

## TABLE OF CONTENTS

<b>1. ATTENDANCES &amp; APOLOGIES.....</b>	<b>1</b>
<b>2. PUBLIC QUESTION TIME: .....</b>	<b>1</b>
<b>2.1 Response To Previous Public Questions Taken On Notice.....</b>	<b>1</b>
<b>3. PUBLIC STATEMENT TIME: .....</b>	<b>1</b>
<b>4. PETITIONS &amp; DEPUTATIONS:.....</b>	<b>1</b>
<b>5. PRESIDENT’S REPORT: .....</b>	<b>1</b>
<b>6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST: .....</b>	<b>1</b>
<b>7. RECEIPT OF MINUTES OR REPORTS AND CONSIDERATION OF ADOPTION OF RECOMMENDATIONS FROM COMMITTEE MEETINGS HELD SINCE THE PREVIOUS COUNCIL MEETINGS: .....</b>	<b>1</b>
<b>7.1 Ordinary Council Meeting – 22<sup>nd</sup> September, 2003 .....</b>	<b>2</b>
<b>REPORTS OF COMMITTEES:.....</b>	<b>2</b>
<b>7.2 Corporate Services .....</b>	<b>2</b>
<b>C020/10/03 WRITE OFF OF RATE INTEREST &amp; WRITE-OFF DELEGATION TO CHIEF EXECUTIVE OFFICER (P05201).....</b>	<b>2</b>
<b>C022/10/03 NEW WORK PROCEDURE – PAYMENT OF COUNCILLOR FEES AND REIMBURSEMENTS (A1048).....</b>	<b>3</b>
<b>7.3 Asset Services .....</b>	<b>5</b>
<b>AS026/10/03 SHIRE CEMETERIES – FUTURE MANAGEMENT (A0821) .....</b>	<b>5</b>
<b>AS027/10/03 PROPOSED NEW ASSET SERVICES POLICY AP27 – FOOTPATH PRIORITY ASSESSMENT (A0477) .....</b>	<b>8</b>
<b>7.4 Strategic Management.....</b>	<b>13</b>
<b>SM012/10/03 VOLUNTARY REGIONAL ORGANISATION OF COUNCILS (VROC) – PROPOSAL FOR PEEL REGION (A0839-06).....</b>	<b>13</b>
<b>SM013/10/03 PROPOSED REGIONAL CABINET VISIT 2003 (A0108-02).....</b>	<b>17</b>
<b>SM014/10/03 PEEL HORSE INDUSTRY COUNCIL EXECUTIVE OFFICER ROLE (A0956) .....</b>	<b>22</b>
<b>SM015/10/03 ADOPTION OF JARRAHDAL E HERITAGE PARK MANAGEMENT PLAN (P05576/01) .....</b>	<b>24</b>

<b>SM016/10/03 ANNUAL REPORT 2002/2003 (A0006)</b> .....	<b>31</b>
<b>SM017/10/03 SERPENTINE JARRAHDAL HIGH SCHOOL PROPOSAL UPDATE (A1118)</b> .....	<b>32</b>
<b>7.5 Planning Development &amp; Environment</b> .....	<b>39</b>
<b>B05/10/03 RATIFICATION OF COUNCIL’S LOCAL LAW – FENCES (A0090/02)</b> .....	<b>39</b>
<b>P025/10/03 LOCATION OF MUNDIJONG RENEWABLE ENERGY PROJECT (A0938)</b> .....	<b>59</b>
<b>P030/10/03 PROPOSED GROUPED DWELLING (SECOND RESIDENCE) - LOT 2 PARSONS ROAD, MARDELLA (P03792/01)</b> .....	<b>64</b>
<b>P026/10/03 DEVELOPER RESTRICTIVE COVENANTS (A0567)</b> .....	<b>70</b>
<b>P033/10/03 ADOPTION OF LOCAL PLANNING POLICY 14 - WELLARD AND RICHARDSON STREET, SERPENTINE DESIGN GUIDELINES (A1152)</b> .....	<b>73</b>
<b>P034/10/03 PROPOSED SCHEME AMENDMENT NO. 135 – CLAUSE 7.13.3 PRESCRIBED REQUIREMENTS FOR TREE PRESERVATION (A1207)</b> .....	<b>76</b>
<b>8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN</b> .....	<b>80</b>
<b>9. CHIEF EXECUTIVE OFFICER’S REPORT</b> .....	<b>80</b>
<b>10. URGENT BUSINESS:</b> .....	<b>80</b>
<b>11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:</b> .....	<b>80</b>
<b>12. CLOSURE:</b> .....	<b>80</b>
<b>13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:</b> .....	<b>81</b>
<b>13.1 Corporate Services</b> .....	<b>81</b>
<b>C021/10/03 USE OF THE SHIRE LOGO FOR TOURISM PROMOTION BY SERPENTINE JARRAHDAL TOURISM ASSOCIATION AND LOCAL TOURISM OPERATORS (A0822-02)</b> .....	<b>81</b>
<b>C023/10/03 REVIEW OF POLICY CSP17 – AUTHORISATION AND PAYMENT OF CREDITORS (A1048)</b> .....	<b>82</b>
<b>C024/10/03 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)</b> .....	<b>82</b>
<b>C025/10/03 DEBTOR ACCOUNTS WITH A BALANCE IN EXCESS OF \$1,000 (A0917)</b> .....	<b>83</b>
<b>C026/10/03 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)</b> .....	<b>83</b>
<b>C027/10/03 RATE DEBTORS REPORT (A0917)</b> .....	<b>83</b>
<b>C028/10/03 BEST PRACTICE AWARDS PRESENTATION BREAKFAST (A0163-06)</b> .....	<b>84</b>

<b>C029/10/03</b>	<b>INFORMATION REPORT.....</b>	<b>84</b>
<b>C030/10/03</b>	<b>2003 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT (A0435) .....</b>	<b>85</b>
<b>13.2</b>	<b>Asset Services .....</b>	<b>85</b>
<b>AS022/10/03</b>	<b>FEDERAL ROADS TO RECOVERY PROGRAM (A0934).....</b>	<b>85</b>
<b>AS023/10/03</b>	<b>CHARLES STREET, BYFORD – UPGRADE WORKS (R0148) .....</b>	<b>86</b>
<b>AS023/10/03</b>	<b>CHARLES STREET, BYFORD – UPGRADE WORKS (R0148) .....</b>	<b>86</b>
<b>AS024/10/03</b>	<b>OVERSIZE VEHICLE APPLICATION - JARRAHDAL ROAD, JARRAHDAL (A0512-03) .....</b>	<b>87</b>
<b>AS025/10/03</b>	<b>OVERSIZE VEHICLE APPLICATION TO SERVICE 824 NETTLETON ROAD, BYFORD (A0512-03).....</b>	<b>87</b>
<b>AS028/10/03</b>	<b>RFT C03/2003-04 SUPPLY AND DELIVERY OF ONE NEW FOUR WHEEL DRIVE TRACTOR (A1103/02/11) .....</b>	<b>88</b>
<b>AS029/10/03</b>	<b>INFORMATION REPORT.....</b>	<b>88</b>
<b>13.3</b>	<b>Community &amp; Recreation Development .....</b>	<b>89</b>
<b>CRD08/10/03</b>	<b>COMMUNITY SPORT &amp; RECREATION FACILITIES FUND (CSRFF) (A0141-02) ....</b>	<b>89</b>
<b>CRD09/10/03</b>	<b>YOUTH ADVISORY COUNCIL – TERMS OF REFERENCE (A1172) .....</b>	<b>89</b>
<b>CRD10/10/03</b>	<b>MUNDIJONG COMMUNITY CELEBRATION (A0301/05).....</b>	<b>90</b>
<b>CRD11/10/03</b>	<b>INFORMATION REPORT.....</b>	<b>90</b>
<b>13.4</b>	<b>Building Services.....</b>	<b>90</b>
<b>B06/09/03</b>	<b>INFORMATION REPORT.....</b>	<b>90</b>
<b>13.5</b>	<b>Health Services .....</b>	<b>91</b>
<b>H05/10/03</b>	<b>INFORMATION REPORT.....</b>	<b>91</b>
<b>13.6</b>	<b>Planning Development &amp; Environment .....</b>	<b>91</b>
<b>E005/10/03</b>	<b>NOMINATION OF LOCAL GOVERNMENT REPRESENTATIVE ON PEEL-HARVEY CATCHMENT COUNCIL (A0309).....</b>	<b>91</b>
<b>E006/10/03</b>	<b>PARKS OF THE PERTH HILLS CONCEPT AND THE IMPACT ON THE DARLING RANGE REGIONAL PARK (A0852).....</b>	<b>92</b>
<b>P027/10/03</b>	<b>MID-YEAR COMPLIANCE INSPECTION REPORT – LOT 10 SHALE ROAD, CARDUP &amp; LOT 737 FIRNS ROAD, SERPENTINE (P00066/01, P01498/01).....</b>	<b>93</b>

<b>P028/10/03</b>	<b>PROPOSED COMMERCIAL VEHICLE HARDSTAND AREA (TRANSPORT DEPOT) – LOT 3 SOUTH WESTERN HIGHWAY, WHITBY (P03935/01) .....</b>	<b>93</b>
<b>P029/10/03</b>	<b>PROPOSED ROAD WIDENING – LOT 3, LOC 344 &amp; LOC 4223 SOUTH WESTERN HIGHWAY, WHITBY (P03935/02).....</b>	<b>94</b>
<b>P031/10/03</b>	<b>PROPOSED SECOND RESIDENCE – LOT 52 WESTCOTT ROAD, KEYSBROOK (P02891/01) .....</b>	<b>95</b>
<b>P032/10/03</b>	<b>AMENDMENTS TO LOCAL PLANNING POLICY NO. 13 - WOODLOT SUBDIVISION DESIGN GUIDELINES – JARRAHDAL (A1147) .....</b>	<b>96</b>
<b>P035/10/03</b>	<b>INFORMATION REPORT.....</b>	<b>96</b>

- 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 MONDAY 27<sup>TH</sup> OCTOBER, 2003. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.00PM AND WELCOMED MEMBERS OF THE PUBLIC PRESENT IN THE GALLERY, COUNCILLORS AND STAFF.

---

**1. ATTENDANCES & APOLOGIES**

**PRESENT:** Crs DL Needham ..... Presiding Member  
JC Star  
KR Murphy  
AW Wigg  
JE Price  
AJ Simpson  
WJ Kirkpatrick  
THJ Hoyer  
IJ Richards

**APOLOGIES:** Cr JA Scott

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

**GALLERY: 2**

**2. PUBLIC QUESTION TIME:**

2.1 Response To Previous Public Questions Taken On Notice

**3. PUBLIC STATEMENT TIME:**

**4. PETITIONS & DEPUTATIONS:**

**5. PRESIDENT'S REPORT:**

\* Congratulated Chief Executive Officer and staff for Shire being finalists in the Western Australian Local Government Association Whole of Organisation Best Practice Awards and wished them luck at the presentation ceremony in early November.

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

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

7.1 Ordinary Council Meeting – 22<sup>nd</sup> September, 2003

**COUNCIL DECISION**

Moved Cr Wigg seconded Cr Richards  
That the minutes of the Ordinary Council Meeting held on 22<sup>nd</sup> September, 2003 be confirmed.  
CARRIED 9/0

**REPORTS OF COMMITTEES:**

7.2 Corporate Services

C020/10/03 WRITE OFF OF RATE INTEREST & WRITE-OFF DELEGATION TO CHIEF EXECUTIVE OFFICER (P05201)		
Proponent	Mrs Stokes	In Brief  The owners of A305100 have requested that the interest accrued against their rate assessment be written off. This is due to the incorrect information given to the settlement agent when they requested an orders and requisition.. It is recommended that the interest be written off.
Officer	Vicki Delbridge – Finance Officer - Rates	
Signatures - Author:		
Senior Officer:		
Date of Report	8 <sup>th</sup> September 2003	
Previously		
Disclosure of Interest		
Delegation	Council	

**Background**

The owners of A305100 have requested that the interest that they have incurred on their rate assessment be written off. The settlement agent was misinformed as to the total amount outstanding on this assessment when they requested a statement of the rates and charges. The interest that was waiting to be applied to the assessment was not included in the total amount. Therefore when the property was sold the amount outstanding that was given to the settlement agent was paid in full, less the interest charge they were not aware of. This is now showing on the new owners assessment as arrears. As it is not the new owners interest charge; it is recommended that the interest be written off.

**Comments**

A copy of the information given to the settlement agent has been supplied; also after reviewing the records of billing and receipting it can be seen that the payment of the amount stated on the information given to the settlement agent was paid in full on the 20<sup>th</sup> July 2003. As this debt was raised in 2002/2003, Council approval is sought to write the costs off against this assessment, as the facts of this request can be proved. Council approval is also sought to delegate rate write-offs up to \$200.00 to the Chief Executive Officer to improve the time taken to process refunds. Any delegation enacted would be reported in the information item of the Corporate Services agenda.

**Statutory Environment:** Local Government Act 1995

**Policy Implications:** No policy implications

**Financial Implications:** Will be a maximum of \$83.85 interest for the 2002/03 financial year.

**Strategic Implications:** None

**Community Consultation:** None

**Voting Requirements:**

**ABSOLUTE MAJORITY**

**CRC020 COUNCIL DECISION/Committee/Officer Recommended Resolution**

**Moved Cr Hoyer seconded Cr Price**

- 1. It is recommended that Council write off the interest of \$83.85 for A305100.**
- 2. The Chief Executive Officer be given delegated authority to write-off up to the amount of \$200 of rates.**

**CARRIED 9/0 ABSOLUTE MAJORITY**

C022/10/03 NEW WORK PROCEDURE – PAYMENT OF COUNCILLOR FEES AND REIMBURSEMENTS (A1048)		
Proponent	Council	<b>In Brief</b>  To establish a consistent payment criteria for payment of fees and reimbursements to councillors and establish criteria for payment of reimbursements.
Officer	G.R. Dougall – Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	6/10/03	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

**Background**

To ensure that fees and reimbursements are forwarded to councillors in a timely and effective manner, this work procedure has been developed for use by council officers. It also establishes guidelines on when a councillor qualifies for reimbursement of expenses.

**Comments**

This work procedure is recommended to ensure that all councillors are dealt with in a consistent manner and officers clearly understand when reimbursements are approved.

***Work Procedure WPCS***

*All councillors are to be paid the current months sitting fee and requests for reimbursement made prior to the end of the previous month into the nominated bank account of each councillor by the 10<sup>th</sup> day of each month.*

*Requests for reimbursements will only be made in accordance with Council Policy CSP4 – Councillor Telephone and Facsimile Policy, and in accordance with Section 5.98 (2) (a) of the Local Government Act 1995 and regulations 31 and 32 of the Local Government (Administration) Regulations 1996.*

*No councillor will be eligible for reimbursement of **any** expense whilst serving approved leave of absence from Council.*

The work procedure requires that payments be made directly into the nominated bank account of each councillor. This provides for better efficiency in that cheques do not have to be passed on and ensures that the money is available by the 11<sup>th</sup> day of each month. Not all councillors currently receive payment this way and forms will be distributed to those councillors to provide these details. This will also allow an improvement in the finance teams requirement to increase the number of payments made electronically to improve our role in providing a sustainable future without the need for paper cheques.

**Statutory Environment:** Section 5.98 of the Local Government Act 1995 provides for the reimbursement of expenses in accordance with regulation 32 of the Local Government (Administration) Regulations 1996.

**Policy Implications:** This recommendation would become a work procedure of Council to be reviewed annually.

**Financial Implications:** No direct financial implication in applying this procedure.

**Strategic Implications:** Key Sustainability Result Areas

#### **4 Governance**

*Objective 1: An effective continuous improvement program*

**Community Consultation:** Not required

**Voting Requirements:** Normal

#### **Officer Recommended Resolution**

The following work procedure be endorsed :

Work Procedure WPCS

All councillors are to be paid the current months sitting fees and requests for reimbursement made prior to the end of the previous month into the nominated bank account of each councillor by the 10<sup>th</sup> day of each month.

Requests for reimbursements will only be made in accordance with Council Policy CSP4 – Councillor Telephone and Facsimile Policy, and in accordance with Section 5.98 (2) (a) of the Local Government Act 1995 and regulations 31 and 32 of the Local Government (Administration) Regulations 1996.

No councillor will be eligible for reimbursement of any expenses whilst serving approved leave of absence from Council.

#### **CRC022 COUNCIL DECISION/Committee Recommendation Resolution:**

**Moved Cr Kikrpatrick seconded Cr Wigg**

**The following work procedure be endorsed:  
Work Procedure WPCS**

- 1. All councillors are to be paid the current months sitting fees and requests for reimbursement made prior to the end of the previous month preferably into the nominated bank account of each councillor by the 10<sup>th</sup> day of each month.  
Requests for reimbursements will only be made in accordance with Council Policy CSP4 – Councillor Telephone and Facsimile Policy, and in accordance with Section 5.98 (2) (a) of the Local Government Act 1995 and regulations 31 and 32 of the Local Government (Administration) Regulations 1996.**
- 2. A working group of members of the Corporate Services Committee develop with the Director of Corporate Services additional guidelines to be referred back to Council detailing the leave of absence periods and associated reimbursement of expenses.**

**CARRIED 9/0**



Committee Note: The Officer Recommendation was amended to provide flexibility to Councillors not set up to accept electronic payments and to establish a working group to develop guidelines for the work procedure.

### 7.3 Asset Services

AS026/10/03 SHIRE CEMETERIES – FUTURE MANAGEMENT (A0821)		
Proponent	Cemeteries Management Committee	<i>Council is requested to initiate public consultation in relation to the expansion of the Serpentine Cemetery and future provision of cemeteries within the Shire.</i>
Officer	Mick Beaverstock Director Asset Services	
Signatures - Author:		
Senior Officer:		
Date of Report	30 September 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

#### **Background**

At its meeting of 7 February 2003, the Cemeteries Management Committee were presented with a design for the expansion of the Serpentine cemetery, prepared for the Shire by the Cemeteries Board of Western Australia. The layout of the new area is based on lawn cemetery design principles which maximises the number of plots and allows only for a plaque or headstone, no monuments.

Due to very few plots remaining in Serpentine, members of the Committee undertook a site inspection of the area earmarked for the expansion and agreed that a small section was to be cleared immediately and the remaining area to be surveyed for rare or protected flora prior to full development.

The Committee was advised at its 11 June 2003 meeting that a number of volunteers in Serpentine were proposing to form a "Friends of the Cemeteries" group who would provide recommendations to the Committee and carry out minor maintenance activities.

The Serpentine Historical Society met on 1 September 2003 and discussed the formation of the group. At this meeting Councillor Wigg was invited to brief attendees on the proposed expansion of the cemetery. Those present raised a number of concerns with the proposal, primarily that it was not in keeping with the heritage value of the existing section.

This matter was raised at the 10 September 2003 Cemeteries Management Committee meeting, with the following recommendation being made:

*"That a strategic plan for cemeteries within the Shire be initiated at the earliest opportunity to address future needs within the Shire; and the design, layout, management and operation of the Jarrahdale and Serpentine cemeteries in consultation with the community."*

#### **Comments**

The plans for the expansion of the Serpentine cemetery were developed in response to the realisation that the existing cemetery would be full in a short period of time. The design, based on maximum plots, would provide approximately 850 plots which would be sufficient for at least a further 50 years operational life. On consideration of existing vegetation on the site, modifications were made to ensure large trees were retained which will reduce the plot yield to approximately 500.

At present the Serpentine cemetery has 57 plots available (including the portion recently cleared) and Jarrahdale 54. Based on current usage this equates to operational periods of 4 years and 15 years respectively. The expansion of the Serpentine cemetery as per the current proposal will potentially increase its operational life to 50 years.

The issues raised by the “Friends of the Cemeteries” group in regard to the radical change in the style of the new section of the cemetery are valid and worthy of further community consultation. The continuity of the existing style is achievable however there would be a reduction in the number of plots available in the future and subsequently a reduced operating life which Council would need to take into consideration as part of the decision making process.

The development of a strategic plan is timely as it will provide Council with guidance for future policy pertaining to access to cemetery plots. The current policy requires a demonstrated link with the Shire which is often difficult to prove and can create anxiety for relatives when making funeral arrangements. This policy is technically only actionable through the Director Asset Services having authority to grant or refuse right of burial under the Cemeteries Act and exercising that authority based on the direction of Council.

Officers are of the understanding that a Regional Cemetery Review is planned to be undertaken by the Minister for Planning and Infrastructure in the very near future. There is mounting pressure for a large cemetery to be located south of the existing metropolitan area and a site in Baldivis is currently considered the most feasible alternative.

A new cemetery site within the Shire has been discussed which could be considered a general access cemetery with Serpentine and Jarrahdale restricted as per the existing policy. Currently no land is available for this purpose however a suitable site may exist on State Government owned land at Whitby Falls.

Development of a new cemetery is an extremely expensive exercise and any decision to do so should be based on a detailed needs analysis taking into consideration alternatives such as access to regional cemeteries and limiting access to existing plots.

It is recommended that, until the scope and intention of the review being undertaken by the State Government is known, officers commence community consultation in relation to the expansion of the Serpentine cemetery. Should community feeling indicate that preservation of the heritage character of the cemetery is of higher importance than maximising operating life, officers will prepare a detailed report to Council on the impact that this will have and how it would be best managed.

### **Sustainability Statement**

Provision of cemeteries within the Shire is considered an important service to the community. A review and development of a management plan will ensure cemeteries are provided to meet the future needs of the community.

**Statutory Environment:** Cemeteries Act 1986

**Policy Implications:** Nil

**Financial Implications:** Nil

**Strategic Implications:** Key Sustainability Result Areas

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

*Objective 3: High level of social commitment*

##### **Strategies:**

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

### **3. Economic**

*Objective 3: Effective management of Shire growth*

Strategies:

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

### **4. Governance**

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

Strategies

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

**Community Consultation:**

The recommendation is in response to a request from the Cemeteries Management Committee that a strategic plan be developed for the future management of the Shire's cemeteries.

**Voting Requirements:**

Normal

**CRAS026 Officer Recommended Resolution:**

1. Asset Services officers undertake community consultation in relation to the future expansion of the Serpentine Cemetery to determine if the existing heritage character should be retained in the new section.
2. The outcome of the community consultation process be reported to Council including any impacts this may have on cemetery operations and future management.

**CRAS026 COUNCIL DECISION/Committee Recommended Resolution:**

**Moved Cr Hoyer seconded Cr Richards**

1. Serpentine-Jarrahdale Cemeteries Management Committee undertake community consultation in relation to the future expansion of the Serpentine Cemetery to determine a future management strategy.
2. The outcome of the community consultation process be reported to Council including any impacts this may have on cemetery operations and future management.

**CARRIED 9/0**

Committee Note: The Officers Recommendation was changed to accommodate more input from the Serpentine Jarrahdale Cemeteries Management Committee.

AS027/10/03 PROPOSED NEW ASSET SERVICES POLICY AP27 – FOOTPATH PRIORITY ASSESSMENT (A0477)		
Proponent	Shire of Serpentine Jarrahdale	<i>Council is requested to adopt a new policy in relation to a priority based footpath construction program.</i>
Officer	Bryce Coelho Manager Asset Services	
Signatures - Author:		
Senior Officer:		
Date of Report	30 September 2003	
Previously	AS017/09/03	
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

### **Background**

The Asset Services Committee was presented with a proposed 2003/2004 footpath construction program at its meeting of 8 September 2003. Councillors queried the relative priorities of some projects and were advised that the program has traditionally been developed based on community requests rather than through a priority based system.

At its meeting of 22 September 2003, Council resolved that the endorsement of the footpath program be deferred until a prioritisation process for future funding of the footpath program is developed.

### **Comments**

Officers consulted with a number of local authorities to ascertain how prioritisation of footpath works is determined in other areas. A number of models were examined resulting in identification of a prioritisation method suitable for Serpentine Jarrahdale.

The following factors are considered appropriate measures for comparing the relative priority of future paths and are incorporated into a formula:

- A) Path Condition  
This is a measure of the current condition of existing walkways and assesses current condition from dangerous (where no formal pathway exists) to good (this may occur where a path exists but the request is for widening).
- B) Path Alignment  
This is a measure of the risk to pedestrians from conflict with traffic and gives priority to existing situations where pedestrians are forced to walk on the road edge.
- C) Facilities  
This is a measure which gives priority to paths which serve schools, shops and public transport connections.
- D) Demographics  
This is a measure which gives consideration to path users with higher priority being given to aged or disabled and children.
- E) Traffic Volume  
This criteria is the highest weighting factor in the priority formula and is indicative of the increased risk to pedestrians of high traffic volumes.
- F) Adjacent Properties  
This criteria gives priority to providing paths where the most properties will be served. By including this factor, encouragement will be given to the community to walk to facilities rather than drive.
- G) Road Geometry  
This is again a measure of pedestrian risk and gives priority to poor vertical alignment which may make uncontrolled crossing of roadways unsafe.
- H) Existing Service Level

This factor ensures priority is given to sites which do not have useable paths or walkable verges.

l) Financial Assistance

This factor gives higher weighting to paths which will attract external funding (note: this does not include developer provided paths unless a partial contribution is proposed)

These criteria will be used to score all requests received. Scores will be ranked and programs developed based on available funding. This system allows review of priorities in the event that there are future changes such as increases in traffic volumes or new public facilities which will attract pedestrians.

The formula will also identify if developer contributions will be required external to new developments if increased traffic volumes or other factors make current pedestrian access hazardous and warrant the construction of a footpath.

### **Sustainability Statement**

The provision of paths within the Shire of Serpentine Jarrahdale allows better access for residents to facilities and services within the Shire. As such this fosters better community and promotes the use of paths for walking and cycling instead of reliance on vehicles, further reducing greenhouse gas emissions.

**Statutory Environment:** Local Government Act 1995

**Policy Implications:** New Policy

**Financial Implications:** The intent of the policy is to ensure funds allocated to future path programs are expended based on a sound priority ranking.

**Strategic Implications:** Key Sustainability Result Areas

**1. People and Community**  
*Objective 1: Good quality of life for all residents*  
Strategies:

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

**2. Environment**  
*Objective 1: Protect and repair natural resources and processes throughout the Shire*  
Strategies:

5. Reduce green house gas emissions.

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

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

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.
2. Develop a risk management plan.

**Community Consultation:** Nil

**Voting Requirements:** Normal

**CRAS027 COUNCIL DECISION/Committee/Officer Recommended Resolution:**

Moved Cr Richards seconded Cr Wigg

Council adopts policy AP27 – Footpath Priority Assessment as follows:

**AP27 FOOTPATH PRIORITY ASSESSMENT**

Original Date Adopted	(To Be Inserted)
Last Modified	Not applicable
Last Reviewed	Not applicable

**Objectives**

The objectives of this policy are:

To rank the priority of future footpath construction works in an objective, fair and equitable manner.

To ensure the Shire's footpath network is constructed based on the greatest needs of the community.

To make best use of Council's available funds for footpath programs.

**Policy Statement**

All requests for footpath construction shall be scored in accordance with the following formula:

$$P = [4x(A+(BxE))] + [Ax D] + [Cx(A+(BxE))] + [5xExG] + [In(F)] + [6x(E+H)] + [ExI]$$

Where:

A = Path Condition Factor  
B = Alignment Factor  
C = Facilities Factor  
D = Demographics Factor  
E = Traffic Volume Factor  
F = Adjacent Properties Factor  
G = Road Geometry Factor  
H = Existing Service Level Factor  
I = Financial Assistance Factor  
P = Path Raw Score

All path requests are to be retained in an inventory with the following data recorded:

- **ROAD** - the name of the road or reserve
- **FROM** - the name of the road or location at which the path will start

- **TO** - the name of the road or location at which the path will end
- **SIDE** - the side of the road the path is proposed
- **LENGTH** - length in metres of the section of path proposed
- **LOCALITY** - the name of the suburb in which the path is proposed

The path priority formula factors shall be determined using the following criteria:

#### FACTOR A – PATH CONDITION

This is a measure of the current physical state of the existing path or pedestrian access. The condition is a number (0-10) depicting a value judgment of the actual quality of the access with a defined standard quality.

A value of 0 depicts a path in good condition which does not require improvement. A value of 10 depicts a hazardous access that warrants immediate attention.

Dangerous	Poor Uneven	No Existing Formed Path	Average Broken / Even	Good
10	7	5	2	0

#### FACTOR B – ALIGNMENT

This criteria gives priority to paths or existing access which is immediately adjacent to traffic flow and potentially placing pedestrians at risk.

Access on Carriageway	On Shoulder	On Kerb	Property Line
10	5	4	0

#### FACTOR C – FACILITIES

This criteria gives priority to those sites which serve schools, hospitals, community facilities, public transport connections and recreation facilities.

Public Transport Connection	Shops Schools	Medical	Church Passive Reserves	No Community Facilities
10	7	5	3	1

#### FACTOR D – DEMOGRAPHICS

This criteria gives greater priority to those sites with a high percentage of children and elderly, including persons using wheelchairs, “gophers” or prams. If the path is within proximity or leading to a facility such as an aged care center or primary school, it will have a heavier weighting.

Aged Disabled	Primary School Age	High School Age	Abled Persons
10	7	5	1

#### FACTOR E – TRAFFIC VOLUME

This criteria contains the largest weighting factor in the formula. It gives priority to sites with high traffic volumes and associated increase risk to pedestrians.

> 10,000 vpd	5 - 10,000 vpd	3 – 5,000 vpd	1,500 – 3,000 vpd	500 – 1,500 vpd	200 – 500 vpd	< 200 vpd
10	7	4	3	2	1	0

### FACTOR F – ADJACENT PROPERTIES

This criteria gives priority to providing paths in relation to the density of populated areas and the number of properties the path will serve.

Number of Adjacent Properties

### FACTOR G – ROAD GEOMETRY

This criteria takes into account the geometric alignment of the roadway and the associated risk this may pose to pedestrians.

Poor Horizontal & Vertical Alignment	Poor Vertical Alignment	Poor Horizontal Alignment	Good Geometry
10	4	1	0

### FACTOR H – EXISTING SERVICE LEVEL

This criteria gives priority to those sites which do not currently have any paths or walkable verges.

No Path: Non-Walkable Verge	No Path: Walkable Verge (unkerbed)	No Path: Walkable Verge (kerbed)	Existing Path (one side)
10	7	5	1

### FACTOR I – FINANCIAL ASSISTANCE

This factor gives priority to paths which may attract external funding such as DPI Perth Bicycle Network grants, Commonwealth Special Project Funds or developer contributions or assistance.

% Contribution x 0.1

**CARRIED 9/0**



#### 7.4 Strategic Management

SM012/10/03 VOLUNTARY REGIONAL ORGANISATION OF COUNCILS (VROC) – PROPOSAL FOR PEEL REGION (A0839-06)		
Proponent	Peel Economic Development Unit	<b>In Brief</b>  The Peel Economic Development Unit (PEDU) is promoting the benefits of forming a Voluntary Regional Organisation of Councils (VROC) in the Peel region. PEDU believes that a VROC will accrue benefits to the individual local authorities as well as the region as a whole. The level of support for this concept is being canvassed among the councils in the Peel region.
Officer	D E Price – Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	6 October 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

#### Background

The Peel Development Commission encouraged regional cooperation by conducting “The Peel Region Economic Development and Investment Attraction Workshop” at Fairbridge Village on 31 May 1999. Representatives from the five (5) local government councils, business groups and the community attended and subsequently agreement was reached to establish the Peel Economic Development Unit (PEDU). The five local governments in the Peel region also committed to and signed a *Regional Cooperation Agreement* which read:

*“By this Regional Cooperation Agreement the undersigned Peel Region Councils shall seek to further encourage support and cooperation between their communities by emphasising mutual interests, fostering individual concepts, and recognising and supporting aspirations and goals of the individual communities, to the benefit of all and to the enhancement of the Peel Region.*

*The undersigned Councils recognize that through working together in a genuine commitment to cooperative effort they will achieve more for their individual communities than if they were to function separately.*

*Moreover the undersigned Councils shall also severally support their aims and endeavours, and seek with goodwill to encourage the participation and involvement of all groups and individuals within their municipalities, in the spirit of this Agreement.”*

The Peel region has been undergoing rapid population growth over the last decade or more. This has led to changing demographics and a range of social, infrastructure, economic and environmental issues.

Together, the local government authorities in the region have come to realise that if:

- \* the population is to be well serviced
- \* infrastructure is to be maintained and developed in accordance with the needs of the population
- \* economic development is to occur at a rate that provides sufficient employment and revenue
- \* the natural environment is to be conserved, and
- \* overall quality of life is to be maintained,

then local governments in the region must work together more cooperatively to improve efficiency and effectiveness, share resources and combine efforts to address common issues.

Over the last five (5) years the PEDU has attained or assisted with the following outcomes:

- \* PEDU has become incorporated
- \* Developing and securing the trademark of 'Peel Your Natural Choice'
- \* Developing and hosting the:
  - \* Who Dares Wins' Conference in 2001, Local Economic Development Seminar in 2002 and Breakfast Club Series in 2003
- \* Initiating the Mayor, Shire Presidents and PDC Chairman meetings and supporting the Peel Region delegation to Canberra in 2002
- \* Engaging the Business Development Manager
- \* Facilitating the introduction of the Peel Region Heritage Advisory Service
- \* Initiating the Business Retention & Expansion Program
- \* Providing regional input regarding major infrastructure projects such as Industrial Land, Peel Deviation, Regional Refuse Site and University
- \* Completing the Regional Opportunities Audit
- \* Facilitating the formation of the Peel Wine Association
- \* Developing the Peel Horse Industry Council
- \* Erecting Regional Gateway Signage
- \* Completing the Regional Marketing Research
- \* Implementing Stage 1 of the Regional Marketing Strategy
- \* Providing regional input on strategically important issues such as WATC Tourism Zones, Peel Sustainable Development Plan 2020, Peel Region Planning Committee
- \* Development of the Peel Local Government Resource Sharing Strategy/Action Plan
- \* Regional Resource Sharing Strategy

At the Peel Development Commission on 3 July 2003 members of PEDU's Working Group participated in a workshop to review its Strategic Direction for 2003-2004. The group determined that its main areas of activities will continue to be economically based but PEDU has evolved to where it does not operate in one 'silo' and it has some influence/role to play in the social and environmental areas. The workshop decided to look at PEDU's role, function and structure in relation to the region's needs at a strategic level.

Recently the five (5) Peel Region Chief Executive Officers discussed the desirability and benefit of forming a Regional Organisation of Councils (ROC) and they are now seeking feedback on the level of Council support for this concept.

### **Comments**

The Australian Local Government Association (ALGA) describes ROCs as 'partnerships' between groups of local government entities that agree to collaborate on matters of common interest. They are diverse in size, structure and mandate, but all satisfy the criteria that members:

join voluntarily (and thus some are known as Voluntary Regional Organisations of Councils)  
demonstrate their commitment in the form of financial and/or in kind contributions  
have agreed to a Constitution or some other formal set of objectives  
recognise a range of common issues and interests  
nominate representatives to the ROC's Executive Board.

Collaboration and action at a regional scale is not new. The first recognised VROC was established in 1922 in northwest Tasmania. ROCs can develop and deliver a local government regional perspective. They do this by constituting a forum through which the experience, ideas and efforts of member councils can be captured and cultivated.

ROC's vary in size, capacity and in their selected areas of focus. However, most engage in a range of activities, which can include the following:

- \* research - underpinned by the advantage of taking a regional perspective on the many issues and developments which cross local boundaries
- \* regional strategies integrating economic, social, environmental and cultural development
- \* resource sharing is an integral part of a ROC's operation
- \* advocacy - promoting and protecting their regions
- \* brokering or facilitating the development and implementation of programs of central governments

ROCs are aware that they need to position themselves to contribute to opportunities and priorities as they emerge.

Just as ROCs are formed to capture the combined experience of councils, so ROCs can form working groups to capture the inputs and efforts of other stakeholders. ROCs are open to approaches from government and non-government bodies where those bodies believe local government involvement would be necessary and beneficial.

ALGA maintains a database of contacts for ROCs and the attached list of ROCs/VROCs is provided to give elected members an idea of the extent of ROCs.

***A copy of the attachment in relation to this is marked SM012.1/10/03.***

The CEO's in the Peel region are of the opinion that the PEDU, whilst focused on economic development, has provided a useful trial period of the benefits of regional cooperation. The benefits include:

- Cooperation/trust between PEDU members
- Maintaining the Peel region identity
- Support for major projects and issuers
- Retaining the Business Development Manager – role and position
- Developing Regional Marketing Campaign Stage 2
- Understanding of members of what is going on in the region.

The role of PEDU has now become much broader and reform is needed. The CEOs support the establishment of a VROC in the Peel region and suggest that a workshop to canvas the detail and scope of the brief be held amongst the member councils so that a more detailed report and proposal can be submitted to the individual councils for consideration.

There appears to be adequate benefits to the Peel region and member councils to consider establishing a VROC and the next step would be for the member councils to workshop this issue and prepare a more detailed proposal for individual councils to consider.

### **Sustainability Statement**

Together, the local government authorities in the region have come to realise that we must work together more cooperatively to improve efficiency and effectiveness, share resources and combine efforts to address common issues.

### **Statutory Environment:**

The Local Government Act is empowered to form Volunteer Regions of Councils as deemed appropriate.

### **Policy Implications:**

Council signed a Regional Economic Development and Co-operation agreement with the four other local authorities within the Peel region in August 1999.

The Peel Economic Development Unit is incorporated

### **Financial Implications:**

Until a more advanced proposal is prepared, it will be difficult to estimate the costs and financial benefits of

forming a VROC. Further research, particularly amongst existing VROCs is considered desirable.

Whilst there may be additional costs to service a VROC on one hand there is also an opportunity to attract grant and other funds to a region that may not be available to the individual local governments and also there is the potential reduce costs by resource sharing.

**Strategic Implications:**

2003 Strategic plan Key Result Area 4 “Governance” Objective 2 “Develop specific partnerships to effectively use and leverage resources “Key Action” Strengthen regional and state partnerships”.

**Community Consultation:**

Not applicable

**Voting Requirements:**

Normal

**CRSM012 COUNCIL DECISION/Committee/Officer Recommended Resolution**

**Moved Cr Hoyer seconded Cr Price**

1. Council supports in principle the concept of establishing a VROC in the Peel region.
2. Elected members from each of the five (5) Councils of the Peel region be invited to participate in a regional workshop.
3. Following the workshop each Council be invited to nominate two elected members to consider, with the Chief Executive Officers, the information attained at the workshop and to prepare a more detailed proposal for referral back to Council.

**CARRIED 9/0**

SM013/10/03 PROPOSED REGIONAL CABINET VISIT 2003 (A0108-02)		
Proponent	Ministry of Premier and Cabinet	<b>In Brief</b>  Advise Council of the pending Roleystone Electorate Regional Cabinet Visit and determine the Council's issues to be raised at the Regional Cabinet Breakfast Meeting proposed for early November 2003 at a venue to be announced.
Officer	D E Price – Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	6 October 2003	
Previously	C066/12/01, SM041/01/02 SM018/10/02	
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

### **Background**

The Chief Executive Officer has been informally advised of a possible cabinet visit to the area in November 2003.

### **Comments**

These visits are normally run over two (2) days, being Sunday and Monday.

At this stage details are not confirmed, however, if the visit proceeds in early November as suggested to the Chief Executive Officer, then Council needs to be prepared by the end of October. It is likely that a breakfast with the Premier and his Ministers will be held on the Monday. Details on who will be invited and where it will be held at the time of preparing this item were not yet confirmed, however the Shire President and Chief Executive Officers have in the past been invited.

The Chief Executive Officer will again request that other interested Councillors be invited to the breakfast, however generally, this cannot be confirmed until the seating capacity of the venue is finalised.

Given the circumstances it is appropriate to also suggest that should anyone of the endorsed representatives not be able to attend or additional places become available, the Shire President nominate a replacement or invite additional Council representative(s).

At past similar breakfasts, each of the local authorities in the electorate hosting the visit have been given the opportunity to present for three (3) minutes on the achievements, major projects and future planning initiatives in their area.

To assist Councillors, the Chief Executive Officer has prepared a suggested presentation relating to the major projects and future planning initiatives as it relates to this Shire and the South East Corridor.

***The draft presentation which has to be limited due to time constraints, is with the attachments marked SM013.1/10/03 and covers the following key issues:***

- Study on ageing population and future needs
- Establishment of a high school in the Shire
- Jarrahdale Heritage Park
- Tonkin Highway extension
- Extension of electrification of rail to Byford

Again, without the opportunity to view the agenda for the visit, it is best to assume a similar format to past years. In which case, after the breakfast a community lunch is normally held to recognize the quiet achievers of our community. Council may be asked to nominate

people who they feel meet these criteria. To assist in this process it is suggested that the Shire President and Deputy Shire President in consultation with Councillors nominate worthy community members upon request from the Premiers Office to attend a Community luncheon with the Premier and Ministers.

It is hoped that in the afternoon relevant Ministers may make themselves available to visit to discuss more specific issues with Councillors and senior staff. It would be proactive for Council to seek appointments with relevant Ministers to discuss each of the following issues.

If Council is agreeable to this suggestion, then briefing notes will be provided to each Minister in advance.

**Minister for Community Development** – Council Delegates: Shire President and/or Chair of Community Recreation and Development Committee and senior officer(s)

Study on ageing population and future needs

**Minister for Education** - Council Delegates: Shire President and Cr Simpson as Council's representative on the high school working group and senior officer(s)

Establishment of a high school in the Shire

**Minister for Planning and Infrastructure** - Council Delegates: Shire President and Chair of the Asset and Planning Development and Environment Committees and senior officer(s)

Jarrahdale Heritage Park  
Tonkin Highway extension  
Extension of electrification of rail to Byford  
Byford urban development  
Mineral sand mining

If Council would like to add any other issue to this list then they are encouraged to do this when considering this item to ensure that it can be referred in a timely fashion.

It is hoped that the Ministers who have responsibility for each of these issues will be able to make themselves available to discuss what the government's position is on them.

### **Sustainability Statement**

In the recently launched State Sustainability Strategy, the Premier in the documents "Foreword" makes comment "Partnerships are central to the process of sustainability. Government, business and the community will need to find new ways of working together to achieve our common aim."

#### **Statutory Environment:**

Local Government Act 1995

#### **Policy Implications:**

No Policy Implications are known

#### **Financial Implications:**

No Financial Implications

#### **Strategic Implications:**

2003 Strategic plan Key Result Area 4 "Governance" Objective 2 "Develop specific partnerships to effectively use and leverage resources "Key Action" Strengthen regional and state partnerships".

#### **Community Consultation:**

No Community Consultation required.

**Voting Requirements:**

Normal

**Officer Recommended Resolution**

1. Council endorses the Shire President and Chief Executive Officers attendance at the proposed Regional Cabinet Meeting, and requests that Shire President presents a report based on the draft provided to Council in the attachments marked SM013.1/10/03 covering the following key areas to Cabinet:

Study on ageing population and future needs  
Establishment of a high school in the Shire  
Jarrahdale Heritage Park  
Tonkin Highway extension  
Extension of electrification of rail to Byford

2. Council agrees that should anyone of the endorsed representatives not be able to attend or additional places become available the Shire President may nominate a replacement or additional Council representative/s.

3. Council seeks an opportunity to meet with relevant Ministers to discuss the following issues:

Minister for Community Development – Council Delegates: Shire President and/or Chair of Community Recreation and Development Committee and senior officer(s)

Study on ageing population and future needs

Minister for Education - Council Delegates: Shire President and Cr Simpson as Council's representative on the high school working group and senior officer(s)

Establishment of a high school in the shire

Minister for Planning and Infrastructure - Council Delegates: Shire President and chair of the Asset and Planning Development and Environment Committees and senior officer(s)

Jarrahdale Heritage Park  
Tonkin Highway extension  
Extension of electrification of rail to Byford  
Byford urban development  
Mineral sand mining

4. Council agrees to the Shire President and Deputy Shire President nominating worthy community members upon request from the Premiers Office to attend a luncheon with the Premier and Ministers.

**CRSM013 Committee Recommended Resolution**

1. Council endorses the Shire President and Chief Executive Officers attendance at the proposed Regional Cabinet Meeting, and requests that Shire President presents a report based on the draft provided to Council in the attachments marked SM013.1/10/03 covering the following key areas to Cabinet:

Study on ageing population and future needs  
Establishment of a high school in the Shire  
Jarrahdale Heritage Park  
Tonkin Highway extension  
Extension of electrification of rail to Byford  
Mineral sand mining

2. Council agrees that should anyone of the endorsed representatives not be able to attend or additional places become available the Shire President may nominate a replacement or additional Council representative/s.
3. Council seeks an opportunity to meet with relevant Ministers to discuss the following issues:

Minister for Community Development – Council Delegates: Shire President and/or Chair of Community Recreation and Development Committee and senior officer(s)

Study on ageing population and future needs

Minister for Education - Council Delegates: Shire President as Council's representative on the high school working group and senior officer(s)

Establishment of a high school in the shire

Minister for Planning and Infrastructure - Council Delegates: Shire President and chair of the Asset and Planning Development and Environment Committees and senior officer(s)

Jarrahdale Heritage Park  
Tonkin Highway extension  
Extension of electrification of rail to Byford  
Byford urban development  
Mineral sand mining

Minister for Environment - Council Delegates: Shire President and chair of the Planning Development and Environment Committee and senior officer(s)

Water sensitive urban design and problems of drainage  
Byford urban development and electrification of rail to Byford  
Mineral sand mining

4. Council agrees to the Shire President and Deputy Shire President nominating worthy community members upon request from the Premiers Office to attend a luncheon with the Premier and Ministers.

Note: The Officer Recommended Resolution was amended as the committee felt it was appropriate to meet with the Minister for the Environment on several issues affecting the Shire.



## **COUNCIL DECISION**

### **Moved Cr Hoyer seconded Cr Price**

1. Council endorses the Shire President and Chief Executive Officers attendance at the proposed Regional Cabinet Meeting, and requests that Shire President presents a report based on the draft provided to Council in the attachments marked SM013.1/10/03 covering the following key areas to Cabinet:

Study on ageing population and future needs  
Establishment of a high school in the Shire  
Jarrahdale Heritage Park  
Tonkin Highway extension  
Extension of electrification of rail to Byford  
Mineral sand mining

2. Council agrees that should anyone of the endorsed representatives not be able to attend or additional places become available the Shire President may nominate a replacement or additional Council representative/s.

3. Council seeks an opportunity to meet with relevant Ministers to discuss the following issues:

Minister for Community Development – Council Delegates: Shire President and/or Chair of Community Recreation and Development Committee and senior officer(s)

Study on ageing population and future needs

Minister for Education - Council Delegates: Shire President as Council's representative on the high school working group and senior officer(s)

Establishment of a high school in the shire

Minister for Planning and Infrastructure - Council Delegates: Shire President and chair of the Asset and Planning Development and Environment Committees and senior officer(s)

Jarrahdale Heritage Park  
Tonkin Highway extension  
Extension of electrification of rail to Byford  
Byford urban development  
Mineral sand mining

Minister for Environment - Council Delegates: Shire President and chair of the Planning Development and Environment Committee and senior officer(s)

Water sensitive urban design and problems of drainage  
Byford urban development and electrification of rail to Byford  
Mineral sand mining  
Forest Management Plan re 11 km radius moratorium around Jarrahdale

4. Council agrees to the Shire President and Deputy Shire President nominating worthy community members upon request from the Premiers Office to attend a luncheon with the Premier and Ministers.

**CARRIED 9/0**

Committee Note: The Officer Recommended Resolution was amended as the committee felt it was appropriate to meet with the Minister for the Environment on several issues affecting the Shire.

Council Note: The Committee Recommendation was amended to include discussion on the Forest Management Plan with the Minister for the Environment, if an appointment can be arranged.

SM014/10/03 PEEL HORSE INDUSTRY COUNCIL EXECUTIVE OFFICER ROLE (A0956)		
Proponent	Serpentine Jarrahdale Shire	<b>In Brief</b>  Advise Council that the status of the Peel Horse Industry Council Equine Executive Officer position is pending.
Officer	D E Price – Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	7 October 2003	
Previously		
Disclosure of Interest		
Delegation	Council	

### **Background**

In June 2003 Council adopted the Serpentine Jarrahdale Shire Tourism Strategy 2003-2008.

The report also recommended the establishment of a part time Economic and Tourism Development Officer, who's duties would include working with the S-J Tourism Association to implement the recommendations of the Tourism Strategy.

When Council were considering the item relating to the Serpentine Jarrahdale Shire Tourism Strategy 2003-2008, they were advised that discussions had been taking place with the Peel Horse Industry Council and the Shires of Murray and Serpentine Jarrahdale on the Equine Executive role being integrated into a shared Economic and Tourism Development position for both local governments.

Consequently the Shire of Murray and the Serpentine Jarrahdale Shire both offered on a part time basis (38hrs/fn each) separate contracts for the position of Economic and Tourism Development to the then Equine Executive Officer, Ms Linda Butterly. This approach was to have the Equine Executive role integrated into the position of Economic and Tourism Development at this Council, and consequently remove the need for separate financial assistance. In return the Peel Horse Industry Council agreed to fund and maintain a vehicle which would not be associated with the Council arrangements, but made available to the Economic and Tourism Development Officer in return for the continuation of Executive support to them.

### **Comments**

The Chief Executive Officer in accordance with the Council decision of June 2003 prepared a position description and offered the current Equine Executive Officer (Ms Linda Butterly) the contract position of P/T Economic and Tourism Development Officer (38 hours per fortnight), for a period of three (3) years. Ms Butterly accepted the position and commenced in July 2003.

Ms Butterly has on the 30 September 2003 tendered her resignation with the Shire of Murray, Peel Horse Industry Council (PHIC) and the Serpentine Jarrahdale Shire stating personal reasons for the decision. Ms Butterly will complete her contract obligations with the Serpentine Jarrahdale Shire on Friday, 7 November 2003.

Following advice from the PHIC, the Shire Economic and Tourism Development Officer will not be one which is linked to the previous arrangements with the Shire of Murray or PHIC, as the circumstances are now quite different to what they were when a “package” was put together by the two local governments and the PHIC to facilitate the continued employment of Ms Butterly, who had considerable background experience in the PHIC project.

In the advice received from the Chairman of the Peel Horse Industry Council regarding the ongoing role of the Equine Executive Officer, a position and project which Council has been a major stakeholder in supporting, Council has been advised that the PHIC have undertaken to seek funding for the position again from the State Governments Regional Development Scheme and through private sponsorship. In the letter recognition has been made of the Shires commitment and support in helping develop this project for the region to this point, and the Chairman confirms that he will endeavour that it continues in some way.

The Chief Executive Officer has commenced the recruitment process in accordance with Council delegation AF-13 “Staff Matters” to find a suitable replacement to fill the part-time position of Economic and Tourism Development Officer for the Shire. This position will again be offered on a contract basis for a period of up to three (3) years.

**Sustainability Statement**                      The Peel Horse Industry Council has now established itself in the Peel region.

**Statutory Environment:**                      Not applicable

**Policy Implications:**                          Not applicable

**Financial Implications:**                      A part time Economic and Tourism Development Officer will be employed in accordance with Delegation to the Chief Executive Officer – AF-13 “Staff Matters”.

Council has not included any separate financial assistance in the 2003-2004 budget for the PHIC.

**Strategic Implications:**                      2003 Strategic Plan Key Result area 3 – Economic Development Strategy Identify value-adding opportunities for primary production - Key action “Support the development of the equine industry”.

**Community Consultation:**                      Not applicable

**Voting Requirements:**                      Normal

**Officer Recommended Resolution**

Council notes the status of the Peel Horse Industry Council and the changes to the PHIC Executive Officer arrangements.

**CRSM014 COUNCIL DECISION/Committee Recommended Resolution**

**Moved Cr Richards seconded Cr Price**

- 1. Council notes the status of the Peel Horse Industry Council and the changes to the PHIC Executive Officer arrangements.**
- 2. Council formally thanks Linda Butterly for her contribution.**

**CARRIED 9/0**

Committee Note: The Officer Recommended Resolution was amended to formally thank Linda Butterly for her contribution in the position of Peel Horse Industry Council Equine Executive Officer.

SM015/10/03 ADOPTION OF JARRAHDAL E HERITAGE PARK MANAGEMENT PLAN (P05576/01)		
Proponent	Shire of Serpentine - Jarrahdale	<b>In Brief</b>  The Jarrahdale Heritage Park Management Plan is recommended for adoption by Council.
Officer	Carlie Eldridge – Manager Sustainability Unit	
Signatures - Author:		
Senior Officer:		
Date of Report	10 October 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

### **Background**

The final draft of the Jarrahdale Heritage Park Management Plan has been received and is recommended for adoption. The first draft was reviewed by both the management committee and shire staff against the brief requirements in February 2003 and the comments were discussed with the consultants to be incorporated into the final draft. The final draft addressing those outstanding issues was received in September.

### **Comments**

#### **Management Plan**

The final draft has been reviewed by staff and considered at the JHP management committee meeting in October and the following comments have been collated.

The final draft has been provided to Councillors on a separate CD and will be placed in the Corporate Library.

Comments relating to whether the draft meets the requirements of the brief are summarised in the table below:

**Table 1: Brief Requirements**

Deliverable	Completed	Comments
<b>4.1 Review relevant literature and data</b>	✓	
1. Carry out a review of relevant planning reports, historical information and other data relevant to the Heritage park and the Jarrahdale area.	✓	
2. Establish the statutory and strategic planning framework guiding the future development of the Heritage Park site.	✗	The statutory and strategic framework guiding future development was not in the final document. Detailed discussions have been had with the consultants on this but they have not been able to complete this.
3. Identify the town planning requirements for attaining the relevant development approvals for the site.	✗	As above
4. Prepare a draft Town Planning Scheme and Metropolitan Region	✓	

Deliverable	Completed	Comments
Scheme amendment to address existing zoning issues over the Park.		
5. Identify the main social, cultural, economic and environmental issues that will need to be addressed in the Concept Plan devised for the site.	✓	
6. Identify the key opportunities and constraints for development of the site.	✓	
<b>4.2 Site Assessment</b>		
Undertake a detailed assessment of the site including a landscape analysis and address any issues relating to the slope of the land, views, the spatial characters of the site and relationships with Goorolong Brook and places of heritage significance.	✓	
<b>4.3 Concept Plan</b>		
Prepare a detailed concept plan for the site. The Plan is to include: suggestions for appropriate site response and relationships for the proposed museum, memorials and displays of Jarrahdale memorabilia;	✓	
Prepare a detailed concept plan for the site. The Plan is to include: preliminary landscape concept design for passive recreation activities, typical streetscape and treatments and linkages between central village elements and surrounding places and buildings of heritage significance;	✗	A basic landscape palette and diagrammatic drawing of path materials was given but there was not a preliminary concept design as per the brief in the final document. Despite detailed discussions with the landscape architects they have not completed this.
Prepare a detailed concept plan for the site. The Plan is to include: priority to pedestrian/cycle movement, including opportunities for heritage trails and linkages with surrounding reservations and the Jarrahdale townsite;	✗	Linkages to the surrounding Jarrahdale movement was not shown in the final document although it was considered in the design.
Prepare a detailed concept plan for the site. The Plan is to include: strong connections with the natural setting, including topography, vegetation and the river;	✓	
Prepare a detailed concept plan for the site. The Plan is to include: Opportunities for a range of land uses and mixed uses, including residential, the cottage industry, commercial, tourist, recreation and community uses;	✓	
Prepare a detailed concept plan for the site. The Plan is to include: lot size diversity that can accommodate desired architectural styles and traditional built forms which reflect the simplicity of earlier models;	✓	
Prepare a detailed concept plan for the site. The Plan is to include: consideration for alternative energy supplies and use within the Park;	✗	Not discussed at all
Prepare a detailed concept plan for the site. The Plan is to include: preservation of important view corridors and vistas;	✓	
Prepare a detailed concept plan for the site. The Plan is to include:	✓	

Deliverable	Completed	Comments
The treatment of wastewater. Consideration should be given for the possibility of being incorporated into the 'Small Towns Sewer Program' run by the Water Corporation.		
2. Carry out design workshops with major stakeholders. Major stakeholders will include the Shire of Serpentine-Jarrahdale, the National Trust, the Ministry for Planning, the Department of Conservation and Land Management, the Peel Development Commission.	✓	
<b>4.4 Reporting</b>		
1. Prepare a planning report to document the design process, outline the key issues for development of the site and provide justification for the proposed Concept Plan. The report is to also include recommendations for progressing the project to development stage, a staging plan, preparation of detailed subdivision plans, a landscape master Plan and preparing design guidelines and further heritage assessment.	✗	Planning report has been prepared it outlines the elements of the park but it does not document the design process and why the design elements are in the final plan.
<b>4.5 Community Consultation</b>		
Carry out extensive consultation with the community, Council and key stakeholders on the proposal and concept plan.	✓	
<b>4.6 Business Plan</b>		
Provide a Business Plan which includes a recommended staging program, options for funding the implementation of each recommendation and potential sources of revenue. This Business Plan will be need to comply with the requirements of the Local Government Act.	✗	Not completed. This was put on hold till the end of the project and then the project manager left his position and was the only person with the background and knowledge to complete the business plan. The management committee agreed that it would be prepared independently from the management plan.
<b>4.7 Business Plan</b>		
1. Investigation into and reporting on the following areas: vegetation communities fauna surface hydrology groundwater introduced weed species fire dieback water supply drainage management and stormwater disposal aboriginal heritage and culture statutory constraints landscape amenity	✓	

The outstanding areas can be completed as required and they primarily relate to the development of the sustainable village in the residential development area. When the council is ready to develop this land design guidelines with the minimum standard and values the council wants can be integrated to drive and shape the village.

The issues in relation to concept design for the park elements can be developed as each part of the park is designed and constructed. The design palette gives a broad indication of materials colours and style to determine a cohesive park style.

The Jarrahdale Heritage Park Management Committee at its meeting on 9 October 2003 requested that an addendum to the report be prepared outlining the areas that require further development, information and/or strategies and plans.

### Implementation Plan

From the draft management plan the management committee identified that a more detailed implementation plan needed to be prepared that linked the proposed actions in the management plan with the shire budget and forward financial plan and also to determine funding that needed to be attracted. The management committee considered all the actions and elements that need to be undertaken and constructed within the park and workshopped their priorities, these results formed the basis for the implementation plan.

The implementation of the management plan will commence in full swing upon the appointment of the JHP project officer late this year to begin January 2004.

The implementation plan has been prepared and this has been approved by the management committee.

***The final implementation plan is with the attachments marked SM015.1/10/03.***

The committee resolved to recommend to Council that:

- i) an addendum of outstanding actions be prepared; and
- ii) the implementation plan (with some modifications which have been made to the version attached to this item) and final draft management plan be adopted by Council

### Single Men's Quarters

The management committee discussed the opportunities for the single men's quarters in relation to the overall vision for the heritage park as a tourist destination and opportunity for economic development in the tourism area. The need for short term "backpacker" style accommodation has been identified especially with the Mundi Biddi bike trail going through Jarrahdale. The single men's quarters provide council with the opportunity to have "backpacker" style accommodation through the upgrade of the existing facilities. The committee decided an expression of interest would be the best way to determine the level of interest in upgrading and managing the single men's quarters as basic short stay accommodation on a lease from the Council.

Council staff will need to ensure that the current tenant at the single mens quarters is consulted throughout the expression of interest process.

### Sustainability Statement

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

The JHP management plan outlines the elements within the park and is based on best practice environmental management. The park aims to improve the environmental value of the park through weed removal and maintenance and also brook management.

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

The development of the park aims to use much of the existing natural resources as tourist attractions and to develop minimalistic structures integrated within the park which use resources responsibly.

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

The project aims to use natural resources in the design and construction where possible and to engage local people in the park development.

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

The project will be an ongoing cost to council in development and maintenance but will have financial benefits in regards to tourism and the employment and community benefits of this.

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

This project is aimed to be socially and environmentally responsible and to engage the community in its development.

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

No

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

The project could provide employment opportunities in the development and ongoing work in the park and also provides employment and economic benefits through opportunities for businesses to develop in the park and also in the area to support the park and users.

**Statutory Environment:**

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

**Policy Implications:**

No policy implications

**Financial Implications:**

Implementation plan outlines the financial implications of the implementation of the Jarrahdale heritage Park Management Plan

**Strategic Implications:**

**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:

- 2 Develop compatible mixed uses and local employment opportunities in neighbourhoods.
- 4 Foster a strong sense of community, place and belonging.
- 5 Protect built and natural heritage for economic and cultural benefits.

*Objective 3: High level of social commitment*

Strategies:



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

## **2 Environment**

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

Strategies:

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

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

Strategies:

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

## **3 Economic**

*Objective 1: A vibrant local community*

Strategies:

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

*Objective 3: Effective management of Shire growth*

Strategies:

- 1 Enhance economic futures for Shire communities.

## **4 Governance**

*Objective 1: An effective continuous improvement program*

Strategies:

- 1 Identify and implement best practice in all areas of operation.
- 2 Promote best practice through demonstration and innovation.
- 4 Balance resource allocation to support sustainable outcomes.
- 5 Harness community resources to build social capital within the Shire.

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

Strategies

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

*Objective 3: Compliance to necessary legislation*

Strategies:

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

**Community Consultation:**

Community Consultation was undertaken in the preparation of the management plan and will be undertaken by the JHP project officer throughout the project

**Voting Requirements:**

Normal

**Officer Recommended Resolution**

1. Council endorses the final draft of the Jarrahdale Heritage Park Management Plan.
2. Council endorses the Jarrahdale Heritage Park Implementation Plan as per attachment SM015.1/10/03.
3. Council agrees in accordance with the requirements of the Local Government Act, to seek expressions of interest by public advertisement in an Australia wide newspaper/s for suitable operators to provide proposals for Council consideration to lease and operate the single men's quarters as 'backpacker' style accommodation for a period of five years with a further option of five years.

**CRSM015 COUNCIL DECISION/Committee Recommended Resolution**

**Moved Cr Price seconded Cr Star**

1. Council endorses the final draft of the Jarrahdale Heritage Park Management Plan.
2. Council endorses the Jarrahdale Heritage Park Implementation Plan as per attachment SM015.1/10/03 with amendments:-
  - Reference is made to the natural spring located near the Brook in the background of the Plan
  - The expertise of the Jarrahdale Heritage Society is referenced with respect to development of the walk trails
  - Limestone is not to be used in the carparks as a final finish
  - In the area known as the "Ford" weed removal is to be included as a "High Priority" project (note this also in 4.5.3 - Weed Removal)
  - The requirement to consider the aboriginal heritage referenced in the management plan for the bridge over Gooralong Brook is investigated when implementing the Plan
3. Council agrees in accordance with the requirements of the Local Government Act, to seek expressions of interest by public advertisement in an Australia wide newspaper/s for suitable operators to provide proposals for Council consideration to lease and operate the single men's quarters as 'backpacker' style accommodation for a period of five years with a further option of five years.

**CARRIED 9/0**

Committee Note: The Officer Recommended Resolution was changed to reflect several amendments required by members of the Committee to be included into the final draft of the Jarrahdale Heritage Park Management Plan.

SM016/10/03 ANNUAL REPORT 2002/2003 (A0006)		
Proponent	Local Government Act 1995	<b>In Brief</b>  To approve the Annual Report wording for 2002/2003 so the document may be printed for distribution in time for the Annual Electors meeting.
Officer	G R Dougall – Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	13 October 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

### **Background**

In accordance with section 5.53 of the Local Government Act 1995 (the Act) local governments are to prepare an annual report for each financial year. This annual report is to contain;

1. A report from the mayor or president.
2. A report from the Chief Executive Officer (CEO)
3. A report of the principal activities commenced or continued during the financial year.
4. An assessment of the local government's performance in relation to each principal activity.
5. An overview of the principal activities that are proposed to commence or to continue in the next financial year.
6. The financial report for the financial year.
7. The auditor's report for the financial year.

The Shire of Serpentine Jarrahdale Work Procedure CSWP2 provides that "Annual meetings of electors are to be held on the first Wednesday in December each year in Mundijong, commencing at 7:00pm."

### **Comments**

***Provided as attachment SM016.1/10/03 is a copy of the final draft Annual Report wording to be presented to the Electors Meeting.***

This report contains information required under the Act and Regulations and general information on the projects and activities undertaken by Council over the past year, along with a brief introduction to some of the projects being undertaken in this current year. Any comments Councillors have in relation to this document can be addressed at the Strategic Management Committee. It is intended to have this document printed in early November to ensure it is available for public distribution two weeks before the Electors meeting.

The Strategic Management Committee has the function of the audit committee for Council. Therefore this committee will recommend adoption of the Annual Report to Council when it is completed. The auditors, Grant Thornton, are due to undertake the audit of Council's financial statements in early November which will allow sign off of the report including the financial statements in November. This sign off will not allow enough time to print the report though and therefore it is necessary to finalise the wording for the Council report this month, and these have been presented in the final draft copy of the report provided in the attachments. The financial statements will be an attachment to the report that will be printed separately in-house once completed.

It is anticipated that representatives from Grant Thornton will attend the November Strategic Management Committee to discuss issues relating to the financial statements with councillors.

**Statutory Environment:** Local Government Act 1995

**Policy Implications:** No policy implications

**Financial Implications:** As per report

**Strategic Implications:** **4 Governance**  
*Objective 1: An effective continuous improvement program*  
**Strategies:**  
1. Comply with State and Federal policies and Legislation and the Local Government Act in the most cost-effective way.

**Community Consultation:** 1. In accordance with the Local Government Act 1995  
2. Community satisfaction survey currently being undertaken for Council by Australian Marketing Intelligence.

**Voting Requirements:** Normal

**CRSM016 COUNCIL DECISION/Committee/Officer Recommended Resolution**

**Moved Cr Richards seconded Cr Price**

1. **Printing of the Serpentine Jarrahdale Shire Annual Report for the period ended 30 June 2003 is to be undertaken based on the draft document included at Attachment SM016.1/10/03 and information taken from the community satisfaction survey currently being completed.**
2. **The completed Annual Report for the period ending 30 June 2003 be presented to the November meeting for adoption.**

**CARRIED 9/0**

SM017/10/03 SERPENTINE JARRAHDAL HIGH SCHOOL PROPOSAL UPDATE (A1118)		
Proponent	D E Price	<b>In Brief</b>  Provide Council with an update on work being undertaken to establish a high school in the Shire.  Confirm Council delegates to work with the Serpentine Anglican Church and High School Working Group on the concept of a "Community School".
Officer	D E Price - Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	13 October 2003	
Previously	SM043.11/02/03 SM050/04/03 CEO's Report OCM 23 June 2003	
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

**Background**

The High School Feasibility Study undertaken by Tungsten was completed in December 2002, confirming a high level of support locally for a potential High School and estimated that the most feasible facility was conversion of the current Shire building, due to the proximity of the existing facility.

In early 2003, the Serpentine Jarrahdale Shire Chief Executive Officer (CEO) has been working with the Anglican Schools Committee (ASC) to review the findings of the Tungsten

Report. The ASC has assessed that there is too much potential risk of losing student numbers at their existing schools and negatively impacting on feasibility at those schools so unfortunately has decided not to proceed.

Following this decision by the ASC, the following was resolved by Council after considering the CEO's report presented at the meeting on the 23 June 2003:

**“COUNCIL DECISION/Committee Recommended Resolution**

*Moved Cr Star seconded Cr Price that*

- 1. Council representatives seek a meeting with local MP's and the Minister for Education, to put the Tungsten recommendations to the State in view of the reported rethinking of the future of the Armadale High School.*
- 2. Council remains positive and open to approaches by other providers of a secondary school provided any such proposal is based on the Tungsten report and Council's resolved position on a high school in the Shire agreed at the April 2003 Council Meeting.*

*CARRIED 8/0”*

**Comments**

While disappointing, the ASC justification for the decision underlines the potential of commencing a school in Serpentine Jarrahdale and this provided impetus for Council to respond to this news in the positive way they did in June 2003 and to remain positive and open to approaches by other providers of a secondary school provided any such proposal is based on the Tungsten report and Council's resolved position on a high school in the Shire agreed at the April 2003 Council Meeting.

Other options have emerged since June 2003. One is the capacity to offer the Department of Education a cost-effective method of commencing a new high school that requires a far lower investment cost for the community-based model than for a standard greenfield site (approximately \$6.5m compared with \$15-18m). In addition, the Department of Planning and Infrastructure (School Transport Services) has calculated that a high school in Mundijong potentially could save approximately \$65,000 per year in student transportation costs.

An alternative possibility that has arisen is interest from several investors to support a high school with adjacent residential facilities for overseas students. This concept could be explored either as a private school or as a partnership with Department of Education and Training so that overseas students would increase the potential of cost-effective schooling for the Department. The residential facilities could be established as a separate initiative by the investors. This concept is only at a discussion stage, and whilst the level of interest is always good, investors have been seeking more information on what “return on investment” would be obtainable. This is information which the shire is not currently able to provide and requires further consultancy work, if it is to be determined.

Council representatives have met with Martin Whitely MLA on several occasions to develop a briefing paper for the State Government summarising the opportunities for the High School and requesting support to develop the ideas further. Mr Whitely has now agreed to take the matter to the relevant Ministers in order to engage their interest on this opportunity, which as part of the Council's decision in June 2003.

Another option which has emerged and is being progressed by the local Serpentine Anglican Parish, is the possibility of a “community” high school. Local representatives from this group (Mr Ken Court and Mr Robert Leighton) have met with Cr Simpson (Council's representative on the High School Working Group) and the Chief Executive Officer to discuss the concept.

The community high school proposal is based along the lines of the Geraldton Grammar School and they are keen to engage representatives from the high school working group and

Council. An invitation will be formalised by way of written advice, however, at the time of preparing this item this had not been received but if it is received before the Strategic Management Committee meeting, a copy will be taken to the meeting.

The following information has been taken from the Geraldton Grammar School web site:

*“The Geraldton Grammar School evolved after it was recognised that there was need for a new committed and independent approach to education, a group of motivated community members first met in 1992 to discuss the creation of a new school. Under the patronage of the Mid West Development Authority a feasibility study was conducted indicating considerable support for the concept of Geraldton Grammar School.*

*An establishment committee lobbied for government funding and their persistence paid off with the school opening its doors in 1996 in rented accommodation and an initial enrolment of 56 students.”*

The Serpentine Parish “Community School” concept is being progressed along similar lines recommended in the Tungsten Feasibility Report, and is based on the use of the Council facilities and administration building in Mundijong being used as the first stage of the high school.

It is proposed that following Council receiving this information and the commencement of the final school term in 2003, that a high school working group meeting be held to discuss this report. It is further suggested that to ensure that Council remains informed of the Serpentine Anglican Parish “Community” High School proposal, Cr Simpson and the Chief Executive Officer, or his nominee, be nominated as Council representatives.

To try and encapsulate all of the issues which are now arising through the ongoing work toward achieving a high school, a submission has been made to the Regional Development Scheme for \$10,000 funding to progress the detailed work necessary for a viable business plan that can be used to firm up the educational and operational requirements. This business plan, if funded, will also include consideration if it would be viable for Council to facilitate a Community based school, possibly owned and operated by Council or the Community, on behalf of the community. It is thought that a business plan will complement the work done to date. This information will be able to be used in a number ways to assess the most appropriate way forward.

**Sustainability Statement**

Refer to Council Decision SM050/04/03

**Statutory Environment:**

Local Government Act 1995

**Policy Implications:**

No Policy Implications are known

**Financial Implications:**

1. Refer to Council Decision SM050/04/03
2. Council support may be requested by the Serpentine Anglican Parish if legal advice is required to be obtained to establish a draft Constitution and Rules for a “community” high school, however no specific funds have been allocated in the 2003-2004 budget for this purpose.
3. The Regional Development Scheme application for \$10,000 funding to progress the detailed work necessary for a viable business plan that can be used to firm up the educational and operational requirements, has shown a Council contribution of \$2,000, which if successful will

be taken from account MOC 530 Economic Development

**Strategic Implications:**

Councils 2003 Strategic Plan states the following:

**1. People and Communities**

- 1.2 Develop good services for health and well being  
– Increase educational and skill development facilities and opportunities.

Councils Employment and Economic Development Strategy (2002-2007) states under “Stimulate Employment, Education and Training Opportunities” b) Ensure State Government establishes a Private or Government High School in the Shire to meet the growing population needs – 1.) Achieve a High School in the Shire within the next five (5) years.

**Community Consultation:**

This report will be referred to the High School Working Group.

**Voting Requirements:**

Normal

**Officer Recommended Resolution**

1. Council notes the high school proposal update and requests that it is distributed to all members of the High School Working Group for discussion at their next meeting.
2. Council accepts the invitation to work with the Serpentine Anglican Parish on the concept of establishing a “Community” high school in accordance with the Council decision of 23 June 2003 and nominates Cr Simpson and the Chief Executive Officer or his nominee to represent Council.
3. Council invites two representatives from the Serpentine Anglican Parish to participate on the high school working group.

**CRSM017 COUNCIL DECISION/Committee Recommended Resolution**

**Moved Cr Hoyer seconded Cr Simpson**

1. Council notes the high school proposal update and requests that it is distributed to all members of the High School Working Group for discussion at their next meeting.
2. Council accepts the invitation to work with the Serpentine Anglican Parish on the concept of establishing a “Community” high school in accordance with the Council decision of 23 June 2003 and nominates Cr Simpson and the Chief Executive Officer or his nominee to represent Council.
3. Council invites two representatives from the Serpentine Anglican Parish to participate on the high school working group.
4. Council accepts the nomination of Councillor Price as a member of the High School Working Group.

**CARRIED 9/0**

Committee Note: The Officer Recommended Resolution was changed to accept Councillor Price nominating himself as a member of the High School Working Group as he is the Councillor that resides in Mundijong.

SM018/10/03 INFORMATION REPORT		
Proponent	Chief Executive Officer	<b>In Brief</b>  Information Report.
Officer	D E Price – Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	1 October 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

SM018.1/10/03      COMMON SEAL REGISTER REPORT – SEPTEMBER, 2003  
(A1128)

***The Common Seal Register Report for the month of September 2003 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the attachments marked SM018.1/10/03.***

SM018.2/10/03      WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION  
STATE COUNCIL MINUTES 6 AUGUST 2003 (A1164)

***The WALGA State Council Minutes of the meeting held on 6th August 2003 are in the attachments marked SM018.2/10/03.***

SM018.3/10/03      ADVICE TO GOVERNMENT ON STRATEGIC PRIORITIES  
(A0108-02)

The Federal Member for Canning, Mr Don Randall contacted the Chief Executive Officer several months ago seeking a priority list of major projects Council would like to progress in the next five (5) years. The selected strategic priorities below were provided to Mr Randall following reference to the 2003 Strategic Plan.

1. Jarrahdale Heritage Park
2. Study on ageing population and future needs
3. Community on-line innovation neighbourhood project
4. Co-located emergency services
5. Transformation of drains into living streams - a pilot project
6. Sustainability indicators

***A copy of the briefing notes relevant to these projects are attached at SM018.3.1/10/03.***

Mr Randall's office has since contacted the Chief Executive Officer to obtain a second list of projects which Council would like considered, but requiring lesser funds. The following list of projects relevant to Commonwealth policies requiring minor funding have been provided to Mr Randall, also following reference to the 2003 Strategic Plan:

1. Study on ageing population and future needs
2. Jarrahdale Heritage Park Walk trails
3. Secondary High School business plan
4. Sustainability Indicators
5. Community Health and Wellbeing Shared Facility

***A copy of the briefing notes relevant to these projects are attached at SM018.3.2/10/03.***



The Chief Executive Officer of the Peel Development Commission, Ms Maree De Lacey has also requested a list of Councils priorities that we would like the Peel Development Commission to be aware of. The following list of priorities relevant to State Government policies have been provided to Ms De Lacey following reference to the 2003 Strategic Plan:

1. Tonkin Highway extension
2. Study on Ageing Population and Future Needs
3. Byford Urban Development
4. Jarrahdale Heritage Park
5. High School
6. Extension of Electrified Rail Service to Byford.

***A copy of the briefing notes relevant to these projects are attached at SM018.3.3/10/03.***

SM018.4/10/03      WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION –  
SOUTH EAST METRO ZONE MINUTES – SEPTEMBER, 2003  
(A1164)

***The Minutes of the South East Metropolitan Zone Meeting held on 24th September 2003 are in the attachments marked SM018.4/10/03.***

SM018.5/10/03      WESTERN AUSTRALIAN LOCAL GOVERNMENT PEEL ZONE  
MEETING MINUTES – SEPTEMBER 2003 (A1164)

***The Minutes of the Peel Zone Meeting held on 25<sup>th</sup> September 2003 at in the attachments marked SM018.5/10/03.***

SM018.6/10/03      WESTERN AUSTRALIAN LOCAL GOVERNMENT STATE COUNCIL  
SUMMARY MINUTES – OCTOBER 2003 (A1164)

***The Summary Minutes of the State Council Meeting held on 1<sup>st</sup> October 2003 are in the attachments marked SM018.6/10/03.***

SM018.7/10/03      WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION  
CEO'S REPORT TO STATE COUNCIL OCTOBER 2003 (A0163-06)

***The WALGA Chief Executive Officers Report to State Council in October 2003 is in the attachments marked SM018.7/10/03.***

SM018.8/10/03      CO-LOCATION OF EMERGENCY SERVICES FACILITY IN THE  
SHIRE (A0189/04)

The 2003-2004 budget provides funds (\$15,000) to undertake a feasibility report on behalf of the Serpentine Jarrahdale Shire Council (Council) Fire and Emergency Services Authority (FESA) and the Western Australian Police Service (WAPS) on a future Co-located emergency services facility to be located at Mundijong. Tungsten have been appointed to undertake this review following requests for quotations being advertised in the West Australian for the quoted sum of \$14250 (GST inc)

The outcome that is being sought from this feasibility study is to identify suitable and relevant emergency service agencies (stakeholders) that are prepared to equitably partner with Council to establish a co-located emergency services facility in Mundijong, which will meet the needs of this and surrounding communities for the next twenty (20) years.

It is intended that this feasibility study final report will identify which agencies are interested in pursuing the concept of a co-located facility, where such a facility should be located, when

such a facility can realistically be developed and funded, and how all of the identified stakeholders may be able to facilitate the raising of funds to achieve it.

The final report will also include an agreed concept plan which has been developed in consultation with the stakeholders, can realistically be funded and located on a suitable site in accordance with the normal statutory requirements that would ordinarily be required for such a project.

SM018.9/10/03      PEEL ECONOMIC DEVELOPMENT UNIT MINUTES – MAY 2003  
(A0839-06)

*The Minutes of the Peel Economic Development Unit Working Group Meeting held on 1 May 2003 are in the attachments marked SM018.9/10/03.*

SM018.10/10/03      VISIT BY MINISTER FOR PEEL TO LOCAL AUTHORITIES IN THE  
REGION (A0108-02)

The Peel Development Commission have invited the Minister for Peel, the Hon Bob Kucera to visit local authorities in the region. The Minister has confirmed that he would be delighted to visit the Serpentine Jarrahdale Shire on 4th November 2003.

The following itinerary is suggested:

9.00am      Depart Perth for Serpentine-Jarrahdale  
9.30am      Meeting with Serpentine Jarrahdale Shire

Welcome and introduction to Council and staff followed by presentation to the Minister on;

1.      Overview of Shire
2.      Regional commitment
3.      Key strategic priorities
4.      Questions

10.20am      Suggested visit to Millbrook Winery for morning tea @ 10:30am with  
Councillors and invited guests  
11.00am      Tour of "Jarrahdale Heritage Park"  
11.30am      Depart for Dwellingup

#### **CRSM018 Committee/Officer Recommended Resolution**

The Information Report to 15 October 2003 be received.

#### **COUNCIL DECISION**

**Moved Cr Star seconded Cr Price**

- 1.      The Information Report to 15 October 2003 be received.**
- 2.      That the Peel Development Commission be advised/provide the submission to the Conservation Commission regarding 11 km radius moratorium on logging around Jarrahdale townsite.**

**CARRIED 9/0**

## 7.5 Planning Development & Environment

B05/10/03 RATIFICATION OF COUNCIL'S LOCAL LAW – FENCES (A0090/02)		
Proponent	Director Sustainable Development	<u>In Brief</u>  Council is requested to ratify amendments to the Local Law – Fences so that the process of having the amendments gazetted may be commenced
Officer	W Chant - Principal Building Surveyor	
Signatures - Author:		
Senior Officer:		
Date of Report	08.10.03	
Previously	B01/07/03, B29/05/02	
Disclosure of Interest		
<b>Delegation</b>	<u>Council</u>	

### Background

Following initial consideration of the amended local law by Council in July 2003, the local law has been revisited and further amendments incorporated. The latest draft is now presented for consideration.

### Comments

The following changes have been incorporated into the draft following comments from Councillors and a further workshop held 18 August 2003:

<b>Proposed Amendment</b>	<b>Comments</b>
Amendment to "Fence" definition	Reference to boundary fence has been removed and the definition will capture a fence regardless of its proximity to a boundary. Swimming pool enclosure fences have been excluded from this definition as they are required to comply with a specific Australian Standard.
Amendment to the "Residential Zone" definition	This definition has been amended to provide for lots up to 2000m <sup>2</sup> within the urban development zone.
Insertion of new Clause 7 – Fences in a Commercial Zone	This clause has been inserted in anticipation of land identified as commercial under the Byford Structure Plan.
Clauses 15 to 19	Clauses added to facilitate the serving of notices for offences under this Local Law

A full version of the proposed local law incorporating amendments highlighted in Times New Roman font follows:

## **LOCAL GOVERNMENT ACT 1995**

### **SHIRE OF SERPENTINE-JARRAHDAL LOCAL LAW: FENCES**

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the Shire of Serpentine-Jarrahdale hereby records having resolved on the 28 April 1997 to make the following Local Law:

1 This Local Law will come into operation on the fourteenth day after the day on which it is published in the Government Gazette.

## **2      INTERPRETATION**

In this Local Law unless the context otherwise requires:

“*Act*” means the Local Government Act 1995;

“*Australian Standard*” means a current Australian Standard published by the Standards Association of Australia;

“*Authorised Officer*” means an officer of the local government authorised by the Council to exercise powers and functions in this Local Law;

“*Building Line*” means a line which is representative of the forward most alignment that a building is situated, in relation to the front setback requirements;

“*Building Setback*” means the shortest horizontal distance between a boundary or other specified point and the position at which a building may be erected;

“*Cattle*” has the meaning given to it in the Local Government (Miscellaneous Provisions) Act 1960;

“*Commercial Zone*” means any portion of the district zoned commercial under a Town Planning Scheme;

“*Council*” means the Council of the Shire of Serpentine-Jarrahdale;

“*Dangerous*” in relation to a fence includes:

- (a) an electrified fence;
- (b) a fence constructed in whole or in part of barbed wire, other than a fence erected and maintained in accordance with this Local Law;
- (c) a fence containing exposed broken glass, asbestos fibre or any other harmful or hazardous projection or material, and
- (d) a fence which has become dangerous through lack of maintenance or repair;

“*District*” means the district of the local government of the Shire of Serpentine-Jarrahdale pursuant to the Local Government Act 1995;

“*Dividing Fence*” means a fence that separates the lands of different owners whether the fence is on the common boundary of adjoining lands or on a line other than the common boundary;

“*Fence*” includes any structure, including a retaining wall, used or functioning as a barrier, irrespective of where it is located and includes any gate, but does not include a swimming pool safety enclosure;

“*Frontage*” means the boundary line between a lot and the thoroughfare upon which that lot abuts;

“*Height*” in relation to a fence means the vertical distance between:

- (a) the top of the fence at any point; and
- (b) the ground level or, where the ground levels on each side of the fence are not the same, the higher ground level, immediately below that point;

- (c) where there is any dispute as to the ground level for the purposes of calculating “Height” a determination of the Principal Building Surveyor of the Shire shall be conclusive.

“*Industrial Zone*” means any portion of the district classified within the Industry-General, Industry-Hazardous, Industry-Light, Industry-Noxious, Industry-Service, and Industry-Rural Zones in a town planning scheme;

“*Licence*” has the meaning given to it in Part XV of the Local Government (Miscellaneous Provisions) Act 1960;

“*Lot*” has the meaning given to it in the Town Planning and Development Act 1928;

“*Miscellaneous Provisions Act*” means the Local Government (Miscellaneous Provisions) Act 1960;

“*Principal Building Surveyor*” means the Principal Building Surveyor of the Shire of Serpentine-Jarrahdale;

“*Residential Zone*” means any portion of the district classified within the Residential Zone, Special Residential Zone and land parcels of 2000 square metres or less in the Urban Development Zone in a Town Planning Scheme;

“*Retaining Wall*” means any structure which prevents the movement of soil in order to allow ground levels of differing elevations to exist adjacent to one another;

“*Rural Zone*” includes all land zoned Rural, Farmlet, Conservation and Agricultural Protection under a Town Planning Scheme;

“*Setback*” means the horizontal distance between a wall at any point and the adjacent lot boundary measured at right angles (90°) to the wall;

“*Shire*” means the local government of the Shire of Serpentine-Jarrahdale;

“*Special Rural Zone*” means land classified within the Rural Living A, Rural Living B, Special Rural zones and land parcels in excess of 2000 square metres in the Urban Development Zone under a Town Planning Scheme;

“*Swimming Pool Safety Enclosure*” means an enclosure that satisfies the requirements of Part VIII of the Local Government (Miscellaneous Provisions) Act 1960;

“*Town Planning Scheme*” means a scheme in force within the district of the Shire of Serpentine-Jarrahdale pursuant to the Town Planning and Development Act 1928;

“*Visually Permeable*” means that the vertical surface of a wall, gate or fence has continuous vertical gaps of at least 50mm width occupying not less than one third of its face in aggregate of the entire surface or where narrower than 50mm, occupy at least one half of the face in aggregate, as viewed directly from the street; or a surface offering equal or lesser obstruction to view;

Any other expression used in this Local Law and not defined herein shall have the meaning given to it in the Local Government Act 1995 or the Local Government (Miscellaneous Provisions) Act 1960 unless the context requires otherwise.

### **3 FENCES IN A RESIDENTIAL ZONE**

3.1 No person shall, unless they have first sought and obtained a licence from the Council, erect or commence to erect in a Residential Zone:

- (a) a dividing fence higher than 1.8 metres on or near a boundary behind the front setback; or
- (b) higher than 1.0 metres within the front setback.

3.2 Notwithstanding any other provision in this Local Law a fence may not be constructed of corrugated fibre reinforced compressed cement sheeting in the front setback.

3.3 Notwithstanding clause 3.1 Council may grant a licence to erect a fence exceeding 1.0 metres but not exceeding 1.8 metres within the front setback subject to the following:

- (a) the fence shall be constructed of brick or masonry or some other material approved by Council; and

where a fence abuts a driveway or cross-over into a lot the fence across the front boundary shall be angled into that lot for a distance of not less than 1.5 metres along the frontage to a distance of not less than 1.5 metres from the frontage, in accordance with the diagram set out in the Fourth Schedule; and

any fence constructed within the primary street setback area is to be visually permeable 1.2m above natural ground level.

### **4 FENCES IN A SPECIAL RURAL ZONE**

No person shall:

- (a) erect or commence to erect a fence in a Special Rural Zone without first having obtained a licence from Council; unless the fence is erected and maintained in accordance with the Third Schedule; and

otherwise than in accordance with the requirements in a town planning scheme.

### **5 FENCES IN A RURAL ZONE**

No person shall:

- (a) erect or commence to erect a fence in a Rural Zone without first having obtained a licence from Council; unless the fence is erected and maintained in accordance with the Fifth Schedule; and
- (b) otherwise than in accordance with the requirements in a town planning scheme.

### **6 FENCES IN AN INDUSTRIAL ZONE**

No person shall, without first having obtained a licence erect or commence to erect a fence in an Industrial Zone; **unless the fence is erected and maintained in accordance with the Second Schedule.**

## **7 FENCES IN A COMMERCIAL ZONE**

No person shall, without first having obtained a licence erect or commence to erect a fence in a Commercial Zone; unless the fence is erected and maintained in accordance with the Second Schedule, and the fence is erected behind the building line on the property.

## **8 SUFFICIENT FENCE**

The following shall, if constructed in accordance with this Local Law be a “sufficient fence” for the purposes of the Dividing Fences Act 1961:

- (a) In a Residential Zone a dividing fence constructed and maintained in accordance with the specification and requirements set out in the First Schedule.
- (b) In an Industrial or Commercial Zone a dividing fence constructed and maintained in accordance with the specification and requirements set out in the Second Schedule.
- (c) In a Special Rural Zone a dividing fence constructed and maintained in accordance with the specification and requirements set out in the Third Schedule.
- (d) In a Rural Zone a dividing fence constructed and maintained in accordance with the specification and requirements set out in the Fifth Schedule.

## **9 APPLICATION FOR APPROVAL**

- 9.1 No person shall erect or commence to erect a fence including a retaining wall that does not comply with the relevant schedule applicable to that zone on or near a lot boundary without having first submitted to Council an application for a licence pursuant to the provisions of the Building Regulations 1989 accompanied by a plan and specifications and payment of the application fee specified by those Regulations.
- 9.2 Council may grant an application for a licence with or without conditions which may include:
  - (a) where a retaining wall is approved, the construction of that retaining wall shall be completed prior to any other development commencing on the land;
  - (b) if an applicant seeks approval for the use of barbed wire, that barbed wire shall not be installed in any fence below a height of 1.8 metres.

## **10 FENCES SHALL NOT IMPEDE WATER MOVEMENT**

No person shall erect or commence to erect a fence of impervious material in any location where it may or is likely to act as a barrier to or restrict in any way whatsoever the normal flow of stormwater, floodwater or a water course in on or over any land.

## **11 FENCES SHALL NOT BE CONSTRUCTED OF BRUSHWOOD**

No person shall erect or commence to erect a fence of brushwood material due to the fire hazard of such material.

## **12 MAINTENANCE OF FENCES**

- 12.1 An owner or occupier of land on which a dividing fence is erected shall maintain the fence in good condition and in accordance with the relevant Schedule and so as to prevent it from falling into disrepair.

- 12.2 Where in the opinion of an authorised officer a fence is in a state of disrepair or is otherwise in breach of a provision of this Local Law the authorised officer may give notice in writing to the owner or occupier of the land upon which the fence is erected requiring the owner or occupier to modify, repair, paint or maintain the fence within the time specified in the Notice.
- 12.3 Where an owner or occupier of land who has been given notice under subsection (2) fails to comply with the requirements of the notice an authorised officer, subject to compliance with the relevant provisions of the Act, enter the land with or without contractors and assistants and carry out the works specified in the notice and recover the costs and expenses incurred by it in so doing from the owner or occupier of the land in a Court of competent jurisdiction.
- 12.4 An owner or occupier who fails to comply with the notice issued under subsection (2) commits an offence.

### **13 GENERAL DISCRETION OF THE COUNCIL**

- 13.1 The Council may consent to the erection or retention of a fence which does not comply with one or more of the requirements of this Local Law.
- 13.2 In determining whether to grant its consent for the erection or retention of a fence Council may consider, in addition to any other matter that it is authorised to consider, whether the erection or retention of the fence might have an adverse effect on:
- (a) the safety, convenience or use of any land;
  - (b) the safety or convenience of any person;
  - (c) the orderly and proper planning of the locality; and
  - (d) the amenity of the locality.
- 13.3 In exercising its discretion Council shall not approve a fence in the Rural Zone which is not visually permeable.

### **14 ELECTRIFIED FENCES**

- 14.1 No person shall erect or maintain an electrified fence within a Residential Zone.
- 14.2 No person shall erect or operate an electrified fence unless the fence first complies with AS/NZS 3014:2003.
- 14.3 If Council forms the opinion that the presence or operation of an electrified fence is prejudicial to the safety or amenity of a locality Council may by notice in writing request the removal of an electrified fence. Any person who receives a notification shall remove the fence within the time specified in the notice. A person failing to remove a fence within the time specified commits an offence.

### **15 OBJECT OF THIS LOCAL LAW**

The object and purpose of this Local Law is to ensure owners or occupiers of any land, vacant or otherwise within the district, erect, install and maintain boundary and internal fencing to a standard so as to achieve a specific purpose, maintain the aesthetic value and amenity of the community and to comply with specific standards as prescribed within the context of this Local Law and other standards as specified.



## **16 NOTICES**

If there is on any land, vacant or otherwise within the district, a fence or fencing which does not comply or is in breach of this Local Law, an authorized person may issue and serve a notice signed by the Chief Executive Officer:

- 16.1 requiring the owner or occupier to:
  - (a) renew, alter, repair, upgrade or maintain a fence or any portion of a fence as to comply with this Local Law or intent of the Local Law,
  - (b) install or erect a fence or any portion of a fence,
  - (c) remove a fence or any portion of a fence,
  - (d) carry out any other works to achieve the object of the Local Law.
- 16.2 advise the owner or occupier that they have 28 days in which to lodge a notice of objection with the Chief Executive Officer of the Local Government.
- 16.3 advise the owner or occupier that the failure to comply with the notice may result in Court action proceeding without further notice.
- 16.4 advise the owner or occupier that failure to comply with a notice may result in the Local Government carrying out the work set out in the notice, the costs of which will be recovered from the owner or occupier of the Land.

## **17 OBJECTION BY OWNER OR OCCUPIER**

The owner or occupier of Land having been served with notice under this Local Law is deemed to be an affected person under the Act, and may within 28 days of being served with a notice, lodge a notice of objection, in writing, addressed to the Chief Executive Officer.

(Part 9 Division 1 of the Act)

## **18 PENALTIES – BREACH FOR FAILURE TO COMPLY WITH A NOTICE**

An owner or occupier, having been served with a notice, who fails to comply with the terms of the notice within the prescribed time, commits an offence.

Penalty –

- (a) \$5,000; and
- (b) a daily penalty of \$500.00

## **19 ENTRY AND EFFECTING THE WORKS AND PROVISIONS OF THE NOTICE**

Where an owner or occupier fails to comply with the terms of a notice, and refuses to give the Local Government written permission to enter onto the Land to carry out the work specified in the notice, the Local Government may, at the time of conviction for a breach of this Local Law make application to the Court for:

- (a) a Warrant to enter onto the Land to carry out the work specified in the notice; (Section 3.33 of the Act) and,
- (b) an order that the works specified by the Notice are undertaken and completed by the Local Authority and the costs to carry out the required works be prescribed as a debt due from the owner or occupier of the land.

Section 7(a)

First Schedule  
**SUFFICIENT FENCES IN A RESIDENTIAL ZONE**

**1      SUFFICIENT FENCE**

- A      The following is a “*sufficient fence*” in a Residential Zone for side and rear boundaries (excluding land within the Special Residential Zone and land coded R5).

EITHER A fence constructed of corrugated fibre reinforced pressed cement sheeting which satisfies the following specifications:-

- (1)      A minimum in-ground depth of 25% of the total length of the total depth of the sheet.
- (2)      The total height and depth of the fence to consist of a single continuous fibre reinforced cement sheet.
- (3)      All sheets to be lapped and capped with extruded “*snap-fit*” type capping.

OR an equivalent steel fence.

- B      The following is a “*sufficient fence*” in the Special Residential Zone and on land coded R5.

Fencing on a lot boundary shall be constructed of post and rail or post and wire unless otherwise approved by the Council and shall notwithstanding the previous provision be in accordance with Council’s Town Planning Scheme.

**2      OTHER PROVISIONS**

The erection or maintaining of barbed wire on fencing within a Residential Zone is prohibited.

Council may permit within a Residential Zone fences constructed of brick, masonry, stone, timber, metal sheeting, wrought iron, link mesh, post and rail, concrete subject to an application being made to Council for a Licence. Any such application shall be accompanied by specifications as determined by the Principal Building Surveyor. Such specifications should demonstrate that the fence will be of an acceptable quality and appearance and be capable of being properly maintained.

Section 7(b)

Second Schedule  
**SPECIFICATIONS FOR A SUFFICIENT FENCE IN AN INDUSTRIAL AND  
COMMERCIAL ZONE**

The following is a “*sufficient fence*” in an Industrial and Commercial Zone:-

- 1 A fence constructed of 50mm steel mesh.
- 2 The mesh is to be a height of 1800mm on top of which are to be three strands of barbed wire carrying the fence to a height of 2100mm.
- 3 The fence is to be supported by steel galvanised pipe posts:-
  - (a) 2700mm in length;
  - (b) having a nominal bore of 40mm and an outside diameter of 48mm;
  - (c) spaced at 4000mm centres;
  - (d) sunk 600mm into the ground and encased in concrete having a diameter of 150mm; and
  - (e) terminal posts are to be braced in the line of the fence with diagonal pipe braces having nominal bore of 50mm and an outside diameter of 60mm.
- 4 There should be a centre and bottom high tensile galvanised steel wire 3.15 in diameter and double twisted.

Section 7(c)

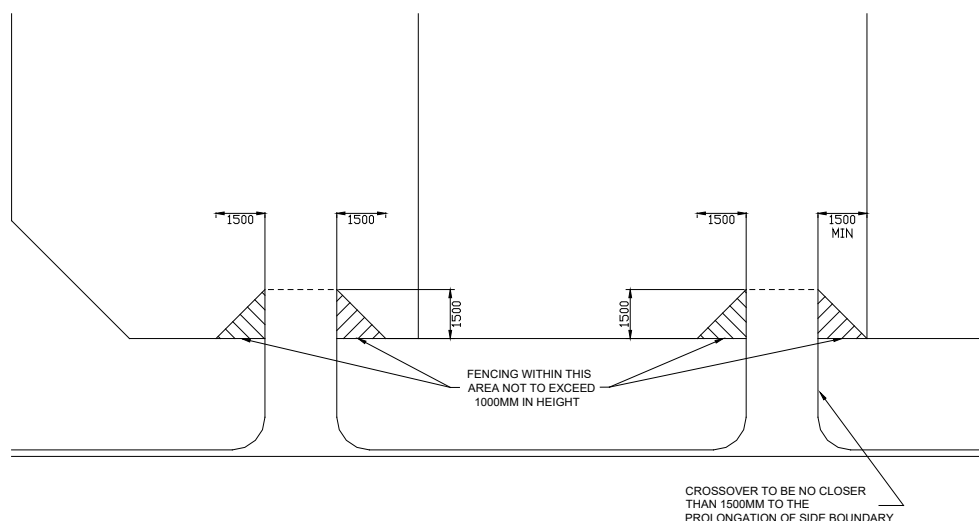
Third Schedule  
**SPECIFICATIONS FOR A SUFFICIENT FENCE IN A “SPECIAL RURAL  
ZONE”**

The following is a “*sufficient fence*” in a Special Rural Zone:-

- 1 A lot boundary fence shall be of post and rail or post and wire unless otherwise approved by the Council or as otherwise stated in Council’s Town Planning Scheme.
- 2 A fence shall be erected and maintained so as to securely confine all cattle within the boundaries of the property.
- 3 Barbed wire is permitted on fencing within this Zone.

Section 3.3(b)

Fourth Schedule



Section 7(d)

Fifth Schedule

**SPECIFICATIONS FOR A SUFFICIENT FENCE IN A “RURAL ZONE”**

- 1 A fence shall be erected from suitable material to restrain cattle –
  - (i) set not less than 450mm into the ground and not less than 1.2 metres out of the ground;
  - (ii) each fencing post shall carry the equivalent of not less than five plain galvanised wires.
- 2 Subject to approval of the Shire, fences of timber, brick, stone, concrete, link mesh or other material may be erected.
- 3 **A fence shall be erected and maintained so as to securely confine all cattle within the boundaries of the property.**

The Common Seal of the Shire of Serpentine-Jarrahdale was hereunto affixed in the presence of:

\_\_\_\_\_  
SHIRE PRESIDENT

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER

### **Sustainability Statement**

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

The proposal will minimise impact on the visual amenity of the locality by applying greater controls to fences within the Rural and Commercial Zones.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Amendments to local laws are required to be advertised for public comment thus allowing for community input.

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

Not applicable.

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

Not applicable.

### **Statutory Environment:**

Local Government Act 1995 Section 3.12

### **Policy Implications:**

The proposed amendments to the existing local Law Fences do not conflict with Council Work Procedure CSWP19

### **Financial Implications:**

Additional expenditure due to the cost of the review process and gazettal of the amended local law

### **Strategic Implications:**

Key Sustainability Results Areas:

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

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

##### Strategies:

5 Protect natural heritage assets in the Shire

6 Ensure a safe and secure community

#### **4 Governance**

*Objective 2: Formation of active partnerships to progress key programs*

##### Strategy:

1 Improve coordination between shire, community and other partners

*Objective 3: Compliance to necessary legislation*

Strategies:

- 2 Develop a risk management plan
- 3 Comply with relevant State policies and legislation

**Community Consultation:** To be undertaken as part of the local law review process

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

**CRB05 COUNCIL DECISION/Committee/Officer Recommended Resolution**

Moved Cr Wigg seconded Cr Price

1 That Council ratifies the amended Local Law – Fences as follows:

**LOCAL GOVERNMENT ACT 1995**

**SHIRE OF SERPENTINE-JARRAHDAL LOCAL LAW: FENCES**

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the Shire of Serpentine-Jarrahdale hereby records having resolved on the 28 April 1997 to make the following Local Law:

1 This Local Law will come into operation on the fourteenth day after the day on which it is published in the Government Gazette.

2 **INTERPRETATION**

In this Local Law unless the context otherwise requires:

“Act” means the Local Government Act 1995;

“*Australian Standard*” means a current Australian Standard published by the Standards Association of Australia;

“*Authorised Officer*” means an officer of the local government authorised by the Council to exercise powers and functions in this Local Law;

“*Building Line*” means a line which is representative of the forward most alignment that a building is situated, in relation to the front setback requirements;

“*Building Setback*” means the shortest horizontal distance between a boundary or other specified point and the position at which a building may be erected;

“Cattle” has the meaning given to it in the Local Government (Miscellaneous Provisions) Act 1960;

“*Commercial Zone*” means any portion of the district zoned commercial under a Town Planning Scheme;

“*Council*” means the Council of the Shire of Serpentine-Jarrahdale;

“*Dangerous*” in relation to a fence includes:

- (a) an electrified fence;
- (b) a fence constructed in whole or in part of barbed wire, other than a fence erected and maintained in accordance with this Local Law;

(c) a fence containing exposed broken glass, asbestos fibre or any other harmful or hazardous projection or material, and

(d) a fence which has become dangerous through lack of maintenance or repair;

**“District”** means the district of the local government of the Shire of Serpentine-Jarrahdale pursuant to the Local Government Act 1995;

**“Dividing Fence”** means a fence that separates the lands of different owners whether the fence is on the common boundary of adjoining lands or on a line other than the common boundary;

**“Fence”** includes any structure, including a retaining wall, used or functioning as a barrier, irrespective of where it is located and includes any gate, **but does not include a swimming pool safety enclosure**;

**“Frontage”** means the boundary line between a lot and the thoroughfare upon which that lot abuts;

**“Height”** in relation to a fence means the vertical distance between:

(a) the top of the fence at any point; and

(b) the ground level or, where the ground levels on each side of the fence are not the same, the higher ground level, immediately below that point;

(c) where there is any dispute as to the ground level for the purposes of calculating **“Height”** a determination of the Principal Building Surveyor of the Shire shall be conclusive.

**“Industrial Zone”** means any portion of the district classified within the Industry-General, Industry-Hazardous, Industry-Light, Industry-Noxious, Industry-Service, and Industry-Rural Zones in a town planning scheme;

**“Licence”** has the meaning given to it in Part XV of the Local Government (Miscellaneous Provisions) Act 1960;

**“Lot”** has the meaning given to it in the Town Planning and Development Act 1928;

**“Miscellaneous Provisions Act”** means the Local Government (Miscellaneous Provisions) Act 1960;

**“Principal Building Surveyor”** means the Principal Building Surveyor of the Shire of Serpentine-Jarrahdale;

**“Residential Zone”** means any portion of the district classified within the Residential Zone, Special Residential Zone **and land parcels of 2000 square metres or less in the Urban Development Zone** in a Town Planning Scheme;

**“Retaining Wall”** means any structure which prevents the movement of soil in order to allow ground levels of differing elevations to exist adjacent to one another;

**“Rural Zone”** includes all land zoned Rural, Farmlet, Conservation and Agricultural Protection **under a Town Planning Scheme**;

**“Setback”** means the horizontal distance between a wall at any point and the adjacent lot boundary measured at right angles (90°) to the wall;

**“Shire” means the local government of the Shire of Serpentine-Jarrahdale;**

**“Special Rural Zone” means land classified within the Rural Living A, Rural Living B, Special Rural zones and land parcels in excess of 2000 square metres in the Urban Development Zone under a Town Planning Scheme;**

**“Swimming Pool Safety Enclosure” means an enclosure that satisfies the requirements of Part VIII of the Local Government (Miscellaneous Provisions) Act 1960;**

**“Town Planning Scheme” means a scheme in force within the district of the Shire of Serpentine-Jarrahdale pursuant to the Town Planning and Development Act 1928;**

**“Visually Permeable” means that the vertical surface of a wall, gate or fence has continuous vertical gaps of at least 50mm width occupying not less than one third of its face in aggregate of the entire surface or where narrower than 50mm, occupy at least one half of the face in aggregate, as viewed directly from the street; or a surface offering equal or lesser obstruction to view;**

**Any other expression used in this Local Law and not defined herein shall have the meaning given to it in the Local Government Act 1995 or the Local Government (Miscellaneous Provisions) Act 1960 unless the context requires otherwise.**

### **3 FENCES IN A RESIDENTIAL ZONE**

**3.1 No person shall, unless they have first sought and obtained a licence from the Council, erect or commence to erect in a Residential Zone:**

- (a) a dividing fence higher than 1.8 metres on or near a boundary behind the front setback; or**
- (b) higher than 1.0 metres within the front setback.**

**3.2 Notwithstanding any other provision in this Local Law a fence may not be constructed of corrugated fibre reinforced compressed cement sheeting in the front setback.**

**3.3 Notwithstanding clause 3.1 Council may grant a licence to erect a fence exceeding 1.0 metres but not exceeding 1.8 metres within the front setback subject to the following:**

- (a) the fence shall be constructed of brick or masonry or some other material approved by Council; and**

**where a fence abuts a driveway or cross-over into a lot the fence across the front boundary shall be angled into that lot for a distance of not less than 1.5 metres along the frontage to a distance of not less than 1.5 metres from the frontage, in accordance with the diagram set out in the Fourth Schedule; and**

**any fence constructed within the primary street setback area is to be visually permeable 1.2m above natural ground level.**

### **4 FENCES IN A SPECIAL RURAL ZONE**

**No person shall:**



- (a) erect or commence to erect a fence in a Special Rural Zone without first having obtained a licence from Council; unless the fence is erected and maintained in accordance with the Third Schedule; and
- otherwise than in accordance with the requirements in a town planning scheme.

## **5 FENCES IN A RURAL ZONE**

No person shall:

- (a) erect or commence to erect a fence in a Rural Zone without first having obtained a licence from Council; unless the fence is erected and maintained in accordance with the Fifth Schedule; and
- (b) otherwise than in accordance with the requirements in a town planning scheme.

## **6 FENCES IN AN INDUSTRIAL ZONE**

No person shall, without first having obtained a licence erect or commence to erect a fence in an Industrial Zone; **unless the fence is erected and maintained in accordance with the Second Schedule.**

## **7 FENCES IN A COMMERCIAL ZONE**

**No person shall, without first having obtained a licence erect or commence to erect a fence in a Commercial Zone; unless the fence is erected and maintained in accordance with the Second Schedule, and the fence is erected behind the building line on the property.**

## **8 SUFFICIENT FENCE**

The following shall, if constructed in accordance with this Local Law be a “sufficient fence” for the purposes of the Dividing Fences Act 1961:

- (a) In a Residential Zone a dividing fence constructed and maintained in accordance with the specification and requirements set out in the First Schedule.
- (b) In an Industrial **or Commercial** Zone a dividing fence constructed and maintained in accordance with the specification and requirements set out in the Second Schedule.
- (c) In a Special Rural Zone a dividing fence constructed and maintained in accordance with the specification and requirements set out in the Third Schedule.
- (d) In a Rural Zone a dividing fence constructed and maintained in accordance with the specification and requirements set out in the Fifth Schedule.

## **9 APPLICATION FOR APPROVAL**

- 9.1 No person shall erect or commence to erect a fence including a retaining wall that does not comply with the relevant schedule applicable to that zone on or near a lot boundary without having first submitted to Council an application for a licence pursuant to the provisions of the Building Regulations 1989 accompanied by a plan and specifications and payment of the application fee specified by those Regulations.

**9.2 Council may grant an application for a licence with or without conditions which may include:**

- (a) where a retaining wall is approved, the construction of that retaining wall shall be completed prior to any other development commencing on the land;
- (b) if an applicant seeks approval for the use of barbed wire, that barbed wire shall not be installed in any fence below a height of 1.8 metres.

**10 FENCES SHALL NOT IMPEDE WATER MOVEMENT**

No person shall erect or commence to erect a fence of impervious material in any location where it may or is likely to act as a barrier to or restrict in any way whatsoever the normal flow of stormwater, floodwater or a water course in on or over any land.

**11 FENCES SHALL NOT BE CONSTRUCTED OF BRUSHWOOD**

No person shall erect or commence to erect a fence of brushwood material due to the fire hazard of such material.

**12 MAINTENANCE OF FENCES**

**12.1** An owner or occupier of land on which a dividing fence is erected shall maintain the fence in good condition and in accordance with the relevant Schedule and so as to prevent it from falling into disrepair.

**12.2** Where in the opinion of an authorised officer a fence is in a state of disrepair or is otherwise in breach of a provision of this Local Law the authorised officer may give notice in writing to the owner or occupier of the land upon which the fence is erected requiring the owner or occupier to modify, repair, paint or maintain the fence within the time specified in the Notice.

**12.3** Where an owner or occupier of land who has been given notice under subsection (2) fails to comply with the requirements of the notice an authorised officer, subject to compliance with the relevant provisions of the Act, enter the land with or without contractors and assistants and carry out the works specified in the notice and recover the costs and expenses incurred by it in so doing from the owner or occupier of the land in a Court of competent jurisdiction.

**12.4** An owner or occupier who fails to comply with the notice issued under subsection (2) commits an offence.

**13 GENERAL DISCRETION OF THE COUNCIL**

**13.1** The Council may consent to the erection or retention of a fence which does not comply with one or more of the requirements of this Local Law.

**13.2** In determining whether to grant its consent for the erection or retention of a fence Council may consider, in addition to any other matter that it is authorised to consider, whether the erection or retention of the fence might have an adverse effect on:

- (a) the safety, convenience or use of any land;
- (b) the safety or convenience of any person;

- (c) the orderly and proper planning of the locality; and
- (d) the amenity of the locality.

**13.3** In exercising its discretion Council shall not approve a fence in the Rural Zone which is not visually permeable.

#### **14** **ELECTRIFIED FENCES**

**14.1** No person shall erect or maintain an electrified fence within a Residential Zone.

**14.2** No person shall erect or operate an electrified fence unless the fence first complies with AS/NZS 3014:2003.

**14.3** If Council forms the opinion that the presence or operation of an electrified fence is prejudicial to the safety or amenity of a locality Council may by notice in writing request the removal of an electrified fence. Any person who receives a notification shall remove the fence within the time specified in the notice. A person failing to remove a fence within the time specified commits an offence.

#### **15** **OBJECT OF THIS LOCAL LAW**

The object and purpose of this Local Law is to ensure owners or occupiers of any land, vacant or otherwise within the district, erect, install and maintain boundary and internal fencing to a standard so as to achieve a specific purpose, maintain the aesthetic value and amenity of the community and to comply with specific standards as prescribed within the context of this Local Law and other standards as specified.

#### **16** **NOTICES**

If there is on any land, vacant or otherwise within the district, a fence or fencing which does not comply or is in breach of this Local Law, an authorized person may issue and serve a notice signed by the Chief Executive Officer:

**16.1** requiring the owner or occupier to:

- (a) renew, alter, repair, upgrade or maintain a fence or any portion of a fence as to comply with this Local Law or intent of the Local Law,
- (b) install or erect a fence or any portion of a fence,
- (c) remove a fence or any portion of a fence,
- (d) carry out any other works to achieve the object of the Local Law.

**16.2** advise the owner or occupier that they have 28 days in which to lodge a notice of objection with the Chief Executive Officer of the Local Government.

**16.3** advise the owner or occupier that the failure to comply with the notice may result in Court action proceeding without further notice.

**16.4** advise the owner or occupier that failure to comply with a notice may result in the Local Government carrying out the work set out in the notice, the costs of which will be recovered from the owner or occupier of the Land.

#### **17** **OBJECTION BY OWNER OR OCCUPIER**

The owner or occupier of Land having been served with notice under this Local Law is deemed to be an affected person under the Act, and may within 28 days of being served with a notice, lodge a notice of objection, in writing, addressed to the Chief Executive Officer.  
(Part 9 Division 1 of the Act)

**18 PENALTIES – BREACH FOR FAILURE TO COMPLY WITH A NOTICE**

An owner or occupier, having been served with a notice, who fails to comply with the terms of the notice within the prescribed time, commits an offence.

Penalty –

- (a) \$5,000; and
- (b) a daily penalty of \$500.00

**19 ENTRY AND EFFECTING THE WORKS AND PROVISIONS OF THE NOTICE**

Where an owner or occupier fails to comply with the terms of a notice, and refuses to give the Local Government written permission to enter onto the Land to carry out the work specified in the notice, the Local Government may, at the time of conviction for a breach of this Local Law make application to the Court for:

- (a) a Warrant to enter onto the Land to carry out the work specified in the notice; (Section 3.33 of the Act) and,
- (b) an order that the works specified by the Notice are undertaken and completed by the Local Authority and the costs to carry out the required works be prescribed as a debt due from the owner or occupier of the land.

Section 7(a)

**First Schedule  
SUFFICIENT FENCES IN A RESIDENTIAL ZONE**

**1 SUFFICIENT FENCE**

**A** The following is a “*sufficient fence*” in a Residential Zone for side and rear boundaries (excluding land within the Special Residential Zone and land coded R5).

**EITHER** A fence constructed of corrugated fibre reinforced pressed cement sheeting which satisfies the following specifications:-

- (1) A minimum in-ground depth of 25% of the total length of the total depth of the sheet.
- (2) The total height and depth of the fence to consist of a single continuous fibre reinforced cement sheet.
- (3) All sheets to be lapped and capped with extruded “*snap-fit*” type capping.

**OR** an equivalent steel fence.

**B** The following is a “*sufficient fence*” in the Special Residential Zone and on land coded R5.

Fencing on a lot boundary shall be constructed of post and rail or post and wire unless otherwise approved by the Council and shall notwithstanding the previous provision be in accordance with Council’s Town Planning Scheme.

**2 OTHER PROVISIONS**

The erection or maintaining of barbed wire on fencing within a Residential Zone is prohibited.

Council may permit within a Residential Zone fences constructed of brick, masonry, stone, timber, metal sheeting, wrought iron, link mesh, post and rail, concrete subject to an application being made to Council for a Licence. Any such application shall be accompanied by specifications as determined by the Principal Building Surveyor. Such specifications should demonstrate that the fence will be of an acceptable quality and appearance and be capable of being properly maintained.

Section 7(b)

**Second Schedule**  
**SPECIFICATIONS FOR A SUFFICIENT FENCE IN AN INDUSTRIAL AND COMMERCIAL ZONE**

The following is a “*sufficient fence*” in an Industrial and Commercial Zone:-

- 1 A fence constructed of 50mm steel mesh.
- 2 The mesh is to be a height of 1800mm on top of which are to be three strands of barbed wire carrying the fence to a height of 2100mm.
- 3 The fence is to be supported by steel galvanised pipe posts:-
  - (a) 2700mm in length;
  - (b) having a nominal bore of 40mm and an outside diameter of 48mm;
  - (c) spaced at 4000mm centres;
  - (d) sunk 600mm into the ground and encased in concrete having a diameter of 150mm; and
  - (e) terminal posts are to be braced in the line of the fence with diagonal pipe braces having nominal bore of 50mm and an outside diameter of 60mm.
- 4 There should be a centre and bottom high tensile galvanised steel wire 3.15 in diameter and double twisted.

Section 7(c)

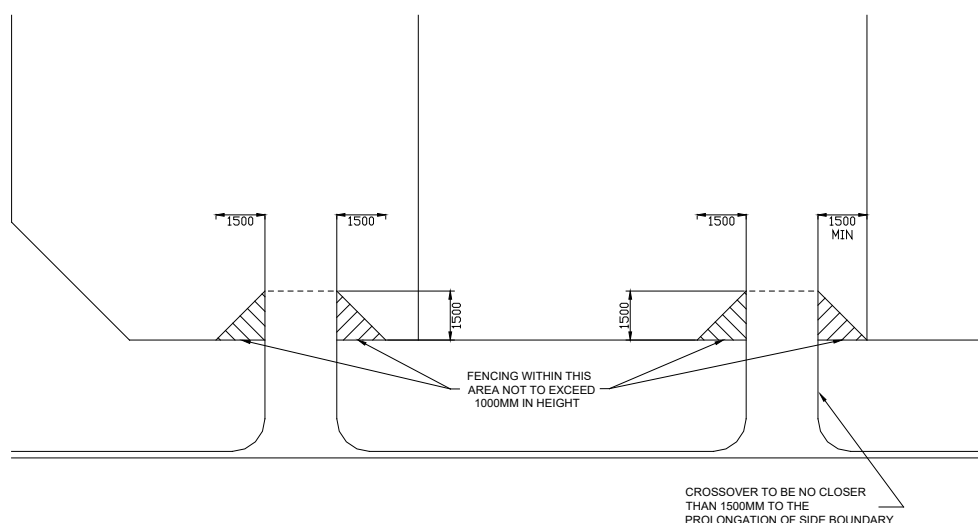
**Third Schedule**  
**SPECIFICATIONS FOR A SUFFICIENT FENCE IN A “SPECIAL RURAL ZONE”**

The following is a “*sufficient fence*” in a Special Rural Zone:-

- 1 A lot boundary fence shall be of post and rail or post and wire unless otherwise approved by the Council or as otherwise stated in Council’s Town Planning Scheme.
- 2 A fence shall be erected and maintained so as to securely confine all cattle within the boundaries of the property.
- 3 Barbed wire is permitted on fencing within this Zone.

Section 3.3(b)

#### Fourth Schedule



#### Section 7(d)

#### Fifth Schedule

### SPECIFICATIONS FOR A SUFFICIENT FENCE IN A “RURAL ZONE”

- 1 A fence shall be erected from suitable material to restrain cattle –
  - (i) set not less than 450mm into the ground and not less than 1.2 metres out of the ground;
  - (ii) each fencing post shall carry the equivalent of not less than five plain galvanised wires.
- 2 Subject to approval of the Shire, fences of timber, brick, stone, concrete, link mesh or other material may be erected.
- 3 A fence shall be erected and maintained so as to securely confine all cattle within the boundaries of the property.

The Common Seal of the Shire of Serpentine-Jarrahdale was hereunto affixed in the presence of:

\_\_\_\_\_  
SHIRE PRESIDENT

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER

- 2 The amended Local Law be advertised for public comment and forwarded to the Department of Local Government & Regional Development.**
  - 3 Upon completion of the advertising of the Local Law, a report be presented to Council for final adoption of the Local Law and gazettal.**
- CARRIED 9/0 ABSOLUTE MAJORITY**

P025/10/03 LOCATION OF MUNDIJONG RENEWABLE ENERGY PROJECT (A0938)		
Proponent	Shire of Serpentine – Jarrahdale	<b>In Brief</b>  The purpose of this item is to provide additional information requested by Council to determine the location of the renewable energy project.
Officer	Carlie Eldridge – Manager Sustainability Unit	
Signatures - Author:		
Senior Officer:		
Date of Report	29 August 2003	
Previously	P253/04/03	
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

### **Background**

The Mundijong Renewable Energy Project was developed in 2002. The project consists of a hybrid renewable energy system of a wind turbine and a solar system. This system is designed to be an educative tool for the local and regional community and to also have a tourism impact. The energy generated was intended to be used to provide power to the library.

In September 2003 Council considered a report on the renewable energy project to determine the location of the wind turbine and resolved as follows:-

### **“CRP016 COUNCIL DECISION/Committee Recommended Resolution/Alternative Motion**

*Moved Cr Star seconded Cr Hoyer*

*That the item on the Location of the Mundijong Renewable Energy Project be deferred and that Council seek advice for the Mundijong site from the Environment Technology Centre at Murdoch University. This advice is to be provided to Council prior to the October Planning Development and Environment Committee Meeting.*

**CARRIED 6/4”**

The contract for the project based in Mundijong was awarded to Solar Energy Systems on 7th May 2003 after expressions of interest were received on the project.

A noise consultant was engaged and undertook a noise assessment for the wind turbine based on noise modelling for the intended site behind the SES building and also locating the wind turbine in the south west corner of the carpark.

Since the noise assessment has been undertaken, potential for adverse noise impacts has been identified at the SES site and consequently there has been much discussion on the most suitable location for the wind turbine. Part of these discussions has seen the option of delaying the project and moving it to the Byford Recreation Centre being proposed.

### **PROJECT GOALS**

The four key objectives are:

1. Promote reduction in greenhouse gas emissions in a high profile renewable energy project that increases awareness and knowledge in the community.
2. Situation of the project within a prime location that has high public exposure and makes maximum use of the wind energy potential.
3. Install a working renewable energy system to supply part or whole of the electricity needs of Shire Building.
4. Provide demonstration and interpretation of a system which could be replicated by local households to meet an average family's energy requirements.

#### SITE SELECTION

##### Site Criteria

The criteria for site selection are:

Visible to the community as an educative tool

Accessible to visitors

Located close to the library which it is feeding power to (or building it is feeding)

Maintenance access

Distance from residents for noise

##### Sites being considered

There have been three sites being considered for the renewable energy project and they are:

1. Mundijong Administration Reserve – Shire's main carpark – corner near Mundijong Road
2. Mundijong Administration Reserve – Shire's main carpark
3. Byford Briggs Park Reserve – Serpentine Community Recreation Centre

##### Comments

As per the council resolution the ETC from Murdoch University were contacted to provide advice to council. Dr Martin Anda the centre's director advised that this was not an area ETC gave advice on and recommended Bernie Brix from Westwind give advice on site suitability for the turbine.

Westwind were engaged to review the three sites and provide the following:

- Site visit to assess the three sites
- Brief report on the sites suitability for the wind turbine in generating electricity considering but not limited to wind availability, and tree interference (3 pages maximum)
- Brief workshop with Councillors to answer questions

The workshop was held with Councillors on 13 October 2003 in the Council offices.

At the workshop Bernie Brix from Westwind raised the following issues and statements for consideration in selecting a turbine location.

On a very conservative estimate the wind turbine would produce 10kW/h a day and the Byford site would perform, conservatively, 20% better in terms of energy generation.

Wind turbulence which is created through buildings or trees over 10 metres in the wind path of the turbine reduces the effectiveness of the turbine in creating energy within approximately 200 metres of wind reaching the turbine. Turbulence also increases the amount of maintenance that can be required and can reduce the life expectancy of the



turbine by 30%. On an open site the turbine without turbulence interference lasts approximately 20 years.

The open site at Byford would also have the blades turn more often with the open site and provide visibility of the turbine and energy generation for the public.

Additional comments also made by Director Assets Services were that the Byford Recreation Centre is expected to have 500 to 600 people a day reaching a greater number of people about renewable energy. The Recreation Centre also provides the opportunity for the system to be integrated reducing the set up cost for wiring the system.

Given the Council are actively pursuing the establishment of a high school for the Shire on the Mundijong site, if the turbine was located on this site it would have to be relocated in the future to accommodate this use.

The location of the wind turbine needs to be considered in terms of both the short and long term outcomes. The implications of placing the turbine in a location that only meets the current needs will have the future implications of the cost of relocating the wind turbine including:

- Cost of removing wind turbine and tower from site and relocating it
- Cost of rewiring system to a new building
- Cost of reconnecting the turbine back into the grid
- Cost of new batteries and inverter for the wind components if the solar and wind components are separated and the cost of reestablishing the solar system independently.

It should also be kept in mind that this is a hybrid wind and solar system and it is this that differentiates the project from others and also provides an innovative and broad educational tool for the Shire. The hybrid system uses one inverter and set of batteries and joins to the grid as a system.

***The report from Westwind is with the attachments marked P025.1/10/03.***

### **Sustainability Statement**

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

The proposed hybrid wind and solar renewable energy system minimises environmental damage by reducing greenhouse gas emissions through traditional energy generation but also indirectly through educating and providing information to the community on renewable energy and energy efficiency options available which aim to have some of the local and regional community reduce their own greenhouse gas emissions.

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

The proposal reduces energy production which consumes non renewable resources and produces pollutants. The proposal aims to achieve behavioural change further reducing energy consumption.

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

The project uses a Perth based wind turbine manufacturer, consultant and construction team.

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

The use of renewable energy provides a free source of energy to be used for the library and also offers the opportunity if surplus is created to be sold back to the grid. The initial cost is quite large but the system selected also provides an educational benefit as well as a financial benefit.

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

The system is designed to be socially and environmentally responsible and aims to engage the community in becoming involved in education, debate and assessment of renewable energy and energy efficiency. The project aims to inform and build capacity in the community to assess their options available for reducing both their energy consumption but also the greenhouse emissions and achieving financial benefits.

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

No. The renewable energy system located within the Shire does not disadvantage any social groups.

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

The proposal may provide long term economic benefit to the residents through the reduction in energy use and also the reduction in environmental damage which may require funds in the future.

**Statutory Environment:** Not applicable

**Policy Implications:** Not applicable

**Financial Implications:** Summary of Cost Implications – Renewable Energy Project Location were reported in the September report

**Strategic Implications:**

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.

*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:

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.

5 Reduce green house gas emissions.

*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:

- 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.
- 4 Balance resource allocation to support sustainable outcomes.

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

Strategies

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

**Community Consultation:**

Community consultation was undertaken as part of the original feasibility through a range of community groups and organisations including LCDC, local schools and the Serpentine Jarrahdale Tourism Association. Given the previous Council resolution required the location to satisfy community expectations with respect to noise, the potential noise of the turbine were assessed against the Environmental Protection (Noise) Regulations 1997.

**Voting Requirements:**

Normal

**CRP025 COUNCIL DECISION/Committee/Officer Recommended Resolution**

**Moved Cr Simpson seconded Cr Richards**

**That the Renewable Energy project be located in Byford as part of the Shire Recreation Facility with any shortfall in funds being accommodated within the budget for the construction of the Shire Recreation Facility.**

**CARRIED 7/2**

**FORESHADOWED MOTION**

Cr Price foreshadowed that he would move “*To place the turbine at the site located in the car park adjacent to the Hall at Mundijong*” if the motion under debate was defeated.

P030/10/03 PROPOSED GROUPED DWELLING (SECOND RESIDENCE) - LOT 2 PARSONS ROAD, MARDELLA (P03792/01)		
Proponent	N Simmons	<b>In Brief</b>  That Council refuse an application dated 14 July 2003 for a Grouped Dwelling (second residence) on Lot 2 Parsons Road, Mardella for reasons outlined in the report.
Officer	Michael Davis – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	24 September 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

Owner: G & N Simmons  
 Owner's Address: 33 Parsons Road  
 Mardella WA 6125  
 Applicant: N Simmons  
 Applicant's Address: 33 Parsons Road  
 Mardella WA 6125  
 Date of Receipt: 17 July 2003  
 Advertised: Not applicable  
 Submissions: Not applicable  
 Lot Area: 5.9924 ha.  
 L.A Zoning: Rural  
 MRS Zoning: Rural  
 Byford Structure Plan: Not applicable  
 Rural Strategy Policy Area: Rural Policy Area  
 Rural Strategy Overlay: Not applicable  
 Municipal Inventory: Not applicable  
 Townscape/  
 Heritage Precinct: Not applicable  
 Bush Forever: Nil  
 Date of Inspection: 11 September 2003

### **Background**

There is no background information to this application.

### **Comments**

#### **Proposal**

The proposed second dwelling is proposed to be located approximately 142 metres from the existing dwelling. The reason for locating the second dwelling this distance from the existing dwelling, is that the chosen site is the driest area on the property. It is also located in close proximity to the front boundary (20 metres) and is located close to the power source to the property. The landowner would also prefer to maintain privacy between the two dwellings.

The purpose of the second dwelling is to house the landowner's elderly parents on the property.

The applicant has provided the following comments with respect to the application:

*"I have no interest in subdividing my block and this application is purely to provide housing for my mother who suffers from ill health and needs constant medical checks and frequent hospital visits..."*

*The new property will run from our electricity meter, have it's own rain water tank and septic system, gardens would be watered from our existing bore...*

*With their park home on the market we envision owner builder kit home for them in the same building materials as the existing home, if the park home does not sell we envision moving the home onto the property. The park home is built in the same materials as the existing residence”.*

The applicant was advised of the general requirement to locate a second dwelling in close proximity to the existing residence, however the applicant is not willing to change the proposed location at this point, as the applicant believes that the location is the best location on-site for the second dwelling.

***A copy of the development plan is with the attachments marked P030.1/10/03.***

#### Scheme Requirements

The subject land is zoned 'Rural' under Council's Town Planning Scheme No.2. Council's Town Planning Scheme No.2 contains a Grouped Dwelling use class, however a definition for this use class is not contained within Council's scheme. The R-Codes provides the following definition of a Grouped Dwelling, which may be used as a guide for assessment in this case:

*“A dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate, otherwise and includes a dwelling on a survey strata with common property”.*

Under Council's scheme, a Grouped Dwelling is an 'AA' use within Rural zone, which means that Council may at it's discretion permit the use.

Council's scheme contains the following clause with respect to multiple dwellings in the 'Rural' zone:

*“5.4.3 In the Rural Zone only one dwelling unit is permitted per lot for lots up to four hectares in area and only two dwelling units per lot for lots having an area greater than four hectares and less than 50 hectares...”.*

The subject property is approximately 5.99 ha in area. The above clause would allow for a second residence on the subject land, however the above clause is proposed to be removed in a recent amendment (Amendment No. 127) to Council's Town Planning Scheme No.2.

#### Amendment No. 127

Council at it's Ordinary Council Meeting held on 23 June 2003 resolved to adopt for final adoption Amendment No. 127 to Council's Town Planning Scheme No.2. The amendment is currently with the Minister for Planning and Infrastructure for final adoption.

Amendment No. 127 to Council's Town Planning Scheme No.2 proposes to add the following clause to Council's Town Planning Scheme:

***“5.10.3 Multiple dwellings within the Rural Zone***

***(i) In the Rural Zone only one dwelling unit is permitted per lot for lots up to four hectares in area.***

- (ii) *For lots having an area greater than four hectares in the Rural Zone, an application for more than one dwelling on a lot in the “Rural Zone” will not be supported unless the additional dwelling(s) provides -*
- (a) *accommodation for workers employed for agricultural and intensive agricultural activities on that holding in accordance with Council’s definition for “Rural Workers Dwelling”; and*
  - (b) *the dwellings should generally be clustered in one location, to avoid future subdivision pressure and minimise constraints on adjoining uses; and*
  - (c) *all services to the dwellings from the lot boundary (including access roads) are shared where practicable”.*

The proposed second residence is located approximately 142 metres from the existing residence. The proposed residence will utilize the same driveway which currently services the existing residence and will also be connected to existing power to the property.

Given that the lot is just under 6 hectares in area, it is considered that the proposed second residence being located approximately 142 metres from the existing dwelling is a significant distance in relation to the overall lot size and the presence of a second dwelling may create future subdivision pressure.

The intended use of the proposed second dwelling on the lot is to house family members on the lot rather than to provide accommodation for rural workers. It is considered that the proposed second dwelling is in conflict with the intent of proposed Amendment No. 127 to Council’s Town Planning Scheme No.2.

It is recommended that the application for a second residence be refused as it does not comply with the requirements of the above proposed clause.

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

Statement of Planning Policy No.11 states the following:

- (i) *Provisions in the town planning scheme to allow more than one dwelling on a lot in the “General Agriculture” zone will not be supported unless the additional dwelling(s) provides:*
- (a) *accommodation for workers employed for agricultural and intensive agricultural activities on that holding;*
  - (b) *the dwellings should generally be clustered in one location, to avoid future subdivision pressure and minimize constraints on adjoining uses; and*
  - (c) *all services to the dwellings from the lot boundary (including access roads) are*
- shared where practicable”.*

Local governments must have due regard for the above when assessing development applications for second residences within rural zoned areas. Amendment No. 127 to Council’s Scheme has been initiated to incorporate the above provisions. It is considered that the application is in conflict with the above provisions, given that the proposed second residence is not for the purposes of a rural workers dwelling.

Environment

It is considered that there will be no direct environmental implications as a result of this application.

### Emergency Management

It is considered that there will not be any emergency management issues associated with the application for a second residence.

### Sustainability Statement

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

It is considered that the proposed second dwelling will not have a significant impact on the environment. The proposed residence will not involve the clearing of any vegetation on-site. The application does not propose any specific measures to enhance the environment or minimise environmental damage through best practice in its field.

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

Not applicable.

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

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

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

It is considered that the proposal will be economically viable in a way that incorporates its external costs.

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

It is considered that the second residence, if approved, may create pressure for subdivision of a rural lot, which is not considered socially responsible. However, this is only speculative.

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

It is considered that the proposal will not disadvantage any social groups. However, the proposed second residence would provide accommodation for the landowner's elderly parents.

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

Not applicable.

### Statutory Environment:

Town Planning and Development Act 1928, Town Planning Scheme No.2

### Policy Implications:

Not applicable

### Financial Implications:

It is considered that there will not be any financial implications to Council as a result of this application.

### Strategic Implications:

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

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

#### Strategies:

3 Retain seniors and youth within the community.

**Community Consultation:** Not applicable

**Voting Requirements:** Normal

**Officer Recommended Resolution**

Council refuses an application dated 14 July 2003 for a Grouped Dwelling (second residence) at Lot 2 Parsons Road, Mardella for the following reasons:

1. The proposed second residence does not satisfy the requirement of Council's draft Amendment No. 127 to Council's Town Planning Scheme No.2 in that it does not achieve the following:
  - (a) accommodation for workers employed for agricultural and intensive agricultural activities on that holding;
  - (b) the proposed second residence should generally be located in close proximity to the existing residence, to avoid future subdivision pressure and minimize constraints on adjoining uses; and
  - (c) all services to the dwellings from the lot boundary (including access roads) are shared where practicable.
2. The proposed second residence does not satisfy the requirements of the document – 'Statement of Planning Policy No.11 – Agricultural and Rural Land Use Planning' produced by the Western Australian Planning Commission in that it does not achieve the following:
  - (a) accommodation for workers employed for agricultural and intensive agricultural activities on that holding;
  - (b) the proposed second residence should generally be located in close proximity to the existing residence, to avoid future subdivision pressure and minimize constraints on adjoining uses; and
  - (c) all services to the dwellings from the lot boundary (including access roads) are shared where practicable.
3. The proposed second residence will set a precedent for second residences within the locality and will create subdivision pressure for future subdivision of the lot and in the locality.
4. The applicant is advised that Council would consider an application that complies with Councils policy for ancillary accommodation.

**Committee Recommended Resolution**

The item P030/10/03 be deferred until the October Ordinary Council Meeting to allow time for a site for a Grouped Dwelling (second residence) at Lot 2 Parsons Road, Mardella to be located closer to the existing residence.

Committee Note: The Officers Recommended Resolution was changed to allow the item to be deferred to the Ordinary Council Meeting and allow time for a suitable site to be identified for the second residence.

**SUPPLEMENTARY REPORT**

P030/10/03 PROPOSED GROUPED DWELLING (SECOND RESIDENCE) - LOT 2  
PARSONS ROAD, MARDELLA (P03792/01)

The Planning Development and Environment Committee, in appreciation of the applicant's desire to care for a sick relative, deferred their decision in order to see whether the applicant



would be willing to locate the second dwelling within 30 meters of the existing house. As a result of the Committee resolution, Mr Kevin Sproat of MasterPlan Town Planning Consultants conferred with their client, G&N Simmons, who instructed Mr Sproat to advise Council that they did not wish to negotiate with respect to the location of the dwelling. As such it is recommended that Council resolve to adopt the original officer recommended resolution as follows:

**CRP030 COUNCIL DECISION/Officer Recommended Resolution**

**Moved Cr Star seconded Cr Hoyer**

**Council refuses an application dated 14 July 2003 for a Grouped Dwelling (second residence) at Lot 2 Parsons Road, Mardella for the following reasons:**

- 1. The proposed second residence does not satisfy the requirement of Council's draft Amendment No. 127 to Council's Town Planning Scheme No.2 in that it does not achieve the following:**
  - (a) accommodation for workers employed for agricultural and intensive agricultural activities on that holding;**
  - (b) the proposed second residence should generally be located in close proximity to the existing residence, to avoid future subdivision pressure and minimize constraints on adjoining uses; and**
  - (c) all services to the dwellings from the lot boundary (including access roads) are shared where practicable.**
- 2. The proposed second residence does not satisfy the requirements of the document – 'Statement of Planning Policy No.11 – Agricultural and Rural Land Use Planning' produced by the Western Australian Planning Commission in that it does not achieve the following:**
  - (a) accommodation for workers employed for agricultural and intensive agricultural activities on that holding;**
  - (b) the proposed second residence should generally be located in close proximity to the existing residence, to avoid future subdivision pressure and minimize constraints on adjoining uses; and**
  - (c) all services to the dwellings from the lot boundary (including access roads) are shared where practicable.**
- 3. The proposed second residence will set a precedent for second residences within the locality and will create subdivision pressure for future subdivision of the lot and in the locality.**
- 4. The applicant is advised that Council would consider an application that complies with Councils policy for ancillary accommodation.**

**CARRIED 9/0**

P026/10/03 DEVELOPER RESTRICTIVE COVENANTS (A0567)		
Proponent	Councillor Kirkpatrick	<b>In Brief</b>  A notice of motion has been submitted by Councillor Kirkpatrick requesting that if restrictive covenants are proposed for subdivisions, that the developer be required to first submit the covenant to Council so that it can be included as a condition of subdivision.
Officer	Brad Gleeson – Manager Planning and Regulatory Services	
Signatures - Author:		
Senior Officer:		
Date of Report	13 October 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

### **Background**

In recent years, there has been an increasing trend for land developers to impose restrictions on new lots to control the type and style of development in a particular area. An example of such a restriction is the special conditions that apply to the Chestnuts estate in Jarrahdale.

Cr Kirkpatrick has put forward the following suggestion:-

*“That developers proposing restrictive covenants on subdivisions be required to submit them to Council with subdivision proposals. If approved by Council they then become a condition on the subdivision if it is approved.”*

### **Comments**

The type of restrictions that are generally imposed include:

- Minimum size dwelling;
- Type of materials used and colours of external walls and roofs;
- Roof pitch;
- Outbuildings;
- External fixtures – antennas, solar hot waters systems, air conditioners;
- Fencing; or
- Storage of equipment and parking of vehicles in front of the dwelling.

The developer covenant is a legal binding document between the subdivider of the land and the landowner. The Local Authority is not a party to these covenants.

The covenant generally states that the purchaser of the land shall not commence or construct any buildings or structure on the land without first providing a copy of all plans and specifications to the developer and having these plans and specifications approved by the developer.

It is necessary for landowners to obtain all necessary planning approvals and building licences from the Local Government, prior to undertaking any development on the land. In the case of subdivisions where developer covenants apply, the landowners are required to obtain approvals from two parties (Shire and the developer).

Whilst Cr Kirkpatrick’s proposal is considered one way to deal with issues of non compliance with developer covenants, it is not the preferred approach due to the significant legal, financial and human resources required in administering and enforcing every element of a developers covenant.

### Local Planning Policy (LPP)

Clause 9.1 of the Scheme states:

*“The Council may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme Area so as to apply:-*

- a) generally or for a particular class or classes of matters and;*
- b) throughout the Scheme Area or in one or more parts of the Scheme Area;*

*and may amend or add to or rescind a Policy so prepared.*

*Any Local Planning Policy prepared under this Part shall be consistent with the Scheme and where any inconsistencies arise the Scheme shall prevail.”*

A LPP can be prepared by the Shire and incorporate development controls over the use and development of the land. An example of the LPP that has been prepared for a Council initiated subdivision in Jarrahdale is LPP 13 – Woodlot Subdivision: Jarrahdale Design Guidelines. In the case of the Woodlot subdivision, Council is required to ensure that all development complies with the provisions of the Design guidelines.

### Enforcement

Once a LPP has been prepared for an area, Council is required to ensure that all development complies with all relevant provisions of the Policy. Any applications submitted for planning approval and/or building licences, will need to be assessed to ensure compliance with the Policy. If the submitted plans do not comply with the Policy, then the owners will be required to modify the submitted plans to ensure compliance with the Policy or the application will need to be refused.

Any landowner that breaches any provision of an adopted Policy, will be deemed to have breached the provisions of the Town Planning Scheme. If the landowner does not modify the development to comply with the requirements of the policy, then Council will need to commence legal action for a breach of the provisions of the Town Planning Scheme. The matter would then be heard in a Court of Law and if the landowner is found guilty, then penalties and costs can be imposed.

An important planning principle that needs to be considered if a LPP is imposed in an area is that Officers will consistently enforce all provisions of the Policy, even minor breaches. If the Policy were not consistently enforced, then Council would be open to criticism from landowners in the area that have complied with the Policy.

Presently, developers are required to enforce the provisions of their own development covenants in a subdivision. There is concern that if Local Planning Policies are imposed in new subdivisions, then a significant amount of staff time will be taken up in the assessment and enforcement area. It is noted that staff resources are limited in the Planning and Regulatory Services area and the enforcement of such policies would place a significant burden on staff.

### Environment

There are no environmental implications for Council.

### Emergency Management

There are no emergency management implications for Council.

## **Sustainability Statement**

Local Planning Policies can be an effective means of enhancing the built and natural environment.

### **Statutory Environment:**

Town Planning and Development Act  
Town Planning Scheme No. 2

### **Policy Implications:**

Nil

### **Financial Implications:**

Nil

### **Strategic Implications:**

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

#### **Strategies:**

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

*Objective 3: 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

### **Voting Requirements:**

Normal

## **CRP030 COUNCIL DECISION/Committee/Officer Recommended Resolution**

**Moved Cr Star seconded Cr Hoyer**

**Council requests that when officers consider subdivision applications which propose to be controlled by any restrictive covenant, that each application is assessed based on its merits and if in the opinion of the officer it is appropriate, Local Planning policies to cover specific elements of the restrictive covenants that are necessary to enhance the built and natural environment are to be referred to Council.**

**CARRIED 7/1**

Cr Richards left the meeting at 7.50pm

## **FORESHADOWED MOTION**

Cr Kirkpatrick foreshadowed that he would move “*that developers proposing restrictive covenants on subdivisions be required to submit them to Council with subdivision proposals. If approved by Council they then become a condition on the subdivision if it is approved*” if the motion under debate was defeated.

P033/10/03 ADOPTION OF LOCAL PLANNING POLICY 14 - WELLARD AND RICHARDSON STREET, SERPENTINE DESIGN GUIDELINES (A1152)		
Proponent	Shire of Serpentine – Jarrahdale	<b>In Brief</b>  Urban Design Guidelines have been prepared for Wellard and Richardson Streets in the centre of Serpentine, which focus on the built form.  The guidelines have been drafted as a local planning policy to define and control the type of future development that occurs in the towns main street. The LPP was endorsed by Council in July and was advertised. No submissions were received.  Council is asked to adopt the LPP.
Officer	Carlie Eldridge – Manager Sustainability Unit	
Signatures - Author:		
Senior Officer:		
Date of Report	8 July 2003	
Previously	P248/04/03, P005/07/03	
Disclosure of Interest		
<b>Delegation</b>	<b>Council</b>	

### **Background**

The Shire of Serpentine-Jarrahdale engaged consultant services to prepare urban design guidelines for the Serpentine Town Centre, Wellard and Richardson Streets as mapped in the draft Richardson and Wellard Street Design Guidelines.

These streets are the main streets of the existing town of Serpentine. Most of the retail and civic functions of the town are focused on these streets.

The urban design guidelines for Wellard and Richardson Streets will be implemented by Council as a Town Planning Policy in accordance with Part 9 of the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.

The urban design guidelines have been prepared to achieve the following:

- Ensure the heritage character of Wellard and Richardson Street is protected
- Identify significant existing features of the urban fabric
- Enhance the character of the town and strengthen the identity of the town as a pleasant and desirable place to live and visit
- Recognise the mixed use nature of the core of the existing town
- Make recommendations for the improvement of significant existing elements of the urban fabric if appropriate
- Assist planners to assess proposals for development within the Wellard and Richardson Street precinct

The draft local planning policy was endorsed at the July 2003 Planning Development and Environment Committee meeting as follows:

*“Moved Cr Needham, seconded Cr Price that Council, pursuant to Part 9 of the Shire of Serpentine Jarrahdale Town Planning Scheme No.2 resolves to advertise Draft Local Planning Policy No.14 – Wellard and Richardson Street Serpentine Design Guidelines as per attachment P005.1/07/03 for public comment.  
CARRIED 5/0”*

## **Comments**

The draft LPP was advertised in the Examiner as per Clause 9.3 of Town Planning Scheme No. 2. No submissions were received on the proposed Local Planning Policy 14 Wellard and Richardson Street Design Guidelines.

***A copy of Local Planning Policy No. 14 is with the attachments marked P033.1/10/03.***

## **Sustainability Statement**

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

The guidelines aim to protect the built environment through assessing the existing urban form and defining principles to guide the future urban form that reflects both the heritage of the town and the desired urban form of the community.

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

The guidelines discuss materials usage in regards primarily to the heritage of the precinct and also encourages the use of local materials. The guidelines deal primarily with urban form in an existing streetscape therefore resource consumption in the buildings use is beyond the scope of the guidelines influence.

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

The guidelines encourage the use of local building materials to maintain the existing heritage character.

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

The proposal encourages development in Wellard Street which allows for a diversity of uses including residential and commercial. This mixed use approach encourages the town to develop in the most economically viable way and the design requirements ensure the buildings are adaptable allowing for changes in uses as the town needs change.

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

A community workshop was held in February to engage the local community in defining what they wanted for Wellard and Richardson Street in regards to built form. The information on the town's heritage and also the desired future character was captured in the guidelines. The community was able to comment on the guidelines as part of the advertising process for the local planning policy.

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

No the proposal doesn't disadvantage any groups.

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

The guidelines provide a clear framework for the built form of future development in Wellard and Richardson Streets. Future development within these streets will create long term economic benefit for the town and employment opportunities. There are opportunities for employment through new building construction as well.

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

**Policy Implications:** Proposed New Local Planning Policy

**Financial Implications:** Nil

**Strategic Implications:** Key Sustainability Result Areas:  
1 People and Community  
*Objective 1: Good quality of life for all residents*  
Strategies:  
5 Value and enhance the heritage character, arts and culture of the Shire.  
*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

**Community Consultation:** Town Planning Scheme No. 2 provides the following process for consultation in the adoption of 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.
- d) Where, in the opinion of the Council, the provisions of any Policy affects the interests of the WA Planning Commission, a copy of the policy shall be forwarded to the Commission

- e) The Council shall keep copies of any Policy with the Scheme documents for public inspection during normal office hours.
- f) Any amendment or addition to a Policy shall follow the procedures set out in a) to d) above.

**Voting Requirements:** Normal

**Officer Recommended Resolution**

Council endorse pursuant to Part 9 of the Shire of Serpentine Jarrahdale Town Planning Scheme No.2 to adopt Local Planning Policy No.14 – Wellard and Richardson Street Serpentine Design Guidelines as per attachment P033.1/10/03.

**CRP033 COUNCIL DECISION/Committee Recommended Resolution**

**Moved Cr Star seconded Cr Simpson**

**Council endorse pursuant to Part 9 of the Shire of Serpentine Jarrahdale Town Planning Scheme No.2 to adopt Local Planning Policy No.14 – Wellard and Richardson Street Serpentine Design Guidelines as per attachment P033.1/10/03 with the following amendment:-**

***“1.3.1 Public Art – Proposals for civic, cultural, commercial, residential (except single residential), and/or mixed residential/commercial developments over the value of \$250 000 are to set aside ....”***

**CARRIED 8/0**

Committee Note: The Officer Recommended Resolution was changed due to the committee amended Clause 1.3.1.

P034/10/03 PROPOSED SCHEME AMENDMENT NO. 135 – CLAUSE 7.13.3 PRESCRIBED REQUIREMENTS FOR TREE PRESERVATION (A1207)		
Proponent	Shire of Serpentine-Jarrahdale	<b>In Brief</b>  Council to initiate an amendment to Town Planning Scheme No.2 to amend clause 7.13.3 Prescribed Requirements for Tree Preservation in order to strengthen the power of the Shire to protect trees from damage particularly by livestock.
Officer	Meredith Kenny – Senior Planner	
Signatures - Author:		
Senior Officer:		
Date of Report	20 October 2003	
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**

Recently, the Shire sought to prevent further damage occurring to some trees that were being ringbarked by horses kept on a property by advising the owners of the property that this constituted an offence under Clause 7.13.3 (Prescribed Requirements for Tree Preservation) of Town Planning Scheme No. 2. Clause 7.13.3 states as follows:

*“7.13.3 Prescribed Requirements for Tree Preservation*



*No person shall remove, destroy or damage any tree within the District having at least one well defined stem or trunk of a height greater than 4 metres or diameter greater than 150mm measured at a height of 1.2 metres above the natural ground level, except with the prior planning consent of the Council given on an application under sub-clause 6.1.1, or unless the tree is exempted pursuant to subclause 7.13.4".*

Subsequently, Houwelling and Associates Barristers and Solicitors (on behalf of the Shire) have provided the following advice to the Shire with regard to Clause 7.13.3:

*"The provisions of the Scheme states "No person shall ...". The Town Planning Scheme does not state "No person shall permit..." thus it must be a person who actually ringbarks the tree, unless it can be shown on the evidence that the person put the horses in the area to have the horses ringbark the trees. This would be difficult to prove, and other than by an admission it would not be possible to prosecute on the basis that the person's horses ringbarked a tree. This is a deficiency in the Scheme and is easily amended by including "No Person shall permit" or alternatively "No person shall allow", or even more forcefully, "A Person who fails to take reasonable measures to prevent...". By amending the Town Planning Scheme it will be possible to prosecute a person who owns horses that ringbark a tree".*

Accordingly, the Council is now requested to amend Clause 7.13.3 to address this deficiency in the Scheme.

### **Comment**

The wording suggested by Houwelling and Associates, "No person shall permit" or "No person shall allow", cannot be easily inserted into Clause 7.13.3 without substantially changing the existing wording of the clause. The alternative wording suggested, "A Person who fails to take reasonable measures to prevent...", also cannot be inserted directly into clause 7.13.3 without altering the existing wording of the clause. This alternative wording suggested also raises the issue of what constitutes "reasonable measures" and would lead to the need for such to be defined in the Scheme. Accordingly, it is recommended that the following wording be inserted in Clause 7.13.3 after the words "No person shall damage any tree":

"or cause or suffer to permit the removal or destruction of or damage to any tree";  
so that Clause 7.13.3 states as follows:

No person shall remove, destroy or damage any tree **or cause or suffer to permit the removal or destruction of or damage to any tree** within the District having at least one well defined stem or trunk of a height greater than 4 metres or diameter greater than 150mm measured at a height of 1.2 metres above the natural ground level, except with the prior planning consent of the Council given on an application under sub-clause 6.1.1, or unless the tree is exempted pursuant to subclause 7.13.4.

Clause 7.13.3, thus amended, will then provide the Council with the power to prosecute not only those people who directly damage, remove or destroy a tree but also makes them responsible if they:

1. Cause someone or something else to damage, remove or destroy a tree (ie hire or direct someone else to remove a tree or put horses in a paddock with unprotected trees); or
2. Do not take action to protect a tree from further damage (ie by fencing it to keep horses away).

## **Sustainability Statement**

This proposed Scheme Amendment will enhance the environment by providing Council with better tools to ensure the preservation of trees.

### **Statutory Environment:**

Town Planning and Development Act 1928 (as amended); Town Planning Scheme No.2; Rural Strategy 1994 and Rural Strategy Review 2001-2002.

The procedural requirements for initiating Scheme Amendments are provided within the Town Planning and Development Act 1928 (as amended) and the Town Planning Regulations 1967 (as amended). At this stage of the amendment it is the provisions relating to advertising and referral requirements for Scheme Amendments that must be adhered as per Section 7 of the Town Planning and Development Act 1928 (as amended) as is detailed below:

#### *“7. Preparation of schemes*

- (2) Subject to subsection (2aa), a town planning scheme prepared or adopted, or an amendment to a town planning scheme prepared, by a local government shall --*
  - (a) after compliance with sections 7A1 and 7A2 in respect of that town planning scheme or amendment, be advertised for public inspection in accordance with the regulations; and*
  - (b) after advertisement under this subsection and compliance with sections 7A3 and 7A4 in respect of that town planning scheme or amendment, be submitted to the Minister for his approval.*
- (2aa) A local government shall, before submitting a town planning scheme or amendment to the Minister under subsection (2)(b), make reasonable endeavours to consult in respect of the town planning scheme or amendment such public authorities and persons as appear to the local government to be likely to be affected by the town planning scheme or amendment.*
- 7A1. Reference of proposed town planning schemes, and proposed amendments to town planning schemes, to Environmental Protection Authority.*

*When a local government resolves to prepare or adopt a town planning scheme, or to prepare an amendment to a town planning scheme, under section 7, the local government shall forthwith refer the proposed town planning scheme or amendment to the EPA by giving to the EPA --*

- (a) written notice of that resolution; and*
- (b) such written information about the town planning scheme or amendment as is sufficient to enable the EPA to comply*

*with section 48A of the EP Act in relation to the town planning scheme or amendment”.*

**Policy Implications:** Nil

**Financial Implications:** Nil

**Strategic Implications:** Will enhance the ability of the shire to prevent, or cause the cessation of, damage to trees,

**Community Consultation:** Advertising will be carried out in accordance with the advertising process for a Town Planning Scheme Amendment, as prescribed in the Town Planning and Development Act 1928 (as amended).

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

**CRP034 COUNCIL DECISION/Committee/Officer Recommended Resolution**

**Moved Cr Price seconded Cr Wigg**

**A. Pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 be amended as described below:**

- 1. Amending Clause 7.13.3 Prescribed Requirements for Tree Preservation by inserting after the words “No person shall damage any tree” the words:  
“or cause or suffer to permit the removal or destruction of or damage to any tree”.**
- 2. Following endorsement, a copy of the amendment documentation be forwarded to the Environmental Protection Authority in accordance with Section 7A(1) of the Act; and**
- 3. Subject to the advice of the Environmental Protection Authority under section 48A of the Environmental Protection Act that the amendment not be assessed, advertise the amendment in accordance with the requirements of the Town Planning Regulations 1967 (as amended) for not less than 42 days.**

**B. The Shire President and the Chief Executive officer be authorised to endorse the amendment documentation for scheme amendments that have been initiated by Council.**

**CARRIED 8/0 ABSOLUTE MAJORITY**

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

Cr Richards returned to the meeting at 7.54pm

**9. CHIEF EXECUTIVE OFFICER'S REPORT**

- \* A number of Councillors attended a presentation on Saturday 25<sup>th</sup> October and received a Certificate of Appreciation from the SJ Youth Activity Group.

Councillors acknowledged the enormous amount of work done by the volunteers who run the Youth Activity Group in the Shire.

**10. URGENT BUSINESS:**

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

**12. CLOSURE:**

There being no further business the meeting closed at 7.56pm.

I certify that these minutes were confirmed at the  
ordinary council meeting held on 24<sup>th</sup> November, 2003

.....  
Presiding Member

.....  
Date

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

#### 13.1 Corporate Services

C021/10/03 USE OF THE SHIRE LOGO FOR TOURISM PROMOTION BY SERPENTINE JARRAHDAL TOURISM ASSOCIATION AND LOCAL TOURISM OPERATORS (A0822-02)		
Proponent	Council	In Brief  Facilitate the use of the shire logo by the Serpentine Jarrahdale Tourism association and local tourism operators as suggested in both the Communication and Marketing Guide and the Tourism Strategy
Officer	D.E Price – Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	01/10/2003	
Previously		
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM054/05/03	

#### **CRC021 COMMITTEE DECISION/Officer Recommended Resolution**

- a) Council agrees to the following in relation to the use of the shire logo for Tourism promotion;
- The Serpentine Jarrahdale Tourism Association is recognised as the “mail box” for applications by local operators in the shire to seek permission on a form prepared by Council for use of the shire logo.
  - It is discretionary as to if the Serpentine Jarrahdale Tourism Association applies an application fee for administration of such an application or requires applicants to be members of the Serpentine Jarrahdale Tourism Association before they make application for use of the logo.
  - The Serpentine Jarrahdale Tourism Association is required to review each application against the following criteria and use of the logo will only be permitted for use on the following goods and / or services:
  - Advertising; business management; business administration; office functions; local government management, business and administration services, including such services in relation to recreation and sporting facilities, lending libraries, welfare services, town planning, public relations, and organization of exhibitions and fairs for commercial or advertising purposes; and all business services in this class as may be provided by local government organizations.
  - The Serpentine Jarrahdale Tourism Association is required to refer each application to the Chief Executive Officer with a recommendation to approve or not approve the use of the logo. The Chief Executive Officer or nominee may approve or not approve the use or refer the matter to Council for a decision if necessary. Council also authorise the Chief Executive Officer to withdraw permission to use the logo if the logo is not used responsibly.
  - Approval for the use of the logo may be for a period of not more than two (2) years from the date of approval by the Chief Executive Officer or nominee, at which time an application will be required to be made to have the use of the logo extended.
- b) Council requests that the above decision be incorporated in to the existing Council Management/Service Team work Procedure CSWP10 “Council Crest and Image” and the guidelines and appropriate application form is prepared and provided to the Serpentine Jarrahdale Tourism Association.

C023/10/03 REVIEW OF POLICY CSP17 – AUTHORISATION AND PAYMENT OF CREDITORS (A1048)		
Proponent	Financial Services Team	<u>In Brief</u>  To amend the policy to allow the Manager of Finance to also authorise payments of creditors to improve the timeliness of payments.
Officer	G.R. Dougall – Director Corporate Services	
Signatures - Author:		
Senior Officer:		
Date of Report	06/10/03	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM054/05/03</b>	

#### **CRC023 COMMITTEE DECISION/Officer Recommended Resolution**

**Council Policy CSP17 be amended as follows;**

**That payments from the Municipal and Trust funds of Council be paid in accordance with Regulation 12 of the Local Government (Financial Management) Regulations 1996;**

- i) all payments, ~~except payroll wages~~, are to be authorised prior to payment by two of either the Chief Executive Officer, ~~or~~ Directors or Manager of Finance.**
- ii) ~~payroll wages are to be authorised prior to payment by the Director Corporate Services or Manager Finance.~~**
- ii) a list of all payments authorised be presented to the next ordinary meeting of Council in accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996.**
- iii) Corporate credit cards be allowed a limit of up to \$3,000 for Council business only for the Chief Executive Officer and up to \$1,500 for Council business only for Directors.**

C024/10/03 CONFIRMATION OF PAYMENT OF CREDITORS (A0917)		
Proponent	Director Corporate Services	<u>In Brief</u>  To confirm the creditor payments made during September
Officer	S. O'Meagher – Finance Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	06/10/03	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM054/05/03</b>	

#### **CRC024 COMMITTEE DECISION/Officer Recommended Resolution**

**Council notes the payments authorised and made by the Chief Executive Officer, exercising his delegated authority and detailed in the list of invoices for the month of September, presented to the Corporate Services Committee and to Council, per the summaries set out above include Creditors yet to be paid and in accordance with the Local Government (Financial Management) Regulations 1996.**

C025/10/03 DEBTOR ACCOUNTS WITH A BALANCE IN EXCESS OF \$1,000 (A0917)		
Proponent	Director Corporate Services	<u>In Brief</u>  To receive the statement of debtors over \$1,000 as at 30 September 2003
Officer	Ray Pryce – Senior Finance Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	03/10/03	
Previously		
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM054/05/03	

**CRC025 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 30 September 2003.**

C026/10/03    SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917)		
Proponent	Director Corporate Services	<u>In Brief</u>  To receive the sundry debtor balances as at 30 September 2003
Officer	Ray Pryce – Senior Finance Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	03/10/03	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM054/05/03</b>	

**CRC026 COMMITTEE DECISION/Officer Recommended Resolution**

**Council receive and note the report on Sundry Debtor Outstanding Accounts as at 30 September 2003.**

C027/10/03    RATE DEBTORS REPORT (A0917)		
Proponent	Director Corporate Services	<u>In Brief</u>  To receive the rates report as at 30 September 2003
Officer	V Delbridge – Finance Officer - Rates	
Signatures - Author:		
Senior Officer:		
Date of Report	07/10/03	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM054/05/03</b>	

**CRC027 COMMITTEE DECISION/Officer Recommended Resolution**

**Council receive and note the report the Rate Debtors accounts as at 30 September 2003.**

C028/10/03 BEST PRACTICE AWARDS PRESENTATION BREAKFAST (A0163-06)		
Proponent	Chief Executive Officer	<u>In Brief</u>  Council representation at the 2003 Western Australian Local Government Association Best Practice Awards Breakfast 6 November 2003
Officer	D.E Price – Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	07/10/2003	
Previously		
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM054/05/03	

#### **CRC028 COMMITTEE DECISION/Officer Recommended Resolution**

- Council agrees to fund another table of 8 to enable 16 Councillor and staff representatives to attend the Best Practice in Local Government Awards breakfast by Western Australia Local Government Association on Thursday 6 November 2003.**
- Council agrees that the Shire President can nominate 2 other Councillors to join her, the Deputy Shire President and staff as Council representatives at the breakfast.**

C029/10/03 INFORMATION REPORT		
Proponent	Director Corporate Services	<u>In Brief</u>  To receive the information report to 30 September 2003
Officer	Various	
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM054/05/03	

#### **CRC029 COMMITTEE DECISION/Officer Recommended Resolution**

**The information report to 8 October 2003 be received.**



C030/10/03 2003 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT (A0435)		
Proponent	Council	<b>In Brief</b>  <i>Council to approve the cost of a return airfare to allow Cr Price's attendance at this years conference in Canberra</i>
Officer	D.E. Price – Chief Executive Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	9/10/2003	
Previously	C001/08/03	
Disclosure of Interest		
<b>Delegation</b>	<b>Committee -- In accordance with Resolution SM054/05/03</b>	

#### **CRC030 COMMITTEE DECISION/Officer Recommended Resolution**

**Council agrees to meet the additional cost of a single Perth-Canberra return airfare (Total cost is \$580.00) to enable Deputy Shire President, Cr Price to attend the 2003 National General Assembly of Local Government.**

### 13.2 Asset Services

AS022/10/03 FEDERAL ROADS TO RECOVERY PROGRAM (A0934)		
Proponent	Australian Local Government Association	<b>In Brief</b>  <i>Council is requested to support the campaign run by the Australian Local Government Association to have the Federal Roads To Recovery Program renewed.</i>
Officer	Mick Beaverstock Director Asset Services	
Signatures - Author:		
Senior Officer:		
Date of Report	30 September 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee in accordance with resolution SM054/05/03</b>	

#### **CRAS022 COMMITTEE DECISION/Officer Recommended Resolution:**

**Council writes to the Federal Finance Minister, Treasurer and Prime Minister informing them of the benefits of the Roads To Recovery Program to our communities, and requests that the program be renewed.**

AS023/10/03 CHARLES STREET, BYFORD – UPGRADE WORKS (R0148)		
Proponent	Shire of Serpentine Jarrahdale	In Brief  <i>Council is requested to consider provision of funding in the Forward Financial Plan to undertake works in Charles Street, Byford as a demonstration project of water sensitive design.</i>
Officer	Mick Beaverstock Director Asset Services	
Signatures - Author:		
Senior Officer:		
Date of Report	23 September 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee in accordance with resolution SM054/05/03</b>	

**CRAS022 COMMITTEE DECISION/Officer Recommended Resolution:**

**Council writes to the Federal Finance Minister, Treasurer and Prime Minister informing them of the benefits of the Roads To Recovery Program to our communities, and requests that the program be renewed.**

AS023/10/03 CHARLES STREET, BYFORD – UPGRADE WORKS (R0148)		
Proponent	Shire of Serpentine Jarrahdale	In Brief  <i>Council is requested to consider provision of funding in the Forward Financial Plan to undertake works in Charles Street, Byford as a demonstration project of water sensitive design.</i>
Officer	Mick Beaverstock Director Asset Services	
Signatures - Author:		
Senior Officer:		
Date of Report	23 September 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee in accordance with resolution SM054/05/03</b>	

**CRAS023 COMMITTEE DECISION/Officer Recommended Resolution:**

**Council requests the Director Asset Services to consider the inclusion of the upgrading of Charles Street, Byford as a Water Sensitive Design Demonstration Project in the formulation of the 2004 – 2009 Forward Financial Plan to be presented to Council.**

AS024/10/03 OVERSIZE VEHICLE APPLICATION - JARRAHDAL ROAD, JARRAHDAL (A0512-03)		
Proponent	Jarrahdale Transport Co.	<b>In Brief</b>  <i>Council is requested to consider an oversize vehicle permit application for access of long vehicle truck and trailer combinations on Jarrahdale Road, Jarrahdale. It is recommended that consent is granted.</i>
Officer	Bryce Coelho Manager Asset Services	
Signatures - Author:		
Senior Officer:		
Date of Report	30 September 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee in accordance with resolution SM054/05/03</b>	

**CRAS024 COMMITTEE DECISION/Officer Recommended Resolution:**

**Consent be granted to the use of oversize vehicles (up to 20 metres in length) by Jarrahdale Transport Company to access Jarrahdale Road, Jarrahdale.**

AS025/10/03 OVERSIZE VEHICLE APPLICATION TO SERVICE 824 NETTLETON ROAD, BYFORD (A0512-03)		
Proponent	WA Plantation Resources	<b>In Brief</b>  <i>Council is requested to consider an oversize vehicle permit application for access of Pocket Road Train vehicle to cart timber logs to 824 Nettleton Road, Byford. It is recommended that conditional consent is granted.</i>
Officer	Bryce Coelho Manager Asset Services	
Signatures - Author:		
Senior Officer:		
Date of Report	30 September 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee in accordance with resolution SM054/05/03</b>	

**CRAS025 COMMITTEE DECISION/Officer Recommended Resolution:**

**Consent be granted to the use of oversize vehicles (up to 27.5 metres in length) by WA Plantation Resources to access 824 Nettleton Road, Byford from South West Highway for a period of two (2) months subject to the following conditions:**

- (i) Verification by Main Roads Western Australia as to the issue of permits;**
- (ii) Vehicle speeds on Nettleton Road to not exceed 60km/h;**
- (iii) Vehicles are to operate during daylight hours only between Monday and Saturday;**
- (iv) Vehicles are not to operate during school bus travel times;**
- (v) Copies of permits, as issued by Main Roads Western Australia are to be submitted to Council prior to the commencement of operations;**
- (vi) Any application for extension to the permit(s) being referred to Council.**

AS028/10/03 RFT C03/2003-04 SUPPLY AND DELIVERY OF ONE NEW FOUR WHEEL DRIVE TRACTOR (A1103/02/11)		
Proponent	Shire of Serpentine Jarrahdale	<b>In Brief</b> <i>Council is requested to approve the purchase of a new four wheel drive tractor as replacement, and trade in of existing tractor SJ33 Ford 5640.</i>
Officer	Paul Bachman, Contract Administration Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	1 <sup>st</sup> October 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM054/05/03</b>	

#### **CRAS028 COMMITTEE DECISION/Officer Recommended Resolution**

That tender C03/2003-04 Supply and Delivery Of New Four Wheel Drive Tractor With Or Without Trade-in or Outright Purchase Of Existing Vehicle be awarded to Wattleup Tractors for the purchase of a new Massey Ferguson 4245 four wheel drive tractor for \$74,759.00 (GST Inclusive) and that existing vehicle 1995 Ford 5640 tractor (SJ23) be sold to Wattleup Tractors for \$38,500.00 (GST inclusive) as a trade in.

AS029/10/03 INFORMATION REPORT		
Proponent	Director Asset Services	<b>In Brief</b> <i>To receive the information report to the 30 September, 2003</i>
Officer		
Signatures - Author:		
Senior Officer:		
Date of Report		
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee in accordance with resolution SM054/05/03</b>	

#### **CRAS029 COMMITTEE DECISION/Officer Recommended Resolution**

That the information report to the 30 September 2003 be received .

### 13.3 Community & Recreation Development

CRD08/10/03 COMMUNITY SPORT & RECREATION FACILITIES FUND (CSRFF) (A0141-02)		
Proponent	Council, Serpentine Foothills Polocrosse Club and Serpentine Horse & Pony Club	<u>In Brief</u>  Council is requested to prioritise funding applications being submitted under the Community Sport & Recreation Facilities Fund
Officer	Carole McKee - Community Development Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	03.10.03	
Previously		
Disclosure of Interest		
<b>Delegation</b>	Committee – in accordance with resolution SM054/05/03	

#### **COMMITTEE DECISION/Officer Recommended Resolution**

Council indicates its level of support and order of priority for the October 2003 Community Sport & Recreation Facilities Fund submission as follows. Costs are exclusive of GST.

Organisation	Project	Estimated Project Cost \$	CSRFF Grant Sought	Applicant Contribution	Other Contributions	Level Of Support	Priority
Council	Serpentine Sports Reserve Pavilion	\$292,578	\$97,526	\$97,526	\$97,526	High	1

CRD09/10/03 YOUTH ADVISORY COUNCIL – TERMS OF REFERENCE (A1172)		
Proponent	SJ Youth Advisory Council	<u>In Brief</u>  Council is requested to endorse the Terms of Reference for the Serpentine Jarrahdale Youth Advisory Council
Officer	John Stewart - Youth Liaison Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	03.10.03	
Previously	CRD19/04/03	
Disclosure of Interest		
<b>Delegation</b>	Committee – in accordance with resolution SM054/05/03	

#### **COMMITTEE DECISION/Officer Recommended Resolution**

Council endorses the Terms of Reference for the Serpentine Jarrahdale Youth Advisory Council.

CRD10/10/03 MUNDIJONG COMMUNITY CELEBRATION (A0301/05)		
Proponent	Council and Mundijong Celebration Community Forum	<u>In Brief</u>  Council is asked to endorse the proposed Mundijong Celebration as a Council event
Officer	Carole McKee - Community Development Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	03.10.03	
Previously		
Disclosure of Interest		
<b>Delegation</b>	Committee – in accordance with resolution SM054/05/03	

#### **COMMITTEE DECISION/Officer Recommended Resolution**

**Council endorses the proposed Mundijong Celebration on 9 November 2003 as a Council event with a contribution of up to \$1,000 from CDO571 (Community Forums).**

CRD11/10/03 INFORMATION REPORT		
Proponent		<u>In Brief</u>  <i>Information Report</i>
Officer	Carole McKee - Community Development Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	03.10.03	
Previously		
Disclosure of Interest		
<b>Delegation</b>	Committee – in accordance with resolution SM054/05/03	

#### **COMMITTEE DECISION/Officer Recommended Resolution**

**Council accepts the September 2003 Information Report.**

### 13.4 Building Services

B06/09/03 INFORMATION REPORT		
Proponent	N/A	<u>In Brief</u>  Information report
Officer	Wayne Chant - Principal Building Surveyor	
Signatures - Author:		
Senior Officer:		
Date of Report	13.10.03	
Previously		
Disclosure of Interest		
<b>Delegation</b>	Committee – in accordance with resolution SM054/05/03	

#### **COMMITTEE DECISION/Officer Recommended Resolution**

**Council accepts the September 2003 Information Report.**

### 13.5 Health Services

H05/10/03 INFORMATION REPORT		
Proponent	N/A	<b>In Brief</b>  Information report
Officer	David Richards – Senior Environmental Health Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	13.10.03	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee – in accordance with resolution SM054/05/03</b>	

#### **COMMITTEE DECISION/Officer Recommended Resolution**

**Council accepts the information report for September 2003.**

### 13.6 Planning Development & Environment

E005/10/03 NOMINATION OF LOCAL GOVERNMENT REPRESENTATIVE ON PEEL-HARVEY CATCHMENT COUNCIL (A0309)		
Proponent	Peel-Harvey Catchment Council	<b>In Brief</b>  Council is asked to nominate a local government representative on the Peel-Harvey Catchment Council
Officer	Joanne Abbiss – Director Sustainable Development	
Signatures - Author:		
Senior Officer:		
Date of Report	13 October 2003	
Previously		
Disclosure of Interest	Cr Star declared an impartial interest as Chair of the Peel-Harvey Catchment Council	
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM054/05/03</b>	

#### **CRE005 COMMITTEE DECISION/Officer Recommended Resolution**

**Council endorses the nomination of the Director Sustainable Development as a local government representative on the Peel Harvey Catchment Council.**

E006/10/03 PARKS OF THE PERTH HILLS CONCEPT AND THE IMPACT ON THE DARLING RANGE REGIONAL PARK (A0852)		
Proponent	Director Sustainable Development	<b>In Brief</b>  The Department of Conservation and Land Management are proposing that a series of existing national parks, new regional parks and State Forest will replace the Darling Range Regional Park and will be managed under the title "Parks of the Perth Hills".
Officer	Joanne Abbiss – Director Sustainable Development	
Signatures - Author:		
Senior Officer:		
Date of Report	13 <sup>th</sup> October 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM054/05/03</b>	

#### **CRE006 COMMITTEE DECISION/Officer Recommended Resolution**

The Department of Conservation and Land Management be advised that Council does not support the Gordon Block being removed from the Darling Range Regional Park for the following reasons:

- a) It is a high recreation area, especially for trails. It will be potentially more difficult to encourage funding and development of trails within the Gordon Block if it is no longer part of the Regional Park
- b) There is a potential impact on tourism and recreation. Linkages and wildlife corridors from the South West Highway in to the areas in the Scarp reserved as Parks and Recreation and further are to be developed as part of a long range strategy.
- c) Originally the Shire agreed to future logging of the Gordon Block on the basis that it was selective and less intensive .This may be more difficult to achieve and maintain if the Gordon Block is not included in a Regional Park.
- d) Off Road Vehicles are considered unauthorized vehicles within Regional Parks but if registered and operated by a licensed rider they are permitted on public access tracks within State Forest



P027/10/03 MID-YEAR COMPLIANCE INSPECTION REPORT – LOT 10 SHALE ROAD, CARDUP & LOT 737 FIRNS ROAD, SERPENTINE (P00066/01, P01498/01)		
Proponent	Bristle Ltd	<b>In Brief</b>  <b>To inform and update Council on compliance with conditions for extractive industry licences within the Shire.</b>
Officer	Michael Davis – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	23 September 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM054/05/03</b>	

#### **CRP027 COMMITTEE DECISION/Officer Recommended Resolution**

- Council notes and endorses the report addressing the Extractive Industry Mid-Year Compliance Inspections for Lot 10 Shale Road, Cardup and Lot 737 Firns Road, Serpentine.**
- Council writes to Bristle advising of areas of non-compliance with the Extractive Industry Licence and setting deadlines for the completion of the outstanding conditions.**
- Council requests Bristle Ltd to use the resources of a suitably qualified professional to identify the orange rust coloured flocculent material observed by Council's Planning Officer during a routine inspection on 15 September 2003. The results of this analysis shall be forwarded to Council no later than 28 November 2003.**

P028/10/03 PROPOSED COMMERCIAL VEHICLE HARDSTAND AREA (TRANSPORT DEPOT) – LOT 3 SOUTH WESTERN HIGHWAY, WHITBY (P03935/01)		
Proponent	Ransberg Pty Ltd	<b>In Brief</b>  Application is to construct a hardstand area ('Transport Depot') for use by commercial vehicles at Lot 3 South Western Highway, Whitby (WA Blue Metal).  It is recommended that the proposed development be refused for reasons outlined in the report.
Officer	Michael Davis – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	15 September 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM054/05/03</b>	

#### **CRP028 COMMITTEE DECISION/Officer Recommended Resolution**

**Council refuses an application dated 14 February 2003 for a 'Transport Depot' (hardstand area for parking and transport services associated with an existing extractive industry) at Lot 3 South Western Highway, Whitby for the following reasons:**

- The subject land is located within Council's Local Planning Policy No.8 – Landscape Protection Policy Area. It is considered that the proposed hardstand area will have a significant detrimental impact on the landscape amenity to the south of the subject land.**

2. The filling of the land to provide a hardstand area is not considered justified as there is adequate hardstand area for the parking of vehicles in proximity to the proposed filled area.
3. The applicant has not addressed the prevention of hydrocarbon and sediment runoff to the adjacent brook.

P029/10/03 PROPOSED ROAD WIDENING – LOT 3, LOC 344 & LOC 4223 SOUTH WESTERN HIGHWAY, WHITBY (P03935/02)		
Proponent	Ransberg Pty Ltd	<b>In Brief</b>  Application is to widen an existing internal road at Lot 3, Loc 344 & Loc 4223 South Western Highway, Whitby.  It is recommended that the proposal be refused for reasons outlined in the report.
Officer	Michael Davis – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	19 May 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM054/05/03</b>	

#### **CRP029 COMMITTEE DECISION/Officer Recommended Resolution**

Council refuses an application dated 7 April 2003 to widen the existing internal road at Lot 3, Loc 344 and Loc 4223 South Western Highway, Whitby, for the following reasons:

1. The subject land is located within Council's Local Planning Policy No.8 – Landscape Protection Policy Area. It is considered that the proposed road widening will have a significant detrimental impact on the landscape amenity as the access road will be able to be viewed from the South Western Highway.
2. The widening of the road is not considered necessary from a traffic perspective as the existing road is of sufficient width to cater for existing heavy vehicle traffic.
3. The road widening would involve the reduction of biodiversity and existing screening of the access road through the removal of significant and well established remnant vegetation.
4. The applicant has not addressed the following concerns:
  - i) stabilisation of the down slope banks required in the construction of the proposed road widening
  - ii) drainage issues such as stormwater runoff and filtering and treatment of stormwater runoff generated from the proposed development

P031/10/03 PROPOSED SECOND RESIDENCE – LOT 52 WESTCOTT ROAD, KEYSBROOK (P02891/01)		
Proponent	M, L & A Furfaro	<b>In Brief</b>  That Council approve an application dated 8 August for a Grouped Dwelling (second residence) for reasons outlined in the report.
Officer	Michael Daymond – Planning Officer	
Signatures - Author:		
Senior Officer:		
Date of Report	23 September 2003	
Previously		
Disclosure of Interest		
Delegation	Committee - In accordance with Resolution SM054/05/03	

#### **CRP031 COMMITTEE DECISION/Officer Recommended Resolution**

**A. Council approves an application dated 8 August 2003 for a Grouped Dwelling (second residence) at Lot 52 Westcott Road, Keysbrook subject to the following conditions:**

1. The second dwelling shall be occupied by a person engaged in occupation of Rural Uses on the same lot and to accommodate family members involved in the operation of Rural Uses on the same lot.
2. In relation to condition 1, a Notification under Section 70A of the Transfer of Land Act 1893 must be registered over the certificate of title to the land, the subject of the proposed development prior to issue of a building licence, to notify owners any prospective purchasers of the land that restrictions apply to the use of the Grouped Dwelling (second residence) as stipulated in condition 1. The Section 70A Notification shall be prepared by the Shire's solicitors to the satisfaction of the Shire of Serpentine-Jarrahdale and all costs of and incidental to the preparation of and registration of the Section 70A Notification including the Shire's solicitors costs shall be met by the applicant or the owner of the land.
3. No direct discharge of stormwater into watercourses or drainage lines.
4. Only materials identified in the schedule of colours, materials and finishes submitted 6 October 2003 are to be used in the construction of the second dwelling unless the prior written approval of the Director Sustainable Development is obtained.
5. A building licence is required to be obtained prior to the commencement of any development (including earthworks).

**B. Council has approved the application dated 8 August 2003 for a Grouped Dwelling (second residence) for the following reasons:-**

1. The position of the proposed dwelling, 120 metres away from the existing dwelling, is not a significant distance in relation to the overall size of the lot.
2. The proposed dwelling meets the intent of Amendment No. 127 to Town Planning Scheme No. 2 as it will be occupied by persons engaged in occupation of Rural Uses on the same lot and will be used to accommodate family members involved in the operation of the agricultural enterprise on that land.
3. Where practicable, all services to the proposed dwelling will be shared with the existing residence, reducing pressures on infrastructure provision for the lot.

P032/10/03 AMENDMENTS TO LOCAL PLANNING POLICY NO. 13 - WOODLOT SUBDIVISION DESIGN GUIDELINES – JARRAHDAL (A1147)		
Proponent	Shire of Serpentine - Jarrahdale	<b>In Brief</b>  Local Planning Policy No. 13 has previously been adopted. In developing the subdivision some minor modifications to the Local Planning Policy were recommended. These changes have been advertised to the community and the revised local planning policy is presented for adoption.
Officer	Carlie Eldridge – Manager Sustainability Unit	
Signatures - Author:		
Senior Officer:		
Date of Report	8 October 2003	
Previously	P221/02/03, P195/12/02, P013/08/03	
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM054/05/03</b>	

**CRP032 COMMITTEE DECISION/Officer Recommended Resolution**

**Council resolves to adopt the Local Planning Policy No. 13 - Woodlot Subdivision Jarrahdale Design Guidelines in accordance with clause 9.3(b) of Town Planning Scheme No. 2 at *attachment P032.1/10/03*.**

P035/10/03 INFORMATION REPORT		
Proponent	Director Sustainable Development	<b>In Brief</b>  Information Report.
Officer	Lisa Fletcher – Support Officer Sustainable Development	
Signatures - Author:		
Senior Officer:		
Date of Report	1 October 2003	
Previously		
Disclosure of Interest		
<b>Delegation</b>	<b>Committee - In accordance with Resolution SM054/05/03</b>	

**CRP035 COMMITTEE DECISION/Officer Recommended Resolution**

**The Information Report to 10 October 2003 be received.**