing monitoring data required by any condition of this approval. The report shall contain data collected from the previous calendar year and shall be provided no later than a date two months from each anniversary date of this approval. The Shire will dictate the format of the report.

In the annual monitoring report, the owner(s) shall list any monitoring methods used to collect and analyse data required by any condition of this approval to demonstrate they comply with the methods specified in this approval.

**Schedule 1
Test Pit Inspection and Sampling**

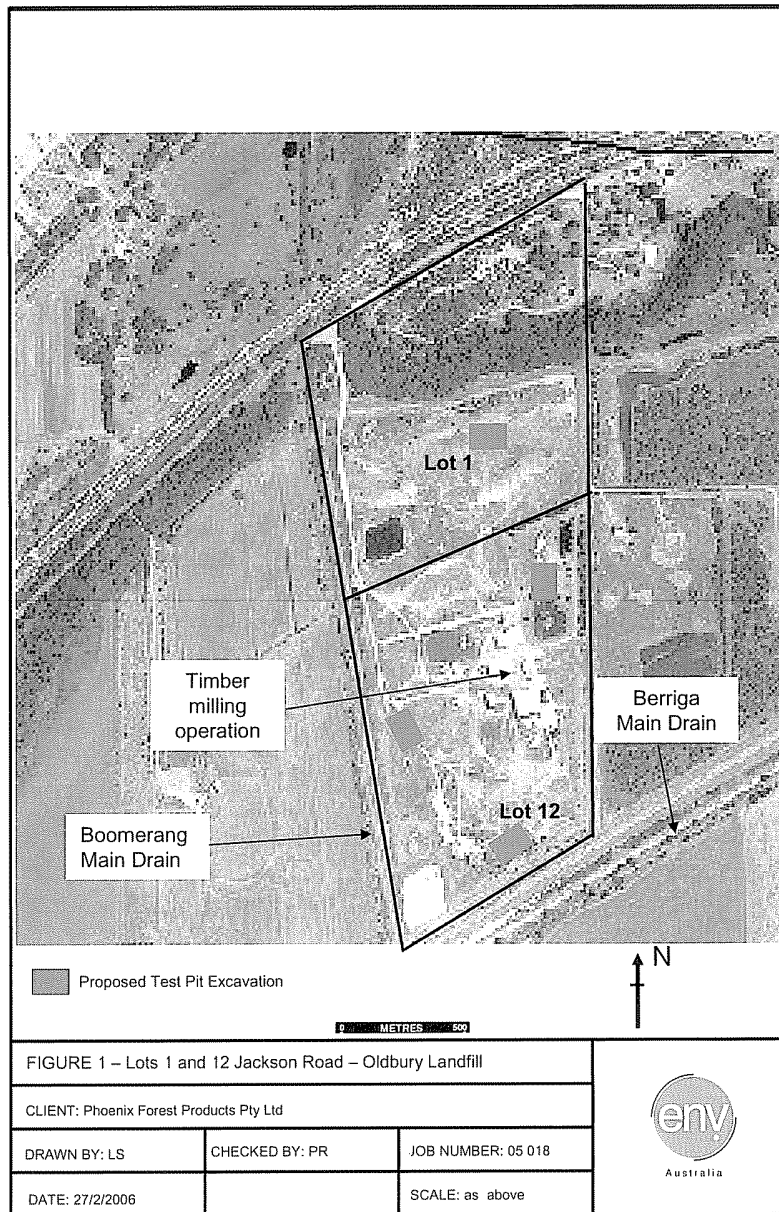
Within three months of the date of this approval, four test pits are to be excavated through the landfill to provide visual assessment of the nature of the fill. The test pits are to be located in accordance with the locations in Figure 1 of the Sampling and Analysis Program of ENV Australia (a copy of which forms part of this Schedule) so as to provide, to the satisfaction of the Shire, a representative sample of the nature of the fill.

The soil at the base of each test pit is sampled (minimum 4 samples) at the interface with the natural clay, and analysed for:

- Sulphates
- Arsenic, mercury (low level), chromium, copper, nickel, cadmium, lead and zinc
- Organo-chlorine pesticides
- Total petroleum hydrocarbons

The owner(s) are responsible for liaising with the Shire so as to enable appropriate representatives or consultants of the Shire to be present at the time of excavation and sampling.

Provide results to the Shire in a documented form.



**Schedule 2
 Requirements of Landscape and Vegetation Management Plan**

The Landscape and Vegetation Management Plan is required to address the following:

- Include a scaled map of the bund walls which can be placed as an overlay over a recent (since 2003) aerial photograph of the whole of Lot 12 Bird Road

Schedule 2
Requirements of Landscape and Vegetation Management Plan

- and Lot 1 Jackson Road;
- Locate on the map, and both identify and describe how existing indigenous and exotic vegetation between the leachate drain and the base of the inside of the bund walls is to be protected or is not to be retained as a result capping and revegetation works;
 - Locate on the map and identify both the types and magnitudes of weed infestations and describe weed management to be undertaken both during the establishment of revegetation and as ongoing maintenance;
 - Locate proposed revegetation works on the map and describe the species, densities, soil preparation and plant protection to provide a complete vegetation cover of the bund wall slopes and tops to both screen the whole industrial site from roads, adjoining properties and the wetland to the north of the property and provide habitat for local woodland and wetland fauna;
 - Describe ongoing management of vegetation on site;
 - Clearly state auditable landscaping and vegetation management targets including capping outcomes plus weed control and revegetation outcomes in accordance with the conditions in this document;
 - A timetable for implementation of each step in the Plan;
 - Locate fire breaks on the map.

The implementation of the approved Landscape and Vegetation Management Plan will establish auditable targets. Vegetation on site is thereafter to be maintained in accordance with the approved Landscape and Vegetation Management Plan.

The bund walls are to be capped with sufficient clay and clean soil materials and stabilised to:

- Completely cover all waste materials such that the surface does not have protrusions caused by waste materials below, minimize so far as practicable to the satisfaction of the Shire seepage holes down through waste materials below, or erosion ruts and channels across the surface at any time from the time that the capping material was placed on the bund walls;
- Support the establishment of native plants on the slopes and top of all bunds;
- Prevent regrowth from smothered weeds.

Materials used for capping bund walls are to be clean and the proponent is to provide written certification that they are dieback free.

Revegetation will have management targets, such as:

1. A minimum stem density of 25 established locally native plants per 10 linear meters of bund wall when a minimum of 80% of the plants have survived at least two summer seasons;
2. Sedges and rushes planted around settling ponds that abut the bund walls are to be clumped with densities of four stems per meter squared within clumps, and interspersed with other local wetland species at densities of one stem per four square meters when a minimum of 80% of the plants have survived at least two summer seasons;
3. Bund planting is to include a mixture of tree and shrub species such that no more than one third of the plants are trees;
4. Unless agreed in writing by the Executive Manager, Strategic Community Planning of the Shire because of the disturbed nature of the substrate, all plants are to be of locally native species indicative of neighbouring woodland and wetland communities;
5. Unless agreed in writing by the Executive Manager Strategic Community Planning because of the disturbed nature of the substrate, plant diversity is

**Schedule 2
Requirements of Landscape and Vegetation Management Plan**

- to achieve a level of at least 80% of the plant species that are listed within the dominant shoreline ground cover, ground cover and small shrub, medium shrub, tall shrub and tree categories for the relevant woodland and wetland communities on the Shire Planting List;
6. Agricultural and environmental weeds on site are to be managed at levels not likely to threaten the native species;
 7. Revegetated areas are to be fenced if livestock are grazed on the property.

**Schedule 3
Requirements for Water or Soil Sampling**

Where sampling and analysis of water or soil is required pursuant to any of the conditions of this approval:

(a) Analysis is to be made for the following parameters:

- pH*
- Total suspended solids*
- Sulphates, sulphur*
- Arsenic, mercury (low level), chromium, copper, nickel, cadmium, lead and zinc
- Organo-chlorine pesticides
- Total petroleum hydrocarbons

* Applies only to water samples, not soil.

- (b) The owner(s) shall ensure that all water samples are collected in accordance with Australian Standard 5667.1,1998
- (c) The owner(s) shall ensure that all water samples are submitted to a laboratory registered by NATA for the analyses specified.
- (d) With the exception of pH, conductivity and SWL all measurements are to be in accordance with Australian Standard 5667.1, 1998.
- (e) The result of the groundwater monitoring shall be reported in the annual monitoring report submitted to the Shire.

Groundwater monitoring wells are to be installed pursuant to condition 13:

- (a) according to the specifications of Figure 1 forming part of this Schedule; and
- (b) at the locations identified by Figures 2 and 3 forming part of this Schedule.

Figure 3 also shows the point in terms of soil profile at which soil samples are to be taken pursuant to condition 13.

FIGURE 1

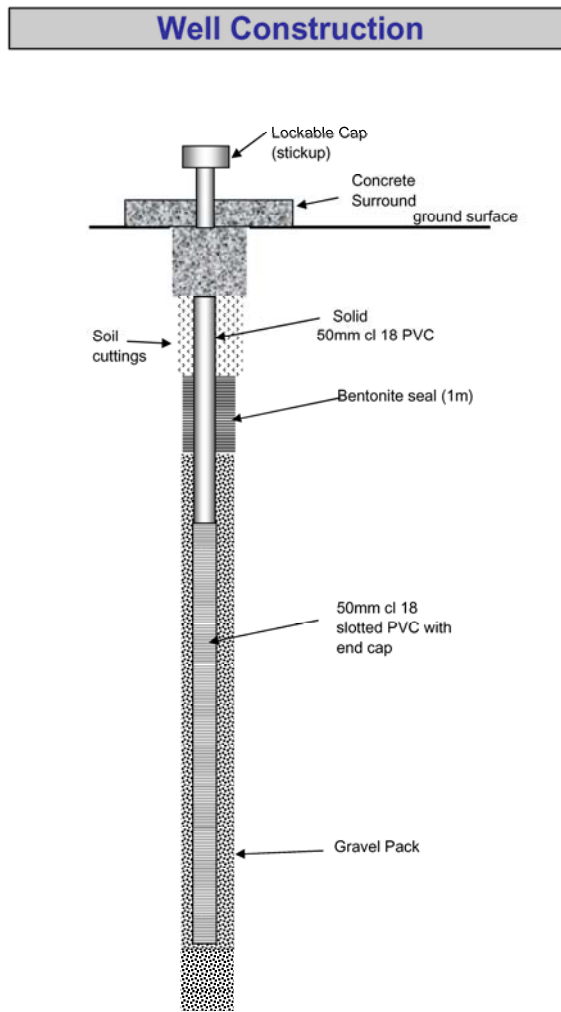


FIGURE 2

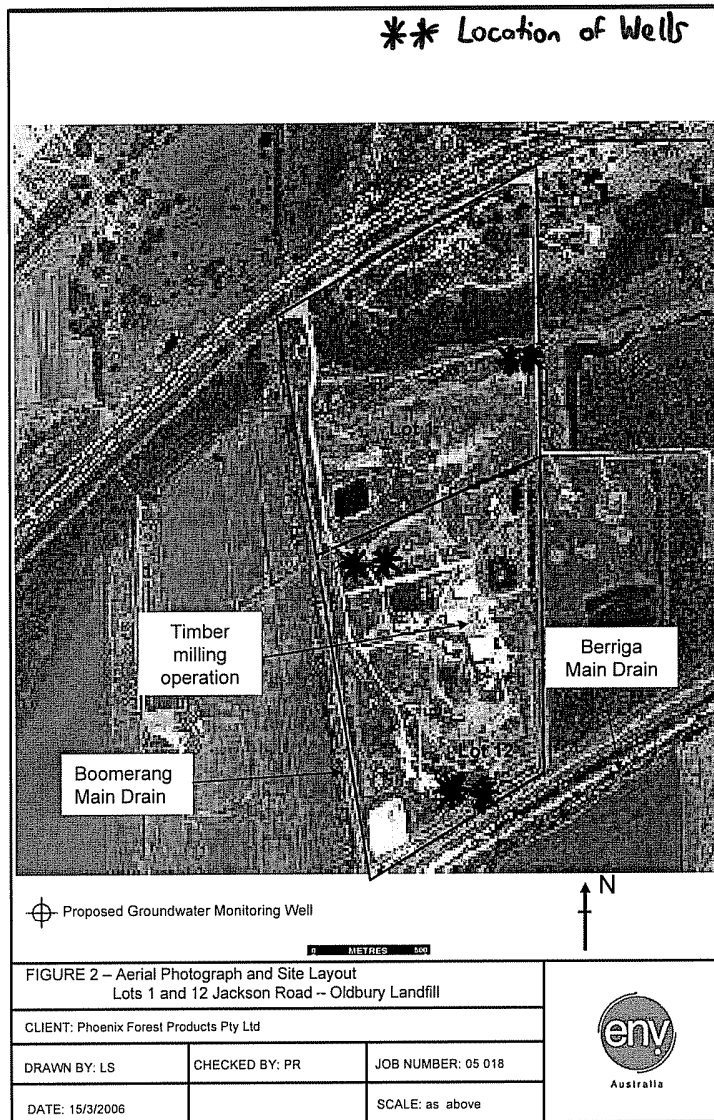
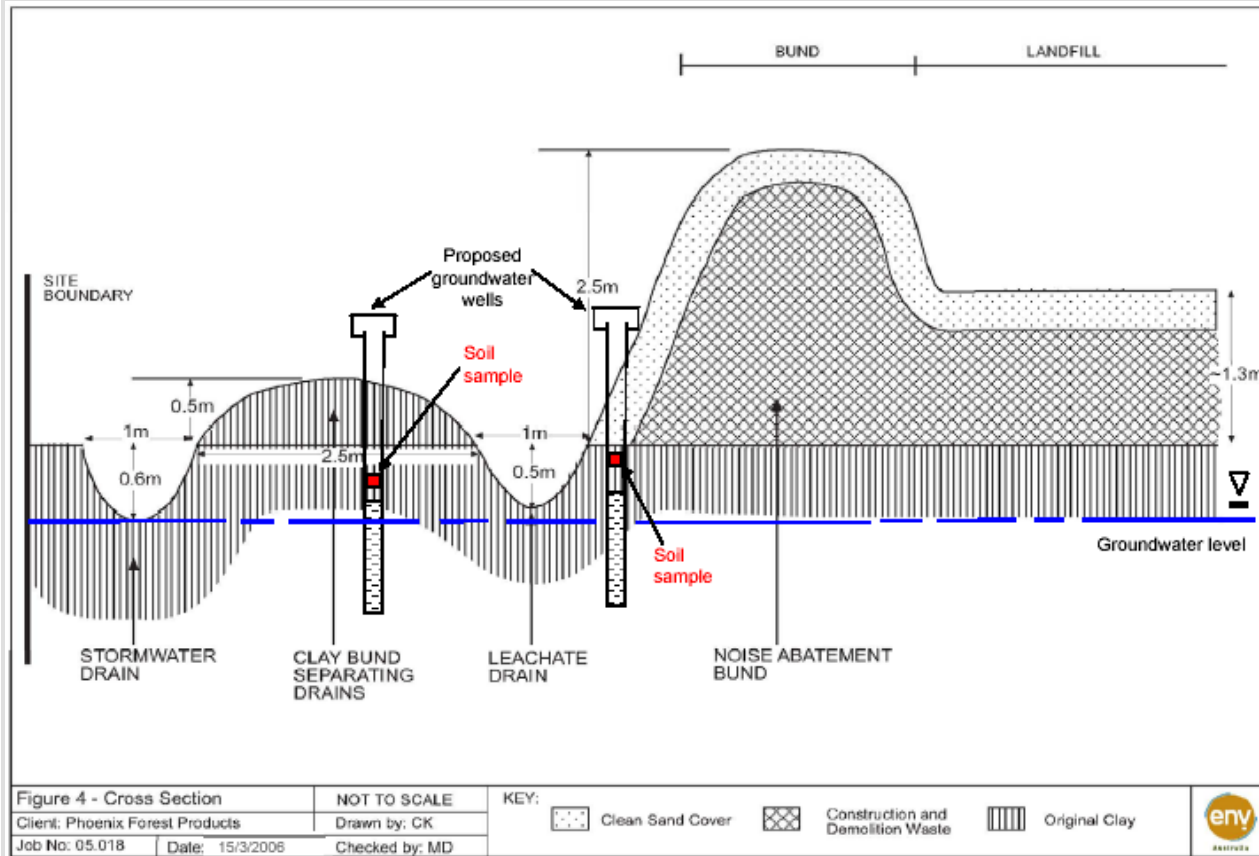


FIGURE 3



C. Council expresses its disappointment regarding the reduction in the buffer distance for development to the wetland and its reduction from 200 metres progressively down to ten metres by the Water and Rivers Commission.
CARRIED 9/0

SD111/03/06 FINAL ADOPTION OF LOCAL PLANNING POLICY 19 (LPP19) - BYFORD STRUCTURE PLAN AREA DEVELOPMENT REQUIREMENTS (A1293)		
Proponent:	Serpentine Jarrahdale Shire	In Brief Final adoption of local planning policy LPP19 <i>Byford Structure Plan Area Development Requirements</i> in accordance with clause 9.3 of Town Planning Scheme No. 2.
Owner:	N/A	
Officer:	Meredith Kenny - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	7 March 2006	
Previously	SD022/08/05	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

On 22 August 2005 the Council adopted draft Local Planning Policy LPP19 Byford Structure Plan Area Development Requirements for the purpose of advertising. The statutory advertising process required under Town Planning Scheme No. 2 has now been completed and the draft policy is now presented to the Council for final adoption.

No submissions were received in regard to the policy during the advertising period.

Following is an outline of the elements dealt with by draft local planning policy LPP19 Byford Structure Plan Area Development Requirements:

1. Application
The area to which the policy will apply being the whole of the Byford Structure Plan area.
2. Objectives
The objectives that the policy is intended to achieve.
3. Development Control
 - a) Identification of types of development requiring Council approval;
 - b) Interpretations relating to the land uses that are listed in the Zoning Table contained in this policy.
 - c) The relationship of this policy to the Residential Design Codes of Western Australia.
 - d) Car parking requirements within the policy area.
 - e) Development requirements (ie setbacks, plot ratio, landscaping etc.) for specific zones within the Byford Structure Plan area).
 - f) Zoning/Land Use table for the new zones proposed by the Byford Structure Plan.

A concurrent amendment to Town Planning Scheme No. 2 (Amendment 148) is being progressed to insert the provisions contained in draft LPP19 into the Scheme. However, the proposed scheme amendment will take approximately 12 months to complete. Meanwhile, the Byford urban area is experiencing growing development pressure every day. Accordingly, it is recommended that draft LPP19 be adopted in the interim to provide immediate guidance for Shire officers and the community with regard to land use and development in the Byford urban area.

It is intended that the policy be rescinded upon gazettal of Scheme Amendment 148.

Sustainability Statement

Social – Quality of Life: In determining the uses that should be permissible in the various zones and the level of permissibility (ie permitted, discretionary etc) the following issues have been taken into account:

1. The intent and objective of each of the zones as detailed in the Byford Structure Plan;
2. The compatibility of each of the land uses within a particular zone; and
3. The amenity expectations of each of the zones (ie not allowing potentially noisy uses such as Nightclubs within the Residential zone).

Social and Environmental Responsibility and Social Diversity: The range of land uses proposed in the Zoning table for the Byford urban area aims to provide for a diverse range of future residents. The uses encompass the wide spectrum of residential, shopping, services, entertainment and employment opportunities throughout the Byford Urban area and will encourage future residents to shop, work and play locally as much as possible.

Statutory Environment:

Town Planning and Development Act 1928
Town Planning Regulations 1967 (as amended)
Town Planning Scheme No.2

Policy/Work Procedure Implications:

There are no policy or work procedure implications associated with this proposal.

Financial Implications:

Costs to Council for advertising of the Local Planning Policy

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.
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:

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.

3. Economic

Objective 1: A vibrant local community

Strategy:

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

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

Strategy:

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

Objective 3: Effective management of Shire growth

Strategies:

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

Community Consultation:

Community consultation was carried out in accordance with the advertising requirements for draft local planning policies contained in Town Planning Scheme No. 2. In this regard, all landowners within the Byford Structure Plan area were advised in writing of the draft policy and invited to comment on it. The policy was also forwarded to local community groups for comment and an advertisement was placed in The Examiner newspaper. No submissions were received with regard to draft Local Planning Policy LPP19.

Comment:

Statutory Procedures

The power to prepare local planning policies is contained within Part 9 of Town Planning Scheme No. 2 and permits the preparation of such a policy for a particular class or classes of matters and for the whole or part of the scheme area.

The procedural requirements for making a Local Planning Policy as contained in clause 9.3 of the scheme are as detailed below:

9.3 PROCEDURES FOR MAKING AND AMENDING A LOCAL PLANNING POLICY

A Local Planning Policy shall become operative only after the following procedures have been completed:-

- a) The Council having prepared and adopted a draft Policy shall publish a notice once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area giving details of where the draft Policy may be inspected, the subject and nature of the Policy and in what form and during what period (being not less than 21 days) submissions may be made.*
- b) The Council shall review the draft Policy in the light of any submissions made and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.*
- c) Following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area.*

Proposed Modifications

As there were not any submissions made with regard to the draft policy no modifications are required as a result of public consultation. However, further research into land uses that may be appropriate in various zones has identified the following desirable modifications to the land use zoning table:

1. Making “Residential Building” an SA use in the Town Centre and Neighbourhood Centre zones. A “Residential Building” is defined under the Residential Design Codes as follows:

Residential Building - a building or portion of a building, together with rooms and outbuildings separate from such building and ancillary thereto; such building being used or intended, adapted or designed to be used for the purposes of human habitation

*Temporarily by two or more persons, or
Permanently by seven or more persons
who do not comprise a single family; but does not include a hospital or sanatorium, a prison, a hotel, a motel, or a residential school.*

The above definition is already contained in Town Planning Scheme No. 2. Examples of “Residential Buildings” include lodging houses, short stay accommodation, student housing or housing for specific groups such as disabled persons, women or youth refugees and the like.

2. Adding the use of “Bed & Breakfast” establishment to the land use/zoning table as an AA use in the Residential and Rural-Residential zones. A definition of this use would also need to be inserted in the policy as follows:

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

There is an existing Council policy (PP1) that contains development requirements for bed and breakfast establishments.

3. Adding the use of “Land Sales Office” to the land use/zoning table as an AA use in the Residential and Rural-Residential zones and inserting a definition for this use in the policy as follows:

“Land Sales Office” means a temporary office established within a subdivisional area for the purpose of selling vacant lots on site.

Commercial Development

Currently, the Shire is preparing a set of guidelines/policy relating to the development requirements (setbacks, plot ratio etc.) for land in the Town Centre and Neighbourhood Centre zones. Accordingly, it is recommended that those provisions of LPP19 that relate to development requirements (setbacks, landscaping and plot ratio) for these zones (proposed Table V) be deleted from LPP 19 and these matters be addressed in the Town Centre/Neighbourhood Centre policy/guidelines. However, in the absence of a Local Commercial Strategy for the Shire it is considered important to include some interpretations in LPP19 for the Town Centre, Neighbourhood Centre and Neighbourhood Node to clearly define the intended hierarchy of these centres and to reinforce the importance of the Town Centre as the main retail precinct within the Byford Structure Plan Area.

The guidelines for the amount of retail floor space required per capita are contained within the Western Australian Planning Commission’s Statement of Planning Policy No. 9 *Metropolitan Centres Policy Statement for the Perth Metropolitan Region*. The requirements are broken down into a hierarchy of centre types as follows:

Centre type	Per Capita m ² nla
Perth Central Area	0.20
Regional Centres	0.61
District Centres	0.40
Neighbourhood and Local Centres	0.53
Total	1.74

With regard to the Byford Structure Plan Area only the centre categories of District Centre and Neighbourhood and Local Centres apply. The Town Centre zone identified in the Byford Structure Plan will fall into the District Centre category and the Neighbourhood Centre zone and Neighbourhood Nodes fit into the Neighbourhood Centre and Local Centre categories specified in the Metropolitan Centres Policy Statement. The Metropolitan Centres Policy Statement specifically identifies that District level shopping centres should be constructed within both the Byford and the Mundijong/Whitby urban areas.

The function of District and Neighbourhood and Local Centres as detailed in the Metropolitan Centres Policy Statement is summarised below:

District Centres (Town Centre zone in Byford Structure Plan)

District Centres should serve the weekly shopping and service needs of the suburban population. They should provide convenience goods, a range of comparison goods, local services and local employment. Shopping floor space should generally be confined to a maximum of 15,000m² unless consistent with a Commission endorsed Local Planning Strategy or centre plan.

Neighbourhood and Local Centres (Neighbourhood Centre zone and Neighbourhood Nodes in Byford Structure Plan)

Neighbourhood Centres and Local Centres which range from corner shops to small centres, should be promoted as predominantly for convenience retailing and (in the larger centres) weekly food and grocery shopping. Provision should also be made for small offices which serve the local community, as well as health, welfare and community facilities.

Shopping floor space should generally be confined to a maximum of 4,500m².

Planning controls should support the future of small shops and centres by controlling the size of larger centres and limiting new competing retail development outside local centres defined in the Local Planning Strategies and structure plans.

Taking the Byford Structure Plan area on its own with a projected ultimate population of 30 000 people and given the above floor space guidelines, it is estimated that the Byford Urban area could require the following amounts of District, Neighbourhood and Local retail floor space:

District Centre	12 000m ² (in a single central location)
Neighbourhood & Local	15 900m ² (split across multiple locations to serve specific catchments)

This is a basic calculation only and detailed assessment of the shopping needs for the Byford Urban area and the surrounding rural/rural living areas will be completed soon for the Shire by a planning consultant with expertise in this area. At this stage the above calculations should serve only as a guide to maximum floor space limits for the neighbourhood and local shopping centres within the Byford area so that the Shire has some guidelines in place in the interim until the Local Commercial Strategy is completed. The danger in not having any guidelines in place is that, in the absence of a local commercial strategy, designated Neighbourhood and Local Centres in the Byford urban area may be

developed to a size which results in the importance and economic viability of the existing town centre (future District centre) being diminished.

Therefore, the aim is to include some restrictions on the size and type of land uses within the designated neighbourhood and local centres in the Byford urban area. There are three neighbourhood centres identified in the Byford urban area as follows:

1. Malarkey Road (adjacent to Thomas Road)
2. Doley Road (south of Abernethy Road)
3. Clondyke Drive (Byford by the Scarp)

Neighbourhood Nodes (local centres) are designated around 11 intersections within the Byford Structure Plan area. In most cases these nodes will be developed for uses that in isolation are not classified as retail, such as child care centres and consulting rooms (medical, dental, physiotherapy). The size, number, location and function of the 11 neighbourhood nodes needs to be reviewed in detail when the Shire prepares its local commercial strategy.

Under the Metropolitan Centres Policy Statement an upper limit of 4 500m² of net lettable retail floor area is specified for any single neighbourhood centre. The maximum floor limit for each of the three neighbourhood centres identified in the Byford urban area should be determined at the Local Structure Plan stage and be dependent on the size of the population catchment they are likely to serve. For example, the centre within the Byford by the Scarp residential estate will have a very small immediate catchment of approximately 1 500 to 2 000 people so based on the 0.53m² per capita retail floor space, a local centre of more than 600 to 1 000m² in that estate would be difficult to justify. At the other end of the scale a neighbourhood centre developed to the maximum 4 500m² may be warranted in the large Byford main precinct (between Abernethy Road and Orton Road) due to the large immediate population catchment that will eventuate in that precinct.

What Local Planning Policy LPP19 needs to do is:

1. Define what the functions of the Town Centre zone (district centre), Neighbourhood Centre zone and Neighbourhood Nodes should be; and
2. Set maximum size limits for the neighbourhood centres and neighbourhood nodes particularly with regard to restricting the size of supermarkets in the neighbourhood centres so as to preserve the importance of the existing town centre.

It is recommended that there be three categories of Neighbourhood Centre as follows:

Small Neighbourhood Centre – shopping floor space of between 600m² to 1 000m² comprising a large deli/convenience store and a few small shops or other services.

Medium Neighbourhood Centre – shopping floor space of between 1 500m² to 2 500m² and comprising a supermarket of between 1 500m² to 2 000m² together with a limited range of support shops and local services (ie hairdresser, chemist, newsagency).

Large Neighbourhood Centre - shopping floor space of between 3 500m² to 4 500m² and comprising a supermarket of between 2 000m² to 3 000m² together with a limited range of support shops and local services (ie hairdresser, chemist, newsagency, small offices).

It is recommended that the three neighbourhood shopping areas within the Byford urban area be designated as follows:

Byford by the Scarp shopping area: Small Neighbourhood Centre
Malarkey Road shopping area: Medium Neighbourhood Centre
Doley Road centre: Large Neighbourhood Centre

It is recommended that the net lettable retail floor area of each Neighbourhood Nodes precinct (ie a single intersection containing one lot designated as a Neighbourhood Node on each corner of the intersection) be restricted to a maximum of 300m² (ie corner store or delicatessen) plus other uses such as small offices, child care centres and consulting rooms.

Conclusion

It is recommended that Council adopts the Local Planning Policy LPP19 in accordance with the provisions of clause 9.3 of Town Planning Scheme No. 2 subject to the modifications outlined above.

Voting Requirements: Normal

SD111/03/06 COUNCIL DECISION/Committee/Officer Recommended Resolution

Moved Cr Hoyer seconded Cr Scott

- A. Draft Local Planning Policy LPP19 be modified as follows:
1. Making “Residential Building” an SA use in the Town Centre and Neighbourhood Centre zones.
 2. Adding the use of “Bed & Breakfast” establishment to the land use/zoning table as an AA use in the Residential and Rural-Residential zones.
 3. Adding the use of “Land Sales Office” to the land use/zoning table as an AA use in the Residential and Rural-Residential zones.
 4. Inserting a definition for “bed and breakfast establishments” into the policy as follows:
“Bed and Breakfast Establishment” means a private dwelling intended for short stay/overnight accommodation in which one or two guest bedrooms are utilised to provide incidental holiday accommodation for not more than four persons or one family located under the main roof of the dwelling house.
 5. Inserting a definition for “land sales office” into the policy as follows:
“Land Sales Office” means a temporary office established within a subdivisional area for the purpose of selling vacant lots on site.
 6. Deleting those provisions of the LPP19 that relate to the Neighbourhood Centre and Town Centre zones (proposed Table V).
 7. Inserting an additional policy objective as follows:

 4. *To set guidelines for the net lettable retail floor area of land within the structure plan area and the Byford by the Scarp residential estate designated Neighbourhood Centre and Neighbourhood Node.*
 8. Adding a new clause 3.7 that defines the maximum retail floor area for land within the Neighbourhood Centre zone and Neighbourhood Nodes as detailed below:

 - 3.6 *Maximum retail floor area - Neighbourhood Centre zone & Neighbourhood Nodes*
There are three categories of Neighbourhood Centre as follows:

Small Neighbourhood Centre – shopping floorspace of between 600m² to 1000m² comprising a large deli/convenience store and a few small shops or other services as set out in the Land Use/Zoning table below.

Medium Neighbourhood Centre – shopping floorspace of between 1500m² to 2500m² and comprising a supermarket of between 1500m² to 2000m² together with a limited range of support shops and local

services (ie hairdresser, chemist, newsagency) as set out in the Land Use/Zoning table below.

Large Neighbourhood Centre - shopping floorspace of between 3500m² to 4500m² and comprising a supermarket of between 2000m² to 3000m² together with a limited range of support shops and local services (ie hairdresser, chemist, newsagency, small offices) as set out in the Land Use/Zoning table below.

The three neighbourhood shopping areas within the Byford urban area are designated as follows:

*Byford by the Scarp shopping area: Small Neighbourhood Centre
Malarkey Road shopping area: Medium Neighbourhood Centre
Doley Road centre: Large Neighbourhood Centre*

Neighbourhood Nodes

The maximum net lettable retail floor area of each Neighbourhood Node precinct (ie a single intersection containing 1 lot designated as a neighbourhood Node on each corner of the intersection) be restricted to a maximum of 300m² (ie corner store or delicatessen) plus other uses such as small offices, child care centres and consulting rooms as set out in the Land Use/Zoning table below.

9. Renumbering clause 3.6 as 3.7

B. Pursuant to Clause 9.3 of Town Planning Scheme No.2 modified Local Planning Policy "LPP19 Byford Structure Plan Area Development Requirements" as contained below be adopted:

LPP19 BYFORD STRUCTURE PLAN AREA DEVELOPMENT REQUIREMENTS

1.0 APPLICATION

This policy applies to all land within the area covered by the adopted Byford Structure Plan, the Byford Detailed Area Plan and the Byford by the Scarp estate.

This policy will be rescinded upon gazettal of Scheme Amendment 148 to Town Planning Scheme No. 2, which will insert the zoning table contained in this policy into the town planning scheme.

2.0 OBJECTIVES

The objectives of this policy are:

- 1. To clearly define the permissibility of various land uses within the zones contained in the Byford Structure Plan and the Byford Detailed Area Plan; and*
- 2. To identify the circumstances in which planning approval is required to be obtained for development within the policy area; and*
- 3. To identify the relationship between this policy and:
Town Planning Scheme No. 2;
the Residential Design Codes of Western Australia; and
other policies lawfully adopted by the Council.*
- 4. To set guidelines for the net lettable retail floor area of land within the structure plan area and the Byford by the Scarp residential estate designated Neighbourhood Centre and Neighbourhood Node.*

3.0 DEVELOPMENT CONTROL

3.1 Development Requiring Council Approval

Development for the purposes of this policy shall have the same meaning as given to it by the Town Planning and Development Act 1928 (as amended).

Within the policy area the following types of development require the written planning consent of the Council:

- **All developments of a commercial or industrial nature.**
- **Home Occupations and Home Businesses but not Home Offices (refer to Appendix 1 of Town Planning Scheme No. 2 for definitions of these uses).**
- **Development of a Single House on all lots less than 350m² in accordance with clause 2.3.3 of the Residential Design Codes.**
- **Aged and Dependent Persons Dwellings**
- **Grouped and Multiple Dwellings.**
- **Ancillary Accommodation (Granny Flats)**
- **Change of use (ie change of use of a building from “Shop” to “Office”)**
- **any variation to the requirements of a local structure plan or detailed area plan that applies to the policy area.**

3.2 Interpretations relating to Land Uses

Interpretations relating to land uses listed in the Zoning Table contained in this policy are as per Appendix 1 of Town Planning Scheme No. 2 and those additional interpretations listed below:

"betting agency" means an office or totalisator agency established under the Totalisator Agency Board Betting Act 1960;

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

"cinema/theatre" means premises where the public may view a motion picture or theatrical production;

"exhibition centre" means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery;

"home store" means any shop with a net lettable area not exceeding 100 square metres attached to a dwelling and which is operated by a person resident in the dwelling;

"Land Sales Office" means a temporary office established within a subdivisional area for the purpose of selling vacant lots on site.

"lunch bar" means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas;

"motor vehicle wash" means premises where the primary use is the washing of motor vehicles;

"restricted premises" means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of -

(a) publications that are classified as restricted under the Censorship Act 1996;

(b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity;

"showroom" means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature;

"warehouse" means premises used to store or display goods and may include sale by wholesale;

"convenience store" means premises -

(a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;

- (b) *operated during hours which include, but may extend beyond, normal trading hours;*
 - (c) *which provide associated parking; and*
 - (d) *the floor area of which does not exceed 300 square metres net lettable area;*
- "fast food outlet" means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar;*

3.3 Relationship of this Policy to the Residential Design Codes

Unless otherwise provided for in Clause 5.4 of Town Planning Scheme No. 2 or any policy lawfully adopted by the Council, the development of land within the policy area for any of the residential purposes dealt with by the Residential Design Codes of Western Australia shall conform to the provisions of those Codes.

The Residential Design Code density applicable to land within the policy area shall be determined by reference to the Residential Design Code density numbers superimposed on the particular areas shown on the Byford Structure Plan or any subsequently adopted local structure plan or detailed area plan.

3.4 Car Parking Requirements

Car parking requirements for all land uses/developments within the policy area shall be as provided for within clause 7.7 of Town Planning Scheme No. 2.

3.5 Development Requirements

The development requirements (ie landscaping, plot ratio, setbacks etc.) for specific zones within the Byford Structure Plan area are as follows:

Zone	Document containing requirements
Residential - Land within Byford Detailed Area Plan area - remainder of Byford Structure Plan Area	- Residential Design Codes of WA - Byford Detailed Area Plan - TPS 2 – Clauses 5.3 to 5.5 - Residential Design Codes of WA - Any local structure plan or detailed area plan adopted by the Council that includes the development site. - TPS 2 – Clauses 5.3 to 5.5
Rural-Residential - Land within Byford Detailed Area Plan area - remainder of Byford Structure Plan Area	- Residential Design Codes of WA – R2-5 - Byford Detailed Area Plan - TPS 2 – clause 5.8 - Residential Design Codes of WA - Any local structure plan or detailed area plan adopted by the Council that includes the development site. - TPS 2 – Clause 5.8
Neighbourhood Node - Residential	- Residential Design Codes of WA - Any local structure plan or detailed area plan adopted by the Council that includes the development site.
- Non-Residential	See table below

Zone	Document containing requirements
Neighbourhood Centre	As determined by the Council
Town Centre	Byford Detailed Area Plan
Highway Commercial	Byford Detailed Area Plan
Mixed Business	Byford Detailed Area Plan

Non-residential developments in Neighbour Node Zone

Zone	Minimum building setbacks from boundaries (metres)			Max. Site Coverage	Minimum % of site to be landscaped
	Street(s)	Side	Rear		
Neighbourhood Node	As per relevant R-Code			As per relevant R-Code	25% of site

3.6 Maximum retail floor area - Neighbourhood Centre zone & Neighbourhood Nodes

There are three categories of Neighbourhood Centre as follows:

Small Neighbourhood Centre – shopping floorspace of between 600m² to 1000m² comprising a large deli/convenience store and a few small shops or other services as set out in the Land Use/Zoning table below.

Medium Neighbourhood Centre – shopping floorspace of between 1500m² to 2500m² and comprising a supermarket of between 1500m² to 2000m² together with a limited range of support shops and local services (ie hairdresser, chemist, newsagency) as set out in the Land Use/Zoning table below.

Large Neighbourhood Centre - shopping floorspace of between 3500m² to 4500m² and comprising a supermarket of between 2000m² to 3000m² together with a limited range of support shops and local services (ie hairdresser, chemist, newsagency, small offices) as set out in the Land Use/Zoning table below.

The three neighbourhood shopping areas within the Byford urban area are designated as follows:

Byford by the Scarp shopping area:	Small Neighbourhood Centre
Malarkey Road shopping area:	Medium Neighbourhood Centre
Doley Road centre:	Large Neighbourhood Centre

Neighbourhood Nodes

The maximum net lettable retail floor area of each Neighbourhood Node precinct (ie a single intersection containing 1 lot designated as a neighbourhood Node on each corner of the intersection) be restricted to a maximum of 300m² (ie corner store or delicatessen) plus other uses such as small offices, child care centres and consulting rooms as set out in the Land Use/Zoning table below.

3.7 Zoning/Land Use Table

The permissibility or otherwise of a land use within the policy area is as set out on the Zoning/Land Use Table contained in this policy.

The symbols used in the cross reference in the Zoning/Land Use Table have the following meanings:

- 'P'** means that the use is permitted provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting planning consent;
- 'AA'** means that the Council may, at its discretion, permit the use;
- 'SA'** means that the Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 6.3; and
- 'IP'** means a use that is not permitted unless such use is incidental to the predominant use as decided and approved by the Council.

Where no symbol appears in the cross reference of a use class against a zone in the Zoning/Landuse Table a use of that class is not permitted in that zone.

- C.** Notification of the final adoption of the policy shall be published once in a newspaper circulating in the scheme area.

TABLE 1A - BYFORD STRUCTURE PLAN AREA ZONING/LAND USE TABLE

USE CLASSES	Residential	Rural-Residential	Neighbourhood Node	Neighbourhood centre	Town Centre	Highway Commercial	Mixed Business
Amusement Parlour				AA	AA		
Automotive & Marine Sales						SA	SA
Automotive Repairs							AA
Automotive Vehicle Wash						AA	P
Caravan or Trailer Hire						AA	P
Betting Agency				P	P	IP	IP
Bed & Breakfast Establishment	AA	AA					
Car Park			IP	IP	P	IP	IP
Child Minding Centre	SA	SA	AA	P	P		
Civic Buildings	SA	SA	P	P	P	P	P
Cinema/Theatre				SA	P		
Club Premises				SA	AA	AA	
Consulting Rooms			AA	P	P		
Convenience Store			SA	AA	P	AA	AA
Corner Store/Home Store			AA				
Craft Workshop							P
Display Home	AA	AA				IP	IP

The symbols used in the cross reference in the Zoning Table have the following meanings:

'IP' means that the use is permitted provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting planning consent;

'AA' means that the Council may, at its discretion, permit the use;

'SA' means that the Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 6.3; and

'IP' means a use that is not permitted unless such use is incidental to the predominant use as decided and approved by the Council.

Where no symbol appears in the cross reference of a use class against a zone in the Zoning Table a use of that class is not permitted in that zone.

TABLE 1A - BYFORD STRUCTURE PLAN AREA ZONING/LAND USE TABLE

USE CLASSES	Residential	Rural-Residential	Neighbourhood Node	Neighbourhood centre	Town Centre	Highway Commercial	Mixed Business
Dry Cleaning Premises				AA	AA	AA	
Educational Establishment	SA	SA	AA	AA	P		
Exhibition Centre				P	P	P	P
Fast Food/Takeaway				AA	P	AA	
Funeral Parlour				AA	P	AA	P
Garden Centre					AA	AA	P
Health Studio				AA	P	AA	P
Home Office	IP	IP	IP				
Home Business	IP	IP	IP				
Home Occupation	IP	IP	IP				
Hospital					AA		
Hotel					P	AA	
Industry: - Light - Service - Rural						AA	P P P
Land Sales Office	AA	AA					
Lunchbar				P	P	P	P
Market				AA	AA	AA	AA
Medical Centre				AA	P	P	AA
Motel					P	AA	
Nightclub					AA		
Office			AA	P	P	P	IP
Private Recreation					AA	AA	AA
Public Amusement				AA	AA	AA	
Public Recreation				AA	P		

TABLE 1A - BYFORD STRUCTURE PLAN AREA ZONING/LAND USE TABLE

USE CLASSES	Residential	Rural-Residential	Neighbourhood Node	Neighbourhood centre	Town Centre	Highway Commercial	Mixed Business
Public Utility	AA	AA	AA	P	P	P	P
Public Worship - Place of	SA			SA	P	AA	AA
Radio & TV Installation				AA	AA	AA	AA
Reception Centre				SA	AA	AA	
Residential (see notes 1 and 2): - Single House - Grouped Dwelling - Multiple Dwelling - Aged & Dependent Persons Dwelling - Caretaker's Dwelling - Ancillary Accommodation - Residential Building	P P P (See Note 2.) P IP SA	P P P	IP IP IP	SA (See note 3) SA (See note 3) SA IP AA	SA (See note 3) SA (See note 3) SA IP AA	IP	IP
Restaurant			SA	P	P	AA	
Restricted Premises							
Service Station					SA	SA	AA
Shop				P	P		IP
Shopping Centre				P	P		
Showroom				AA	P	P	P
Tavern				SA	AA	AA	
Trade Display						AA	AA
Transport Depot						SA	AA
Vehicle Hire					AA	AA	P
Veterinary Establishment			SA	SA	AA	AA	AA
Warehouse					IP	AA	P

Notes:

1. See Residential Planning Codes for definitions of Residential dwelling types;
2. Multiple Dwellings only permitted in R40 and higher density codes.
3. Grouped and Multiple Dwellings are only permitted in Neighbourhood Centre and Town Centre zones as part of combined Commercial/Residential developments such as shop-top housing or work/live developments.

CARRIED 8/1

SD112/03/06 SUBMISSION TO LIFT MRS 'URBAN DEFERRED' ZONING – LOTS 1, 2, 22, 23, 24 & 302 SOUTH WESTERN HIGHWAY, LOTS 25, 45 & 399 KEIRNAN STREET & LOTS 26, 27 & 29 ROBERTSON ROAD, WHITBY (A1315)		
Proponent:	Roberts Day Planning	In Brief
Owner:	Urban Pacific Pty Ltd	
Officer:	Ross Montgomery – Executive Manager Strategic Community Planning	Request for Council to support a request to WAPC to transfer land in Whitby from Urban Deferred to Urban Zone in the Metropolitan Region Scheme.
Signatures Author:		
Senior Officer:		
Date of Report	9 March 2006	Support in principle a clause 1.27 transfer provided additional work is undertaken prior to transfer to define more accurately the area of land suited to urban development.
Previously	Not applicable	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 19 December 2005
 Advertised: To be undertaken by WAPC
 Submissions: N/A
 Lot Area: 431 hectares
 L.A Zoning: Rural
 MRS Zoning: Urban Deferred.
 Structure Plan: None. Council has commenced the preparation of the Mundijong Structure Plan
 Rural Strategy Policy Area: Mundijong Urban Cell
 Rural Strategy Overlay: Mundijong Urban Cell
 Municipal Inventory: N/A
 Townscape/Heritage Precinct: East of Mundijong Town Centre
 Bush Forever: Yes
 Date of Inspection: N/A

Background

In 1995 the subject land was zoned by the Western Australian Planning Commission (WAPC) as Urban Deferred in the Metropolitan Region Scheme (MRS) via the South Eastern Corridor Amendment 933/33, following a request from the Serpentine Jarrahdale Shire. The Green Towns Study undertaken by the Shire had identified that this land would form the north-eastern portion of the proposed Mundijong Urban Village.

A draft structure plan was prepared as an outcome of the Green Towns Study undertaken by the Shire in 1994 however this plan has no formal status other than as a planning study. The Shire has currently scheduled the formalisation of a Mundijong Structure Plan for the entire Mundijong urban cell in the next two years. This program may need acceleration via additional resources to accomplish the timeframe for development contained in the Urban Pacific planning report.

At this stage the Shire has been requested by Roberts Day Planning Consultants to provide written advice to the WA Planning Commission in support of the request for the land to be transferred from the Urban Deferred Zone to the Urban Zone in the MRS.

Without a completed Mundijong Structure Plan or supporting environmental and urban planning research, this report briefly addresses the issue of transfer of the land and the current position of the Shire to support the identified intention for the land or portion thereof to be developed for urban uses. This advice should be balanced against the identified need for environmental and other more detailed urban planning studies of the site and its surrounding context.

A meeting has been held with the officers of the Department for Planning and Infrastructure to discuss their timetable for the consideration of the request.

The land is not included in the current Metropolitan Development Program and is therefore not presently within the water and wastewater planning horizon of the Water Corporation.

Sustainability Statement

Because there remains considerable further environmental and urban planning study to resolve this proposal in terms of opportunities and impacts. A sustainability statement is not deemed necessary or possible at this stage of consideration and advice. It is suffice to mention that the Green Towns Study contemplated the principle that this land would form part of the future town of Mundijong / Whitby. The plan and its recommended urban form is premised on social economic and environmental sustainability principles.

A copy of the plan depicting the area covered by request to the WAPC with the Bush Forever overlay noted is with the attachments marked SD112.1/03/06.

Statutory Environment:

Advice from the Shire is required by the WAPC prior to their decision to transfer the land to Urban zone. The proposal is not advertised for public comment.

There is no statutory requirement of Council to comply with. In this instance, Council is consulted by the WAPC as a courtesy.

- a) Cl.27 of the MRS empowers the WAPC to resolve to transfer land from Urban Deferred zone to Urban zone as notified in Government Gazette.
- b) Cl.35 establishes a right to appeal refusal of transfer by WAPC by any person

Policy/Work Procedure Implications:

There are no work procedures/policy implications directly related to this application/issue. Officers will need to monitor the WAPC decision - Council may appeal if the WAPC refuse to transfer.

Financial Implications:

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

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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

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

Strategies:

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

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: Well developed and maintained infrastructure to support economic growth

Strategies:

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

Objective 3: Effective management of Shire growth

Strategies:

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

Community Consultation:

Metropolitan Region Scheme - There is no legislated requirement for community consultation prior to the land being transferred to an Urban zone. Government agencies are however required to be consulted by the WA Planning Commission prior to the transfer.

Structure Planning - This is where there can be extensive community consultation undertaken by the Shire.

Town Planning Scheme Amendment - The related initiation of an amendment of the District Town Planning Scheme to facilitate urban development will also require community consultation.

Comment:

The request for the Shire to consider advising its support for the request to transfer the land from the Urban Deferred Zone to Urban in the MRS needs to be considered in the context of the following:

- Urban development will possibly lead to the existing mineral sand mining tenements over this land being extinguished.
- Urban Deferred zone as presently delineated includes land which may not be environmentally suitable for urban development.
- This site is not within the Metropolitan Development Program of the State Government.
- Urban drainage and the implications for the hydrology of the locality have yet to be resolved.
- Structure planning work which would better inform the spatial delineation of the urban zone has only just been commenced.
- Preliminary consideration of the proposal by officers of the Shire and the Department for Planning and Infrastructure indicates that transfer of the entire Urban Deferred landholding to Urban ahead of proper environmental and urban planning research may jeopardise environmentally sustainable objectives for habitat protection, in terms of in-situ biodiversity and faunal links between the coastal plain and the Darling Scarp habitats.

In the light of these significant and unresolved issues it is recommended that the Shire resolves to offer this advice to the Department for Planning and Infrastructure:

“The Shire supports the request to transfer the land from Urban Deferred to Urban Zone in principle, it is does not however advocate this action to the WA Planning Commission until and unless known areas of environmental quality and conservation value have been identified and removed from the proposed transfer for subsequent and more appropriate zoning/reservation in the Metropolitan Region Scheme.

The land is not yet included in the Metropolitan Development Program (MDP) and therefore important issues of servicing such as wastewater and drainage have not been addressed or resolved. The Shire is aware that issues of servicing the land and strategic water planning should be properly addressed and resolved as a part of the land being included in the MDP.

*The Shire does not support the use of this land for mineral sand mining activity as per Council's Planning Policy No. 7 – Objections Against Mineral Sand Mining in the Shire of Serpentine-Jarrahdale. **A copy of this Planning Policy is with the attachments marked SD112.2/03/06.***

This advice is also provided to the South Eastern District Planning Committee for their further information.

Voting Requirements:

Normal

SD112/03/06 Committee/Officer Recommended Resolution:

The Shire resolves to provide the following advice to the Western Australian Planning Commission:

1. Council supports the request to transfer the land from Urban Deferred to Urban Zone in principle. It does not however, advocate this action to the WA Planning Commission until and unless known areas of environmental quality and conservation value have been identified and removed from the proposed transfer for subsequent and more appropriate zoning/reservation in the Metropolitan Region Scheme.
2. The land is not yet included in the Metropolitan Development Program (MDP). The Shire is aware that issues of servicing the land and strategic water planning should be properly addressed and resolved as a part of the land being included in the MDP.
3. The Shire does not support mineral sand mining within the Serpentine Jarrahdale Shire as per *Planning Policy No. 7 - Objections Against Mineral Sand Mining in the Shire of Serpentine-Jarrahdale*.
4. This advice is also to be provided to the South Eastern District Planning Committee for their information.
5. Council in providing this advice does not endorse the Whitby Concept Plan appended to the report. Council will be leading the preparation of a Mundijong Structure Plan to which Whitby and all the land owners will be consulted.

COMMITTEE FORESHADOWED MOTION:

Councillor Hoyer foreshadowed a motion if the motion under debate was defeated.

1. Council supports the request to transfer the land from Urban Deferred to Urban on the condition that the Bush Forever site and associated water courses be returned to Rural or Parks and Recreation in the Metropolitan Region Scheme.
2. The Shire does not support mineral sand mining at the Whitby, Cardup and Mundijong location or within the Serpentine Jarrahdale Shire as is consistent with the 19 year community and Shire objection to Mineral Sands Mining over the land as per Planning Policy No. 7 – Objections Against Mineral Sand Mining in the Serpentine Jarrahdale Shire.

Advice Note:

1. This resolution is also to be provided to the South Eastern District Planning Commission for their information. Such support recognises that known areas of environmental quality and conservation value have been identified and should be fully acknowledged as the proposed transfer for subsequent and more appropriate zoning/reservation in the Metropolitan Region Scheme occurs.

Cr Richards left the meeting at 8.00pm and returned at 8.03pm

SD112/03/06 COUNCIL DECISION

Moved Cr Hoyer seconded Cr Murphy

The Council resolves to provide the following advice to the Western Australian Planning Commission:

1. **Council supports the request to transfer the land from Urban Deferred to Urban.**
2. **The Council does not support mineral sand mining at the Whitby, Cardup and Mundijong locations as is consistent with the 19 year community and Shire objection to Mineral Sands Mining over the land as per Planning Policy**

No. 7 – Objections Against Mineral Sand Mining in the Serpentine Jarrahdale Shire.

Advice Note:

1. This resolution is also to be provided to the South Eastern District Planning Commission for their information. Such support recognises that known “bush forever” sites and other areas of environmental quality and conservation value have been identified and should be fully acknowledge as requiring a “Parks and Recreation’ or other protected status as the proposed transfer occurs.

CARRIED 6/3

FORESHADOWED MOTION:

Cr Star foreshadowed the following motion if the motion under debate was defeated.

- A The Shire resolves to provide the following advice to the Western Australian Planning Commission:
1. Council supports the request for the transfer of the land from Urban Deferred to Urban Zone with the exception of those areas of environmental quality and conservation value.
 2. Council requests that land portions not suitable for urban development be identified for subsequent and more appropriate zoning/reservation in the Metropolitan Region Scheme to protect and manage their value into the future.
- B In providing advice to the Western Australian Planning Commission Council wishes to record that:
1. The Council does not support mineral sand mining at the Whitby, Cardup and Mundijong locations as is consistent with the 19 year community and Shire objection to Mineral Sands Mining over the land as per Planning Policy No. 7 – Objections Against Mineral Sand Mining in the Serpentine Jarrahdale Shire.
 2. Council will be leading the preparation of a Mundijong Structure Plan to which Whitby and all the land owners will be consulted. Council was not involved and does not endorse the Whitby Concept Plan appended to the report.

This advice is also to be provided to the South Eastern District Planning Committee for their information.

Council Note: The Committee/Officers Recommended Resolution was changed by providing a new recommendation which did not comment on the proposed Concept Plan or the Metropolitan Development Program and dealt with environmental requirements by way of an advice note.

SD113/03/06 LOCAL STRUCTURE PLAN – LOT 3 THATCHER ROAD, LOT 301 LARSEN ROAD, LOT 3 ALEXANDER ROAD & LOT 2 ABERNETHY ROAD, BYFORD (P05318/01)		
Proponent:	Koltasz Smith & Partners	In Brief To consider a Local Structure Plan for properties along Thatcher and Larsen Road, Byford. It is recommended that Council defer consideration of the Local Structure Plan until traffic and retail modeling has been undertaken.
Owner:	Various	
Officer:	Ross Montgomery – Executive Manager Strategic Community Planning	
Signatures Author:		
Senior Officer:		
Date of Report	9 March 2006	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt:	September 2005
Advertised:	To be undertaken
Submissions:	N/A
Lot Area:	32.2 hectares
L.A Zoning:	Urban Development
MRS Zoning:	Urban Deferred and Urban
Byford Structure Plan:	Yes
Rural Strategy Policy Area:	NA
Rural Strategy Overlay:	NA
Municipal Inventory:	NA
Townscape/Heritage Precinct:	NA
Bush Forever:	NA
Date of Inspection:	N/A

Background

The applicant has submitted a Local Structure Plan (LSP) for the subject land in Byford.

The subdivisional design and layout for this land needs to reconcile a multi-use drainage corridor, a primary school site (existing), a buffer zone to the equestrian area and the town centre distributor road linking Thomas Road to the new Byford Town Centre.

The design challenges of the site resulted in a design which did not produce a favourable orientation of housing lots.

Comment

Despite several assisted attempts to redesign the resulting layout since the original submission of the Plan it still does not meet Council policy requirements for a majority of housing lots with good solar orientation. In addition to this concern there is a dominance of through-roads which contributes to a disrupted collection of street blocks rather than a coherent sense of neighbourhood.

One reason for this is the skewed north west to south east alignment of the town centre distributor road. Discussion with the previous Director Asset Services and subsequently

confirmed by Acting Director of Engineering is that this location may benefit from a rationalisation of road requirements and re-alignment of the distributor road to a north-south alignment. Clarification of the likely traffic volumes for this distributor road may also raise the prospect of direct road frontage for residences abutting this road. This will provide a better streetscape and sense of neighbourhood scale.

This proposed change needs to be assessed against current and accurate traffic modelling. This was not undertaken as a part of the Byford Structure Plan and so will necessitate a traffic study to be undertaken to provide a basis for review.

In this case the proponent is concerned about the period of delay and is anxious to progress earthworks necessary to implement the urban stormwater drainage and multi-use corridor components prior to the onset of winter rains. It is unlikely these infrastructural elements will be impacted by any road changes other than some minor alterations which may be effected later as required.

Given the nature of changes likely to the overall layout of the local structure plan it is considered appropriate to grant approval to a development application to undertake site development earthworks in advance of the structure plan being revised and before the onset of winter rains.

Prior to the review of the Byford Structure Plan, it is necessary for the Shire to undertake further planning studies to validate design revisions and any broader implications elsewhere throughout the Byford Urban Cell.

A traffic study is to be commissioned to model different traffic scenarios taking into account 2011 volumes and designs related to Tonkin Highway, Thomas Road, Orton Road and Abernethy Road. A retail study will accompany this work to review the retail impact and likely trading relationships between the neighbourhood centres and the Byford Town Centre. In addition the overall design and configuration of the Structure Plan will be assessed independently with recommendations for modifications as required.

It is anticipated that once these studies are completed the Byford Structure Plan may be reviewed and any changes may be assessed and advertised for public comment.

A copy of the local structure plan is with the attachments marked SD113.1/03/06.

Sustainability Statement

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

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

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

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

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

Policy/Work Procedure Implications:

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

Financial Implications:

There are no Financial implications to Council related to this application/issue. Need to review Byford Structure Plan with respect to traffic/road design.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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

Strategies:

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

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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

Community Consultation:

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

Comment:

The Byford Structure Plan is planned to be reviewed subject to the completion of traffic and other urban planning studies due for completion by June 2006.

In the case of this Local Structure Plan it is necessary to defer the advertisement until road design issues have been resolved by the review. Officers have met with Planning Consultants to discuss reasons for the Byford Structure Plan review particularly with respect to this Local Structure Plan. Although the owner would prefer to proceed to advertise, their consultant welcomed the concession should Council agree to progress a development application for initial site earthworks.

In the interim however the approval of a development application to undertake some preparatory site earthworks prior to subdivision may assist the proponent to meet some of the seasonal operational deadlines.

Voting Requirements: Normal

Cr Star left the meeting at 8.35pm

SD113/03/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Richards seconded Cr Hoyer

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

1. To defer Council consideration of the local structure plan until traffic and retail modelling has been undertaken and used to review the Byford Structure Plan.
2. To advise the applicant that the submitted local structure plan does not meet Shire neighbourhood design objectives for optimum solar orientation of residential lots and the internal road layout raises concerns for the creation of cohesive neighbourhood streetscapes, convenient pedestrian and cycle access.
 The Shire acknowledges that further traffic modelling may result in a review of the road layout to relieve some of the neighbourhood design constraints which impact this land. Council will not be able to consider approval of the Structure Plan before these traffic studies are completed.
3. To advise the Department for Planning and Infrastructure of this resolution and undertake to liaise regarding the progress of the review.

CARRIED 8/0

SD114/03/06 LOCAL STRUCTURE PLAN - LOTS 16, 104 & 494 CARDUP SIDING ROAD, LOTS 8, 9, 11 & 184 ORTON ROAD, LOTS 1, 2, 3 & 52 ABERNETHY ROAD, LOTS 21 & 22 DOLEY ROAD, LOT 2 GEORGE STREET & LOTS 4 & 5 WARRINGTON ROAD, BYFORD (A1256)		
Proponent:	Taylor Burrell Barnett Planning Consultants	In Brief
Owner:	LWP	Consideration of a Local Structure Plan (LSP) for Byford Main Precinct.
Officer:	Ross Montgomery – Executive Manager Strategic Community Planning	
Signatures Author:		Consideration of the LSP is recommended for deferral until traffic and retail modeling is completed and the LSP is modified to accord with the reviewed Byford Structure Plan.
Senior Officer:		
Date of Report	9 March 2006	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: February 2006
 Advertised: Not yet commenced
 Submissions: N/A

Lot Area:	330 hectares
L.A Zoning:	Urban Development
MRS Zoning:	Urban Deferred and Urban
Byford Structure Plan:	Yes
Rural Strategy Policy Area:	NA
Rural Strategy Overlay:	NA
Municipal Inventory:	NA
Townscape/Heritage Precinct:	NA
Bush Forever:	NA
Date of Inspection:	N/A

Background

The applicant Taylor Burrell Barnett Planning Consultants (TBB) on behalf of the Serpentine Jarrahdale Shire prepared the Byford Structure Plan for the entire Byford urban development area. The Structure Plan was adopted by the Shire in September 2005 and approved by the WA Planning Commission (WAPC). Associated with the Structure Plan was the Byford Urban Stormwater Strategy. This was completed by Parsons Brinkerhoff in association with Professor Tony Wong. This study was provided to TBB in the course of their work to prepare the Byford Structure Plan.

TBB now act on behalf of LWP an urban developer with a record of large-scale developments at Ellenbrook in the City of Swan and more recently the *Byford by the Scarp* and *Byford by the Brook* subdivisions.

TBB submitted a structure plan for a significant section of the Byford urban cell referred to as the Main Precinct and extending along the southern side of Abernethy Road to include a small portion of the proposed Byford Town Centre.

A copy of the Local Structure Plan (Development Concept Plan) is with the attachments marked SD114.1/03/06.

Sustainability Statement

Because the structure plan is not being progressed to advertising at this stage and may be subject to change, the sustainability statement is not required

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

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

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

Strategic Implications: This proposal relates to the following Key Sustainability Result Areas:-
1. People and Community
Objective 2: Plan and develop towns and communities based on principles of sustainability
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.

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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

Strategies:

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

Objective 3: Effective management of Shire growth

Strategies:

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

Community Consultation:

Required: Yes. As per requirements of the Town Planning Scheme.

Comment:

Comment

The Structure Plan is significantly at variance with the adopted Byford Structure Plan in a number of aspects:-

- Roads – district and local distributor roads
- Location of open space and school sites
- Location of the neighbourhood shopping centre
- Configuration of the urban stormwater design to create areas of open water rather than ephemeral wetlands and creeks proposed by Parsons Brinkerhoff
- The multi-use corridor and its proposed configuration and landscape design

The proposed changes are claimed to be better in terms of urban design, environmental function and traffic management

The changes implicitly impact not just the subject land but surrounding land and the integrity of the adopted structure plan. The scope of the proposed changes and the claimed benefits challenge the merits of the adopted Byford Structure Plan and propose an ad-hoc departure

of fundamental design attributes. The submission highlights some potential and serious deficiencies in the adopted Byford Structure Plan.

It is noted that the Byford Structure Plan was prepared without traffic or retail floor space modeling. This creates a difficulty in subsequently assessing the claims to better design in the submission by TBB. The urban stormwater design proposed in the Main Precinct also raises questions about the potential for an ad-hoc change to impact flows in the system and raises management issues for the Shire and other developers.

Any departure from the adopted plan would require advertisement however without traffic and other detailed research the public would not be in a position to make an informed submission. It is therefore not recommended that this proposal be advertised at this time.

Prior to the endorsement of a structure plan which is not in accord with the adopted Byford Structure Plan, it is necessary for the Shire to undertake further planning studies to validate design revisions not just for the LWP site but any broader implications elsewhere throughout the Byford Urban Cell.

A traffic study is to be commissioned to model different traffic scenarios taking into account 2011 volumes and designs related to Tonkin Highway, Thomas Road, Orton Road and Abernethy Road. A retail study will accompany this work to review the retail impact and likely trading relationships between the neighbourhood centres and the Byford Town Centre. In addition the overall design and configuration of the Structure Plan will be assessed independently with recommendations for modifications as required.

It is anticipated that once these studies are completed the Byford Structure Plan may be reviewed and any changes (such as those proposed by TBB on behalf of LWP) by developers may be more carefully considered with regard to their broader impact on the function of the Byford urban cell.

This work is expected to be completed in three months (June 2006) after which the Main Precinct proposal may be assessed and advertised for public comment along with any other proposed changes to the Byford Structure Plan.

The submitted proposed Local Structure Plan does not accord with the approved Byford Structure Plan. The changes contemplated by this local structure plan will require analysis and assessment based upon further retail and traffic modeling. The stormwater management design proposes open water bodies and this will need to be assessed against the Byford Urban Stormwater Strategy.

In the context of this variance it is not appropriate for the Local Structure Plan to be advanced for advertising until the Structure Plan has been reviewed.

The land owner LWP has been verbally advised that officers would not recommend advertisement of the Local Structure Plan until the proposed changes to the Byford Structure Plan and their variations from the adopted plan had been undertaken subject to traffic, retail and other specialist assessment. LWP was concerned about delays and how this could possibly affect land holding costs.

Voting Requirements: Normal

Cr Star returned to the meeting at 8.38pm

SD114/03/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Richards seconded Cr Murphy

The Shire considers the request to advertise the Byford Main Precinct Local Structure Plan for public comment and resolves:

1. To defer consideration of the Local Structure Plan until traffic and retail modelling has been undertaken and used to review the Byford Structure Plan.
2. To advise Taylor Burrell Barnett planning consultants that their submitted plan does not conform to the adopted Byford Structure Plan. This proposed redesign of the Main Precinct causes Council to undertake further urban planning with respect to traffic, retail and stormwater management to provide the necessary basis for assessing implications of this local structure plan for the whole Byford Structure Plan. It is anticipated that once the review is completed the submitted Main Precinct Structure Plan can be assessed and if considered acceptable, advertised for public comment along with any other modifications necessary to update the Byford Structure Plan.
3. To advise the Department for Planning and Infrastructure of this resolution and undertake to liaise regarding the progress of the review of the Byford Structure Plan.

CARRIED 9/0

Committee note: Committee requested a supplementary report be prepared outlining the scope of the proposed traffic and retail modeling as well as the planning review of the Byford Structure Plan and how this is intended to be progressed.

SUPPLEMENTARY REPORT

SD114/03/06 LOCAL STRUCTURE PLAN – LOTS 16, 104 & 494 CARDUP SIDING ROAD, LOTS 8, 9, 11 & 184 ORTON ROAD, LOTS 1, 2, 3 & 52 ABERNETHY ROAD, LOTS 21 & 22 DOLEY ROAD, LOTS 2 GEORGE STREET & LOTS 4 & 5 WARRINGTON ROAD, BYFORD (A1256)

Following the Sustainable Development Committee on 21st March 2006 it was resolved that an additional report be drafted to supplement and explain in more detail the basis for recommending that local structure plans not be progressed to advertisement in the western portion of the Byford Urban Cell.

Issue

Over the past few years the Shire has spent over \$300,000 on consultant planning studies for Byford.

The Byford District Structure Plan was adopted by the Shire on 22nd August 2005. The plan was prepared over several years. Taylor Burrell Barnett Planning Consultants P/L were engaged by the Shire to prepare the plan. The District Structure Plan cost \$58,000.

In addition to the District Structure Plan other studies were undertaken to provide information to inform the District Structure Plan and to assist in its implementation through local structure planning, subdivision and development.

The Byford Urban Stormwater Strategy (BUSWS) was prepared by Parsons Brinkerhoff in association with Ecological Engineering P/L. This study cost \$133,000. The Developer Guidelines to the BUSWS cost \$20,000. The Detailed Area Plan for the Byford Townsite cost \$65,000. The Developer Contribution Plan Report by Worley Parsons cost \$47,000.

Despite this cost, it has become apparent that the Byford District Structure Plan adopted by the Shire in August 2005 lacks some fundamental information as inputs, which prevent this Plan from providing the most comprehensive district planning context against which Local Structure Plans (LSP) and their proposals may be assessed.

In particular there are deficiencies which prevent the District Structure Plan from informing:

- Overall road, traffic and transport options;
- Retail threshold and catchments of neighbourhood centres and the Byford Town Centre
- Clarity as to consistent design and on ground implementation of the Byford Urban Stormwater Strategy across multiple land ownerships.
- Staging of LSP and land development based upon servicing availability and implementation.

In foreshadowing an update of the Byford District Structure Plan, the Shire is being placed under pressure from developers to advance local structure plans to advertising for public comment, despite uncertainty and inconsistency between the local structure plans, the District Structure Plan and some clearly evident structural problems which jeopardise targets for sustainable neighbourhood planning throughout Byford and the orderly planning and release of land for subdivision and development.

The practices of the Cities of Wanneroo, Swan and Cockburn confirm that District Structure Plans should properly address road design and capacities, town and neighbourhood centres, the location of schools and sporting facilities and items of district infrastructure configuration and design such as drainage. They are not diagrammatic and without this detail depicted and agreed in the District Structure Plan (DSP), individual developers are able to push away those district elements which bear a cost, and grasp others which derive a financial benefit. The DSP needs to provide the guiding overview to coordinate structure, location and even an indication of staged land release across all landholdings.

Until the Shire obtains this essential information for the DSP covering the Byford Urban Cell, it is not possible to respond to submissions or to equip the community for the purposes of providing an informed response.

Advertisement of LSPs without effective District Structure Plan information, places the Shire at risk and under further pressure to finalise local structure plans without knowing the implications of these either individually or cumulatively for the future sustainable development of Byford.

Unless urgent remedial work is undertaken to provide the missing information across the Byford District before LSP's are advanced the following may occur:

- Poor lot configuration for energy efficiency,
- Non- viability of the Byford Town Centre,
- Traffic congestion, poor access and lack of integration for roads throughout Byford,
- Compromised drainage strategy rendered ineffective against district and local flooding;
- Inequity of development costs and benefits across all land holdings in Byford;
- Long-term remedial work by the Shire to retro-fit poorly designed and laid out neighbourhoods;
- Irrelevance of the adopted Byford District Structure Plan for approving coordinated local planning, subdivision and development plans.

In addition to these risks, without the necessary district traffic research the Shire is not in a strong position to negotiate with Department of Planning and Infrastructure or Main Roads WA regarding a timetable for building Tonkin Highway south of Thomas Road, the design and configuration of Orton Road and South West Highway, and the interconnection between Tonkin Highway and Abernethy Road. Without this work commissioned by the Shire, and without the subjectivity of individual land developers and their agenda, the Shire is reliant upon the information and will of other players.

This issue has been drawn to the attention of officers in the Department of Planning and Infrastructure (DPI). DPI Officers have advised the Shire that an update needs to be progressed ahead of subdivision and ahead of adoption of any local structure plans.

Update Proposal

The following measures are required to be completed to update the Byford District Structure Plan to enable this to be used effectively to coordinate district infrastructure, urban design, drainage and road design across multiple ownerships and local structure plans, particularly where they deviate from the approved district structure plan:

	Additional Studies	Est. No. weeks
1	Traffic model for Byford Cell and context	8 - 10
2	Retail model for Byford in Shire context	6-8 (parallel with 1)
3	District Planning overview and update of BDSP.	6 – 10 weeks
4	Specialist Assessment of LSP drainage and MUC designs	6 – 8 weeks
5	Shire specifications for roads, drains, MUC's and swales etc.	6 weeks
	Total duration	12 - 15 weeks

Given that many of these tasks could be undertaken in parallel by specialist consultants it is considered that this work could be completed and an updated Byford District Structure Plan 2006 would be adopted and readied for advertising by July 2006. Any deferred LSP's would be updated correspondingly to be advertised for public comment together.

Financial implications of additional costs are estimated to be in the order of \$25 – \$30 000 to be funded from town planning scheme funds as this outcome will form an essential element of the new scheme.

In regard to the draft program above it is possible that this update, advertisement and adoption could be completed before the end of the year.

Deferring the advertisement of LSP's until July 2006 (12 – 15 weeks) is considered to be a minimal but necessary delay to development and is unlikely to create a shortage of land considering the number of urban release LSP's already approved in Byford, both west of the railway and in Byford by the Scarp.

The developer pressure and assertion of 12 to 18 month delays to undertake the update is difficult to sustain. The perceived anxiety and competition to beat the deferment possibly indicates the legacy of not developing a staged plan for the release and servicing of urban land in what is a large urban cell.

Conclusion

Contrary to the assertions of some developers and planning consultants, Structure Plans are the responsibility of the Shire. Ultimately the Shire is responsible for ensuring that the Structure Plans are accurate, well researched and resolved and that in permitting these to be advanced for community comment the Shire is certifying that from a technical and

sustainability standpoint the proposal is sound. When a District Structure Plan or Local Structure Plan is advertised it is effectively a plan proposed by the Shire.

Council is advised to consider the risk implications of proceeding to advertise local structure plans in advance of well-researched and effective district planning.

Should the Shire still adhere to high standards for sustainable urban development in terms of social, economic and environmental parameters it is important to ensure that the Byford District Structure Plan is equipped by good planning to be more than just a “diagrammatic concept plan”.

Provided the necessary work is commissioned and completed to a good standard in terms of planning rigour and timeframe, a six (6) to eight (8) month delay is considered to be necessary and justified given potential risks of bad planning, long-term management costs and implementation problems borne directly by the Shire and the community.

Shire officers will expedite the quotation and engagement of consultants and initiate studies to meet the draft update time frame.

SD115/03/06 PROPOSED MODIFICATION OF SCHEME AMENDMENT NO. 140 FOR FINAL APPROVAL – SPECIAL USE ZONES 3. AND 4. JARRAHDAL ROAD, JARRAHDAL (P05576/43)		
Proponent:	Serpentine Jarrahdale Shire	In Brief Advertising of the modified scheme amendment has now closed and the amendment is referred back to the Council for final adoption.
Owner:	As above	
Officer:	M Kenny - Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	10 March 2006	
Previously	SD051/10/05, SD064/04/05, P061/01/04	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Advertised: Yes
 Submissions: 5 objections plus 5 letters from government agencies
 Lot Area: 22 hectares
 L.A Zoning: Special Use
 MRS Zoning: Rural
 Byford Structure Plan: N/A
 Rural Strategy Policy Area: Town & Village Urban
 Rural Strategy Overlay: N/A
 Municipal Inventory: Jarrahdale Historic Timber Town
 Townscape/Heritage Precinct: N/A
 Bush Forever: N/A
 Date of Inspection: N/A

Background

Initiation

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

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

Moved Cr Star seconded Cr Price

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

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

(f) Lot 814 Jarrahdale Road, Jarrahdale.*
2. *In the “Permitted Use” column after “Interpretive/ Tourist Centre”, insert as follows:

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

CARRIED 10/0”

Final Adoption

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

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

Moved Cr Star seconded Cr Price

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

CARRIED 7/0”

Modifications

Continuing work with regard to the implementation of the Jarrahdale Heritage Park Master Plan identified a need to expand the range of land uses permissible on the lots covered by

that plan particularly with regard to the range of commercial and tourist oriented uses. The proposed additional modifications to Amendment 140 were considered at the Ordinary Meeting of the Council held on 24 October 2005 where the following motion was carried:

“SD051A/10/05 COUNCIL DECISION

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

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

Moved Cr Star seconded Cr Price

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

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

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

*Single House
Car Park
Civic Building
Public Recreation*

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

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

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

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

4. *All development shall be restricted to designated areas within the Special Use zone in accordance with the Jarrahdale Heritage Park Master Plan (as amended) and shall comply with the Heritage Provisions of Part V of the Scheme.*
 5. *The development of "Industry – Light" and "Industry – Service" shall be restricted to small-scale light and service industrial uses such as, but not limited to, fine furniture manufacture, boutique breweries, fine food manufacture (ie cheeses, confectionary, preserves, bakery), art and craft workshops, clothing and footwear manufacture and printing at the discretion of the Council.*
 6. *All development on the eastern portion of Lot 814 Jarrahdale Road, Jarrahdale shall be referred to the Water Corporation for comment prior to final determination by the Council.*
- d) *Amend the "Land Description" column of Appendix 2 for Special Use Zone 4 by inserting after the words "Part of Cockburn Sound Location 663" the wording "being Lots 807 to 812 Millars Road, Lots 816 to 821 Staff Street and within the area designated as the Woodlot Subdivision being Lots 820-826 Jarrahdale Road and Kingsbury Drive, Jarrahdale", and deleting the words "Ronan Road,".*
- e) *Amend the "Permitted Use" column of Appendix 2 for Special Use Zone 4 by deleting the words "Timber Mill" and Inserting the following words:
Single House (P)
Industry - Cottage (SA)
Bed and Breakfast (SA)
Home Occupation (AA)
Home Business (AA)*
2. *Pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), Amendment 140 to the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 as modified in 1. above be adopted.*
 3. *The amendment documentation, once modified in accordance with 2 above, be signed and sealed and then submitted to the Environment Protection Authority for assessment under Section 48A of the Environmental Protection Act.*
 4. *Subject to receipt of the Environmental Protection Authority's advice under Section 48A of the Environmental Protection Act that the amendment does not require formal assessment, the modified amendment be advertised in accordance with the provisions of the Town Planning Regulations 1967 for not less than 42 days.*

CARRIED 9/0"

The statutory advertising and referral periods have now closed and accordingly, the amendment is now referred back to the Council for final adoption prior to the amendment being forwarded to the Western Australian Planning Commission for final approval.

Sustainability Statement

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

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

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

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

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

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

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

Statutory Environment:

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

Policy/Work Procedure Implications:

PS05A – Assessment of Proposed Town Planning Scheme Amendments.

Financial Implications:

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

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Provide recreational opportunities.

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

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

Strategies:

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

Objective 3: High level of social commitment

Strategy:

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

3. Economic

Objective 1: A vibrant local community

Strategies:

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

Objective 3: Effective management of Shire growth

Strategies:

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

Community Consultation:

In accordance with the requirements of the *Town Planning and Development Act 1928* and *Town Planning Regulations 1967*, the modified amendment was advertised for public comment and referred to relevant government authorities for 42 days. Five public submissions were received and five letters of comment were received from government agencies. The submissions received are summarised and responded to below:

No.	Affected Property	Summary of submission	Officer's comment	Action
1.	A137302	This land was formerly known as Murray Loc 86 and owned by Millars WA Pty Ltd and split into two titles known as Lot 199 Jarrahdale Road (purchased by the submitter) and Lot 200 owned by the National Trust. The submitter states that they fail to see why the special zoning additional uses was not extended to their land at Lot 199 Jarrahdale Road	The original signed copies of the Town Planning Scheme No. 2 (TPS 2) maps were examined and show Lot 199 to be within the Rural zone and the remainder of Location 86 within Special Use Zone 3. TPS 2 was gazetted in 1989. Lot 199 has never been zoned Special Use.	Dismiss

No.	Affected Property	Summary of submission	Officer's comment	Action
		<p>and would like to sight concrete evidence how, when, why the original special zone was removed from our land as all the attached evidence indicates its evidence at time of purchase and after purchase.</p>		
2.	A398345	<p>The proposed amendment changes the conditions under which the land was sold to us. They are developing Lot 821 as per the Shire's guidelines with the expectation that we would be surrounded by similar properties. Conforming to the guidelines has meant they have had to compromise in several areas of design and construction at considerable extra cost. If Lot 821 is to be listed in the Land Description Special Use zone 4. we formally request to be given exception from the current requirements of Woodlot subdivision and be allowed to fence our entire property as an extra level of security should the Shire's proposal take place.</p>	<p>The woodlot subdivision is already within Special Use zone 4. along with the Staff Street and Millars Road residences and currently the only use listed as permitted under TPS 2 is Timber Mill. Amendment 140 seeks to address this anomaly, as the intended use of all of the Woodlot and Staff Street and Millars Road lots are predominantly for residential and ancillary uses. Accordingly, the uses proposed are those that could occur in any residential zone throughout the Shire being Single House, Home Business and Bed and Breakfast. Subsequently the submitter advised that the substance of his objection was particularly in regard to the proposed Bed and Breakfast landuse, as this use would result in strangers visiting the properties. Council's policy relating to bed and breakfast establishments restricts the use to 1 or 2 bedrooms of the existing house. The restrictions placed on the Woodlot subdivision include a very limited building and clearing envelope, which restricts the size of the</p>	Dismiss

No.	Affected Property	Summary of submission	Officer's comment	Action
			dwelling and the amount of the land that can be cleared. Therefore, there would be limited scope for bed and breakfast establishments on the woodlots. Additionally, the proprietors of such establishments are required to live on the premises and so would be there to oversee the behaviour of any guests. The use will apply to not only the Woodlot subdivision but to the heritage residences in Staff Street and Millars Road. Deleting this use from Special Use zone 4. would mean that the use could also not be carried out in those residences. There is virtually no short-stay accommodation in Jarrahdale at present and it is recommended that it should be encouraged and the use of Bed and breakfast be retained.	
3.	A398348	Request that a child minding centre or educational establishment not be located directly on the other side of Jarrahdale Road from the Woodlot subdivision as this section of Jarrahdale Road is a bend and a main road.	It appears that the submitter's concern relates to potential traffic volume increases and safety issues related to uses that have a high turnover of vehicles. Under the Jarrahdale Heritage Park Master Plan it is intended that all access be via roads other than Jarrahdale Road such as Millars Road, Fosters Way and Armstrong Road to both make the park activities inward facing and due to the Shire's own concerns with traffic safety on Jarrahdale Road.	No action required

No.	Affected Property	Summary of submission	Officer's comment	Action
4.	A138900	<p>Objects to the proposed commercial area shown on the Jarrahdale Heritage Park Master Plan. Is not opposed to business in the area as long as it is not located opposite their home. Concerned about the impact of this commercial area on road safety, the trees and their lifestyle. This area is a home area and a heritage area, not a business area. There have not been enough letters to the public/residents about this.</p>	<p>The location of the commercial area on the Jarrahdale Heritage Park (JHP) Master Plan is not part of this scheme amendment. The amendment deals only with the land uses that may occur in the JHP.</p> <p>The JHP Master Plan was advertised to the public prior to adoption by the Council over two years ago. The Master Plan contains guidelines relating to the design of any commercial buildings and the retention of existing vegetation. Commercial development within the area designated on the Master Plan will be small scale in keeping with existing buildings in Jarrahdale. A traffic study has also been prepared for the Council by a Traffic Engineering Consultancy to determine the safest means of access, traffic flow and car parking.</p> <p>Written notice of this Scheme amendment was forwarded to every landowner within the boundaries of the Jarrahdale townsite as well as the Jarrahdale Heritage Society, Jarrahdale Community Association and the Serpentine Jarrahdale Residents and Ratepayers Association. This added up to over 250 letters. In addition, the amendment was advertised in the Examiner newspaper. It is considered that this</p>	Dismiss

No.	Affected Property	Summary of submission	Officer's comment	Action
			constitutes substantial consultation. Additional consultation will be undertaken when development applications are received for commercial developments within the Special use zone.	
5.	A143600	Expresses disapproval of the proposed shopping area in Jarrahdale. The shopping area should not be located near residential areas in keeping with the heritage feel of the area. The fact that no community input was asked for is not on. Requests that not one tree be removed wherever the shopping area is approved.	Refer Officer comments with regard to submission 4. above.	Dismiss

Comments from Government Agencies and Service Authorities

Agency	Summary of submission	Officer's Comment
Department of Conservation and Land Management	The Department has no objections to the proposed modifications to Amendment 140. The amendment fits within the purpose of the Historic Precinct Plan and has no direct impact on environmental values.	Noted
Main Roads Western Australia	The proposal does not affect roads under Main Roads control and as such no comment is made.	Noted
Department of Environment	No comments.	Noted
Water Corporation	The Corporation has no objection to the proposed zoning. Referral of all development proposals for the eastern portion of Lot 814 Jarrahdale Road to the Water Corporation (as stated in the amendment is supported). Change in land zoning may require the upgrade of existing water infrastructure. Developers are advised to contact the Water Corporation as early as possible to identify service requirements for their development.	Noted
Western Power	No objections	Noted
Environmental Protection Authority (EPA)	The EPA considers that the amendment does not require formal assessment under Part IV Division 3 of the Environmental Protection Act 1986 (EP Act). The following advice is provided:	More detailed planning of the Special use zone covered by the Jarrahdale Heritage

Agency	Summary of submission	Officer's Comment
	<i>It is noted that land uses such as Farriery, Industry – Light and Timber Mill may be permitted within areas of the Special Use Zone where sensitive land uses such as Child Minding Centre are also permitted. Council should be cognizant of the above factors when considering proposals for these land uses. The EPA's Guidance Statement No. 3 Separation Distances between Industrial and Sensitive Land Uses is a useful reference when considering proposals with noise and air emissions.</i>	Park Master Plan will be undertaken for the Mixed Business and Commercial areas to ensure compatibility of uses and to address any potential impacts on existing and proposed sensitive land uses.
National Trust	No response	N/A
Alinta Gas	No response	N/A

Comment

It is considered that no further modifications are required to Amendment 140 as a result of the public consultation and referrals to government and service agencies.

The Council recently received conditional approval for the subdivision of Lot 814 into three lots. This subdivision has not received final approval as yet. In addition, it is likely that Lot 815 will be subdivided in future as part of the development of the Mixed Business area shown on the Jarrahdale Heritage Park Master Plan. Accordingly, in order to ensure the continued applicability of Appendix 2 of Town Planning Scheme No. 2 to any subsequently created lots it is recommended that the following modifications be made to the Description of Land column for Special use zone 3.:

- a) Inserting an asterisk after each of the numbers 814 and 815 as follows:
“being Lots 4, 5, 1338, 2495, 801, 804, 814, 815* and 200 Jarrahdale Road and known as the Jarrahdale Heritage Park.”; and*
- b) Inserting the following note:
*“*or any lots created by subdivision of Lots 814 and 815 Jarrahdale Road, Jarrahdale”.*

It is recommended that Council now finally adopt Amendment 140 and forward the amendment to the Western Australian Planning Commission for final approval.

Voting Requirements: Normal

SD115/03/06 COUNCIL DECISION/Committee/Officer Recommended Resolution

Moved Cr Star seconded Cr Kirkpatrick

1. Amendment 140 to the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 as adopted by the Council on 24 October 2005 be modified as follows:

- a) **Modifying 1. b) of the scheme amendment text by inserting an asterisk after each of the numbers 814 and 815 as follows:**
“being Lots 4, 5, 1338, 2495, 801, 804, 814, 815* and 200 Jarrahdale Road and known as the Jarrahdale Heritage Park.”; and*
- b) **Inserting a new part c) to the scheme amendment text as follows:**

"c) In the "Description of Land" column of Appendix 2 for Special Use zone 3., inserting the following note:

"*or any lots created by subdivision of Lots 814 and 815 Jarrahdale Road, Jarrahdale".

c) Renumbering the parts of the amendment accordingly.

2. Pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), Amendment 140 as modified in 1. above be adopted as follows:

a) In the "Description of Land" column of Appendix 2 for Special Use zone 3., inserting after the words Jarrahdale Road, the wording "Millars Road, Berwick Street, Lang Street and Brook Road," .

b) In the "Description of Land" column of Appendix 2 for Special Use zone 3., inserting after the words "Part Cockburn Sound Location 663" the wording "being Lots 4, 5, 1338, 2495, 801, 804, 814*, 815* and 200 Jarrahdale Road and known as the Jarrahdale Heritage Park.

c) In the "Description of Land" column of Appendix 2 for Special Use zone 3., inserting the following note:

"*or any lots created by subdivision of Lots 814 and 815 Jarrahdale Road, Jarrahdale".

d) In the "Permitted Use Column" of Appendix 2 for Special Use Zone 3., delete existing clauses 1. and 2. and replace with the following new clauses 1. to 6.:

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

**Single House
Car Park
Civic Building
Public Recreation**

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

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

3. The following uses after being advertised in accordance with clause 6.3 of the Scheme may be permitted at the discretion of

Council on the properties described in (e) of the Description of Land column for this Special Use zone:

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

- 4. All development shall be restricted to designated areas within the Special Use zone in accordance with the Jarrahdale Heritage Park Master Plan (as amended) and shall comply with the Heritage Provisions of Part V of the Scheme.**
- 5. The development of "Industry – Light" and "Industry – Service" shall be restricted to small-scale light and service industrial uses such as, but not limited to, fine furniture manufacture, boutique breweries, fine food manufacture (ie cheeses, confectionary, preserves, bakery), art and craft workshops, clothing and footwear manufacture and printing at the discretion of the Council.**
- 6. All development on the eastern portion of Lot 814 Jarrahdale Road, Jarrahdale shall be referred to the Water Corporation for comment prior to final determination by the Council.**

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

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

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

- 3. Council endorses the schedule of submissions prepared in respect of Amendment No. 140 to the Shire of Serpentine Jarrahdale Town Planning Scheme No. 2.**

CARRIED 9/0

SD116/03/06 FINAL ADOPTION OF SCHEME AMENDMENT NO. 148 - BYFORD STRUCTURE PLAN LANDUSE / ZONING TABLE AND TEXT AMENDMENTS (A1289)		
Proponent:	Serpentine Jarrahdale Shire	In Brief Final adoption of Scheme Amendment 148 relating to insertion of land use/zoning table for Byford Structure Plan Area in scheme text.
Owner:	N/A	
Officer:	Meredith Kenny, Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	7 February 2006	
Previously	SD028/08/05	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

At the Ordinary Council Meeting held on 22 August 2005, Council resolved to initiate Amendment 148 to Town Planning Scheme No. 2. The purpose of Amendment 148 is as follows:

1. Adding the new zones proposed by the Byford Structure Plan to the scheme text.
2. Adding a second Land Use/Zoning table to the Scheme to identify the land uses that will be permissible in each of the new zones proposed by the Byford Structure Plan.
3. Amending various clauses of the scheme text to tie in with the new Land Use/Zoning table for the Byford urban area.
4. Adding a new development requirements table after Table IV of the Scheme for the new Neighbourhood Nodes and Neighbourhood Centre zones within the Byford Structure Plan area as detailed below.

The statutory advertising and referral process has now been completed and Amendment 148 is now presented to the Council for final adoption.

Sustainability Statement

Social – Quality of Life: In determining the uses that should be permissible in the various zones and the level of permissibility (ie permitted, discretionary etc), the following issues have been taken into account:

1. The intent and objective of each of the zones as detailed in the Byford Structure Plan;
2. The compatibility of each of the land uses within a particular zone; and
3. The amenity expectations of each of the zones (ie not allowing potentially noisy uses such as Nightclubs within the Residential zone).

Social and Environmental Responsibility and Social Diversity: The range of land uses proposed in the Zoning table for the Byford urban area aims to provide for a diverse range of future residents. The uses encompass the wide spectrum of residential, shopping, services, entertainment and employment opportunities throughout the Byford urban area and will encourage future residents to shop, work and play locally as much as possible.

Statutory Environment:

Town Planning and Development Act 1928
Town Planning Regulations 1967 (as amended)
Town Planning Scheme No.2

Policy/Work Procedure Implications:

There are no policy or work procedure implications associated with this proposal.

Financial Implications:

Advertising costs – newspaper and Government Gazette

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.
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:

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.

3. Economic

Objective 1: A vibrant local community

Strategy:

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

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

Strategy:

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

Objective 3: Effective management of Shire growth

Strategies:

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

Community Consultation

Amendment 148 was advertised for a period of 42 days in accordance with the Town Planning and Development Act 1928 (as amended) and the Town Planning Regulations 1967 (as amended). Notice of the proposed scheme amendment was given in writing to all landowners within the Byford Structure Plan area, local community groups and service/government agencies. In addition, a notice was placed in The Examiner newspaper during the advertising period.

Advertising closed on 13 January 2006. During the advertising period six submissions were received and these are summarized below.

Submitter	Submission	Comment
Byford Progress Association	The Association has no objections to the proposed scheme amendment. They are pleased that it will be possible to build units in the old quarter and that substantial landscaping will be required in the neighbourhood centres.	Noted
Water Corporation	The Corporation has no objections to the proposed amendment. Conceptual water and wastewater planning for the subject lots indicates that some headworks needed for servicing the development may require pre-funding by developers.	Noted
Western Power	No objections	Noted
Department of Environment	No objections	Noted
Environmental Protection Authority	The proposed scheme amendment does not require assessment under Part IV Division 2 of the Environment Protection Act 1986 (EP Act) and it is not necessary to provide any advice or recommendations.	Noted
Main Roads Western Australia	The proposal does not affect roads under Main Roads control and as such no comment is made.	Noted

Comment

Proposed Modifications

No modifications are required as a result of public consultation. However, further research into land uses that may be appropriate in various zones has identified the following desirable modifications to the land use zoning table:

1. Making “Residential Building” an SA use in the Town Centre and Neighbourhood Centre zones. A “Residential Building” is defined under the Residential Design Codes as follows:

Residential Building - a building or portion of a building, together with rooms and outbuildings separate from such building and ancillary thereto; such building being used or intended, adapted or designed to be used for the purposes of human habitation

Temporarily by two or more persons, or

Permanently by seven or more persons

who do not comprise a single family; but does not include a hospital or sanatorium, a prison, a hotel, a motel, or a residential school.

The above definition is already contained in Town Planning Scheme No. 2. Examples of “Residential Buildings” include lodging houses, short stay accommodation, student housing or housing for specific groups such as disabled persons, women or youth refugees and the like.

2. Adding the use of “Bed & Breakfast” establishment to the land use/zoning table as an AA use in the Residential and Rural-Residential zones. A definition of this use would also need to be inserted in the scheme as follows:

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

There is an existing Council policy (PP1) that contains development requirements for bed and breakfast establishments.

3. Adding the use of “Land Sales Office” to the land use/zoning table as an AA use in the Residential and Rural-Residential zones and inserting a definition for this use in the scheme as follows:

“Land Sales Office” means a temporary office established within a subdivisional area for the purpose of selling vacant lots on site.

Currently, the Shire is preparing a set of guidelines/policy relating to the development of land in the Town Centre and Neighbourhood Centre zones. Accordingly, it is recommended that those provisions of proposed Table V (landscaping, setbacks, plot ratios) that relate to the Neighbourhood Centre zone be deleted and these matters be addressed in the Town Centre/Neighbourhood Centre policy/guidelines.

Conclusion

It is recommended that the Council adopts Amendment 148 to Town Planning Scheme No. 2 subject to the modifications outlined above.

Voting Requirements: Normal

SD116/03/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Wigg seconded Cr Brown

A. Amendment 148 to Town Planning Scheme No. 2 be modified as follows:

1. Making “Residential Building” an SA use in the Town Centre and Neighbourhood Centre zones.
2. Adding the use of “Bed & Breakfast” establishment to the land use/zoning table as an AA use in the Residential and Rural-Residential zones.
3. Adding the use of “Land Sales Office” to the land use/zoning table as an AA use in the Residential and Rural-Residential zones.
4. Inserting a definition for “bed and breakfast establishments” into Appendix 1. Interpretations as follows:
“Bed and Breakfast Establishment” means a private dwelling intended for short stay/overnight accommodation in which one or two guest bedrooms are utilised to provide incidental holiday accommodation for not more than four persons or one family located under the main roof of the dwelling house.
5. Inserting a definition for “land sales office” into Appendix 1 Interpretations as follows:
“Land Sales Office” means a temporary office established within a subdivisional area for the purpose of selling vacant lots on site.
6. Deleting those provisions that relate to the Neighbourhood Centre in proposed Table V.

B. Council, pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) adopts for final approval modified Amendment No. 148 to Town Planning Scheme No. 2 as set out below:

1. Amending clause 3.1.1 of the Scheme to insert the following additional zones after “URBAN DEVELOPMENT”:
RURAL-RESIDENTIAL
TOWN CENTRE
NEIGHBOURHOOD CENTRE

**HIGHWAY COMMERCIAL
 NEIGHBOURHOOD NODE
 MIXED BUSINESS**

2. Amending clauses 3.2.1 to 3.2.5 and 4.3 by changing the word "Table" wherever it appears in the clauses to "Tables".
3. Amending clause 5.3.5 by inserting the words "or on any structure plan adopted by the Council in accordance with the provisions of clause 5.18.3" after the words "...on the Scheme Map".
4. Amending clause 5.4.2 (a) by inserting after the words "...except in", the words "any area covered by a structure plan adopted by the Council in accordance with the provisions of clause 5.18.3 where the applicable Residential Density Codes shall be as depicted on the relevant structure plan, and".
5. Amending clauses 5.8, 5.8.1, 5.8.2, 5.8.3, 5.8.4, 5.8.5 and 5.8.6 of the scheme by inserting the words "and Rural-Residential Zone" after the words "Special Residential Zone" wherever they appear throughout that clause.
6. Amending clause 5.18.6.3 (a) by:
 - i) inserting after the words "in the areas designated as zones," the words "which are the same as zones which exist under the Scheme,";
 - ii) deleting the word "zoning" and inserting after the word "Table" the number "1" and;
 - iii) inserting after the words "...the same designation", the words "and in the areas designated as zones which are not the same as zones which exist under the Scheme, the permissibility of uses is to be as set out in Table 1A".
7. Inserting after Table IV in the Scheme a new Table "Table V Non-residential development - Neighbourhood Node" as follows:
 Non-residential developments - Neighbourhood Node

Zone	Minimum building setbacks from boundaries (metres)			Max. Site Coverage	Minimum % of site to be landscaped
	Street (s)	Side	Rear		
Neighbourhood Node	As per relevant R-Code			As per relevant R-Code	25% of site

8. Renumbering "Table V Parking Requirements" to be "Table VI Parking Requirements".
9. Inserting into the scheme after Table 1 a new Table "Table 1A Byford Structure Plan Area Zoning/Land Use Table" as follows:

TABLE 1A - BYFORD STRUCTURE PLAN AREA ZONING/LAND USE TABLE

USE CLASSES	Residential	Rural-Residential	Neighbourhood Node	Neighbourhood centre	Town Centre	Highway Commercial	Mixed Business
Amusement Parlour				AA	AA		
Automotive & Marine Sales						SA	SA
Automotive Repairs							AA
Automotive Vehicle Wash						AA	P
Caravan or Trailer Hire						AA	P
Betting Agency				P	P	IP	IP
Bed & Breakfast Establishment	AA	AA					
Car Park			IP	IP	P	IP	IP
Child Minding Centre	SA	SA	AA	P	P		
Civic Buildings	SA	SA	P	P	P	P	P
Cinema/Theatre				SA	P		
Club Premises				SA	AA	AA	
Consulting Rooms			AA	P	P		
Convenience Store			SA	AA	P	AA	AA
Corner Store/Home Store			AA				
Craft Workshop							P
Display Home	AA	AA				IP	IP

The symbols used in the cross reference in the Zoning Table have the following meanings:

'P' means that the use is permitted provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting planning consent;

'AA' means that the Council may, at its discretion, permit the use;

'SA' means that the Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 6.3; and

'IP' means a use that is not permitted unless such use is incidental to the predominant use as decided and approved by the Council.

Where no symbol appears in the cross reference of a use class against a zone in the Zoning Table a use of that class is not permitted in that zone.

TABLE 1A - BYFORD STRUCTURE PLAN AREA ZONING/LAND USE TABLE

USE CLASSES	Residential	Rural-Residential	Neighbourhood Node	Neighbourhood centre	Town Centre	Highway Commercial	Mixed Business
Dry Cleaning Premises				AA	AA	AA	
Educational Establishment	SA	SA	AA	AA	P		
Exhibition Centre				P	P	P	P
Fast Food/Takeaway				AA	P	AA	
Funeral Parlour				AA	P	AA	P
Garden Centre					AA	AA	P
Health Studio				AA	P	AA	P
Home Office	IP	IP	IP				
Home Business	IP	IP	IP				
Home Occupation	IP	IP	IP				
Hospital					AA		
Hotel					P	AA	
Industry: - Light - Service - Rural						AA	P P P
Land Sales Office	AA	AA					
Lunchbar				P	P	P	P
Market				AA	AA	AA	AA
Medical Centre				AA	P	P	AA
Motel					P	AA	
Nightclub					AA		
Office			AA	P	P	P	IP
Private Recreation					AA	AA	AA
Public Amusement				AA	AA	AA	
Public Recreation				AA	P		

TABLE 1A - BYFORD STRUCTURE PLAN AREA ZONING/LAND USE TABLE

USE CLASSES	Residential	Rural-Residential	Neighbourhood Node	Neighbourhood centre	Town Centre	Highway Commercial	Mixed Business
Public Utility	AA	AA	AA	P	P	P	P
Public Worship - Place of	SA			SA	P	AA	AA
Radio & TV Installation				AA	AA	AA	AA
Reception Centre				SA	AA	AA	
Residential (see notes 1 and 2): - Single House - Grouped Dwelling - Multiple Dwelling - Aged & Dependent Persons Dwelling - Caretaker's Dwelling - Ancillary Accommodation - Residential Building	P P P (See Note 2.) P IP SA	P P P	IP IP IP	SA (See note 3) SA (See note 3) SA IP AA	SA (See note 3) SA (See note 3) SA IP AA	IP	IP
Restaurant			SA	P	P	AA	
Restricted Premises							
Service Station					SA	SA	AA
Shop				P	P		IP
Shopping Centre				P	P		
Showroom				AA	P	P	P
Tavern				SA	AA	AA	
Trade Display						AA	AA
Transport Depot						SA	AA
Vehicle Hire					AA	AA	P
Veterinary Establishment			SA	SA	AA	AA	AA
Warehouse					IP	AA	P

Notes:

1. See Residential Planning Codes for definitions of Residential dwelling types;
2. Multiple Dwellings only permitted in R40 and higher density codes.
3. Grouped and Multiple Dwellings are only permitted in Neighbourhood Centre and Town Centre zones as part of combined Commercial/Residential developments such as shop-top housing or work/live developments.

10. Inserting, in alphabetical order, the following new definitions into Appendix 1 – Interpretations:
- “Bed and Breakfast Establishment” means a private dwelling intended for short stay/overnight accommodation in which one or two guest bedrooms are utilised to provide incidental holiday accommodation for not more than four persons or one family located under the main roof of the dwelling house.
- "betting agency" means an office or totalisator agency established under the Totalisator Agency Board Betting Act 1960;
- "cinema/theatre" means premises where the public may view a motion picture or theatrical production;
- “exhibition centre” means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery;
- "home store" means any shop with a net lettable area not exceeding 100 square metres attached to a dwelling and which is operated by a person resident in the dwelling;
- “Land Sales Office” means a temporary office established within a subdivisional area for the purpose of selling vacant lots on site.
- "lunch bar" means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas;
- "motor vehicle wash" means premises where the primary use is the washing of motor vehicles;
- "restricted premises" means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of -
- (a) publications that are classified as restricted under the Censorship Act 1996;
 - (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity;
11. Modifying the existing definitions in Appendix 1 of the Scheme for "showroom", "warehouse", "convenience store" and "fast food/takeaway food shop" in accordance with the definitions for these land uses contained in the Model Scheme Text under the Town Planning Regulations 1967 (as amended) as follows:
- "showroom" means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature;
- "warehouse" means premises used to store or display goods and may include sale by wholesale;
- "convenience store" means premises -
- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;
 - (b) operated during hours which include, but may extend beyond, normal trading hours;
 - (c) which provide associated parking; and
 - (d) the floor area of which does not exceed 300 square metres net lettable area;
- "fast food outlet" means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar;

CARRIED 8/1

Council Note: Cr Star voted against this motion

SD117/03/06 FINAL ADOPTION OF SCHEME AMENDMENT NO. 149 – LOT 224 ORTON ROAD, OAKFORD (P04619/01)		
Proponent:	Development Planning Strategies	In Brief Report on outcome of public consultation with regard to Scheme Amendment No. 149 to rezone Lot 224 Orton Road, Oakford from 'Rural' to 'Rural Living A' under the provisions of Shire of Serpentine - Jarrahdale Town Planning Scheme No. 2. It is recommended that the Amendment be adopted with modifications.
Owner:	D'Orazio Holdings Pty Ltd & Daprato Holdings Pty Ltd	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	7 March 2006	
Previously	SD011/07/05	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Date of Receipt: 15 April 2003
 Advertised: Not applicable
 Submissions: Not applicable
 Lot Area: 39.92 ha
 L.A Zoning: Rural
 MRS Zoning: Rural
 Byford Structure Plan: Not applicable
 Rural Strategy Policy Area: Rural Living A
 Rural Strategy Overlay: Roadsides Conservation Overlay
 Municipal Inventory: Not applicable
 Townscape/Heritage Precinct: Not applicable
 Bush Forever: Not applicable
 Date of Inspection: September 2004

Background

At the Ordinary Council Meeting held on 25 July 2005, Council resolved to initiate Amendment No.149.

The proposed scheme amendment was advertised (including referrals to government agencies and service authorities) in accordance with the requirements of the Town Planning and Development Act 1928. The outcome of the advertising and referral process is included in this report.

Some modifications have been made to the proposed subdivision guide plan by the proponent due to issues raised by Council through initiation of the amendment. These include modifying the scheme amendment map to show the northern public access way constructed to the cul-de-sac head and contained entirely within public land and remove the subdivision overlay boundary from the 3.5 hectare lot.

A copy of the amended subdivision guide plan is with attachments marked SD117.1/03/06.

Sustainability Statement

Effect on Environment: Rezoning of the property to Rural Living A will enable the preservation, rehabilitation and enhancement of the property. Remnant vegetation can be protected and additional revegetation can be undertaken on the property. This will assist in biodiversity and enable the protection of existing animal habitats and provision of additional habitats.

The preparation and implementation of a drainage management plan will enable the protection of existing watercourses (farm drain) on the property. This will assist in reducing the potential for nutrient input from the property directly into the watercourse.

The proposal will enable controls to be placed on land uses able to be carried out on the land, which will provide additional protection for groundwater and surface water.

Resource Implications: Scheme water is not available in the area and rainwater tanks will be required when lots are developed for residential purposes. The subject site is within the Mundijong Drainage District within which drainage outfalls from development are limited. As such, a drainage basin will be constructed prior to discharging to outfall drains.

Economic Viability/Benefits: The proposal will preserve and enhance biodiversity (through revegetation, weed management) and reduce land and waterway pollution (through better drainage management, the use of alternative systems for effluent disposal and the implementation of land use controls).

Social and Environmental Responsibility and Social Diversity: The rezoning and subsequent subdivision will enable improvement to the existing road network through road upgrading contributions. The larger lots will provide an alternative to the smaller lifestyle lots in the local area. The proposal addresses existing environmental concerns associated with grazing and the clearing of the land. It provides for a more sustainable use of the land whilst establishing a number of measures to reduce the impact of the increased population on the site.

Statutory Environment:

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

Policy/Work Procedure

Implications:

LPP 4 – Revegetation
LPP 6 – Water Sensitive Design

Financial Implications:

Not Applicable

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

Strategy:

1. Implement known best practice sustainable natural resource management.

3. Economic

Objective 1: A vibrant local community

Strategy:

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

Objective 3: Effective management of Shire growth

Strategy:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategy:

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

Referral of Amendment to Environmental Protection Authority (EPA)

Prior to the commencement of the public advertising the proposed scheme amendment was referred to the EPA under section 48A of the Environmental Protection Act. The EPA advised in writing that the proposed scheme amendment did not warrant assessment under Part IV of the Environmental Protection Act. The EPA did, however, provide the following advice with regard to the scheme amendment:

1. *Environmental Issues*

*Catchment with Special Requirements – Peel-Harvey
Contamination of Soil and Groundwater
Radiation*

2. *Advice and recommendations regarding Environmental Issues*

Catchment with Special Requirements – Peel-Harvey

The subject land is within the Peel-Harvey Catchment and the provisions of the Environmental Protection Authority's Environmental Protection (Peel Inlet-Harvey Estuary) Policy (1992) and the Western Australian Planning Commission's Statement of Planning Policy No.2 (1992) – The Peel-Harvey Coastal Plain Catchment apply.

The EPA's objective in relation to the Peel Inlet-Harvey Estuary is to maintain its integrity, functions and environmental values. The EPA's position relating to effluent disposal and stormwater drainage in this area is contained in the abovementioned statutory policies. It is expected that the town planning scheme includes provisions to ensure that future development on the subject land complies with the abovementioned policies.

Contamination of Soil and Groundwater

In the absence of a reticulated sewerage system the installation of an alternative waste treatment unit is preferred to a septic tank, to prevent pollution of the soil and groundwater.

Radiation

The EPA expects that transmission lines which traverse the site will be designed and operated in accordance with the guidelines for human exposure to power frequency electromagnetic fields as developed by the International Commission on Non-Ionising Radiation Protection.

The issue of effluent disposal is addressed in the scheme provisions requiring use of an alternative effluent disposal system with adequate phosphorous retention capacity. Stormwater management will be addressed at the time of considering a subdivision application and the scheme provisions require the preparation of a Drainage Management Plan.

Community Consultation:

In accordance with the requirements of the *Town Planning and Development Act 1928* and *Town Planning Regulations 1967*, the amendment was advertised for public comment and referred to relevant government authorities for 42 days. Adjacent landowners were advised in writing of the proposed scheme amendment and two signs were placed on site, one facing Orton Road and the other facing Kargotich Road. An advertisement was also placed in the newspaper with the advertising period closing on 27 January 2006. Resulting from this, four submissions from government referral authorities and two public submissions were received.

A schedule of submissions is with the attachments marked SD117.2/03/06.

No comments were received from Western Power, the Department of Health, Telstra or the Fire and Emergency Services Authority (FESA).

Comments from Council staff

During the referral period, comments were received by internal Council staff regarding the proposed revegetation and location of the building envelopes.

Revegetation

It has been suggested by staff that there should be more revegetation across the entire subdivision guide plan as there are a number of properties without any proposed revegetation at all. Although there is some existing vegetation along Kargotich Road, due to the low lying nature of the land and the fact there will be limited stock allowed on the lots, any extra vegetation will be beneficial in lowering the water table.

Comment

As part of the proposed Special Provisions for this estate, provision 6 advises of the subdividers responsibility to prepare and implement a Landscape/Revegetation Plan in accordance with the endorsed Subdivision Guide Plan. This Special Provision may be considered too restrictive as it does not allow for any modifications on site that may be required upon approval and clearance of the subdivision. To allow for any other areas of revegetation that may be deemed necessary by Council staff through the subdivision process, it is recommended that provision 6 be modified as follows:

The subdivider shall prepare and implement a Landscape/Revegetation Plan in accordance with the endorsed Subdivision Guide Plan for this estate including any modifications as deemed necessary by Council. This plan shall address the planting of indigenous trees and shrubs of a species and at a density, distribution and location to the satisfaction of the Council, prior to the transfer of a lot(s) to a new owner.

This rewording allows for some flexibility with the revegetation plan to respond more appropriately to on site conditions. However, additional areas of revegetation will be required to be shown on the subdivision guide plan prior to final adoption.

Building Envelopes

An issue has been raised regarding the proposed location of the building envelopes. Many of the envelopes as shown on the guide plan cover the only existing trees on the block. Modifying the location of the building envelope could preserve more trees.

Comment

Subdivision guide plan will need to be modified to require the changes to occur prior to final approval being granted to the amendment.

Conclusion

The proposed rezoning is compliant with the requirements under Council's Town Planning Scheme N^o 2 and the Rural Strategy. The land has been identified as 'Rural Living A' to allow for a subdivision of this nature to occur. It is considered that the proposed Subdivision Guide Plan will produce a 'Rural Lifestyle' development in keeping with the recently subdivided Northerly Lane and Mount Eden Lane properties on adjoining land.

It is therefore recommended that the scheme amendment to rezone Lot 224 Orton Road, Oakford from 'Rural' to 'Rural Living A' be adopted by Council subject to changes.

Voting Requirements: Normal

SD117/03/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Brown seconded Cr Hoyer

A. Council endorses the schedule of submissions prepared in respect of Amendment No. 149 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.

B. The amendment report and subdivision guide plan be modified as follows:

1. Modifying the location of building envelopes to protect existing vegetation on site.

2. Modify the Subdivision Guide Plan to show additional revegetation areas being provided on lots along Kargotich Road and Orton Road.

3. Deleting provision 6. and replacing it with the following:

The subdivider shall prepare and implement a Landscape/Revegetation Plan in accordance with the endorsed Subdivision Guide Plan for this estate including any modifications as deemed necessary by Council. This plan shall address the planting of indigenous trees and shrubs of a species and at a density, distribution and location to the satisfaction of the Council, prior to the transfer of a lot(s) to a new owner.

4. Including an additional provision 15. as follows:

The subdivider shall upgrade the portion of Kargotich Road and Orton Road where it abuts the subdivision area to a suitable standard to the satisfaction of Council.

C. Prior to final adoption and signing and sealing of the amendment documentation, a Drainage Management Plan is to be prepared and reviewed by the Director of Engineering confirming the adequacy (size and location) of the drainage basin to accommodate stormwater and any necessary amendments being made to the subdivision guide plan.

D. Subject to B and C above to the satisfaction of the Executive Manager Planning and Regulatory Services and pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) the Council adopts Amendment 149 to Town Planning Scheme No. 2 as set out below:

1. Rezoning Lot 224 Orton Road, Oakford from “Rural” to “Rural Living A”.
2. Amending the Scheme map accordingly.
3. Including Lot 224 Orton Road, Oakford in Appendix 4A – Rural Living A Zone and including the appropriate details in Appendix 4A of the Scheme as follows:

22.	Lot 224 Orton Road, Oakford	<p>1. Within the Rural Living A zone the following land uses are permitted, or are permitted at the discretion of the Council:</p> <p>Use classes permitted (P) Single House Public Recreation Public Utility</p> <p>Discretionary Uses (AA) Ancillary Accommodation Home Occupation Rural Use Stables (horses are prohibited)</p> <p>All other uses are prohibited.</p> <p>In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management shall only permit such uses when it is satisfied following consultation with government agencies that the land use does not involve excessive nutrient application or clearing of land.</p> <p>2. No dwelling shall be approved by the Council unless it is connected to an effluent disposal system as approved by the Department of Health with an adequate phosphorus retention capacity, as determined by the Department of Environment, and with the base of the system or the modified irrigation area being the required distance above the highest known water table.</p> <p>3. Topsoil stripping, proof rolling and elevation of the land with a minimum of 1.2 metres of free draining, engineered sand fill, will be required for the entire building envelope in order to achieve a suitable site classification and meet the requisite building and environmental requirements for residential development and effluent disposal within this estate.</p> <p>4. No indigenous vegetation shall be cleared, except where such vegetation is dead or diseased, or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence, drainage system, driveway or to accommodate discretionary (AA) uses listed in Special Provision 1; prior to any</p>
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		<p>such clearing the developer/landowner of the estate shall seek and obtain the written consent of the Council.</p> <p>5. The subdivider shall place notifications on the Certificates of Title for each lot advising prospective purchasers that the keeping of horses is not permitted. The keeping of other stock shall be at the discretion of Council.</p> <p>6. The subdivider shall prepare and implement a Landscape/Revegetation Plan in accordance with the endorsed Subdivision Guide Plan for this estate including any modifications as deemed necessary by Council. This plan shall address the planting of indigenous trees and shrubs of a species and at a density, distribution and location to the satisfaction of the Council, prior to the transfer of a lot(s) to a new owner.</p> <p>7. The subdivider shall either maintain the trees and shrubs planted until the land is sold, or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement of those trees and shrubs planted by the subdivider to the satisfaction of the Council.</p> <p>8. The subdivider shall prepare and implement a Fire Management Plan, including construction of the emergency access ways, the strategic firebreaks/multiple use network depicted on the endorsed Subdivision Guide Plan, water supplies and equipment and any other fire management requirements deemed necessary, to the specification and satisfaction of Council and the Fire and Emergency Services Authority of Western Australia.</p> <p>9. Notwithstanding the obligations of the subdivider under Clause 5.12.9(e) of the Scheme, the subdivider shall drain the land and provide detention areas generally in accordance with a Drainage Management Plan provided prior to the commencement of on-the-ground works to the satisfaction of Council and the Water Corporation. The Drainage Management Plan shall also include a Geotechnical Report. Building and effluent disposal sites of each proposed lot are to be detailed in the Drainage Management Plan. Any reserves or easements required to implement the plan shall be provided free-of-cost.</p>
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		<p>10. At the time of the building application for each lot, a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, proposed pad level, existing trees and strands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting and maintenance.</p> <p>The site plan and proposal shall demonstrate that the development and use of the land will not compromise the implementation of the overlay subdivision, as depicted on the endorsed Subdivision Guide Plan.</p> <p>11. The Council shall not support any application for subdivision of the land into Rural Living A lot sizes unless the subdivision is consistent with a Subdivision Guide Plan endorsed by Council and the Western Australian Planning Commission for whole or part of the area.</p> <p>12. A Subdivision Guide Plan for the subdivision of land into Rural Living A lot sizes, shall have regard to the objectives set out in this Scheme for the zone or zones affected by it and the requirements of clause 5.9.3.</p> <p>13. The Subdivision Guide Plan referred to in Clause 11 shall include and be accompanied by Technical Guidelines that provide a prescription for development and the implementation of subdivision in areas of planning, road works, drainage, effluent disposal, water, bushfire control, protection of the environment, landscaping, easements, landowner coordination, infrastructure cost sharing, controlling developments or generally regulating or prescribing the use or development of land to overcome problems which would occur, should the land be developed.</p> <p>14. Horses are prohibited. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture Western Australia for the applicable pasture types to a dry stocking rate of 2 DSE and irrigated stocking rates will not be entertained. Any approval to keep any grazing animal will require fencing of all remnant vegetation and planted vegetation by the landowners to the satisfaction of Council.</p> <p>15. The subdivider shall upgrade the portion of Kargotich Road and Orton Road where it</p>
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		abuts the subdivision area to a suitable standard to the satisfaction of Council.
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E. The amendment documentation be signed and sealed with modification and then submitted to the WA Planning Commission along with the endorsed schedule of submissions and steps taken to advertise the amendment with a request for the endorsement of final approval by the Minister for Planning and Infrastructure.

CARRIED 9/0

CGAM110/03/06		HIGH WIDE LOAD CORRIDOR 2 – KWINANA TO KEWDALE (A0355-02)	
Proponent	Main Roads WA	In Brief That Council consider a request from MRWA for endorsement in principle to the establishment of a High Wide Load Corridor 2 between Kwinana and Kewdale along Tonkin Highway, Thomas Road and Anketell Road.	
Officer	Nick Juricev Acting Manager Engineering		
Signatures - Author:			
Senior Officer:			
Date of Report			
Previously			
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.		
Delegation	Council		

Background

High Wide Load Corridor 2 is planned to link the Kewdale and Kwinana heavy fabrication centres with funding being made available from the State Government for 2005/06 and 2006/07. High Wide Load Corridor 2 is a part of the proposed Metropolitan High Wide Load Trunk Corridor Network and incorporates Tonkin Highway, Anketell Road and Thomas Road, parts of which are within the Serpentine Jarrahdale Shire.

A copy of the letter from Main Roads is included with the attachments and marked [CGAM110.1-03-06.pdf](#).

A copy of the map of the Metropolitan HWL Trunk Corridor Network and HWL Corridor 2 is included with the attachments marked [CGAM110.2-03-06.pdf](#).

High Wide Load's using this route will have dimensions of up to 8 metres high, 8 metres wide, 24 metres long and 200 tonnes in mass requiring a 10 metres high by 10 metres wide envelope to facilitate movement. Works will be required including intersection modifications, power line relocation, vegetation pruning and vehicle holding/pull off bays.

MRWA have sought advice as to whether the proposed High Wide Load Corridor 2 roadwork's on Councils roads could be undertaken as part of Council's works program. However Engineering Services are not well placed to undertake this work and would be unable to assist.

Sustainability Statement

Economic Viability: This proposal is part of the State Government's initiative to providing a safer road network for transport and other vehicles.

Economic Benefits: This proposal will ultimately benefit local industries.

Social – Quality of Life: By providing a safe road network.

Social and Environmental Responsibility: This proposal is aimed at being socially and environmentally responsible by providing safe vehicular movement.

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

Statutory Environment: Environmental Protection (Clearing of Native Vegetation) Regulations 2004 where applicable.

Policy Implications: May have an impact on future planning and zoning of land adjacent to Corridor 2.

Financial Implications: The cost of these works will be met by the State Government. There is no cost to the Shire.

Strategic Implications:

Key Sustainability Result Areas

1 People and Community
Objective 1: Good quality of life for all residents
Strategies:
6. Ensure a safe and secure community.
Objective 2: Plan and develop towns and communities based on principles of sustainability
Strategies:
5. Protect built and natural heritage for economic and cultural benefits.
Objective 3: High level of social commitment
Strategies:
2. Build key community partnerships.

2 Environment
Objective 1: Protect and repair natural resources and processes throughout the Shire
Strategies:
3. Encourage protection and rehabilitation of natural resources...
Objective 2: Strive for sustainable use and management of natural resources
Strategies:
1. Implement known best practice sustainable natural resource management.

3 Economic
Objective 2: Well developed and maintained infrastructure to support economic growth
Strategies:
1. Improved freight, private and public transport networks.
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.

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: Nil

Comments:

The State Government has allocated funding for High Wide Load Corridor 2 and MRWA are hoping to complete this Corridor by the end of the year. The letter from MRWA advising Council of this proposal is dated 28 November and followed the media Statement by the Minister for State Development on 8 November 2005. The delay in reporting on this issue to Council is regretted but is as a result of staff resignations in Engineering Services.

The request for Council endorsement in principle for the planning and development of the High Wide Load Corridor 2 for the roads that fall within the shire is not unreasonable and should be supported.

The work is not a main stream activity of the Shire for the direct labour force. Accordingly it is considered is there is no advantage to the Shire in undertaking these works and request Main Roads undertake these works.

Voting Requirements: Normal

CGAM110/03/06 COUNCIL DECISION/Committee/Officer Recommended Resolution

Moved Cr Wigg seconded Cr Star

1. That Main Roads Western Australia be advised:
 - a) Council endorses in principle the establishment of High Wide Load Corridor 2 between Kwinana and Kewdale along Thomas Road and Anketell Road within the Serpentine Jarrahdale Shire subject to:
 - i) The Shire being provided with copies of clearing permits for native vegetation prior to commencement of works;
 - ii) Thomas Road being declared a main road under the care and responsibility of Main Roads Western Australia;
 - iii) Confirmation that the intersection of Thomas Road and Anketell Road will be appropriately treated for HWL's and other traffic;
 - b) Council is unable to assist by undertaking any part of the works for High Wide Load Corridor 2.

CARRIED 8/1

CGAM111/03/06 ANTICIPATED OVER EXPENDITURE ON TREE PRUNING BUDGET (A1213)		
Proponent	Operations Team	In Brief Council is requested to note an anticipated over expenditure of \$60,000 on the Tree Pruning budget for 2005/06 (A/c MOR798)
Officer	Peter Lockhart – Works Co-ordinator	
Signatures - Author:		
Senior Officer:		
Date of Report	10 th March 2006	
Previously		
Disclosure of Interest	No Officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Under Section 54 of the Energy Operators (Powers) Act 1979, Council is required to keep planted or cultivated vegetation clear of powerlines. Recent legal advice also indicates that the Shire is now also responsible for pruning planted or cultivated verge trees away from resident's service lines on road reserves.

The current budget provides \$183,000 to account MOR798 Tree Pruning which is utilised for all tree maintenance issues. In this financial year approximately \$164,000 has been spent to date on pruning trees under powerlines and on general pruning where safety or visibility is an issue and in some cases removal where the tree is hazardous.

The power line pruning programme is undertaken in August/September and February/March each financial year. This year some 730 planted or cultivated trees were to be pruned in the spring power line programme. The autumn programme has not commenced.

The Shire will be required to soon undertake the autumn programme of pruning under mains powerlines throughout the Shire of the faster growing planted or cultivated species to maintain adequate clearances as required by Western Power.

In the last financial year \$145,000 was allocated to Tree Pruning but expenditure amounted to \$257,066.

Sustainability Statement

Effect on Environment: Pruning vegetation increases road amenity and motorist safety and power line pruning reduces the possibility of fire caused by power line and tree interaction.

Resource Implications: This issue will cause increase in staffing resources dedicated to road verge tree assessments and increased costs to the Shire.

Use of Local, renewable or recycled Resources: Local contractors will be used where possible.

Economic Viability: The cost of power line pruning will be an increasing ongoing cost which will be applicable to the Council. It is anticipated that in the short to medium term this cost will increase on an annual basis due to the maturation of tree species.

Economic Benefits: There are no direct economic benefits of this proposal.

Social – Quality of Life: Adequate clearance is required around powerlines for the safety and maintenance of power supply. Residents expect continuity of power supply and mitigated risks from such scenarios as fire.

Social and Environmental Responsibility: Street trees are regarded as important for environmental, social and economic reasons. They add to the landscape character of an area, preserve biodiversity, provide shade and shelter and habitats for fauna.

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

Statutory Environment: Under Section 54 of the Energy Operators (Powers) Act 1979 as amended in 1999.

Policy Implications: Roadside Management Policy

Financial Implications: An additional \$60,000 is requested to be made available to account MOR798, for the 2005/06 financial year to ensure appropriate tree pruning programs can be completed.

Strategic Implications: Key Sustainability Result Areas

1 People and Community
Objective 1: Good quality of life for all residents
Strategies:

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

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

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

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 green house gas emissions.
5. 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 2: Well developed and maintained infrastructure to support economic growth

Strategies:

1. Improved freight, private and public transport networks.

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: Nil

Comments:

An assessment of the likely expenditure on tree pruning has been made for the balance of the financial year and is anticipated to be in the order of \$60,000. Every effort will be made to keep the expenditure as low as practicable without compromising safety or adding to the Shire's potential liability.

Efforts will also be made to restrict expenditure in other road maintenance areas where possible with the aim of not exceeding the total road maintenance budget. However the success of this will be dependant on the weather over the winter months. At this stage it is recommended that the position be monitored and re-allocations within the road maintenance budget be considered towards as part of the three quarter review.

A survey conducted by Peter Lockhart and an ex Western Power employee in 2004 identified some 3300 planted trees under powerlines throughout the Shire. The power line pruning programme is undertaken in August/September and February/March each financial year. This year approximately 731 planted or cultivated trees were pruned under power lines in the spring pruning programme.

These pruning requirements will vary from year to year due to different growing rates but it is anticipated the average number of trees requiring pruning each year is set to rise over the next few years.

It follows that if the situation which has occurred this financial year and the last is to be avoided improvements to the financial management need to be addressed in the drafting of the 2006/07 budget.

Voting Requirements: ABSOLUTE MAJORITY

CGAM111/03/06 COUNCIL DECISION/Committee/Officer Recommended Resolution

Moved Cr Kirkpatrick seconded Cr Richards

- 1. It be noted an over budget expenditure of some \$60,000 is anticipated on the 2005/06 tree pruning allocation of \$183,000.**
- 2. Efforts be made to constrain where practical road maintenance expenditure for the balance of the current financial year with the objective of not exceeding the total road maintenance budget for 2005/06.**

CARRIED 9/0 ABSOLUTE MAJORITY

CGAM112/03/06		CLEARING PROPOSAL – SPORTS AIRCRAFT BUILDERS ASSOCIATION (RS0008)	
Proponent:	Sports Aircraft Builders Club of WA Inc.	In Brief	
Owner:	Vested in Serpentine Jarrahdale Shire	Council is requested to place conditional approval on this clearing proposal, requiring the Sports Aircraft Builders Association to submit an endorsed reserve management plan, before an application maybe submitted for clearing to the Department of Environment.	
Officer:	Jenni Andrews – Reserves Officer		
Signatures Author:			
Senior Officer:			
Date of Report	23 rd February 2006		
Previously			
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act		
Delegation	Council		

Background

The Sports Aircraft Builders Club of WA Inc lease crown reserve 25911 (total 64.7 hectares) vested in the Shire of Serpentine Jarrahdale for purposes of recreation. The Club have leased the reserve since 1973, developing the land to establish a private aircraft field with infrastructure including runway, club house and hangars. The Club, in addition to sport flying, build and restore aircraft.

The Club is registered with the Civil Aviation Safety Authority. Civil Aviation Safety Authority has the primary responsibility for the maintenance, enhancement and promotion of the safety of civil aviation in Australia.

The reserve contains regionally significant bushland, Bush Forever Site 378. The area contains an Environmental Protection Policy wetland and Conservation Category Wetlands. These are dominantly of species *Melaleuca pressiana* and vegetated low open woodland of *Kunzea glabrescens* and scrub *Regelia cilia*. The wetland area is regularly mowed and for this reason is in a degraded condition.

The north western side contains vegetated upland *Banksia attenuata*, *Banksia menziesii* and scattered *Eucalyptus marginata*, *Banksia ilicifolia* and *Allocasuarina fraseriana* woodland. Most of the vegetation is in good to excellent condition with disturbances of weed species and *Phytophthora* around the edges. The area in the centre of the reserve has been cleared for the infrastructure and the grassed area regularly mowed.

Two vegetation complexes occur on the reserve. A table below shows their approximate distribution across the site, the shire and the Bush Forever study area.

	Southern River Complex (Ha)	Bassendean Complex (Ha)
Yangedi Airfield 2006 statistics	14	18
Yangedi Airfield Pre European	34	30
Serpentine Jarrahdale 1998 statistics	732	3033
Serpentine Jarrahdale Pre European	7653	9854
Bush Forever Study area 1998 statistics	5370	10919
Bush Forever Study Pre European	31148	46220

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MEMORANDUM

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Priority fauna species the Southern Bandicoot or Quenda found is on the reserve. The southern bandicoot is listed as a priority 4 species by CALM. This means that it is a species in need of monitoring.

The Sports Aircraft Builders Club have provided a written submission to the Shire requesting to clear a portion of the bushland on the reserve. The area requested for clearing is 4708 metres squared for the purpose of new hangar sites. This area is fragmented by the runway and other infrastructure. The area of Banksia woodland has a rich understorey with little or no middle or overstorey. It has noticeably been burnt recently and a channel dug through for the provision of electricity to the club.

A copy of the aerial photograph of the reserve detailing area proposed for clearing is with attachments marked [CGAM112-03-06.pdf](#).

Sustainability Statement

Effect on Environment: This proposal will result in the reduction of vegetation, which has been identified as regionally significant. No measures have been considered by the Club to minimise the impact of the vegetation to be cleared. It is advisable that the Club be requested to prepare a reserve management plan that will provide management strategies for the protection of vegetation on the Reserve.

Resource Implications: This proposal does not minimize use of vegetated land to protect biodiversity. The recommendation provides for better resource management.

Use of Local, renewable or recycled Resources: The proponent provides a valuable service to emergency services through its water bombers to regional areas and departments.

Economic Viability: The aircraft club is private use. The peppercorn rental for this club does not bring economic benefit to the community or shire.

There will be future infrastructure maintenance costs for the club. This proposal incurs staffing resource costs to Council

Economic Benefits: This proposal does not provide economic benefit to the Council or community in the short term.

Social – Quality of Life The proponent often provides displays for the local communities at various events such as the Serpentine Fair for education and hobby interests.

Social and Environmental Responsibility: The recommendation is designed to identify the environmental, social and economic values of the reserve for the sustainable management of the reserve.

Social Diversity: This proposal does not cater for the wider interests of the community. It is specific to the proponent.

Statutory Environment:

Wildlife Conservation Act 1950
Environmental Protection (Clearing of Native Vegetation)
Regulations 2004

Policy/Work Procedure Implications:

Reserve Management and Planning Policy
Environmental Protection (Peel Inlet – Harvey Estuary)
Policy 1992
Environmental Protection (Swan Coastal Plain Lakes)
Policy 1992

Financial Implications:

The preparation of a reserve management plan will cost (estimate) \$8,000, which is the responsibility of the Club to cover.

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.
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.

Objective 3: High level of social commitment

Strategies:

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

2. Environment

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

Strategies:

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

3. Economic

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

Objective 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:

The Sports Aircraft Builders Club proposal, was tabled at Development Control Unit forum. A site visit by officers in the Development Control Unit have identified a concern with the management of the reserve. Areas of vegetation had been cleared or burnt. An informal caravan park exists and the caravan park facilities are not an approved use by Council. Additionally, club members are storing highly flammable av gas in each hangar.

The Reserves Working Group have acknowledged activities exist on the reserve that are inappropriate, such as storage of fuel and lack of environmental management. The priorities on the reserve are the management of the environmental values and safety of persons. The recommendation of the Reserves Working Group is that as a condition of allowing a clearing application to be submitted to the Department of Environment, the club must first provide an

reserve management plan in accordance with process A of the Reserve Management and Planning Policy

The Reserves Advisory Group provide the advice that the increase of assets on the reserve will incur more regular burning of the bushland to the detriment of the Bush Forever site, and pressure will continue for further expansion of the site.

This proposal was referred to Bush Forever for comment. Bush Forever require additional information before they can make comment on the proposal. An environmental assessment has not adequately been completed by the proponent.

Comment:

There are at present 180 members in the club, 67 hangars, 90 aircraft on the Airfield and a total of 3 kms of sealed runways and taxiways. The airfield also boasts a grass runway that is more suitable for the Vintage aircraft. The Sports Aircraft Builders Association have provided future plans for expansion of the club members and infrastructure as well as the development of an aircraft museum.

The club were awarded a citizenship award on Australia Day for establishing a ground water extraction point for ground based fire units and aerial water bombers. FESA helicopters have frequently used these facilities for the training of their ground and aircrews. These facilities are available to local and state emergency services in the event of such an emergency.

The club's lease was renewed in 2002 with no environmental conditions or fire management specifications required. The Reserves Advisory Group comments are apt. In increasing negligence of environmental management the vegetation values will degrade and further development of infrastructure will place pressure on the bushland values.

A reserve management plan will thoroughly explore the social, economic and environmental values of the reserve and be able to outline management strategies to work towards sustainable management of the site.

There is no room on the reserve for the club to provide compensation for the loss of vegetation, so the appropriate management of the site by a management plan is viewed as a good offset and an integrated sustainable outcome for the management of the reserve.

Voting Requirements: Normal

CGAM112/03/06 Committee/Officer Recommended Resolution:

Moved Cr Star seconded Cr Richards

- 1. Council require the Serpentine Sports Aircraft Club to prepare and receive endorsement by Council of a reserve management plan in accordance with process A of Reserve Planning and Management Policy prior to the Shire lodging a clearing application with the Department of Environment (DoE) and a planning application with the Western Australian Planning Commission (WAPC) for development on a regional reserve.**
- 2. Subject to 1 above to the satisfaction of the Director of Engineering and Executive Manager Strategic Community Planning, the Chief Executive Officer be authorised to lodge a planning application with the WAPC and a clearing permit to the DoE.**

LOST 2/7

FORESHADOWED MOTION:

Cr Wigg foreshadowed a motion to grant delegated authority to the Chief Executive Officer to lodge a clearing application with the DoE and a planning application with WAPC and where further development is required it should be subject to a reserve management plan if the motion under debate is defeated.

CGAM112/03/06 COUNCIL DECISION

Moved Cr Wigg seconded Cr Kirkpatrick

That Council grants delegated authority to the Chief Executive Officer to lodge a clearing application with the Department of Environment (DoE) and a planning application with the Western Australian Planning Commission (WAPC) for development on Crown Reserve 25911. Where further development is required it should be subject to a reserve management plan prepared in conjunction with the Serpentine Jarrahdale Landcare Centre.

CARRIED 9/0

CGAM113/03/06 BRIDGE REFURBISHMENT WORKS – JARRAHDAL ROAD (R0002-02)		
Proponent:	Serpentine Jarrahdale Shire	In Brief That Council approve out of budget expenditure of \$34,075 relating to bridge refurbishment works, for which grant funds were received in 2003/2004.
Owner:	Serpentine Jarrahdale Shire	
Officer:	Darren Long Director Corporate Services	
Signatures Author:		
Senior Officer:		
Date of Report	9/03/06	
Previously		
Disclosure of Interest	No officer has any financial interest in relation to this matter.	
Delegation	Council	

Background

Council received special project grant funding of \$30,000 from Main Roads, as part of its Grants Commission grant allocation in 2003/2004. Due to specific programming issues, the bridge refurbishment works could not be completed in 2003/2004 and the funds were carried forward to 2004/2005. Similar programming issues with contract bridge refurbishment crews were encountered in 2004/2005 and the refurbishment project could not be commenced and was deferred to 2005/2006.

Due to an oversight in the end of financial year processes, the \$30,000 grant funding received was not set aside in a restricted cash account; was absorbed into general revenue and not carried forward.

Sustainability Statement

Economic Viability: This Jarrahdale Road Bridge refurbishment project has been identified by Main Roads as a project requiring specific improvement works. If the works are not carried out, there is potential for the bridges integrity to be put at risk, requiring further funds to complete the project.

Statutory Environment: Local Government Act 1995, Section 6.8 (1) applies.

Financial Implications:

No budget allocation has been provided for in the 2005/2006 budget. To proceed with the project, Council will be required to authorise out of budget expenditure totalling \$34,075.

Strategic Implications:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Comment:

Advice from Asset Services details that the bridge refurbishment works are required to be undertaken this financial year.

As the funds have not been carried forward Council will need to authorise the refurbishment works and declare the costs authorised expenditure.

Voting Requirements:

ABSOLUTE MAJORITY

CGAM113/03/06 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Star seconded Cr Scott

- 1. That Council authorise the bridge refurbishment works to the Jarrahdale Road bridge, as per Main Roads Job 491909.**
- 2. That Council declare the costs associated with the bridge refurbishment works, totalling \$34,075.27, as authorised expenditure and amend account MOR806 in the 2005/2006 Statutory Budget accordingly.**

CARRIED 9/0 ABSOLUTE MAJORITY

AMENDED REPORT CGAM114/03/06 – TO REPLACE ORIGINAL ITEM THAT WENT TO CORPORATE GOVERNANCE & ASSET MANAGEMENT COMMITTEE 20th MARCH, 2006 (CHANGES ARE INDICATED IN *UNDERLINED ITALICS*)

CGAM114/03/06		TENDER C15/2003-04 CONSTRUCTION OF THE SERPENTINE JARRAHDAL COMMUNITY RECREATION CENTRE (A1214) (ADDENDUM)	
Proponent:	Director Corporate Services	In Brief That Council approve the project variations associated with the construction of the Serpentine Jarrahdale Community Recreation Centre and declare the costs authorised expenditure.	
Owner:	Serpentine Jarrahdale Shire		
Officer:	Darren Long Director Corporate Services		
Signatures Author:			
Senior Officer:			
Date of Report	21/03/06		
Previously			
Disclosure of Interest			
Delegation	Council		

Background

Merym Constructions sent Council a final variations invoice on 22 December 2005 in relation to the Serpentine Jarrahdale Community Recreation Centre. The invoice totalled \$17,583.50 and related to variations to the contract, including:

• Health Club Sound System – 50% share with YMCA (with Council retaining ownership)	<u>\$1,349.00</u>
• Main building sign (requested by Shire)	\$2,068.00
• Café Dishwasher	\$ 913.00
• Pavilion water supply (new sub mains to existing pavilion)	\$5,712.00
• Strobe light to gymnasium (required by YMCA)	\$ 469.00
• Three phase power outlet to stage (requested by Shire)	\$1,038.00
• Gymnasium power and data (required by YMCA)	\$1,307.00
• Public phone, power and data supply	\$ 198.00
• Aerobics stage general power outlet	\$ 60.00
• Water cooler general power outlet	\$ 121.00
• Beach volley ball scoreboard installation & power	\$ 231.00
• Additional crèche gate	\$ 495.00
• <u>Alterations to climbing Rope Design</u>	<u>\$ 660.00</u>
• Western Power charges during construction phase	<u>\$1,364.00</u>
TOTAL	<u>\$15985.00</u>

A copy of the amended report from Thomson Marquis is included with the attachments and marked [CGAM114-03-06.pdf](#).

Statutory Environment:

Local Government Act 1995, Section 6.8 (1)
Local Government (Functions and General) Regulations 1996

Financial Implications:

There is a budget provision in the 2005/2006 budget of \$20,000 in account OSR903 for additional construction costs associated with the Serpentine Jarrahdale Community Recreation Centre, for additional repairs to the carpark and fencing, but no provision was made for the identified variations. This will result in an over budget

expenditure of \$15,985 which will be considered as part of the ¾ budget review.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality life for all residents

Strategies:

1. Provide recreational opportunities.
2. Develop good services for health and well being.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Comment:

An audit of Council minute books and file document has shown that approval has not been sought from Council for any of the variations to the lump sum tender, as listed on the report from Thomson Marquis.

To finalise this project, Council is required to approve the variations to the lump sum contract, as listed.

Voting Requirements:

ABSOLUTE MAJORITY

CGAM114/03/06 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Brown seconded Cr Scott

That Council approve the fourteen (14) variations to the lump sum contract, as detailed in the report from Thomson Marquis, relating to the construction of the Serpentine Jarrahdale Community Recreation Centre and note the over budget expenditure of \$15,985.00.

CARRIED 9/0 ABSOLUTE MAJORITY

CGAM121/03/06 LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN 2005 (A1212)		
Proponent:	Department of Local Government and Regional Development	In Brief To adopt the information to be provided in the 2005 Annual Compliance return to be forwarded to the Department of Local Government and Regional Development.
Officer:	Darren Long – Director Corporate Services	
Signatures Author:		
Senior Officer:		
Date of Report	09/03/06	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995	
Delegation	Council	

Background

Each year the Department of Local Government and Regional Development forward an Annual Compliance Return to local governments for completion. The aim of the Compliance Audit Return is to highlight any issues of non-compliance by the Council. A consultant was appointed to assist in its completion, to ensure an independent audit was obtained on all the compliance areas of the return.

Comment:

The Return this year focuses on;

- a) Local Laws,
- b) Executive Functions
- c) Thoroughfares,
- d) Tenders for Providing Goods or Services,
- e) Commercial Enterprises by Local Governments,
- f) Meeting Processes,
- g) Delegation of Power/Duty
- h) Disclosure of Interest
- i) Finance
- j) Elections,
- k) Local Government Employee's,
- l) Local Government Grants Commission, Miscellaneous Provisions and Disposal of Property,
- m) Swimming Pools, Cemeteries and caravan parks, camping grounds.

The completed Compliance Audit Return and the Consultants Report is provided to Committee in the attachment marked [CGAM121-03-06.pdf](#).

The Chief Executive Officer and Shire President are required to jointly certify the completed Return, confirming that it has been completed to the best of the Local Government's knowledge, that the Return was considered by Council prior to completion and that each Councillor has had the opportunity to review the Return. Whilst the consultant has completed most areas of the Return, some areas have been completed by officers, as they are the only ones with the direct knowledge and information pertaining to the specific matters. Those sections of the Return completed by officers are signified by the officer's name and signature.

Research for the completion of this Return included reviewing the minutes of all Ordinary meetings for 2005, reviewing the tender register, reviewing the annual report and annual financial statements, reviewing the adoption of the annual budget and related correspondence, reviewing the disclosure of interest register, reviewing senior employee personnel files, a review of the delegated authority register and a review of Council's general records.

The following areas of non compliance were identified throughout the audit review process:

1. Section A, Local Laws:

Item 4, the Act requires that a Council decision to make a local law is by an absolute majority. Whilst the minutes show that an absolute majority was achieved, the absolute majority was not specifically recorded in the minutes.

This matter can easily be addressed by ensuring that where an absolute majority is specified, that it is recorded in the minutes that the Council decision has been passed accordingly.

2. Section D – Tenders

(a) Item 11 requires Council to ensure that all details of the tender (except the consideration sought) were recorded in the tender register. The Audit process revealed that whilst all documentation is held electronically in TRIM, a 'hard copy' tender register has not been maintained.

(b) Item 14 requires Council to maintain a hard copy of the tender register, including particulars of the decision made to invite tenders, a list of acceptable tenders received, a copy of the notice of invitation to tender, the name of each tenderer whose tender was opened and the name of the successful tenderer.

Actions taken by Administration will see implemented a revised tender register, with the relevant compliance requirements identified in a check list. The hard copy register and original tender documents will be kept at the Administration office, with copies of tenders relevant to the design and operations teams made and stored at the depot. This will allow Council to maintain its compliance, whilst ensuring appropriate documentation and data is available to appropriate staff.

3. Section F – Meeting Process:

(a) Item 16 requires the minutes of all Council and Committee meetings to be submitted to the next ordinary meeting of the Council or the Committee for confirmation, and that the person presiding at the Council or Committee where the minutes are confirmed, signs to certify their confirmation.

The Consultant has reported that the minutes of five Special meetings of Council were not signed, and that minutes of Council and Committee meetings held in late 2005 were not signed.

A relevant check list is being developed in consultation with the Consultant, which will assist in ensuring any oversight in this area will be highlighted quickly.

(b) Item 32 requires the CEO to convene all electors' meeting by giving at least 14 days local public notice and each Council member at least 14 days notice of the date, time and purpose of the meeting. The consultant has reported that although the public were given at least 14 days notice only 7 days notice was given to Councillors.

The Consultant has recommended the implementation of a meetings checklist that includes, details of the meeting being called, notice of meeting being issued, any local public notice required, the agenda being distributed, minutes made available to the public and minutes being confirmed. Administration staff are currently in the process of developing such a checklist for future use.

4. Section G – Delegation of Power/Duty:

- (a) Item 1 requires all delegations to Committees to be kept in a register of delegations.

The delegations register does detail the various responsibilities of the Committees; it does not include the entire scope of powers delegated to the Committees. Rather, the scope of powers delegated has been included in a separate 'Terms of Reference' document. Relevant action will be taken to ensure the extent of the delegated authority is recorded in the Delegation Register.

- (b) Item 3 requires that the powers and duties of the Council delegated to the CEO excluded those as listed in Section 5.43 of the Local Government Act.

The Consultant has noted that the powers and duties delegated excluded those listed in Section 5.43 of the Local Government Act. However it has been noted that there are several other delegations relating to powers covered under another Act, but that Act may not have a specific power to delegate. In these cases a specific authority or 'appointment' should be recorded.

5. Section I – Finance:

- (a) Item 2 requires that the annual report be accepted by absolute majority by the local government by 31 December 2005.

The annual report was accepted on 28 November but the minuted decision did not record that it was by absolute majority.

- (b) Item 14 requires that the financial reports of the local government were presented to Council and recorded in the minutes of meetings where they were submitted.

The Consultant has reported that monthly financial reports were not consistently presented to Council or recorded in the minutes. Council staff have put measures in place to ensure that all monthly reports are made to Council in a timely manner.

- (c) Item 16 requires the Council to submit their annual financial report to the Department of Local Government and Regional Development within 30 days of it being received from the Auditor.

The annual financial report was not sent to the Department until January 2006, when the Director of Corporate Services could not find a letter referencing it to the Department.

- (d) Item 31 requires Council to ensure that it does impose a minimum rate on more than 50% of the number of separately rated properties in each differential rating category.

The audit process revealed that Council did impose a minimum rate on more than 50% of the number of separately rated properties in a differential rating

category, being GRV Residential/Vacant. This matter will be addressed during the rate review and rate raising process for 2006/2007.

- (e) Item 32 requires the local government before imposing differential rates to give local public notice of its intention to do so, including the details of each rate, inviting submissions for a period of 21 days, and detailing the time and place where the document describing the objects and reasons for each proposed rate may be inspected.

The Consultant has reported that Council's notice did not specifically detail the time and place where the document describing the objects and reasons for each proposed rate could be inspected. This matter will be addressed as part of the rate review being undertaken, and a check list will be developed to assist with this process.

- (e) Item 45 requires the contents of the rate notice and the reminder for instalment payments comply with the Financial Management Regulations.

The Consultant has suggested that Council improve the advisory information so that clarity of purpose is achieved, in particular the objection and review rights under subdivision 7 of Part 6 of the Act. This matter will be investigated and addressed as part of the rating review being undertaken.

6. Section K – Employees:

- (a) Item 3 requires that all advertisements for the position of CEO and designated senior employees addressed the requirements of Section 5.36(4), 5.37(3) and Administration Regulation 18A.

The Consultant has reported that the advertisement for the Director of Corporate Services and Director of Engineering position did not state the duration of the proposed contract.

- (b) Item 8 requires that the contract for the CEO and designated senior employees details the maximum amount of money payable if the contract is terminated before the expiry date.

The Consultant has reported that the contract does not specify the amount of money in dollar terms that is payable if termination occurs. It is suggested that the contract(s) should be amended to clarify that the three month payment consists of the total remuneration and not restricted to just the salary.

- (c) Item 10 requires Council to give public notice on all occasions where Council made a payment that was more than the additional amount set in its policy.

It is suggested that Council review this Policy with a view of increasing the value threshold to avoid having to advertise relatively minor sums.

Sustainability Statement

Not applicable.

Statutory Environment:

In accordance with section 7.13 (i) of the Local Government Act 1995 and Regulations 13, 14 and 15 of the Local Government (Audit) Regulations 1996 a Local Government is to carry out a compliance audit for the period ended 1 January to 31 December in each year. After carrying out the compliance audit the Local Government is to prepare a compliance audit return in a form approved by the Minister.

A compliance return is to be;

1. Presented to the Council at a meeting of the Council,
2. Adopted by the Council, and
3. Recorded in the minutes of the meeting which it is adopted.

After the compliance return has been presented to Council it is to be submitted to the Executive Director of the Department of Local Government and Regional Development by 31 March next following the period to which the return relates.

Policy/Work Procedure Implications:

There are no work procedures/policy implications directly related to this application/issue. However the policies and procedures do assist in ensuring compliance with the requirements of the Act and Regulations.

Financial Implications:

Nil

Strategic Implications:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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:

Community consultation not required.

Voting Requirements:

Simple Majority

CGAM121/03/06 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Murphy seconded Cr Wigg

1. Council adopt the completed Local Government Compliance Audit Return for the period 1 January 2005 to 31 December 2005 as attached at CGAM0121/03/06 and the President and Chief Executive Officer be authorised to sign the joint certification and return to the Director General as required; and
2. Council note the non-compliance matters and endorse the actions taken to rectify the listed non compliance issues.

CARRIED 9/0

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

OCM029/03/06		PROPOSED NEW LOAN – COMMUNITY RECREATION CENTRE EQUIPMENT (A0900-03)	
Proponent:	Director Corporate Services	In Brief That Council resolve to borrow \$71,000 to fund the purchase of gymnasium equipment from the YMCA Perth, in accordance with the Section 6.20 of Local Government Act.	
Owner:	Shire of Serpentine Jarrahdale		
Officer:	Darren Long Director Corporate Services		
Signatures Author:			
Senior Officer:			
Date of Report	17/03/06		
Previously			
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.		
Delegation	Council		

Background

The fit out of the Serpentine Jarrahdale Community Recreation Centre included additional equipment not budgeted for at the time, valued at \$80,902. An agreement was previously negotiated by Council Officers for Council to pay the YMCA for the equipment purchased, over a five (5) year period, under an amortization agreement, at prevailing overdraft interest rates (9.35%) plus 1% (10.35%).

Council requested Council Officers at the February 2006 meeting to meet with the YMCA, with a view to negotiating the taking over of the amortization arrangement for the gym equipment purchased.

Statutory Environment: Local Government Act 1995, Section 6.20, provides Council with the power to borrow, subject to the borrowing proposal being in the budget or by giving one months' local public notice.

Financial Implications:

The borrowing of funds will permit Council to assume control of the gym equipment by paying the YMCA for the remaining balance of the asset cost and then spreading the cost of the loan over a four (4) year period.

The financial benefits to Council in raising the loan for this purpose, rather than continuing with the current arrangement are not insignificant. The direct loan option will save Council approximately \$7,600 in interest over the next four years, as compared to the current amortization arrangement and result in Council owning the assets at the end of the loan term.

Strategic Implications:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Comment:

A meeting was held with representatives from the YMCA in relation to the amortization arrangement for the gymnasium equipment. The YMCA representatives are strongly in favour of Council assuming control of the gym equipment and associated balance of the asset cost (\$71,258.02). YMCA is happy for Council to payout the gym equipment cost on/after 31 March 2006.

It is recommended that Council borrow \$71,000, at prevailing interest rates, for the purpose of purchasing gymnasium equipment for the Community Recreation Centre from the YMCA, and advertise the intention to borrow in accordance with Section 6.20 of the Local Government Act 1995.

Voting Requirements: ABSOLUTE MAJORITY

OCM029/03/06 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Hoyer seconded Cr Richards

- 1. That Council advise the YMCA that it is willing to accept control of the gymnasium equipment and to take over the balance of the asset cost;**
- 2. That Council authorise the payment to the YMCA, totalling \$71,258.02, being the balance due on the original purchase cost of the gymnasium equipment, and declare the costs authorised expenditure;**
- 3. That Council raise a loan for \$71,000, being for the purchase of gymnasium equipment from the YMCA, subject to the proposal being advertised in accordance with Section 6.20 of the Local Government Act 1995.**

CARRIED 8/1 ABSOLUTE MAJORITY

Cr Wigg declared a financial interest in item OCM030/03/06 as a guarantor of the SJ Grammar School and left the meeting at 9.15pm.

OCM030/03/06 REQUEST FOR IN PRINCIPAL APPROVAL FOR LAND USE OF EDUCATIONAL ESTABLISHMENT – LOTS 22, 23, 24, 302, 1 & 2 SOUTH WESTERN HIGHWAY, LOTS 45, 399 & 25 KEIRNAN STREET AND 26, 27 & 29 ROBERTSON ROAD, WHITBY (A1315)		
Proponent:	Serpentine Jarrahdale Grammar School Inc.	In Brief Landowner seeks formal confirmation from the Council that they would allow the development of a private educational establishment (high school) within the Urban Pacific land holding in Whitby. It is recommended that the applicant be advised that Council does have discretionary powers under Town Planning Scheme No. 2 to accommodate a development application of this nature at the present time.
Owner:	Urban Pacific	
Officer:	Meredith Kenny, Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	21 March 2006	
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.	
Delegation	Council	

Date of Receipt: 15 March 2006
 Advertised: N/A
 Submissions: N/A
 Lot Area: N/A
 L.A Zoning: Rural, Regional Reserve – Parks and Recreation
 MRS Zoning: Urban
 Rural Strategy Policy Area: N/A – within Mundijong/Whitby Structure Plan area
 Rural Strategy Overlay: N/A
 Municipal Inventory: N/A
 Bush Forever: Area 354 affects Lots 22, 23 and 29

Background

The Serpentine-Jarrahdale Grammar School currently operates out of the Community Hall and some transportable classrooms on a portion of Reserve 30867 in Paterson Street, Mundijong. Approval for the operation of the high school on this site was granted by the Shire on 28 November 2005 (SD061/11/05) for a temporary period of 2 years from 1 January 2006. Prior to this approval being granted the Hon. Minister for Planning and Infrastructure wrote to the Council on 23 September 2005 advising as follows:

As an interim solution to the school occupying part of Reserve 30867, I agree to the reserve purpose of Reserve 30867 being amended to "Hall site, Municipal Building and School" with a Management Order issued to the Shire allowing power to lease for a two year period.

It is expected during this two year period that the Shire will establish whether it is feasible to relocate to new premises allowing the sale of the whole of the reserve to the private school.

Urban Pacific have indicated they have had preliminary discussions with members of the School Board regarding the potential to locate the school's permanent facilities within Urban Pacific's Whitby landholding by the start of the 2008 school year.

On 14 March 2006, Urban Pacific wrote to the Shire requesting confirmation that the Shire could (if a formal application was submitted) grant Development Approval for the establishment of the High School on Urban Pacific's Whitby landholding under the current Rural zoning and prior to the completion of the Mundijong Whitby Structure Plan.

An assessment has now been made of the potential for and viability of granting approval for the establishment of a permanent Serpentine Jarrahdale Grammar School campus within Urban Pacific's Whitby land holding. The basis for this assessment is discussed in detail in this report.

The proposal

The proposed development comprises an independent secondary school. The first stage of development of the school on its current site under the temporary approval granted by the Shire comprises 64 students (2 streams of year 8) with a Principal and 2.875 teaching staff.

Stage 2 is to be completed prior to the commencement of the 2007 school year and will comprise:

- * Placement of three additional transportable classrooms on the current site.
- * Placement of additional toilet facilities on the site.
- * 144 students – years 8 and 9.
- * Principal plus 5.9 teaching staff.

Enrolments for 2008 are expected to be approximately 224 Students in years 8-10. Staffing levels for 2008 for this number of students would comprise the Principal plus 9.0 teaching staff. As the temporary approval expires at the end of 2007 permanent facilities need be available for the school prior to the commencement of the 2008 school year. Current options being investigated are:

1. the construction of a new Shire administration facility on another site within Mundijong and the relocation of the school into the vacated Shire buildings; and
2. the construction of a new purpose built school campus on another site within the Shire.

The intended growth and ultimate capacity of the school is estimated to be:

- by 2010: 384 students across years 8-12 and approx 25 staff
by 2020: 640 students across years 8-12 and approx 40 staff

Site Description

The subject site comprises 504 hectares and is bounded by Norman Road to the north, South Western Highway to the east, Robertson Road to the west and the Manjedal Brook to the south. The northern part of the site comprises significant indigenous vegetation most of which falls within the boundaries of Bush Forever Site 354. There is additional remnant vegetation adjacent to the southern boundary along with a non-indigenous tree plantation in the south-east corner of the site. The remainder of the site is parkland cleared.

There are no existing built structures on the landholding.

The land has a classification of Urban Deferred under the Metropolitan Region Scheme and is zoned Rural under the Shire's Town Planning Scheme No. 2. A current application for the lifting of the Urban Deferred classification has been lodged with the Western Australian Planning Commission by Urban Pacific as a precursor to the intended urban development of the land. Rezoning of the land to Urban Development or similar and detailed structure planning will also be required.

District Context

The site is part of the Mundijong/Whitby future urban area, which under the State Government's Network City and South East Corridor Structure plans is identified as

ultimately providing for a population of approximately 30,000 people. Preparation of a district structure plan for the future Mundijong/Whitby urban area has now been commenced by the Shire. Urban Pacific has also engaged planning consultants to prepare a detailed structure plan for their Whitby landholding which comprises about one quarter of the Mundijong/Whitby future urban area.

Statutory Environment:

Serpentine-Jarrahdale Town Planning Scheme No. 2
Metropolitan Region Scheme
Western Australian Planning Commission's Development
Control Policy DC 2.4 School Sites.

Strategic Implications:

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

3. Economic

Objective 1: A vibrant local community

Strategy:

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategy:

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

Community Consultation:

If a formal application for development of the school is received for Urban Pacific's Whitby landholding then community consultation will be required to be undertaken in accordance with the requirements for "SA" landuses.

Sustainability Statement

Effect on Environment: On-site effluent disposal would be required in the interim until the Water Corporation has provided a reticulated sewerage disposal facility for the Mundijong Whitby District. It is recommended that an alternative waste treatment system, which allows the re-use of treated wastewater from the school on vegetation and lawn areas, be required. Construction of the school would need to incorporate the ability for the school to connect to the Water Corporation's reticulated sewerage system as soon as it becomes available.

Resource Implications and Use of local, renewable or recycled Resources: The transportable buildings used to house the school on its current temporary site could be recycled by relocation to the new site if needed on a temporary basis or could be sold for use by other schools experiencing development pressure within the Shire or elsewhere in Western Australia.

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

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

Social – Quality of Life: It is not considered that the development will have any negative impacts on the quality of life of any nearby residence. The nearest residences to the Urban Pacific landholding are on Kiernan Street on the southern side of Manjedal Brook.

The school could provide opportunities for community use of school buildings after school hours providing local opportunities for night school and community meetings. The provision of a secondary school within the Shire will mean that students will have a choice as to

whether they go to school in the shire or have to travel outside the shire for secondary school.

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

Comments

The proposed development is classified as an Educational Establishment, which is defined under Town Planning Scheme No. 2 as:

Educational Establishment - means a school, college, university, technical institute, academy or other educational centre, but does not include a reformatory or institutional home.

An “Educational Establishment” is classified as an “SA” use in the Rural zone under the Shire Town Planning Scheme No. 2. Accordingly, the Council does have the discretion to approve the development of an Educational Establishment on Urban Pacific’s Whitby landholding under the current zoning.

The Mundijong Whitby structure plan is not very advanced at this point in time and detailed structure planning has not yet been carried out for the Urban Pacific landholding. Therefore the designation of a site for the high school within the Whitby landholding needs to ensure that the planning for the future urban development of the land is not unduly constrained or compromised. An assessment of the locational criterion that should be considered if a school site is to be developed on the Whitby landholding prior to the completion of structure planning is outlined below.

Location Criterion

The Western Australian Planning Commission’s Development Control Policy DC 2.4 School Sites details the location and site requirements for schools including government and non-government primary, secondary and technical schools. Policy DC 2.4 encourages wherever possible the integration of schools within local communities and cooperation with local governments in the provision of a wide range of sporting, recreational and cultural facilities.

High schools, such as Serpentine Jarrahdale Grammar School, generally service larger catchments and rely more on public transport than primary schools. Therefore, the accessibility of the site is of great importance. The centrality of a high school site within its catchment, although desirable, is a secondary consideration to access because high schools are more reliant upon vehicle transport and cater for a large number of students. Accordingly, a high school should be located on a district distributor and close to a point where that road connects with a primary road.

The Mundijong Whitby Structure Plan is not far enough advanced at this point of time to determine where all of the district distributors will be located. However, it is considered likely that Robertson Road will have this level of classification as a minimum given its proximity to the centre of the Mundijong Whitby structure plan area, its location parallel to the railway line and the proximity of existing connections across the railway to Soldiers Road and Paterson Street. Robertson Road is also reasonably close to existing bus routes that run along Soldiers Road and Paterson Street and the Mundijong railway station. Accordingly, it is considered that if a decision were made to develop a specific site for the high school within the Urban Pacific landholding prior to the completion of the Mundijong Whitby structure plan then that site should abut Robertson Road.

A location off Norman Road is dismissed given the existing Bush Forever site adjacent to this road. A South Western Highway location is also dismissed on the basis of the road

status as a National Highway and the current lack of any planning with regard to future connections from the Whitby landholding and South Western Highway.

The following elements should be taken into account if a permanent site is to be developed within the Whitby landholding for the Serpentine Jarrahdale Grammar School:

Compatibility with surrounding land uses

Policy DC 2.4 provides the following criterion to be taken into consideration when assessing whether a site is appropriate for use as a school site with regard to the compatibility of the school with surrounding land uses:

- * Common boundaries with residential uses should be avoided whenever possible. As there are a number of activities conducted on school sites, including use of school facilities after hours, which can adversely affect the amenity of residential properties.
- * School sites should be surrounded by a combination of roads and amenities generally, including public open space and other compatible community, cultural recreation and sporting facilities.

Site Access

Policy DC 2.4 states that school sites should have frontage access to through roads constructed on at least two sides. The roads should have an appropriate carriageway width and traffic management devices to allow for the safe pick-up and set-down of students from both cars and public transport within the road reserve.

Parking facilities (other than student pick-up/drop-off facilities) may be provided either within the school site or on adjacent reserves. This is dealt with in more detail in the section on parking contained in this report.

The school site also needs to be directly accessible to pedestrian and bicycle path networks. The necessary path network should be considered as part of the preparation of the district structure plan for the Mundijong/Whitby urban area.

Site Area Requirements

Clause 3.3.1 of policy DC 2.4 states that a site area of 8-10 hectares has been determined by the Education Department to be the desirable size for a non-government secondary school such as is proposed. Policy DC 2.4 details a number of factors that may influence the ultimate size requirement for a school such as:

- * Whether all of the land on the site is useable.
- * Whether additional facilities such as child care, pre-school, dental therapy centres are required on-site.
- * The need for on-site pick-up and set down areas where these cannot be provided on the street front.
- * Co-location with public open space, community facility sites and other schools subject to agreements being reached between the various parties on the sharing of facilities.

Policy DC 2.4 recognises that there are significant benefits in terms of efficient use of land and physical resources in the joint use of school facilities with those of the general public. Under Clause 3.3.4, where a school site is co-located with public open space, that open space is fully utilised by the school and arrangements are in place to the satisfaction of the local government to provide long-term contributions from the education provider for the management of the open space, the land requirement for the school may be reduced.

Site Characteristics

Policy DC 2.4 states that land designated for school sites should generally be level, although gently sloping sites may be acceptable.

Development Requirements

Building design and placement

This would be dealt with in detail should a formal application for development be received. However, in keeping with the Shire's Vision statement the campus, including building design and placement, should incorporate where practicable:

1. Sustainable development principles such as energy efficiency, solar passive design, water sensitive design, waste water re-use, use of alternative energy sources such as solar and wind, use of locally indigenous vegetation species and use of locally or regionally available materials.
2. Compatibility of building materials and design with the rural and natural bushland character of the Shire
3. Measures designed to ensure passive surveillance into, out of and within the site in the interests of the security of users of the facility and out of hours building security.
4. All buildings within the school be required to be constructed to meet the requirements of Australian Standard AS1428.1 with regard to provision of facilities (ramps, toilets etc) for disabled staff, students and visitors.
5. Buildings designed to meet the Australian Standard for buildings within bushfire prone areas.

Parking

Parking requirements under Town Planning Scheme No. 2 are 2 spaces per classroom for a secondary school. However, it should be noted that the school parking requirement contained in the town planning scheme does not take into account event parking (school concerts etc.) or the current factor that many year 12 students in Western Australia drive to school. Both the estimated actual parking demand and the number of bays required under the current statutory requirements are detailed in the tables below:

Estimated Parking Demand when school is built to ultimate capacity (2020)

School Staff:	40 approx.
School drop off/pick-up area for parents:	embayed parking on street front or dedicated parking area within school site
Year 12 students:	30% of year 12 students (120) = 35
Visitors parking:	1 per class = 25
Estimated on-site parking requirements at full development:	100 bays

Parking requirements under Town Planning Scheme

Ultimate capacity of School (2020)	Number of parking bays required
640 students = approximately 25 classrooms of 25 students each	2 bays per classroom = 50 bays

Bicycle Parking

Facilities need to be provided for the parking of bicycles for both students and staff. For schools, Bikewest Department for Planning and Infrastructure recommends that bicycle parking be provided at a rate of 1 space ("U" bar) per 5 students. Therefore, at full capacity the school would require parking facilities for approximately 128 bicycles.

Landscaping & Tree Preservation

A site for the school should be chosen that incorporates both existing mature trees and other vegetation for amenity reasons (shade and appearance) and also existing cleared areas for the location of school buildings so as to minimize the amount of clearing required. This should be easily achievable along the Robertson Road side of the site as this area is predominantly parkland cleared.

Landscaping of the school campus should incorporate locally indigenous plant species, minimize the use of lawn areas where possible and address water sensitive landscape design principles.

Fencing

Where possible the school should be designed in a manner which minimizes the need for security fencing. However, where fencing is required it should be:

- * transparent (ie steel grille or mesh)
- * a maximum of 1.8 metres
- * of a colour and design that is compatible with the existing and future character of the surrounding area
- * non-flammable (given the Whitby landholding's current bush fire prone status).

Security lighting

Security lighting should be provided to all car parking areas and the entrances to all buildings. Lighting should be hooded and oriented so as not to cause nuisance for adjoining properties or glare for vehicles on adjacent roads. The use of solar or other alternative power sources for security lighting should be investigated.

Bin Storage

A secure, screened storage area should be provided for rubbish bins to protect against vandalism (fires) and provide an acceptable standard of visual amenity.

Signage

Signage should be limited to:

1. Directional signs of maximum 0.2m² face area (ie for buildings inside the site and vehicle entrance and exit points).
2. A single sign identifying (as a maximum) the name, insignia, address and phone number of the school located on the front boundary of the site.

Conclusion:

An "Educational Establishment" is classified as an "SA" use in the Rural zone under the Shire Town Planning Scheme No. 2. Accordingly, the Council does have the discretion to approve the development of an Educational Establishment on Urban Pacific's Whitby landholding under the current zoning. However, the designation of a site for the high school within the Whitby landholding needs to ensure that the planning for the future urban development of the land is not unduly constrained or compromised.

With that aside it is considered that the designation of a dedicated site for the Serpentine-Jarrahdale Grammar School within the Whitby landholding would provide an outstanding opportunity for the school to develop and expand without the constraints of the existing temporary site with regard to land area and other existing landuses.

It is recommended that subject to conditions relating to location criteria as discussed in this report being satisfied, Council would be in a position to consider 'in-principle' support of this proposal.

Voting Requirements: Normal

OCM030/03/06 COUNCIL DECISION/Officer Recommended Resolution

Moved Cr Murphy seconded Cr Richards
 That Council advise Urban Pacific that:

1. An “Educational Establishment” is classified as an “SA” use in the Rural zone under the Shire Town Planning Scheme No. 2. Accordingly, the Council does have the discretion to approve the development of an Educational Establishment on Urban Pacific’s Whitby landholding under the current zoning and prior to the completion of structure planning for the land.
2. Subject to the designation of a site for the high school within the Whitby landholding ensuring that the planning for the future urban development of the land is not unduly constrained or compromised and location criterion being met, Council would be in a position to consider ‘in-principle’ support of this proposal.

CARRIED 8/0

Cr Wigg did not vote and returned to the meeting at 9.17pm

9. CHIEF EXECUTIVE OFFICER’S REPORT

OCM031/03/06		INFORMATION REPORT
Proponent	Chief Executive Officer	In Brief Information Report for the month of March, 2006.
Officer	S Langmair – PA to the Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	22 nd March, 2006	
Previously		
Disclosure of Interest		
Delegation	Council	

OCM031.1/03/06 COMMON SEAL REGISTER REPORT – FEBRUARY, 2006 (A1128)

The Common Seal Register Report for the month of January, 2006 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the attachments marked OCM031.1/03/06 (E02/5614)

OCM031.2/03/06 EXECUTIVE OFFICER STRATEGIC DEVELOPMENT REPORT – MARCH, 2006 (A0436-05)

The Executive Officer Strategic Development report of priorities to 20th March, 2006 is with the attachments marked OCM031.2/03/06 (E06/1680)

OCM031.3/03/06 POLICY FORUM – March, 2006 (A0429/05)

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

ITEMS FOR PRELIMINARY DISCUSSION		INFORMATION TO BE PROVIDED
1	Forward Financial Plan & 2006/2007 Budget	Darren Long
2	Darling Downs Management Committee Insurance	Darren Long
3	Volunteer Fire Brigade use of Recreation Centre	Darren Long
4	State Infrastructure Strategy – Submission from Outer Metro Growth Council	Joanne Abbiss (document attached)

OCM031.4/03/06 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – STATE COUNCIL MEETING – APRIL, 2006 (A1164)

The Western Australian Local Government Association (WALGA) State Council Agenda and attachments for the meeting to be held on 5th April, 2006 is with the electronic attachments marked OCM031.4a/03/06 and OCM031.4b/03/06 (IN06/2893).

OCM031.5/03/06 REQUEST FOR LEAVE OF ABSENCE – CR BETH BROWN (A0906)

In the attachments marked OCM031.5/03/06 (IN06/3311) is a letter from Cr Beth Brown requesting leave of absence from Council meetings for the period 4th to 28th May 2006.

OCM031.6/03/06 OUTER METRO GROWTH COUNCILS POLICY FORUM – MEETING 31 JANUARY, 2006 (A0943)

In the attachments marked OCM031.6/03/06 (IN06/3328) are the minutes of the Outer Metro Growth Councils Policy Forum Meeting held on 31st January, 2006.

OCM031.7/03/06 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – PEEL ZONE MEETING – 23 FEBRUARY 2006 (A1164)

The minutes of the WALGA Peel Zone meeting held on 23rd February, 2006 and the President's Report to State Council March 2006 are with the attachments marked OCM031.7a/03/06 and OCM031.7b/03/06. (IN06/2352)

OCM031/03/06 COUNCIL DECISION/Officers Recommended Resolution

Moved Cr Star seconded Cr Kirkpatrick

1. The Information Report to 22nd March, 2006 is received.
2. Council approves Cr Brown's request for Leave of Absence from the May, 2006 Ordinary Council Meeting

CARRIED 9/0

10. URGENT BUSINESS:

COUNCIL DECISION

**Moved Cr Richards seconded Cr Kirkpatrick
That the item relating to Cr Star's request for leave of absence from April Council Meeting to be dealt with as an item of new business of an urgent nature.
CARRIED 9/0**

OCM032/03/06		REQUEST FOR LEAVE OF ABSENCE – CR JAN STAR (A0024)
Proponent:	Cr Star	In Brief Recommend to approve leave of absence for Councillor Star from the ordinary council meeting to be held on 24 th April, 2006.
Officer:		
Signatures Author:		
Senior Officer:		
Date of Report	27 th March, 2006	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995	
Delegation	Council	

OCM032/03/06 COUNCIL DECISION

**Moved Cr Richards seconded Cr Kirkpatrick
Councillor Star be granted leave of absence from the ordinary council meeting to be held on 24th April, 2006.
CARRIED 9/0**

11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

12. CLOSURE:

There being no further business, the Presiding Member closed the meeting at 9.22pm.

13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

SD098/03/06 BUILDING INFORMATION REPORT		
Proponent:	N/A	In Brief Information report
Owner:	N/A	
Officer:	S Swaine – Building Clerk	
Signatures Author:		
Senior Officer:		
Date of Report	07.03.06	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM051/06/04	

SD098/03/06 COMMITTEE DECISION/Officer Recommended Resolution

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

SD099/03/06 HEALTH INFORMATION REPORT		
Proponent:	N/A	In Brief Information report
Owner:	N/A	
Officer:	Tony Turner - Principal Environmental Health Officer	
Signatures Author:		
Senior Officer:		
Date of Report	3.03.06	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM051/06/04	

SD099/03/06 COMMITTEE DECISION/Officer Recommended Resolution

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

SD100/03/06 COMMUNITY DEVELOPMENT INFORMATION REPORT		
Proponent:	Not applicable	In Brief Information report
Owner:	Not applicable	
Officer:	Robyn Brown - Community Development Officer	
Signatures Author:		
Senior Officer:		
Date of Report	08.03.06	
Previously	N/A	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee – in accordance with resolution SM051/06/04	

SD100/03/06 COMMITTEE DECISION/Officer Recommended Resolution

**That Council accepts the February 2006 Community Development Information Report.
 CARRIED 7/0**

SD104/03/06 TOWN OF KWINANA DRAFT DISTRICT STRUCTURE PLAN – EASTERN RESIDENTIAL INTENSIFICATION (A0075)		
Proponent:	Town of Kwinana	In Brief Draft district structure plan for land on eastern side of Kwinana Freeway within the Town of Kwinana has been forwarded to the Shire for comment. Draft structure plan has been assessed and an issue relating to a proposed future freeway on-ramp has been identified as potentially affecting land within the Serpentine Jarrahdale Shire.
Owner:	Town of Kwinana	
Officer:	Meredith Kenny, Senior Planner	
Signatures Author:		
Senior Officer:		
Date of Report	13 March 2006	
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	
Delegation	Committee in accordance with resolution SM054/05/03	

SD104/03/06 COMMITTEE DECISION/Officer Recommended Resolution:

- The Executive Manager Planning and Regulatory Services be authorised to forward the following written comment to the Town of Kwinana with regard to the Draft District Structure Plan – Eastern Residential Intensification:**

A single proposal on the draft structure plan has been determined to potentially affect land within the Serpentine Jarrahdale Shire being the designation of a possible future freeway entry/exit point and possible link to Mundijong Road from Millar Road, Wellard. This proposal could potentially impact on residents and declared rare flora and fauna communities within the Serpentine Jarrahdale Shire in the vicinity of Duckpond Road.

Millar Road, Duckpond Road and Mundijong Road were identified as a Controlled Access Highway in the Metropolitan Region Scheme to link the South West and South East growth corridors (Kwinana/Rockingham and Mundijong/Whitby future urban areas) since 1963. However, the Western Australian Planning Commission's (WAPC) 1980 Planning Strategy for the South West Corridor stated that the connection should be modified to generally follow the existing Mundijong Road alignment predominantly using an old railway reservation and water reserve which were only sparsely vegetated. The 1991 Road Reserves Review and the 1996 South East Corridor Structure Plan (WAPC) also supported this amended alignment.

Accordingly, in 2000 Omnibus Amendment 3B to the Metropolitan Region Scheme (MRS) resulted in the removal of the Important Regional Road reservation over Millar Road and Duckpond Road and the placement of this land within the Rural zone (see attached plan). In the same amendment the western portion of Mundijong Road from Baldivis Road to Duckpond Road (including on/off ramps to freeway) was reserved for the purposes of Important Regional Road.

Since the gazettal of MRS Amendment 3B the Kwinana Freeway has been extended to Safety Bay Road and the Mundijong Road entry and exit points constructed to the Freeway.

The Draft Jandakot Structure Plan prepared in 2001 by the Western Australian Planning Commission, like previous strategic planning documents prepared by the State since 1980, reflected this modification to the MRS.

Mundijong Road currently ends at Baldivis Road just west of the Kwinana Freeway. The MRS shows the continuation of Mundijong Road west to the major Challenger Industrial estate in Rockingham thereby providing a direct route from South Western Highway to the Rockingham Industrial area and port. This cements Mundijong Road's status as an Important Regional Road.

It is considered that there is no need for road access as suitable roads exist in the area eg Mundijong Road.

It is requested that the Town of Kwinana delete the note relating to a possible link road to Mundijong Road from the draft structure plan.

- 2. A copy of the Shire's submission to the Town of Kwinana be forwarded to the Duckpond Road residents listed in the submission to the Town of Kwinana.**

CARRIED 7/0

SD109/03/06 PROPOSED PRODUCE STORE – LOT 132 (70) BULLOCK DRIVE, OAKFORD (P01669/02)		
Proponent:	Antony James	In Brief The applicant seeks planning approval to establish a Produce Store on the subject land. It is recommended that the application be refused.
Owner:	As Above	
Officer:	M Daymond – Planning Officer	
Signatures Author:		
Senior Officer:		
Date of Report	9 March 2006	
Previously	NA	
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

SD109/03/06 COMMITTEE DECISION/Officer Recommended Resolution:

The application for a Produce Store on Lot 132 (70) Bullock Drive, Oakford be refused for the following reasons:

1. The proposal does not comply with Council’s intention for the Special Rural zone. Clause 5.9.1 of Council’s Town Planning Scheme states:

“The purpose and intent of the Special Rural zone is to depict places within the rural area wherein closer subdivision will be permitted to provide for such uses as hobby farm, horse training and breeding, rural residential retreats and intensive horticulture, and also to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of the selected areas.”

It is considered that the scale and nature of the proposed development does not fit in with the intention of the Special Rural zone and will negatively impact on the streetscape and amenity of the surrounding residents.

2. The commercial nature of the business will result in a significant increase in commercial traffic and customers entering Bullock Drive and travelling past many residents in the street to service the property. This will negatively impact on surrounding residents and the amenity of the area.
3. The nature and scale of the development is considered inappropriate on a small Special Rural zoned property and is more suited on a larger property that has frontage to a higher order road or a corner property, rather than a local road.
4. The applicant has not sufficiently demonstrated how the likely impacts of traffic, noise and dust generation are to be mitigated to ensure minimal impacts to surrounding properties.

CARRIED 7/0

SD118/03/06 PLANNING INFORMATION REPORT		
Proponent	Executive Manager Planning & Regulatory Services	In Brief Information Report.
Officer	Lisa Fletcher – Support Officer Sustainable Development	
Signatures – Author:		
Senior Officer:		
Date of Report	1 March 2006	
Previously		
Disclosure of Interest		
Delegation	Committee in accordance with resolution SM051/06/04	

SD118/03/06 COMMITTEE DECISION/Officer Recommended Resolution

The Planning Information Report to 15 March 2006 be received.
CARRIED 7/0

CGAM115/03/06 MONTHLY FINANCIAL REPORT – FEBRUARY 2006 (A0924/06)		
Proponent:	Local Government Act 1995	In Brief To receive the Monthly Financial Report as at 28 February 2006
Owner:		
Officer:	Casey Mihovilovich – Manager Finance Services	
Signatures Author:		
Senior Officer:		
Date of Report	10/03/06	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995	
Delegation	Committee in accordance with resolution SM046/05/04	

CGAM115/03/06 COMMITTEE DECISION/Officer Recommended Resolution:

Council receives the Monthly Financial Report, as at 28 February 2006, in accordance with Section 6.4 of the Local Government Act 1995.
CARRIED 7/0

CGAM116/03/06 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent:	Director Corporate Services	In Brief To confirm the creditor payments made during February 2006
Owner:	N/A	
Officer:	S. O'Meagher – Finance Officer	
Signatures Author:		
Senior Officer:		
Date of Report	01/03/2006	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

CGAM116/03/06 COMMITTEE DECISION/Officer Recommended Resolution:

Council notes the payments authorised under delegated authority and detailed in the list of invoices for the month of February, 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

CGAM117/03/06 DEBTOR ACCOUNTS WITH A BALANCE IN EXCESS OF \$1,000 (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the statement of debtors over \$1,000 as at 28 February 2006
Owner:	Not Applicable	
Officer:	Tracy Mladenovic – Assistant Accountant	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

CGAM117/03/06 COMMITTEE DECISION/Officer Recommended Resolution:

Council receive and note the report on Debtors accounts with a balance in excess of \$1,000 outstanding for 90 days or greater as at 28 February 2006.
CARRIED 7/0

CGAM118/03/06 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the sundry debtor balances as at 28 February 2006
Owner:	Not Applicable	
Officer:	Tracy Mladenovic – Assistant Accountant	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

CGAM118/03/06 COMMITTEE DECISION/Officer Recommended Resolution:

**Council receive and note the report on Sundry Debtor Outstanding Accounts as at 28 February 2006.
 CARRIED 7/0**

CGAM119/03/06 RATE DEBTORS REPORT (A0917)		
Proponent:	Director Corporate Services	In Brief To receive the rates report as at 28 February 2006
Owner:	Not Applicable	
Officer:	V Tapp – Finance Officer – Rates	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

CGAM119/03/06 COMMITTEE DECISION/Officer Recommended Resolution:

**Council receive and note the report the Rate Debtors accounts as at 29 February 2006.
 CARRIED 7/0**

CGAM120/03/06		INFORMATION REPORT
Proponent:	Director Corporate Services	In Brief To receive the information report to 10 March 2006
Owner:	Not Applicable	
Officer:	Various	
Signatures Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Committee in accordance with resolution SM051/06/04	

CGAM120/03/06 COMMITTEE DECISION/Officer Recommended Resolution:

**Moved Cr Needham seconded Cr Brown:
The information report to 10 March 2006 be received.
CARRIED 7/0**