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

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET, MUNDIJONG ON MONDAY, 27TH OCTOBER 2008. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 7.01PM AND WELCOMED COUNCILLORS, STAFF AND MEMBERS OF THE GALLERY.

1. ATTENDANCE & APOLOGIES:

IN ATTENDANCE:

COUNCILLORS: D Needham Presiding Member
J E Price
MJ Geurds
M Harris
WJ Kirkpatrick
EE Brown
C Randall
S Twine
K Murphy
C Buttfeld

OFFICERS: Ms J Abbiss Chief Executive Officer
Mr A Hart Director Corporate Services
Mrs S van Aswegen Director Strategic Community Planning
Mr T Turner Acting Director Development Services
Ms D Swadling Manager Subdivisions
Mrs L Fletcher Minute Secretary

APOLOGIES: Nil

GALLERY: 19

2. PUBLIC QUESTION TIME:

Public Question Time commenced at 7.01pm

SD042/10/08 - Aiden Hoey (103 Barge Drive, Byford)

Why would Council refuse the application due to dust when the street already has several businesses being run on it? Has the Shire already set a precedent?

Why would the Council refuse the application when they have set a precedent to allow other businesses and residents that live on gravel roads within the Shire that are far greater kilometres in length than Boomernag Road eg Balmoral Road, Scrivener Road, Lightbody Road, these are just a few.

Why would the Council refuse the application due to dust when the streets' residents create approximately 80 movements and businesses create more movements in a week.

Is the Council going to restrict vehicle movements of all businesses and residents until Council seals the road? If not why not?

Why has the Council never continued the gravel section through the zig zag and have a through road as it is drawn in most street directories connecting to Banksia Road.

There are already several businesses in the street operating contributing to traffic, dust, noise and smells.

Are the Council going to address the noise from the Go Kart Track and model airplane club?

Are the Council going to address the smell, traffic movement, noise and dust from the chicken farm?

Are the Council addressing illegal operations of a compost farm being operated at the chicken farm?

Are the Council addressing the illegal semi truck trailer parking area, old truck bodies, pre fab building at Lot 716 where there is approximately 2 000sq metres of cleared vegetation with limestone hard stand put down.

Lot 717 in 2002 Henmart had an application before Council to build three chicken sheds with a capacity of breeding 180 000 chickens, also with the provision for a further three sheds with 60 000 birds each to allow for further expansion on top of their seven original sheds which produce approx 120 000 chickens, so we have a total of 13 sheds and capacity of 480 000 chickens in 34 – 48 days to maturity. So to transport 1 day chickens in, transport them out every 48 days, removing and replacing with front end loader and carting off site 10-15cm saw dust, then an industrial sweeper is used, sprayed with disinfectant, one would think this will contribute to noise, dust, odour, pollution with chemicals and excessive vehicle movements.

Are the Council going to stop the noise and dust from Alcoa trains?

I have offered the Planner that I would purchase a bus, why has this not been considered?

Why has the Council not kept the aesthetics of a rural area in and around Boomerang Road?

The Shire President advised that these questions would be taken on notice.

Athol Wigg (36 Old Brickworks Road, Byford)

Would like to raise the issue of communications between the Serpentine Community Forum and Council officers.

Has a response from Council to Mrs Baldwin on 26 May regarding issues of designated parking bays at Clem Kentish Hall, upgrading of lighting on the southern end of Richardson Street, the imperative need for a crossing on Leslie Street for school children and erection of a noticeboard within the Serpentine shopping precinct to advise ratepayers of what is happening in the Shire.

Mrs Baldwin responded on 9 June raising issues in response to Council's letter however there has been no response from Council. He understands there are budget and administration issues however a more timely response should have been received.

The issue of the childrens crossing at Leslie Street is currently a very unsafe situation.

The Chief Executive Officer advised that she has raised this matter with the officer concerned regarding the lack of response to the correspondence of 9 June. The officer had drafted a response which was not satisfactory and would not have progressed the matter for the Forum. The Chief Executive Officer has asked that the officer arrange a meeting with engineering staff and the Serpentine Community Forum to progress these matters. The Chief Executive Officer advised that she is happy to follow up this matter personally to ensure this meeting occurs. The Shire President advised that she would be happy to attend the meeting along with other South Ward councillors.

The Leslie Street crossing has been an issue for a long time and it has been noted that the Wattle Road footpath has been constructed.

Manager Subdivisions advised that in the first instance the progress of this matter needs to be raised with the Public Transport Authority.

Mr Wigg advised that the marking of designated parking bays at Clem Kentish Hall is only a small item and could be done easily as an out of budget item at an approximate cost of \$500.00. This would enable resolution of the disorganised parking that currently takes place when PCYC functions are held.

The Chief Executive Officer advised that she would direct this request to the relevant officer.

SD042/10/08 - Mrs Bryant – (215 Boomerang Road, Oldbury)

Has been at this location for 20 years cutting flowers. The flowers used to be grown in the ground however was instructed by Council to plant the flowers in pots due to the risk of the fertiliser leaching into the groundwater.

The proposed paintball facility may result in leachate into the soil. How will this affect nearby residents?

Manager Health and Ranger Services advised that there is a chemical product within the paint that attracts children and animals to the flavour of the product. He has discussed with technical officers about how this will affect children and animals. The concentration is limited due to the limited contact and the dispersion amount of this material over such a large area would significantly reduce the risk.

The Chief Executive Officer advised that the actual paintballs are biodegradable and made up of the following chemical products - mineral oils, food colouring, ethylene glycol and iodine.

Public Question Time concluded at 7.15pm

2.1 Response To Previous Public Questions Taken On Notice

Nil

3. PUBLIC STATEMENT TIME:

Public Statement Time commenced at 7.15pm

SD042/10/08 - Aiden Hoey (103 Barge Drive, Byford)

I currently have an application being considered by Council where I am seeking approval to operate a paintball park on my property on Boomerang Road and I understand that the Senior Officer's recommendation to Council is that my application be refused due to the increase in traffic and the resultant dust and noise that my business will cause.

I suggest that these issues, while important, can be dealt with by the conditions applied to the application.

I further state that the paintball industry is now a mature, safe and environmentally aware chemical free, carbon free leisure activity and I am bound by the high standards of the industry.

Councillors would be aware of the earlier precedents and how the general concerns held by neighbours can be dealt with by conditions, limitations and agreements that would be tied to the application. I wish to clarify a couple of matters so that Council can deal with this application fairly and objectively with all facts considered.

Noise

I would like to describe a paintball gun to you. An ordinary rifle or pistol is discharged with a hammer type effect on to a gun powder charged bullet, discharged at high speed creating a loud noise, whereas a paint ball is fired by a compressed air chamber, with a small gust of air being expelled when the paintball is discharged, creating hardly any noise at all. It is similar to an air compressed nail gun being discharged at 70db. Paintballs will not kill.

The property and environment

My proposed operation is on our own property on Boomerang Road, which we have owned for the last 13 years. This land when purchased was bare from being overgrazed by cattle and sheep. We planted over 500 trees and had the block ripped which brought natural seed to the surface, making this one of the nicest blocks on the street. The current vegetation you see is from our hard work. It is our intention at the time of purchase to increase the revegetation and ongoing planting program. The importance to increase the vegetation is to create an aesthetically appealing area, a park like atmosphere, and pleasing place to be.

There will not be any adverse impacts on the environment from paintballing. Patrons would be restricted from important areas of remnant vegetation on the property. All these areas are proposed to be further protected via appropriate fencing and signage. The paintballs themselves are biodegradable and inert.

Council is aware my block is situated on a gravel and limestone road, with the zig zag section at the end being in a very poor state of heavy sand and virtually undrivable. There are concerns expressed by the neighbours of an increase in dust from additional traffic movements caused by operating a paintball park on Boomerang Road. I would like to say to the Council and my neighbours there would be no more traffic created on Boomerang Road, that if I was to build a home and live in it with my wife, adult children and our friends. Conservatively I would estimate that my family would account for 130 entrance and exits per week to the property.

In case some Councillors are not aware, Boomerang Road West currently has a wholesale nursery, two horse properties, a horse / kennel area, a chicken farm, model airplane club and a go-kart track within a stone's throw of my property. The general locality comprises of existing recreational uses including a private area model club and go kart club. It also has rural zoned properties used for a variety of rural uses including grazing, equestrian activities, market gardens, extractive industries (sand mining), poultry farms, industry – Rural (timber processing), transport depots, rural lifestyle lots.

In addition to these approved operations, the Alcoa train line also runs along the southern boundary of the property, with approximately 10 trains a day each way.

Council and neighbours may say the paintball park will increase traffic on this portion of road, but it will only create an extra 15 cars maximum per session. There will be approx 1 to 5 sessions for the week with April through to November being the playing season; being our winter months delivering some 650mm of rainfall, also the cooler months of the year. I have also stated in my application that I could bus people onto the site if this was an issue. This appears not to have been considered.

Noise for paintballing is less than the Go Kart Club which is a monthly meeting, less than the Alcoa trains, less than the model aircraft club, less than a single motor X motorcycle and probably less than a lawn mower, brush cutter, chainsaw or machinery with reversing beepers from local sand mining.

A paintball park is a low impact business that will improve the aesthetics of Boomerang Road also adding a new park to the Shire. It provides a healthy physical outdoor exercise / activity for people of all ages and from all walks of life and also offers opportunity for employment to local youth in the area.

Under the Premiers Department there is now a Physical Activity Department that promotes the importance of creating a more physically active and healthier population promoted at a local and state government level, also providing employment in the area, as well as bringing money into the Shire.

There are two other paintball parks in the Shire and from what research I have done, there have been no complaints or unruly behaviour from these fields and they are run professionally.

I would agree to all the Shire conditions applied to the other two paintball fields. If Council should agree with the Planning Officer's recommendation, I would also like the Planners and the Council to limit traffic to all dwellings and businesses eg chicken farm, kennels, nursery, horse property, also limit noise from the Alcoa train, model air craft, go kart club and sand mining.

I feel the Council would have to apply this same ruling to all gravel roads within the Shire, Scrivener Road 8km Lightbody Road 5km, Balmoral Road and Jarrahdale Road 10km.

I do not agree with the Officer's recommendation that the application be refused due to the noise, nor do I agree with the officer's remarks in Community Consultation, that Paintball is seen as an intrusion from the "normal quiet and peaceful existence in an aesthetically appealing area." The properties on the street are neither quiet with so many businesses being run nor, as you will see, aesthetically appealing.

I do not agree with the Officer's recommendation that the application be refused due to Boomerang Road being gravel, therefore creating a dust problem, due to an increase in traffic flow. Council has set the precedent by allowing several other businesses to operate with the current condition of Boomerang Road, as well as other roads in the Shire. Why should I now be discriminated against?

I would urge Councillors to propose an alternate motion or a deferment on the basis that:

1. There are precedents.
2. That the Council has the capacity to place conditions and limitations on the proposal that could be similar to or exceed the existing paintball operations. Fair and reasonable conditions that I would willingly accept.
3. That given that an allowable use for such an application exists, any appeal to the State Administrative Tribunal would more than likely be successful. And further, that any appeal process would burden myself and the Council with unnecessary and avoidable costs.

Please consider this more equitable and reasonable approach.

Thank you for your attention.

Demolition of Percy's Place - Sandra Hawkins [Chairperson of the Byford Scarp Residents Association Inc (BSRA)]

In a letter of 1 August 2008 (*a copy of this letter was provided*), I requested a meeting on site at Lot 116 Coulterhand Circle, Byford with myself and members of the Council. My request has been ignored however the Council members did carry out an inspection and to date no results have been forthcoming.

It is nearly four months later and still no contact by letter or telephone with regards to consultation of any description.

Once again on behalf of the Byford Scarp Residents Association I am calling for a sensible and feasible outcome to demolish the said building and replace with a memorial park.

The residents have not changed their views on the subject but have become more adamant that Federal, Local Government and the Shires funds should not be spent on this particular building.

There are far more suitable areas where funding should be directed and at a time of financial instability throughout the world, the country and the Shire Council, a great care is required to address more needy areas of urgent expense.

I have been calling into the Shire offices on a regular basis and have been told that the BSRA will be brought into the consultation forum as soon as the Community Project Officer is appointed but I am led to assume that this is a stalling tactic. I sincerely hope that I am incorrect.

Please stop wasting valuable time and grant the demolition order and you will find that you have several people willing to assist with the park project.

CGAM034/10/08 - Gerald Bergsma (Lot 27 (32) Lightbody Road, Mardella)

Residents would like to see Lightbody Road cul de saced prior to the recommendations from the Road Safety Audit being carried out. This would solve issues on Lightbody Road faster and the cost of road closure would be significantly less at \$5 000-\$10 000 rather than \$75 000 to carry out the corrective actions from the Road Safety Audit.

He asked Council if they would consider closing Lightbody Road under the current budget.

SD042/10/08 – Helen Iles (265 Boomerang Road, Oldbury)

I would like to address the Council in the matter of the proposed paintball facility on Boomerang Road in Oldbury.

We live on Boomerang Road, on the property adjoining the proposed location for the paintball facility and would like to reinforce our objection to having a paintball park operating right next door. At the previous meeting where this application was discussed several points were raised that need to be addressed, and some points that have since come to light need to be mentioned as they could quite strongly impact this application being rejected.

The common thread of objections from residents who live in the street stem from concerns of noise, dust, intolerable levels of traffic and the resultant degradation of the gravel road, as well as the threat of our loss of a secure, safe and quiet existence in a rural environment and devaluation of our property values.

I first draw Council's attention to the second Point 3 and 4 of the Agenda in regard to patrons being told to be respectful to neighbours and being escorted at the end of each session back to King Road and avoid speeding in an effort to control dust. I would point out that the paintball facility operators would have no control of any patron before or after they leave the Paintball premises and asking them to behave and drive nicely could easily fall on deaf ears, much to the angst and discomfort of nearby residents.

Mr Hoey in his previous statement to Council asked that if his application was rejected due to an unacceptable increase in traffic flow, that traffic also be restricted to the businesses already operating on Boomerang Road to reduce traffic and the resultant dust vehicles create. I advise Council that of the residents who live on Boomerang Road there is only one approved business operation, that being the Nursery, whose traffic makes no impact on any resident of the street as their gateway is only 30 metres from the main intersection and therefore vehicles do not get up enough speed to create dust. Traffic to the other residences on the street is merely the normal day to day coming and goings of families who live there, not businesses, and each person drives at a speed slow enough to avoid creating a dust problem, to their neighbours. Traffic therefore is minimal – except for the business operating

out of the Chicken Farm, a business that did not seek the approval of neighbouring residents before it began operating, and which has trucks and public traffic flowing in and out of the premises every fifteen minutes and which is degrading the surface of the road, a fact that has created many complaints being sent to Council, so far to no effect.

If Mr Hoey lived on the street he would be aware of this fact, and the fact that, even when the Chicken Farm was operating, traffic was minimal – a grain truck maybe once a week and a few semi trailers once or twice every three weeks – and they drove slowly.

It should also be noted that most of the residents on the street are shift workers or emergency service workers and require the peace and quiet that a quiet dead end street offers.

It was stated in the application that this Facility will enhance the health and recreational activities of children through to Seniors in the area, and what a wonderful intention that is. However, given that a paintball gun is considered a weapon, the minimum age of patrons is 18 years of age so does not provide activities for children at all, in fact the average age of regular paintball players is 18 to 35 years.

I also draw the Council's attention to the fact that the property is to be used as a paintball facility is only 25 acres in size, and sparsely vegetated in most areas. The property has approximately a 350 metre frontage. This is quite small in comparison to other paintball parks which are 100 acres or more. While the plans indicate an intention to plant more vegetation I would have it noted that it takes many years for a tree to grow to a size where it is not fragile, and that which will be of any value to the paintball facility. Further, the openness of the property and of the surrounding properties, being mainly horse paddocks, situated on a hill at that, are prime factors that will allow the noise of the paintball facility to carry quite a distance.

I would also note here that Paintball facilities require a 60 metre to 980 metre buffer between playing fields and any boundary fences. This means the playing field would be about 230 metres wide. On researching paintball equipment, I found out a paintball gun can fire a shot up to 140 metres in distance and is accurate to about 90 metres. This means that if any player was slightly off the centre of the property the real likelihood exists that paintballs could intrude onto neighbouring properties, further scaring livestock.

On page 10, Environmental Services prohibits the use of the heavily vegetated areas in the south western and south eastern quadrants of the property. This will therefore force the playing field even higher up the slope towards my house and the house at the far end of Boomerang Road, further disturbing our peace and quiet, and upsetting my dogs and horses. This means play will occur on mostly open ground, giving few places for players to hide. Is it intended then to build numerous structures all over the property to facilitate areas for players to hide?

The Department of Environment and Conservation recommends paintball gaming areas be rotated regularly to avoid degradation of the vegetation on the playing field. A property of 25 acres with the restrictions already imposed in the lower vegetated quadrants would not have the room to be able to rotate playing areas and therefore vegetation could soon be destroyed and any plantings of new vegetation would take years to grow.

The report also mentions the potential for a greatly increased flow of traffic particularly on weekends, up to 40 to 80 vehicles. Mr Hoey at the previous meeting mentioned approximately 15 cars per session, 5 sessions per day. This means 75 cars per day, and nothing has been mentioned about this only operating on weekends. The application states it will operate from 8am to 6pm, that means daily. 75 cars per day 7 days a week gives a potential of 525 cars per week. This is what creates the dust that fills our musical equipment, our computers, our air conditions our cars and our rain water tanks.

Also, I did not see anywhere on Mr Hoey's plans for a parking area to accommodate the volume of vehicles. Given that the property, and all those around it, are of soft, loose sands, parking of vehicles I presume will be on the road, creating a further nuisance to neighbours.

Objections from the adjacent neighbours have indicated they are not in favour of having the quiet and aesthetically appealing nature of this area ruined by the constant coming and going of adventure enthusiasts, nor do we wish to lose the native wildlife, birds nor have our livestock made nervous by the constant popping of paintball guns and game play on the other side of the fence.

My grandchildren ride horses on the track inside our boundary fence and could be put at risk if the horses are spooked by the players at the paintball facility.

We already have issues of youth in the area using our length of Boomerang Road to do burn outs and donuts and test their driving prowess. Drawing a similar element into the street will only increase the likelihood of this happening more frequently as people become aware of the gravel stretch of road.

On the issue of devaluation of properties surrounding the paintball facility, we contacted several Real Estate agents and they advised us that having a paintball facility will devalue our properties by 25%, if we could get a sale at all.

On the issue of anti-social behaviour and noise, and the potential for theft and vandalism, being a Police matter and not Council's, I have lived in Boomerang Road for six years now and have not seen one police patrol attend our street. In the last 18 months our property on Thomas Road was trashed and burglarised ten times. We lost everything of value on the property. The Police were unable to stop the thefts and were only of benefit when we caught an intruder. This was on a main road, what chance have we got of getting Police coverage on a quiet dead end street. Any why should we have to risk going through this again, a risk that is increased with every stranger who attends the area. We keep an eye on each other's property as it is, what chance would we have of maintaining a community watch with so many comings and goings. If Council allows an activity to occur that ultimately results in the destruction or loss of someone's property or belongings, then it is as much Council's responsibility as the maintenance of the road.

To add to all those factors, friends who play paintball have mentioned the potential for drinking before and / or after play. This sort of activity is becoming popular for corporate Days, Bucks Parties, Hens Bashes and other Club team building activities where a social drink is part of the activity. Paintball organisers can apply for a permit to sell alcohol on their premises, or being a private property, patrons can bring their own, which would also pose a nuisance to the residents in the street. Of all the Paintball Facilities we contacted, all permitted the drinking of alcohol at the end of the session.

In the hotter months we are constantly concerned about the risk of fire and the devastating effect it will have on our properties. The more activities that are conducted in the street, the more chance there is of a cigarette butt being carelessly discarded. This poses a major potential threat, even if smoking is prohibited on the property. While the paintball facility itself may be well supervised and organised, control is lost the moment the players leave the premises, and we have learnt while living on Boomerang Road, if you don't live in the street, you don't respect the street.

I therefore sincerely ask Council to seriously consider the concerns expressed by those who objected to the paintball facility, which are all of the residents who live on that gravel kilometre of Boomerang Road, all of whom will have their dream of living in a peaceful rural setting completely squashed if the application is approved. And I further ask, as much as the Shire wants to encourage a healthy, sporting environment, would you accept a paintball facility and its resultant effects on your lifestyle setting up in the paddock beside your house?

SD042/10/08 - K & J Lister (241 Boomerang Road, Oldbury)

Reasons against:

1. Envisaged traffic flow would increase noise and dust for local residents.
2. Compulsory internal screening at 3.6m would be visual pollution and would not withstand strong easterly winds.
3. Proposal does not comply with the 'intent' of the 'rural policy area' usage.

Traffic flows on Lightbody Road are uncontrollable. As an employee of Alcoa, he is aware of team building and what occurs at these events.

With regard to the other four issues Mr Hoey mentioned including the go kart club which is not located on our part of the road, the aerial club of which he is unaware where this is located and the nursery which has no impact on us whatsoever. With respect to the trains, they were there when we purchased the property.

CGAM034/10/08 - Loretta Oud (Lot 33 Lightbody Road, Mardella)

I would just like to say that what I hope will come out of tonight's meeting is a decision by Council to act on closing Lightbody Road before acting on carrying out any recommendation arising from the Safety Audit Report.

I believe that road closure will be more cost effective and is a more effective measure in dealing with the road safety issue and would immediately make Lightbody Road much safer.

Road closure in the proposed location allows for vehicles to access our driveway to the north and Kay Fleetwood's driveway to the south and we both consent to vehicles using our driveways as a point to back into and turn around should they have to.

I have done some research on the no through roads in the immediate vicinity that service similar properties to Lightbody Road and the majority have no turnaround bulbs and certainly no extensive bulbs have been created to service cars let alone trucks.

There is an urgent need to close the road now and put an end to the dangerous and dusty conditions we endure on Lightbody Road.

Road closure has now been on the agenda for 2.5 years and needs a resolution.

Public Question Time concluded at 7.40pm.

4. PETITIONS & DEPUTATIONS:

Nil

5. SHIRE PRESIDENT'S REPORT:

Serpentine Jarrahdale Shire along with members Council's of the South East Regional Energy Group (SEREG) have won a national award for their Greenhouse Gas Action Plan. This award will be presented in Canberra on 17 November. The Shire President will be accepting this award on behalf of Council and will present the award at the next Ordinary Council meeting.

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Cr Geurds declared a conflict of interest in item CGAM029/10/08 as he is employed by the Professionals Byford Property Team and will leave the Chamber when this item is discussed.

Cr Kirkpatrick declared an interest of impartiality in item SD042/10/08 as he knows Mr Hoey who is employed as a guard at Alcoa and has dealings with him. Cr Kirkpatrick advised that this will not affect the way in which he votes on this matter.

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

7.1 Ordinary Council Meeting – 22 September 2008

COUNCIL DECISION

Moved Cr Harris, seconded Cr Geurds
That the minutes of the Ordinary Council Meeting held on 22 September 2008 be confirmed.
CARRIED 10/0

7.2 Special Council Meeting – 7 October 2008

COUNCIL DECISION

Moved Cr Harris, seconded Cr Brown
That the minutes of the Special Council Meeting held on 7 October 2008 be confirmed.
CARRIED 10/0

Moved Cr Murphy, seconded Cr Twine that items OCM011/10/08 and CGAM034/10/08 be discussed out of order.

LOST 3/7

| SD042/10/08 PROPOSED PRIVATE RECREATION - PAINTBALL GAMING FACILITY LOT 50 BOOMERANG ROAD, OLDBURY (P00285/01) | | |
|---|--|--|
| Proponent: | Aiden Hoey | In Brief To establish a private recreation (paintball) facility on Lot 50 Boomerang Road, Oldbury. It is recommended that the application be refused. |
| Owner: | As Above | |
| Officer: | Helen Maruta - Planning Officer | |
| Signatures Author: | N/A | |
| Senior Officer: | Brad Gleeson - Director Development Services | |
| Date of Report | 15 September 2008 | |
| Previously | N/A | |
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act | |
| Delegation | Council | |

| | |
|-----------------------------|--|
| Date of Receipt: | 4 August 2008 |
| Advertised: | Yes |
| Submissions: | 8 Objections |
| Lot Area: | 9.7 hectares |
| L.A Zoning: | Rural |
| MRS Zoning: | Rural |
| Use Classification | Private Recreation - AA (Discretionary) |
| Rural Strategy Policy Area: | Rural |
| Rural Strategy Overlay: | Peel-Harvey Coastal Plain Catchment Area |

Background

Site Description

The subject lot is located between Boomerang Road (a gravel road bordering the northern boundary) and a railway line/Jackson Road (on its southern boundary). The south western corner of the property contains a portion of Wetlands. An area of remnant native vegetation exists in the south eastern corner of the property and there are also areas of remnant native vegetation within the wetland area and on the northern part of the lot.

The general locality comprises of existing recreational uses including a private aero modelling club and Go-cart club. It also has rural zoned properties used for a variety of rural uses including grazing, equestrian activities, market gardens, extractive industries (sand mining), poultry farms, Industry – Rural (timber processing), transport depots, rural lifestyle lots.

Proposal

An application has been received for the establishment of a paintball gaming facility on the subject land.

The game of paintball became legal on 1 January 2005, when the Firearms Amendment Act 2004 was enacted. This made the paintball gun a recognized firearm under the Firearms Act 1973, and subject to all appropriate approvals being obtained for the game of paintball to be undertaken within WA. In terms of appropriate approvals, both local government

approval (in the form of planning consent) and police approval (in the form of a category E corporate firearms licence) are required.

The applicant advised that he was aware of the strict requirements imposed as part of a corporate firearms licence being granted for a paintball gaming facility, including:

- 1) *The use only being permitted at approved licensed venues, and strictly within designated playing fields only.*
- 2) *The use must be strictly supervised by licensed staff at all times.*
- 3) *Safety instructions must be delivered to all patrons before engaging in the use.*
- 4) *A register of users must be maintained, and made available for inspection upon request.*
- 5) *Internal safety screening must be provided, in the form of a 3.6 metre high impermeable shade cloth structure.*
- 6) *First aid skills are required by operators.*

The applicant also advised of the proposed operational details of the business as follows:

1. *Hours of operation will be from 8.00am –6.00pm.*
2. *Maximum number of patrons on site at any one time will not exceed 40 at any time.*
3. *Instruction will be given to patrons attending the property to use Boomerang Road, to be respectful of neighbours.*
4. *Patrons will also be escorted at the end of the session back to King Road to avoid speeding and dust control of Boomerang Road.*

The applicant advised that an effluent disposal which complies with Council and State Health regulations will be provided on site. Overall it is expected by the applicant that the proposed use will attract a diversity of participants from children to seniors and will compliment existing local recreational uses such as Aero club and Go- cart club contributing to a local recreational cultural hub.

A copy of the location and site plan is with attachments marked SD042.1/10/08

Sustainability Statement

Effect on Environment: It is considered that the proposal will not have any adverse impacts on the environment. The area of the proposed use is sparsely vegetated. Patrons would be restricted from important areas of remnant vegetation on the property. All these areas are proposed to be further protected via appropriate fencing and signage.

The paintballs themselves are biodegradable and water soluble, being made up of the following chemicals - mineral oils, food colouring, ethylene glycol and iodine.

The applicant advises:

Appropriate revegetation and rehabilitation is being implemented and maintained around the proposed playing fields, some 300 redgum trees were planted around 8 ago Also the block was ripped unearthing some of the natural seeds compacted by years of grazing. Utmost care will be taken to maintain and improve the vegetation of this land, and positioning of the playing field was considered in the site plan.

Economic Viability: The proposed use proposes to limit any impacts on the environment or local biodiversity, as well as undertaking ongoing revegetation and rehabilitation of the site.

Economic Benefits: The proposal is expected to support local business and create employment opportunities within the Shire.

Social – Quality of Life: The proposed use is considered to represent an area to some members of the community.

There is the potential for the land use to significantly adversely impact on the amenity of adjoining properties by virtue of noise, traffic and dust. Boomerang Road is an unsealed gravel road and the amount of vehicles that use the road would increase considerably as a result of this land use particularly on weekends. There is the potential with two sessions a day held on each weekend day for vehicle movements on this part of Boomerang Road to increase by 40-80 movements per day. This is likely to reduce the amenity of adjacent residential properties by virtue of the noise and dust generated by the extra traffic.

Statutory Environment:

Planning and Development Act 2005
Serpentine Jarrahdale Town Planning Scheme No. 2 (TPS2)
Serpentine Jarrahdale Rural Strategy

Policy/Work Procedure Implications:

Statement of Planning Policy No. 1 (*State Planning Framework*)
Statement of Planning Policy No. 2 (*Environmental and Natural Resources*)
Statement of Planning Policy No. 2.1 (*Peel-Harvey Catchment*)

Financial Implications:

If the application is refused and that decision is appealed to the State Administrative Tribunal there would be financial implications for Council related to legal costs and officer time.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

1. Provide recreational opportunities.
2. Develop good services for health and well being.

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.

2. Environment

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

Strategies:

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

6. Value, protect and develop biodiversity.

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

Strategies:

1. Implement known best practice sustainable natural resource management.

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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

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

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

The application was referred to adjoining landowners for a period of 21 days in accordance with Scheme requirements. During the advertising period eight objections were received from adjacent neighbours. A summary of the concerns detailed in the submissions and a response to those issues is set out below:

1. Noise Issues

The proposed facility is anticipated to produce increased noise levels due to high volumes of increased traffic on Boomerang Road from up to 40 participants per session, and the usage of fire arms on site. This is seen as an intrusion from the normal quiet and peaceful existence in an aesthetically appealing area that catered for rural lifestyles. Proponents are concerned that the close proximity of constant noise factors (human, traffic and paintballs) will have a serious impact not only on the quite enjoyment of a “quiet” lifestyle they are used to but also upset and scare wildlife, birds, domestic pets, cattle and horses. There are already existing noise concerns from racing dirt bikes and sound of model aircraft flying any week day and this proposal would absolutely be intolerable due to continued noise issues.

Officers Comment

The concerns raised above are supported. The noise created would have an impact on the general aesthetic values of the area and adversely impact on the amenity of adjoining properties and the character of the area. It is considered if the proposal were to be fully supported and have 40 patrons per session and run for seven days a week, the issue of noise would be a matter of concern.

2. Unsealed Boomerang Road

Boomerang Road being a limestone/gravel road (road not asphalted) in this section implies that increased amount of traffic that would travel past properties on Boomerang Road this would not only create major dust problems, dust which end up in our water supply and settles on properties and could cause health problems, but also will cause major deterioration of the road hence requiring frequent maintenance. Concern was also raised about driver behaviour on local roads.

Officers Comment

Councils Engineering Department advise that the application is not supported at this stage mainly due to the fact that Boomerang Road needs to be upgraded to support proposed traffic volumes. The concerns raised included dust, safety and further deterioration of the road.

3. Devaluing of adjacent properties

I have researched the impact of residential properties close to paintball recreation centres and found noise complaints common. Due to this noise concern, I believe this activity would

devalue our investment considerably (especially because it is located directly opposite out property) as well as devaluing all properties around it.

Officers Comment

It has not been proven whether these concerns with regards to deterioration of property are valid.

4. Environmental Concerns

Such a large facility will invariably have oil/ fuels leakages that will wash directly in bushland and current drains.

Officers Comment

Submission is considered not valid as it is not known if there will be oil/fuel on the land. If the proposal were to be approved, conditions could be will included regarding addressing such environmental issues.

Concern about anti-social behaviour and noise.

Issues with regards to noise impacts on the locality are considered valid. Such developments would be required to comply with the Environmental Protection (Noise) Regulations 1997. Anti-social behaviour is a matter for Police and not Council.

The area still contain a large proportion of native bush and as such have a good population of birds(bandicoots, blue wrens, robin red breasts, black cookies) and other wildlife will be impacted by crowds of people and noise from this facility.

Officers Comment

The issues with regards to disturbance of the natural habitat areas are noted. However, the proposed use is able to be considered by the Council in the Rural zone and is also supported by the Shire's Rural strategy for the Rural Policy Area.

R1. To provide expanded recreational opportunities for lot owners and wider community, such as riding trails, sports facilities and upgraded and accessible public open spaces.

It is envisaged that patrons of the facility will scatter and litter the roadside.

Officers Comment

The proponent advised:

That no litter will be left or strewn across the site or affect adjoining properties.

Location of such a facility near "Bushforever site" would cause an additional fire risk.

Officers Comment

The proposal was referred for comment to the Department of Environment and Conservation. They did not raise any issues with regards to the proposal being an additional fire risk. The landowner is bound at all times by the Bush Fire Act.

5. Potential theft and vandalism of the adjacent properties.

Officers Comment

Dismissed. This is a matter for the Police and not Council.

External Government Agency Comments

The application was referred to the following external government agencies:

1. Department of Water (DoW)
2. Department of Environment and Conservation (DCC)

DEC

Paintball gaining areas should be rotated on a regular basis to allow the regeneration of vegetation in areas degraded by trampling. Signs and markers should also be erected to indicate paths and help protect the vegetation.

The applicant should be aware that the clearing of native vegetation in Western Australia is prohibited, unless the clearing is authorised by a clearing permit obtained from the Department of Environment and Conservation, or is of a kind that is exempt in accordance with Schedule 6 of the Environmental Protection Act 1986 or Environmental Protection (Clearing of Native Vegetation) Regulations 2004. Please note that exemptions in the Regulations do not apply in areas that are considered to be environmentally sensitive.

DoW

That the proposal is located within the Peel-Harvey Coastal Plain Catchment where the provisions of the Statement of Planning Policy No.2 apply. In accordance with Provision 6.2.1, the use of conventional on-site effluent disposal systems will only be supported where it can be demonstrated that there is at least a 2 metre vertical separation between the base of the leach drain and the highest known groundwater level and a 100m horizontal separation between the disposal system and the nearest water body.

The project area is located within the Serpentine Groundwater Area, which is proclaimed under the Rights in Water and Irrigation Act 1914. This means there is a requirement to obtain a Groundwater Licence should groundwater draw be necessary for dewatering and irrigating greater than 0.2 hectares in size (i.e. Public Open Space). The issue of a licence is not guaranteed but if issued will contain a number of conditions including the quantity of water that can be pumped each year. If there is an existing licence for the property, it may need to be amended to change the purpose or area.

Development Assessment Unit Comments

Health Services

If the application is approved, the following conditions will apply:

- All activity at the site is to comply with the Environmental Protection (Noise) Regulations 1997;
- A suitable onsite effluent disposal system is to be approved.
- The facility is required to comply with the Health (Public Buildings) Regulations 1992; and
- An adequate potable water supply is to be provided for drinking water and ablution facilities.

Engineering Services

If the application is to be approved, the following conditions should apply:

- Safety screen is to be located around the development area not just at the east and west locations currently proposed.
- Details about the screen material, location of screen from site boundaries are to be detailed.
- Activity area is to be clearly delineated on plan to demonstrate appropriate separation distances from neighbouring properties and road reserves.

- Parking areas need to be clearly specified on plans of development.
- Boomerang Road needs to be upgraded to support proposed traffic volumes.

Environmental Services

The Environmental Services provides the following comments:

- There appears to be no proposal for any structure other than an ablution block. No details have been provided on the dimensions and placement of the proposed toilet and effluent treatment system. Given the sparse and low nature of the vegetation there should be a requirement for some shade for clients to shelter in adverse or extreme weather conditions.

Will apply:

- It is unclear whether there is a water supply for health (toilet and potable) and fire fighting purposes?
- Paintballing activities are to be excluded from the 2 densely vegetated parts of the lot in the south western corner the area that includes a portion of a Swan Coastal Plain Geomorphic Wetland and the low vegetated area in the south eastern quadrant.
- The proposal does not have adequate information about the car park area dimensions (how many vehicles will it have to accommodate), its position in relation to vegetation, the current crossover point and how the track from crossover to the parking area is to be laid out and the material to be used for roading and parking area.

Comment:

TPS 2

Private Recreation' is an 'AA' use in the 'Rural' zone, which may be undertaken at the discretion of Council. In exercising this discretion, Council must be satisfied that the proposed use will be consistent with the stated objectives for the 'Rural' zone, and will not detract from the overriding agricultural intent of the area. Consideration should also be given to the Shire's Rural Strategy, which provides for appropriately scaled recreational uses to be undertaken as long as they do not detract from the intent of the Rural Policy Area.

Rural Strategy

This proposal received objections based on contravention of the objectives for the Rural Policy Area as per the following objective:

R1. To provide opportunities for a 'rural living' lifestyle, with greater sense of space and privacy.

Rural living policy area outlines that:

Rural living areas cater for those who seek a lifestyle with greater sense of space and privacy than in the urban.

With this statement in mind and given the significant number of submissions received against the proposal and perceived intrusion of the development on private, quite and peaceful rural life, it is recommended that the application be refused.

It is considered that the unsealed Boomerang Road would not be able to sustain the anticipated high traffic inflows without being upgraded. Such an upgrade would be expensive and the onus on the upgrading would be with the applicant and not Council.

Conclusion

It is recommended that the application be refused.

Voting Requirements:

Simple Majority

Committee/Officer Recommended Resolution:

That the application for approval to commence development of Private Recreation (Paintballing Facility) on Lot 50 Boomerang Road, Oldbury be refused for the following reasons:

1. The noise, traffic and dust generated as a result of this land use are likely to have an adverse impact on the amenity of the area and nearby landowners.
2. Boomerang Road is unsealed and would require substantial upgrading at the cost of the proponent to address the dust issues that would result from the significantly increased traffic volumes on the road.

New Motion:

Cr Price, seconded

That this item be deferred so that matters to do with water, carparking, shade for participants and the envelope on the site where the activity will take place can be clarified between the applicant and Council officers.

LOST FOR WANT OF A SECONDER

Manager Subdivisions left the meeting at 8.00pm and returned at 8.07pm.

Director Corporate Services left the meeting at 8.12pm and returned at 8.13pm.

SD042/10/08 COUNCIL DECISION:

Moved Cr Murphy, seconded Cr Geurds

That the application for approval to commence development of Private Recreation (Paintballing Facility) on Lot 50 Boomerang Road, Oldbury be refused for the following reasons:

- 1. The noise, traffic and dust generated as a result of this land use are likely to have an adverse impact on the amenity of the area and nearby landowners.**
- 2. Boomerang Road is unsealed and would require substantial upgrading at the cost of the proponent to address the dust issues that would result from the significantly increased traffic volumes on the road.**

CARRIED 8/2

| SD035/10/08 COMMUNITY SPORT & RECREATION FACILITIES FUND (A0141-02) | | |
|---|---|--|
| Proponent: | Serpentine Jarrahdale Shire, Mundijong Centrals Football Club and Lightweight Motor Cycle Club | In Brief Council is asked to prioritise recommended funding applications being submitted under the Community Sport & Recreation Facilities Fund. |
| Owner: | Serpentine Jarrahdale Shire | |
| Author: | Julie Sansom - Community Development Officer | |
| Signatures Author: | N/A | |
| Senior Officer: | Suzette van Aswegen - Director Strategic Community Planning | |
| Date of Report | 21 October 2008 | |
| Previously | SD024/08/08 | |
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act. | |
| Delegation | Council | |

Background

The Community Sporting and Recreation Facilities Fund (CSRFF) exemplifies the Western Australian Government's commitment to the development of sustainable infrastructure for sport and recreation across the State. The purpose of the program is to provide Western Australian Government financial assistance to community groups and local government authorities to develop basic infrastructure for sport and recreation. The program aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of sustainable, good quality, well-designed and well-utilised facilities.

Through CSRFF, the State Government invests \$9 million annually towards the development of high quality physical environments in which people can enjoy sport and recreation. Priority will be given to projects that lead to facility sharing and rationalisation. Multi-purpose facilities reduce infrastructure required to meet similar needs and increase sustainability. The CSRFF program operates on a reimbursement system. Strict funding conditions apply and applicants need to ensure they are able to carry the full cost of the project for the period between project completion and CSRFF grant payment.

Two Community Sport & Recreation Facilities Fund (CSRFF) applications have been received for the October 2008 funding round. These are as follows (costs are GST exclusive):

| Organisation | Project | Estimated Project Cost \$ | CSRFF Grant Sought | Applicant \$ | Other \$ |
|-----------------------------|---|---------------------------|--------------------|--------------|-------------------------------|
| Serpentine Jarrahdale Shire | Mundijong Changerooms and Multipurpose Community Facility | \$980,000 | \$326,666 | \$100,000 | \$553,334 |
| Lightweight Motorcycle Club | Extension to existing spectator safety fencing | \$7,676.91 | \$2,558.97 | \$3,667.94 | \$1,450.00 (Voluntary labour) |

Proposed funding breakdown for Mundijong Changerooms and Multipurpose Community Facility (ex GST)

| | |
|---|-----------|
| Serpentine Jarrahdale Shire (the Shire) | \$100,000 |
| Centrals Football Club | \$ 10,000 |

| | |
|--|-------------------------|
| RIFP funding request | \$340,000 |
| CSRFF funding request (one third of total project) | \$326,666 |
| Combination of other Federal/State funding | <u>\$203,384</u> |
| TOTAL: | <u>\$980,000</u> |

GST will be added to the overall project cost and to all contributions.

At Council's August 2008 Ordinary Council Meeting the following resolution was made in relation to the Mundijong Changerooms and Multipurpose Community Facility:

"SD038/10/06 Committee Decision/Officer Recommended Resolution:

That

- 1. Option 1, to renovate and extend the Mundijong Changerooms to the value of \$969,000 (ex GST), be endorsed as the preferred option, as recommended by the Mundijong Changerooms Upgrade Working Group.*
- 2. Council considers an allocation of \$100,000 in the Forward Financial Plan and 2009/10 Budget deliberations towards this project.*
- 3. Council acknowledges Centrals Football Club pledge of \$10,000 (plus \$1,000 GST) towards the project.*
- 4. Council states in the funding applications that neither Council nor Centrals Football Club will be able to contribute additional funds to the project should there be a funding shortfall, and that the project will only go ahead if all funds are confirmed.*
- 5. The Chief Executive Officer be delegated authority to sign the funding applications for the Regional Infrastructure Funding Program and other State and Federal funding programs, to raise the combined balance of \$859,000 required to fund the project.*
- 6. The Regional Infrastructure Funding Program application be submitted on 22 August 2008 to meet the funding deadline, on the proviso that if Council do not endorse this submission at the Ordinary Council Meeting on 25 August 2008, then the application be withdrawn.*
- 7. The Chief Executive Officer is authorised to sign the planning application on behalf of Council, for Option 1.*
- 8. The Director Development Services is authorised to approve the planning application based on Option 1.*

CARRIED 7/0"

Based on recent feedback from State funding bodies the Shire have been advised to include costs for project funding auditing (\$1,000) and for the calculation of lifecycle / maintenance costs (\$10,000) which brings the project cost to \$980,000.

Sustainability Statement

Effect on Environment and Resource Implications: Both projects will create safer, healthier and better quality environments. The design of the Mundijong Changerooms and Multi Purpose Community Facility will consider water efficiency and energy management and allocate the best technology within budget restrictions. The Lightweight Motorcycle Club has planning approval to extend existing spectator safety fencing. The proposed fencing is an incidental addition to the existing infrastructure on the site and is consistent with the intention of the Rural Zone and the Landscape Protection Policy area. No vegetation will be removed or impacted upon as the proposed fence is to be installed in the exact location as the old spectator fence which has recently been removed. The old spectator fencing has become dilapidated over the years and needs replacement in the interests of public safety.

Use of Local, Renewable or Recycled Resources: Local resources may be used in the construction of the projects where feasible, as demonstrated by quotes.

Economic Viability: The inclusion of the toilets within the Mundijong Changerooms and Multipurpose Community Facility will have the ongoing costs of maintenance and repair. The new facility should be more water efficient with better technology and fittings than in the

current facilities. The safety fencing project will potentially attract more spectators and competitors by improving the safety of the venue.

Economic Benefits: The Mundijong Changerooms and Multi Purpose Community Facility project will enhance current facilities, thus attracting community and sporting groups, with the potential to facilitate local community events and activities that would otherwise not be possible. The Lightweight Motorcycle Club's venue brings visitors into the community on a regular basis.

Social – Quality of Life: The Mundijong Changerooms Multipurpose Community Facility project will enhance current sporting and other recreational activities and fosters the use of facilities by the wider community to undertake recreational activities on the adjacent oval and other facilities. The safety fencing project supports a very popular community facility that provides the opportunity for legal use of lightweight motorcycles in a contained and organised environment. Erecting the fencing improves community safety.

Social and Environmental Responsibility: The Centrals Football Club and Lightweight Motorcycle Club are engaged in both the design and construction of the proposed facilities – in liaison with the Shire.

Social Diversity: The facilities will provide access to a diverse range of community groups and will not disadvantage any social groups.

Statutory Environment:

Planning approval and building approval is required for the Mundijong Changerooms and Multipurpose Community Facility project.

Policy/Work Procedure Implications:

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

Financial Implications:

Mundijong Changerooms and Multipurpose Community Facility .

Council will be asked to consider \$100,000 in the Forward Financial Plan for 2009/10.

Council could be asked, in future operational budgets, to consider contributing towards furniture and equipment funding applications in order for the facility to be hired as a multi purpose facility. Council will also need to budget (as for all buildings) for:

- ongoing annual maintenance and
- lifecycle costs

Lightweight Motor Cycle Club

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

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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

Strategies:

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

Objective 3: High level of social commitment

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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.

Community Consultation:

Community consultation for the Mundijong Changerooms and Multipurpose Community Facility project has been ongoing over the last five years between the Shire and Centrals Football Club. The Mundijong Changerooms Working Group has incorporated, and liaised with, community representatives from user groups as part of the feasibility process.

The draft Serpentine Jarrahdale Shire Community Facilities and Services Plan to 2020 (CFSP) consultation sessions and surveys also informed this process.

Comment:

The projects are consistent with the Draft CFSP to 2020, the Shire's 2002 Recreation Planning Report and the Peel Region Recreation Plan.

The Department of Sport and Recreation (DSR) requires Council to prioritise applications being submitted from Council and the Serpentine Jarrahdale community before forwarding them to the DSR for consideration. This rating should reflect how worthwhile the project is and indicate its importance on its actual need and benefit to the community.

The level of support is required to be indicated as per the following project ratings supplied by the DSR:

- | | | |
|-----|--|-------------------|
| (a) | Well planned and needed by the municipality | (high) |
| (b) | Well planned and needed by applicant | (medium/high) |
| (c) | Needed by municipality, more planning required | (medium) |
| (d) | Needed by applicant, more planning required | (medium/low) |
| (e) | Idea has merit, more preliminary work needed | (low) |
| (f) | Not recommended | (not recommended) |

Council is also required to rank the applications in order of priority. These recommendations are summarised in the table below:

| Organi- sation | Project | Estimated Project Cost \$ | CSRFF Grant Sought | Applicant \$ | Other \$ | Level of Support | Council Priority Ranking |
|-----------------------------|---|---------------------------------|--------------------------|-----------------|-------------------------------|---|--------------------------------|
| Serpentine Jarrahdale Shire | Mundijong Changerooms and Multipurpose Community Facility | \$980,000 | \$326,666 | \$100,000 | \$553,334 | High (well planned/ & needed by municipality) | 1 |
| Lightweight Motorcycle Club | Extension to existing spectator safety fencing | \$7,676.91 | \$2,558.97 | \$3,667.94 | \$1,450.00 (Voluntary labour) | High (well planned) & needed by municipality | 2 |

Voting Requirements:

ABSOLUTE MAJORITY

SD035/10/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Price

Council endorses the following rankings for Community Sport & Recreation Facilities Fund applications for 2009/2010:

| Organi- sation | Project | Estimated Project Cost \$ | CSRFF Grant Sought | Applicant \$ | Other \$ | Level of Support | Council Priority Ranking |
|-----------------------------|---|---------------------------------|--------------------------|-----------------|-------------------------------|---|--------------------------------|
| Serpentine Jarrahdale Shire | Mundijong Changerooms and Multipurpose Community Facility | \$980,000 | \$326,666 | \$100,000 | \$553,334 | High (well planned/ & needed by municipality) | 1 |
| Lightweight Motorcycle Club | Extension to existing spectator safety fencing | \$7,676.91 | \$2,558.97 | \$3,667.94 | \$1,450.00 (Voluntary labour) | High (well planned) & needed by municipality | 2 |

CARRIED 10/0

SD036/10/08 COMMUNITY SAFETY & CRIME PREVENTION – STEERING COMMITTEE (A0101)

| | | |
|-------------------------|--|---|
| Proponent: | Serpentine Jarrahdale Shire | In Brief: To nominate a Councillor (or Councillors) as Chairperson (or Co-Chairperson) of the Community Safety & Crime Prevention Steering Committee. |
| Owner: | Not applicable | |
| Officer: | Andrew Stuart - Community Development Officer | |
| Signatures Author: | N/A | |
| Senior Officer: | Suzette van Aswegen - Director Strategic Community Planning | |
| Date of Report: | 06 October 2008 | |
| Previously: | CRD08/09/04; CRD02/05/04; CRD34/06/04; CRD23/04/04 | |
| Disclosure of Interest: | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act | |
| Delegation | Council | |

Background

In 2004 Council entered into a formal partnership with the State Government through the Office of Crime Prevention. A local Safer Community WA Serpentine Jarrahdale Crime Prevention Group (Steering Committee) was established.

The Steering Committee met several times over the 2005–2006 period however, the project was discontinued

In July 2008, one of the Shire's part time Community Development Officers hours were extended using the initial office of Crime Prevention funding to assist the Steering Committee to drive the Community Safety & Crime Prevention Project, establish a Shire Staff Reference Group, establish a Steering Committee, schedule several training workshops & community forums and finally to write the Shire's *Community Safety & Crime Prevention Plan 2009 – 2011*.

Sustainability Statement

Economic Viability:

Staff Resources:

The initial \$10,000 (plus an additional \$1,200 allocated annually for administration) grant funding provided by the Office of Crime Prevention will be used to develop the Shire's Community Safety & Crime Prevention Plan. The Steering Committee will initiate and drive the process with the support of the Community Development Officer.

Ongoing Costs/Funding:

The potential for further grant funding that is available from the Office of Crime Prevention is up to \$5,000 per month, with significant potential for Council to apply to additional funding bodies to value-add to the grant requests. This is in addition to the one-off incentive grant of \$20,000 as an up-front payment to address any priority projects endorsed and listed in the Shire's Community Safety & Crime Prevention Plan to assist Council in addressing any key issues identified by community consultations.

Additional grant funding can also be applied for through a number of funding programs, as required, to value-add to the Community Safety & Crime Prevention Partnership agreement. This will allow external funding to be better channelled through to groups for the implementation of the plan and gives priority status for initiatives covered in the plan.

Economic Benefits: The proposal should have economic benefits through crime prevention & community safety strategies that benefit local businesses and possibly reduced insurance premiums. This is likely to include increases in land values, business retention and investment.

Social – Quality of Life: Production of a Community Safety & Crime Prevention Plan (the Plan) has the potential to improve quality of life by focusing on the promotion of social interaction and healthy activities and by reducing community fears and apprehensions.

Social and Environmental Responsibility: The proposal will promote the capacity and self reliance of our communities and build the resilience and security of our citizens. Fostering partnerships and enabling full participation will be the hall marks of its implementation. The Community Development Officer has already tentatively engaged the following groups: Neighbourhood/Rural Watch; Western Australian Police; Office of Crime Prevention – Anti-Graffiti section & the Crime Prevention Through Environmental Design section; Constable Care program; Local Government Insurance Services – risk management & public liability section; with various community forums and workshops already scheduled.

This includes the provision of access to funding programs and support for a multi-agency approach.

Social Diversity: The proposal aims to assist all social groups through community safety & crime prevention, providing for diversity in our community. Social groups include: youth, seniors, indigenous, ethnic minorities, disabled, families. All aspects of social life will be promoted with the formation of a Serpentine Jarrahdale Community Safety & Crime Prevention Steering Committee.

Statutory Environment: None.

Policy/Work Procedure Implications:

The Community Safety & Crime Prevention Strategy may affect a number of policies depending on the outcomes such as the new engineering standards for sub divisions; Crime Prevention Through Environmental Management (CPTM) and Crime Prevention through Environmental Design (CPTED).

Financial Implications:

Council has budgeted \$15,120 (\$10,000 grant plus \$1,200 accrued annually for administration) in the 2008/09 Budget. All funding is currently provided externally by the State Government, for the development and administration of the committee and further external funding for project work initiated by the Steering Committee.

Strategic Implications:

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

1 People and Community

Objective 1: Good quality of life for all residents

Strategies:

- 2 Develop good services for health and well being.
- 3 Retain seniors and youth within the community.
- 4 Respect diversity within the community.
- 6 Ensure a safe and secure community.

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

Strategies:

- 1 Increase information and awareness of key activities around the Shire and principles of sustainability.
- 3 Design and develop clustered neighbourhoods in order to promote liveability.

Objective 3: High level of social commitment

Strategies:

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

4 Governance

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

Strategy

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

Community Consultation:

Required: None.

Comment:

Some initial interest by community members to both establish and join the Steering Committee has already been received from the public workshop held on the 25 September 2008 with the Office of Crime Prevention.

The Steering Committee will meet monthly through 2008/09 to develop the community's priority projects to be listed in the Plan and to seek the final endorsement by Council.

Councillors are requested to consider participation on the Steering Committee which will ultimately support the strategic direction and timely endorsement of this project, with the goal of obtaining further external grant funding to commence the community's projects as soon as possible. Councillors are also requested to consider nominating a Councillor (or two) in the role of Chairperson (or Co-Chairpersons) of the Community Safety & Crime Prevention Steering Committee to offer direction and leadership to develop the Shire's Community Safety & Crime Prevention Plan 2009 - 2011.

The Steering Committee meetings are scheduled to commence on Wednesday 15 October 2008.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

Council nominates Councillor _____ as Chairperson & Councillor _____ as Deputy Chairperson of the Serpentine Jarrahdale Community Safety & Crime Prevention Steering Committee.

SD036/10/08 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Brown, seconded Cr Buttfield

Council nominates Councillor Harris as Chairperson & Councillor Randall as Deputy Chairperson of the Serpentine Jarrahdale Community Safety & Crime Prevention Steering Committee.

CARRIED 10/0

| SD037/10/08 ADOPTION OF THE BIODIVERSITY STRATEGY FOR SERPENTINE JARRAHDAL (A0397) | | |
|--|--|---|
| Officer: | Chris Portlock - Manager Environmental Services | In Brief Council is requested to endorse the final Local Biodiversity Strategy Stage 1 and its Vision, Goals, Retention and Protection Targets and Management Actions. |
| Signatures Author: | N/A | |
| Senior Officer: | Suzette van Aswegen - Director Strategic Community Planning | |
| Date of Report | 3 September 2008 | |
| Previously | SD015/08/07, SD098/04/07 | |
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act | |
| Delegation | Council | |

Background

The Serpentine Jarrahdale Shire (the Shire) was granted funding of \$15,000 in Round 1 of the Western Australian Local Government Association's (WALGA) South West Biodiversity Targeted Grants Project, to complete the draft Stage 1 Local Biodiversity Strategy (Strategy). The project included the:

- Creation of the Vision;
- Establishment of Objectives;
- Setting of Targets;
- Identification of Local and Regional Ecological Linkages; and
- Prepare Draft Biodiversity Action Plan.

Council's resolved in August 2007 to endorse the proposed Public Consultation Program and the Reference Group Structure for Stage 1 of the Draft Strategy Discussion Paper. The Reference Group was formed and the Draft Strategy was prepared. Public consultation was undertaken and included a three month comment period and a workshop. Stage 2 of the Biodiversity Project is currently underway with the preparation of the Draft Biodiversity Local Planning Policy (LPP) and the Draft Incentives Strategy for Conservation on Private Property.

Copies of the Local Biodiversity Strategy document, Vision, goals, targets and management actions document and the Summary of Public Consultation results are with the attachments marked SD037.1/10/08, SD037.2/10/08 & SD037.3/10/08.

Sustainability Statement

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

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

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

Economic Viability: The proposal is designed to strategically protect vegetation within the Shire. The Shire has already experienced significant loss of biodiversity assets. This proposal seeks to identify what biodiversity assets should be protected or reinstated and how that should be achieved. Environmental management has an ongoing cost. However, there is also a significant cost if environmental assets are not responsibly managed.

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

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

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

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

Statutory Environment

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

- Environment Protection and Biodiversity Conservation Act 1999
- Wildlife Conservation Act 1950
- Environmental Protection Act 1986
- Soil and Land Conservation Act 1945 (to be replaced by amendments to the Environmental Protection Act 1986: (Clearing of Native Vegetation) Regulations 2004 with a Guide for Local Government Clearing Native Vegetation under the Environmental Protection Act 1986)
- Planning and Development Act 2005

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

- Bush Forever (Government of Western Australia 2000a, 2000b & 2000c) and related bushland policies (e.g. Urban Bushland Strategy)
- Environmental Protection Authority (EPA) Guidance Statement No. 10: Guidance for the Assessment of Environmental Factors – Level of assessment for proposals affecting natural areas within the System 6 region and Swan Coastal Plain portion of the System 1 region (Environmental Protection Authority 2003a)
- EPA Guidance Statement No. 33 (Draft): Policies, Guidelines and Criteria for Environmental Impact Assessment - Guidelines for Environment and Planning (Environmental Protection Authority 1997)
- Forest Management Plan 2004 – 2013 (Conservation Commission 2003)
- System 6 report (Department of Conservation & Environment 1983) and the System 6 Update program (Department of Environmental Protection unpublished (1996)
- Wetlands Conservation Policy for Western Australia (Government of Western Australia 1997)
- EPA Position Statement No. 4: Environmental Protection of Wetlands (preliminary) (Environmental Protection Authority 2001)
- EPA Position Statement No 2: Environmental Protection of Native Vegetation in Western Australia (Environmental Protection Authority 2000b)
- State Weed Plan (State Weed Plan Steering Group 2001);
- Draft Policy Statement No. 9 Conserving Threatened Species and Ecological Communities (Department of Conservation and Land Management 2003a)
- EPA Guidance Statement No. 51: Guidance for the Assessment of Environmental Factors – Terrestrial flora and vegetation surveys for environmental impact assessment in Western Australia. (Draft) (Environmental Protection Authority 2003c)
- EPA Guidance Statement No. 56: Guidance for the Assessment of Environmental Factors – Terrestrial fauna surveys for environmental impact assessment in Western Australia. (Draft) (Environment Protection Authority 2003d)
- Draft Statement of Planning Policy: Bushland Policy for the Perth Metropolitan Region (Western Australian Planning Commission in preparation)
- Western Australian State Sustainability Strategy (Government of Western Australia 2003a)
- Environment and Natural Resources Statement of Planning Policy No. 2 (Government of Western Australia 2003b)
- Peel-Harvey Coastal Plain Catchment Statement of Planning Policy No. 2.1 (Government of Western Australia 1992d)
- Jandakot Groundwater Protection Policy Statement of Planning Policy No. 2.3 (Government of Western Australia 1998b)
- Development Control Policy No. 2.3 Public Open Space in Residential Areas (Western Australian Planning Commission 2002)
- Position Statement: Wetlands. (Water and Rivers Commission 2001)
- Wildlife Conservation (Rare Flora) Notice 2001 (Government of Western Australia 2001b)

- Wildlife Conservation (Specially Protected Fauna) Notice 2001 (Government of Western Australia 2001c)

Policy/Work Procedure

Implications:

There are no work procedures/Shire policy implications directly related to this agenda item. However, a Strategy will provide clearer pathways for development by identifying important natural areas at the earliest possible stage. A LPP will be required as an interim measure until the Local Planning Strategy is finalised and the Town Planning Scheme is reviewed.

Financial Implications:

Provision has been made in the 2008/2009 budget for the implementation of the Strategy and for the employment of a Biodiversity and Conservation Officer to implement the strategy.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategy:

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

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

Strategy:

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

Objective 3: High level of social commitment

Strategy:

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

2. Environment

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

Strategies:

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

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

Strategy:

1. Implement known best practice sustainable natural resource management.

3. Economic

Objective 1: A vibrant local community

Strategy:

3. Develop tourism potential.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation

The approach to participate in the South West Biodiversity Project (SWBP) toward the development of a Strategy for biodiversity conservation recognises the need for broad consultation. Formal community consultation was carried out with the release of the Draft Strategy. This included a public consultation program and reference group review.

The reference group structure includes Shire officers, SWBP officers, the engaged consultant, a representative from the Department of Planning and Infrastructure and the Department of Environment and Conservation, two rural private property landholders and two representatives from the development sector.

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

Comment

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

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

It is recommended that Council adopt the final Strategy and its retention and protection targets and management actions.

Voting Requirements: Simple Majority

SD037/10/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Twine, seconded Cr Harris

That Council adopts the final Stage 1 Local Biodiversity Strategy, its retention protection targets and identified management actions as per the Attachments marked SD037.1/10/08, SD037.2/10/08 & SD037.3/10/08.

CARRIED 10/0

| SD038/10/08 PROPOSED NEW DWELLING, LOT 9 JARRAH ROAD, HOPELAND (PO2473/02) | | |
|--|--|--|
| Proponent: | Mandurah Building By Design | In Brief To approve an application for the construction of a new dwelling and reclassification of existing residence into oversize ancillary accommodation. |
| Owner: | R & I Richards | |
| Officer: | Casey Rose - Planning Assistant | |
| Signatures Author: | N/A | |
| Senior Officer: | Brad Gleeson - Director Development Services | |
| Date of Report | 22 September 2008 | |
| Previously | N/A | |
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act | |
| Delegation | Council | |

Date of Receipt: 1 September 2008
 Lot Area: 9.5 Hectares
 MRS Zoning: Rural
 TPS Zoning: Special Rural
 Use Class & Permissibility: Single Residence – Ancillary Accommodation AA Use
 Rural Strategy Policy Area: Rural Living B

Proposal

An application was received for the construction of a new brick and tile single storey dwelling at Lot 9 Jarrah Road, Hopeland. A workshop incorporating a 106 m² residence was previously approved by Council in 1989. The workshop is a steel framed and colourbond clad standard building with a separate residence in an end portion of the workshop.

Local Planning Policy 17 (LPP17) states in the Special Rural zone, that Ancillary Accommodation up to 100 m² must be attached or within 10 metres of the existing dwelling unless otherwise approved by Council.

With the construction of a new dwelling, the existing residence could now be reclassified as Ancillary Accommodation. Given the existing residence has a floor area of 106 m² this would be a variation to LPP17 as the floor area would be greater than the maximum 100 m² allowed in the Special Rural zone. Further to the variation in floor area, the proposed distance between the existing residence and the new dwelling is approximately 100 metres and therefore these variations require approval by Council.

The area between the existing residence and the proposed new residence is made up of several individually fenced horse paddocks and therefore the applicant seeks to position the new dwelling in a cleared area further east of the horse paddocks. The owners have advised they wish to retain the existing 106 m² residence in the shed for future relative accommodation and move into the larger residence upon completion.

The notification buffer to the Dampier-Bunbury Natural Gas Pipeline Corridor partially covers the eastern portion of Lot 9 Jarrah Road. At 220 metres from the pipeline, the proposed new dwelling has adequate setback from the pipeline corridor and the notification buffer is in place to act as an alert for any rezoning proposals. The proposed dwelling is located approximately 220 metres from the Dampier – Bunbury Natural Gas Pipeline and as such the application was referred to the Department of Planning and Infrastructure and Alinta Gas for comment. An objection may be received to the proposal.

A routine site inspection was undertaken on 15 September 2008 and it was noted that earthworks to the proposed new residence had already commenced. The owners were advised to cease any further works as planning and building approvals had not yet been granted.

The site, floor and elevation plans and an aerial photo are contained in the attachments to the agenda marked SD038.1/10/08

Variations requested

A variation to the 100 m² allowable floor area and the 10 metre maximum separation distance between the main dwelling and ancillary accommodation is sought.

Sustainability Statement – Outbuildings

Sustainable Element

Is there remnant native vegetation on site or adjoining verge?

Is remnant native vegetation to be retained or removed as a result of this proposal?

Is additional vegetation required to screen or ameliorate the bulk of the proposed development?

Will the requested variation have an adverse effect on streetscape or the character and amenity of the locality?

Will the requested variation have an adverse effect on visual amenity of neighbouring properties due to bulk and scale, appearance or materials?

Does the proposal include the capture and re-use of stormwater from the roof of the proposed building and/or diversion of stormwater from hardstand areas to landscaped areas?

Comment

Existing remnant native vegetation is scattered throughout the property.

No removal of vegetation is required as the proposed location of the new dwelling as this is a cleared area.

No. The proposed dwelling is a large contemporary design and will compliment the property.

No.

No. The proposed main dwelling will be constructed of new materials and finishes.

As no scheme water is available to this lot it will be necessary to capture stormwater for domestic use.

Statutory Environment:

Planning and Development Act 2005
Serpentine Jarrahdale Town Planning Scheme No. 2
Serpentine Jarrahdale Rural Strategy 1994

Policy/Work Procedure Implications:

LPP17 Residential and Incidental Development

Financial Implications:

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

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

2. Environment

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

Strategies:

3. Encourage protection and rehabilitation of natural resources.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Not required. Town Planning Scheme No.2 lists ancillary accommodation as an AA use in the Special Rural zone therefore this use can be permitted at Council's discretion.

Planning Assessment:

Local Planning Policy LPP17 Residential and Incidental Development

| Policy Requirement | Required | Proposed | Comments (Complies / Variation Supported / Condition Required) |
|--|--------------------------------------|----------------------|--|
| Setbacks Ancillary Accommodation | Attached or within 10 metres | Approx 100 metres | Does not comply. Variation sought and supported. |
| Floor Area Ancillary Accommodation | Max. 100m2 in Special Rural | 106m2 | Does not comply. Variation sought as residence already exists. Proposal supported. |

Conclusion

The existing residence was constructed approximately 19 years ago and at the time provided basic accommodation for the owners as they gradually developed their hobby farm. The owners are now in a position whereby they can construct a larger family home which will complete the overall property development plan. As the property has been improved with fencing and other structures over this period of time there is now permanent fencing and mature trees immediately surrounding the existing workshop and residence and these would require removal to cater for the proposed new dwelling if the proposed location could not be used. As the existing residence is functional and only marginally greater than the 100 m² it would be appropriate to allow this to be reclassified as ancillary accommodation.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

Subject to no objections being received from the Department of Planning and Infrastructure or Alinta Gas with regard to the new dwelling, the Director Development Services be authorised to grant planning approval for a single dwelling and reclassification of existing dwelling to ancillary accommodation on Lot 9 (342) Jarrah Road, Hopeland subject to the following conditions:

1. The new dwelling the subject of this approval is now classified as the Main Dwelling. The existing dwelling in the shed the subject of this approval is now classified as Ancillary Accommodation.

2. Any occupier of the ancillary accommodation shall be a member of the family of the occupier of the main dwelling.
3. In relation to condition 2. above, a Notification under Section 70A of the Transfer of Land Act 1893 must be registered over the certificate of title to the land, the subject of the proposed development, prior to issue of a Building Licence for the main dwelling to notify owners and prospective purchasers of the land that restrictions apply to the use of the ancillary accommodation as stipulated in condition 2.
4. All existing native trees on the subject lot and adjacent road verge shall be retained and shall be protected from damage prior to and during construction unless subject to an exemption provided within Town Planning Scheme No. 2 or the specific written approval of the Shire has been obtained for tree removal either through this planning approval or separately.
5. The dwelling is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant Legislation for other types of effluent disposal systems.
6. All driveway surfaces are to be constructed of a suitable material such as paving, road base, or coarse gravel to limit the generation of dust and sediments entering nearby creeks and drainage lines.
7. All stormwater to be disposed of within the property. This shall be achieved by either soakwells or spoon drains or the use of stormwater retention/re-use methods such as rainwater tanks or the grading of hardstand areas to lawns and garden beds. Direct disposal of stormwater onto the road, neighbouring properties, watercourses or drainage lines is not permitted.

Advice Notes

1. With regard to Condition 3, the Section 70A Notification shall be prepared by the Shire's solicitors to the satisfaction of the Serpentine Jarrahdale Shire and all costs of and incidental to the preparation of and registration of the Section 70A Notification including the Shire's solicitors' costs shall be met by the applicant or the owner of the land.
2. With regard to condition 5, please contact Council's Health Services for setbacks and requirements to other systems.

LOST 0/7

Committee Recommended Resolution:

The application for a single dwelling and reclassification of existing dwelling to ancillary accommodation on Lot 9 (342) Jarrah Road, Hopeland be refused for the following reason:

1. The application does not comply with the Local Planning Policy 17 Residential and Incidental Development as the main dwelling is located in excess of 10 metres from the proposed ancillary accommodation.

SD038/10/08 COUNCIL DECISION:

Moved Cr Kirkpatrick, seconded Cr Buttfield

Subject to no objections being received from the Department for Planning and Infrastructure or Alinta Gas with regard to the new dwelling, the Director Development Services be authorised to grant planning approval for a single dwelling on Lot 9 (342) Jarrah Road, Hopeland subject to the following conditions:

1. The owners enter into a legal agreement prepared by Council's Solicitors requiring the existing residence in the shed to be decommissioned and not occupied for residential purposes within 21 days of practical completion of the new residence.
2. All existing native trees on the subject lot and adjacent road verge shall be retained and shall be protected from damage prior to and during construction unless subject to an exemption provided within Town Planning Scheme No. 2 or

- the specific written approval of the Shire has been obtained for tree removal either through this planning approval or separately.
3. The dwelling is not to be located within 1.2 metres of a septic tank or 1.8 metres of a leach drain, or other such setbacks as required by relevant Legislation for other types of effluent disposal systems.
 4. All driveway surfaces are to be constructed of a suitable material such as paving, road base, or coarse gravel to limit the generation of dust and sediments entering nearby creeks and drainage lines.
 5. All stormwater to be disposed of within the property. This shall be achieved by either soakwells or spoon drains or the use of stormwater retention/re-use methods such as rainwater tanks or the grading of hardstand areas to lawns and garden beds. Direct disposal of stormwater onto the road, neighbouring properties, watercourses or drainage lines is not permitted.

Advice Notes

1. With regard to Condition 1, the legal agreement shall be prepared by the Shire's solicitors to the satisfaction of the Serpentine Jarrahdale Shire and all costs of and incidental to the preparation of the legal agreement including the Shire's solicitors' costs shall be met by the applicant or the owner of the land.
2. With regard to condition 3, please contact Council's Health Services for setbacks and requirements to other systems.

CARRIED 10/0

Council Note: The Committee Recommended Resolution was modified to support the new residence in the location as requested by the landowners. The existing residence in the shed will need to be decommissioned and not occupied for residential purposes within 21 days of practical completion of the new residence.

| SD039/10/08 PROPOSED PATIO – LOT 256 POMERA DRIVE, BYFORD (P06846/01) | | |
|---|--|--|
| Proponent: | Top Notch Patios | In Brief Application for a building licence on behalf of a staff member is required to be referred to Council for determination. Approval is recommended. |
| Owner: | MA Crutchett & RK Cassidy | |
| Officer: | Greg Leuzzi - Contract Building Surveyor | |
| Signatures Author: | N/A | |
| Senior Officer: | Brad Gleeson – Director Development Services | |
| Date of Report | 18 September 2008 | |
| Previously | Nil | |
| Disclosure of Interest | Matthew Crutchett – Subdivision Compliance Officer | |
| Delegation | Council | |

| | |
|------------------------|-------------------|
| Date of Receipt: | 2 September 2008 |
| Advertised: | Not required |
| Submissions: | N/A |
| Lot Area: | 600m ² |
| L.A Zoning: | Urban Development |
| MRS Zoning: | Urban |
| Byford Structure Plan: | Residential R20 |
| Date of Inspection: | Not required |

Background

An application has been submitted for a building licence for a steel frame patio to be constructed on Lot 256 Pomera Drive, Byford. As one of the proponents is a member of

staff of the Shire, the application is required to be referred to Council for determination and must be assessed by a private enterprise contractor.

A copy of the building application is with the attachments marked SD039.1/10/08.

Sustainability Statement

Effect on Environment: Rain water collected on the roof will need to be retained on site in accordance with Council's standard requirements.

Statutory Environment: Local Planning Policy 17 (LPP 17) - *Residential and Incidental Development*

Policy/Work Procedure Implications:

Corporate Services Policy 34 (CSP34) - *Council Control Over Employees Dealing in Land and other Business Activity Within the Serpentine Jarrahdale Shire*

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

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

Comment:

CSP 34 contains the following restrictions with regard to any application for development where the applicant is a staff member:

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

Accordingly, the application for a building licence for the dwelling was referred to the Shire's Contract Building Surveyor for assessment.

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

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

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

| Issue | Requirement | Provided | Complies |
|--------------|--------------------|--------------------|----------|
| Side Setback | Relative to design | Relative to design | Yes |
| Rear setback | Relative to design | Relative to design | Yes |

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

Building Licence

The details provided with the plans submitted comply with all the required Australian Standard requirements referenced in the Building Code of Australia.

Voting Requirements: Simple Majority

SD039/10/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Brown, seconded Cr Harris

Council grants approval for a Building Licence to be issued by the Shire's Contract Building Surveyor for a patio on Lot 256 Pomera Drive, Byford subject to normal standard conditions.

CARRIED 10/0

| SD040/10/08 APPLICATION TO MODIFY SUBDIVISION GUIDE PLAN FOR LOT 24 BEENYUP ROAD, BYFORD (P02131/01) | | |
|---|--|---|
| Proponent: | Vanguard Planning | In Brief Application to modify adopted Subdivision Guide Plan to increase the number of lots permitted from 3 to 7. It is recommended that the modified plan not be adopted. |
| Owner: | J & P Wieske | |
| Officer: | Meredith Kenny - Co-ordinator Planning Services | |
| Signatures Author: | N/A | |
| Senior Officer: | Brad Gleeson - Director Development Services | |
| Date of Report | 22 September 2008 | |
| Previously | 28 November 2005 | |
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act | |
| Delegation | Council | |

| | |
|-----------------------------|--|
| Date of Receipt: | 18 July 2008 |
| Advertised: | Yes |
| Submissions: | Numerous submissions received |
| | Govt Agencies: 3 x conditional submissions |
| Lot Area: | 6.3359 hectares |
| L.A Zoning: | Special Use Zone – Landscape Protection |
| MRS Zoning: | Rural |
| Rural Strategy Policy Area: | Conservation - Private |
| Rural Strategy Overlay: | Landscape Protection |
| Bush Forever: | Abuts Darling Range Regional Park |

Background

At the Ordinary Council Meeting held on 28 November 2005, Council resolved to grant final approval to Amendment 137 to rezone the subject land from Rural to Special Use Zone – Landscape Protection. The Minister for Planning and Infrastructure granted final approval for the amendment on 22 May 2006.

The Council approved the amendment on the proviso that the number of lots shown on the Subdivision Guide Plan (SGP) be reduced from six to three. The reason for the required

reduction in the number of lots was due to the gradient and levels on the site as it would not be possible for the existing Water Corporation reticulated water supply to service the six proposed lots. A continuous water supply could not be guaranteed unless the existing water supply system was upgraded and protection of the landscape values and vegetation on the land.

The adopted and proposed amended SGP are with the attachments marked SD040.1/10/08.

Proposal

The amended SGP submitted includes the following modifications:

1. Priority Conservation Area has been modified and does not include all of the area shown on the adopted SGP.
2. The number of lots has been increased from 3 to 7.

The applicant provides the following reasons in support of the proposed modification:

- *The value of land has increased substantially;*
- *Due to increased land values and Water Corporation upgrades, the previous water supply constraint can be overcome;*
- *It would be challenging to maintain a high standard of fire and weed management on 2 hectare lots that were originally proposed; and*
- *Adjoining landownership has changed.*

In response to those changed circumstances, the Subdivision Guide Plan has been amended as follows:

- *7 lots of a more manageable size (minimum of 7929m²);*
- *Relocate building envelopes to improve access to water supply, while staying out of core conservation area and a reasonable distance from the rear of the adjoining lots;*
- *The two largest lots have been located in the area that is most difficult to service with the existing water supply; because they are 1 hectare the State Government's new water requirements should provide for these lots to use a rainwater tank;*
- *Revert to a private driveway arrangement for vehicular access, providing reciprocal access through an easement in gross in favour of the other landowners: this will ensure the minimum number of vehicular movements at the rear of the adjoining lots;*
- *Retain public open space, strategic firebreaks and drainage reserve as per the previous Subdivision Guide Plan.*

Sustainability Statement

Effect on Environment: Increasing the number of lots to 7 will result in a significant loss of existing remnant native vegetation from the lot compared to the three lot proposal contained in the adopted SGP. This is due to the inability to locate building envelopes outside areas containing existing vegetation, the increased clearing requirements that would be imposed on the development as a whole as a result of implementing necessary fire protection measures and an increase in the number of driveways.

In addition, the amended SGP shows a reduced area of the lot being set aside for the Priority Conservation Area compared to the adopted guide plan. The increased loss of remnant native vegetation would also be inconsistent with the objectives of the Landscape Protection Policy contained in Town Planning Scheme No. 2 (TPS 2) as follows:

APPENDIX 5 – LANDSCAPE PROTECTION POLICY AREA

1. *This policy applies to the area specified in the accompanying Landscape Protection Policy Area Map.*

2. *The objective of this policy is to preserve the amenity deriving from the scenic value of the Darling Scarp within the Scheme Area.*
3. *The objectives of this policy are to be achieved by the implementation of the following policy measures.*
 - 3.1 *Subdivision of land within the policy area will not be generally supported where it is likely to result in an undesirable density of development visible from the South Western Highway.*
 - 3.2 *The development of buildings in the policy area shall not be permitted:*
 - (a) *on ridge lines or spur, bluff or knoll;*
 - (b) *in areas having a generalised slope greater than 25 percent.*
 - 3.3 *The development of buildings within the policy area shall:*
 - (a) *require the planning consent of the Council;*
 - (b) *be sited and constructed to take advantage of the topography and the vegetation to limit visual intrusion;*
 - (c) *be accompanied by such additional tree planting and landscaping as the Council considers necessary to achieve the objectives of this policy.*
 - 3.4 *The overall tree cover of the scarp is to be increased by:*
 - (a) *the retention of the existing trees wherever possible;*
 - (b) *additional tree planting being incorporated in every development application approved within the policy area; and*
 - (c) *the encouragement of the land owners within the policy area to continue to protect and enhance the landscape.*

The building envelopes for the 7 lots will be located on land that is between 40-70 metres (average 60 metres) above the height of South Western Highway. Therefore, all of the new dwellings will be visible from South Western Highway and this, combined with the additional clearing required, will result in the scenic value of the Scarp being reduced.

The proposed modification to the guide plan fails to meet the objectives of the Landscape Protection Policy (LPP8) with regard to:

1. preservation of the scenic value of the Darling Scarp
2. density of built form; and
3. preservation of remnant vegetation

Resource Implications: The Water Corporation's reticulated water supply system extends to Lot 24 however due to the topography of the site a guaranteed water supply will only be available to lots 1-3. The other 4 lots will have to rely on tank water.

Social – Quality of Life: The additional clearing would have a greater impact on the visual amenity, privacy and peace of adjacent landowners as there would be an increased built form, reduced natural landscape, more residents and more vehicles accessing the battleaxe driveway that directly abuts the rear of their properties. Three of the residents backing directly onto Lot 24 object to this increase in lot numbers and also objected to the previous proposal that only included 3 lots.

Statutory Environment:

TPS 2
LPP 8

Appeal rights do not exist in relation to a decision to refuse a SGP.

Rural Strategy

The subject land is within the Conservation-Private Land policy area under the Rural Strategy. The additional clearing required as a result of an increase in the number of lots will impact on the conservation values of the land. In particular, the modified SGP shows a reduced area of Lot 24 being set aside for Priority Conservation.

Policy/Work Procedure Implications:

Western Australian Planning Commission's (WAPC) Development Control Policy DC 3.4 Subdivision of Rural Lands and State Planning Policy 2.5 (SPP 2.5) Agricultural and Rural Land Use Planning. The subject development falls within the category of Rural-Residential zone under SPP 2.5 as follows:

Rural-Residential zone—Land used for residential purposes in a rural setting which provides for alternative residential lifestyle and which seeks to preserve the amenity of such areas and control land use impacts.

SPP 2.5 includes a minimum lot size for Rural-Residential subdivisions of 1 hectare to 4 hectares depending on site conditions and constraints. The outcome of the previous assessment of Amendment 137 to TPS 2 (land capability, landscape protection) was that a minimum lot of 2 hectares and a maximum number of 3 lots was considered to be appropriate for this site.

A mandatory requirement for the provision of scheme water for all rural-residential lots is contained in SPP 2.5 as well and also led to the requirements for a minimum lot size of 2 hectares in the case of Lot 24. WAPC Policy DC 3.4 was amended in February 2008 and one of the amendments allowed for the WAPC to consider alternative water supply (instead of mandatory reticulated water supply connection) for Rural-Residential lots as follows:

3.2 Water for Rural-Residential Development

When approving lots for rural-residential development (1-4 ha) the WAPC will generally require connection to a reticulated water supply where it is practical and reasonable to do so. Where it is not practical or reasonable for lots to connect to a reticulated water supply the WAPC may consider an alternative water supply. In determining whether provision of a reticulated water supply is reasonable, the WAPC may consider the cost differential between a reticulated and alternative water supply, and the reliability of an alternative water supply.

The reliability of alternative water supplies in different localities needs to be confirmed by available models.

The provision of a potable water supply for 4 of the 7 lots proposed would rely entirely on the capture of stormwater from roofs. Rainfall in the Perth metropolitan area has been diminished in recent years and the amount of water that can be captured from roofs in this development would be entirely dependent on the size of the dwellings and outbuildings constructed on the lots. Therefore, in order to achieve a greater supply of water land owners may resort to building larger buildings (particularly outbuildings) in order to increase or guarantee an adequate water supply for domestic use. This then would lead to the potential for a greater adverse impact on the scenic values of the Scarp by virtue of bulkier buildings and lead to additional clearing of remnant vegetation.

Financial Implications:

Nil.

Strategic Implications:

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

2. Environment

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

Strategies:

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

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

Strategy:

1. Implement known best practice sustainable natural resource management.

External Government Agency Comments

Environmental Protection Authority (EPA)

During the Scheme Amendment Process the Amendment was referred to the EPA under section 48A of the Environmental Protection Act. The EPA provided the following advice with regard to the scheme amendment which is relevant to the proposed amendment to the SGP:

Remnant Vegetation

It is noted that the building envelopes as shown on the Subdivision Guide Plan (Figure 3) are suitably located away from areas of remnant vegetation designated as the "Priority Conservation Area" abutting the Parks and Recreation Reserve to the east. While the proposed scheme provisions relating to the retention of remnant vegetation in the "Priority Conservation Area" are supported, it should be noted that all other native vegetation should be preserved so far as practicable after clearing for site works and services to accommodate the proposed rural-residential development.

No vegetation should be cleared within any allotment except for the purposes of:

- *compliance with the requirements of the Bush Fires Act 1954 (as amended)*
- *clearing within the agreed building envelope for a reasonable area of the construction of an approved dwelling or outbuilding;*
- *to construct a vehicular access as approved by the Council; and*
- *for any other reason where specific written approval has first been obtained from the Council.*

Accordingly, it is recommended that a scheme provision be incorporated into the amendment documentation advising that the clearing of native vegetation is prohibited, unless the clearing is authorized by a clearing permit obtained from the Department of Environment, or is of a kind that is exempt in accordance with Schedule 6 or regulation 5 (Clearing of Native Vegetation Regulations) of the Environmental Protection Act 1986.

Water Corporation

The following comment on the modified SGP provided:

Water Supply

The lot is not covered by the Corporations existing water scheme planning. The existing water supply scheme is not able to serve the entire lot, as the land rises beyond which adequate pressure can be guaranteed. Portions of proposed lots 1 to 3 are the only areas that can be served with water supply.

TRIM Ref No. E08/5489

| Submitter | Summary | Officer's Comment |
|-----------|---|---|
| A211240 | <p>Supports modified guide plan conditionally.</p> <p>The property should be subdivided into 6 lots rather than 7 as the proposed building envelope is too close to the boundaries. Reducing the lots by one would also provide a better outcome for Lot 5, allowing a more regular boundary and greater separation of existing buildings from the side boundary.</p> <p>A buffer should be providing along the western boundary to allow for vegetation screening between the driveways and the existing lots to the west for privacy and to reduce the visual impact of the development on those adjoining lots.</p> <p>Lots smaller than 2 hectares are supported as future owners will be more likely to be able to manage them (ie weed management). Lot 24 has no value as a rural lot.</p> <p>The submitter states that the comment made by the applicant that the increased value of the land warrants smaller lots is irrelevant although the submitter does support smaller lots being allowed for land management reasons.</p> | <p>The submitter's comments relating to the need to review the location of the building envelopes on Lots 5 and 7 and the need to reduce the number of lots and provide a better setback to the existing buildings on Lot 5 is supported.</p> <p>It is agreed that there is a need for a vegetation screen along the western boundary. The adopted guide plan would have allowed for this as the actual constructed driveway would only have to be 6 metres wide and the remainder of the land contained in the 3 battleaxe legs could have been used for drainage of the driveway and retention and replanting of vegetation.</p> <p>It is considered that the minimum lot size should remain at 2 hectares to reduce the visual impact, noise from vehicles, number of vehicles using the battleaxe legs and impact on existing remnant vegetation.</p> |
| A211220 | <p>Object to the proposal.</p> <p>Any development on this lot, no matter how well planned, will impact on the natural landscape of the area and any damage done will be irreversible.</p> <p>The construction of the battleaxe driveway will mean they effectively will have a road reserve at both the front and the rear of their property and this will have an adverse effect on their lifestyle both in terms of privacy and security.</p> <p>The continual change by the landowner in the number of lots</p> | <p>The comments made by the submitter are noted and supported.</p> |

| Submitter | Summary | Officer's Comment |
|-----------|---|---|
| | <p>from 6 to 3 to 7 has been confusing.</p> <p>The latest proposal does not include a vegetation / landscape buffer which was a requirement in previous plans. If any development was ever to be approved by Council, we believe this should be a priority.</p> | |
| A211218 | <p>Object to the proposal for the following reasons:</p> <ul style="list-style-type: none"> - They bought their property based on advice from a Council Officer in 1998 that the adjoining rural property would not be rezoned or developed. - This development if approved in the current form will put them in the unusual position of having a road at both the front and rear of their property. This will increase noise levels and affect the outlook onto the hills behind them. <p>If the application to rezone is successful then they request they be consulted on the type of vegetation to be planted in the vegetation buffer between their property and the proposed new road. They do not want excessively tall trees used in this area.</p> <p>They express concern that noisy trail bikes will use the new road and the new properties.</p> <p>Will the strategic fire break from the southern end of the new road to the southern boundary eventually provide a through Road to Crossing View if the adjoining Lots 129 & 128 are developed in the future. This would cause them to be affected by through traffic.</p> <p>They were not aware that the Council had approved the 3 lot guide plan previously adopted. They only recall the original 6 lot guide plan.</p> | <p>Since the original Rural Strategy was adopted in 1994, Lot 24 has been identified as being within the Conservation policy area. At that time Lot 24 was part of a larger land parcel. However, the majority of the site was excised for exclusion in the Darling Range Regional Park. The balance of the original lot (which comprises the subject land) had a lesser conservation value than the part included in the regional park. The balance lot was also intended to provide a transition between the more intense Special Residential development in the Old Brickworks Road area and the Regional Park. There is not a preclusion to development or subdivision inherent in the Conservation Policy area. Instead it is intended that incentives be provided to landowners of such lots to better enable them to manage and conserve the flora and fauna values. The existing Rural zoning over the land under the Shire's TPS2 does not provide adequate protection and controls to achieve the objectives of the Conservation Policy Area.</p> <p>Revegetation of the property will comprise a variety of indigenous trees and shrubs suitable for the topography and geology of the site. The range and density of planting will be determined by Shire Environmental officers.</p> <p>The strategic fire breaks are for fire control and emergency access only and are generally gated to prevent public access. The plan does not include any</p> |

| Submitter | Summary | Officer's Comment |
|-----------|--|---|
| | | <p>connections to the land to the south for traffic (Lots 128 and 129).</p> <p>Submitters were advised in writing in 2006 that the Council adopted a modified guide plan at the time of final adoption of Amendment 137.</p> |
| A211235 | <p>Objects to the proximity of the building envelope for Lot 7 to the rear of his property. Requests that this envelope be relocated.</p> | <p>The submitter's comment is considered to be valid. The envelope for Lot 7 is not only too close to the western boundary but is located in an area that will result in the loss of remnant vegetation. The only reason the applicant has put the envelope in this location is so that it may be serviced by reticulated water and therefore, if serviced by reticulated water then the lot can be less than 1 hectare in area.</p> |
| A211224 | <p>The submitter has two issues that he would like addressed by the Shire in regards to amended guide plan:</p> <ol style="list-style-type: none"> 1. Privacy 2. Increased traffic and noise. <p>Issue 1: privacy - currently my house is built in an envelope that is on the rear of my block, all of the bathrooms toilets etc are located to the rear of the house, and this runs perpendicular to the driveway to the current house on Lot 24. Already this is an issue where the occupants of Lot 24 can see directly into my yard and house. when driving up and down the driveway, which is an issue for myself/family. Now that this submission has been tabled for an increase in dwellings on lot 24 then the problem is magnified somewhat.</p> <p>Mitigation: Realistically I feel the only solution to this would be a full blind off fence. I feel that plants cannot alone address this issue satisfactorily they would be supplementary to a fence. A quality, sightly and well positioned - suitably elevated</p> | <p>The submitter's concerns about the impact on his privacy and noise as a result of more vehicles that could use the battleaxe driveway past his house each day is noted. However, the erection of solid fencing is not supported as that would not be consistent with LPP 8.</p> <p>It is also noted that this landowner choose to locate their residence at the rear of their lot. The adjoining landowner (Lot 24) is not responsible to address these issues, other than normal requirements for screening vegetation on the boundary.</p> |

| Submitter | Summary | Officer's Comment |
|-----------|---|-------------------|
| | <p>fence would serve not only privacy issues, but also to blind out the houses that will now be, where native bush once was.</p> <p>Issue 2: Increased traffic and noise. Due to the location of my house and its very close proximity to the current drive way and the proposed drive way, the increase in traffic from the current dwelling to several more dwellings would be considerable, particularly in Lots 1,2,3.</p> <p>Mitigation: I believe that again to alleviate noise and increased traffic a suitable fence is the only workable solution.</p> | |

Conclusion

The modified SGP for Lot 24 should not be adopted for the following reasons:

1. Increasing the number of lots to 7 will result in a significant loss of existing remnant native vegetation from the lot compared to the three lot proposal contained in the adopted SGP.
2. The amended Subdivision Guide Plan shows a reduced area of the lot being set aside for the Priority Conservation Area compared to the adopted guide plan.
3. The 7 battleaxe legs, combined driveway to the seven lots will reduce the ability for screening vegetation along the western boundary to be retained and enhanced.
4. The increased loss of remnant native vegetation is contrary to the objectives of the Landscape Protection Policy contained in Town Planning Scheme No. 2 (TPS 2).
5. The Water Corporation cannot guarantee a reticulated water supply can be provided or maintained to Lots 4-7.
6. The applicant has not provided adequate justification for allowing Lots less than 2 hectares in area without connection to the Water Corporation's reticulated water supply.
7. Increased development including more buildings/dwellings will significantly increase the fire risk to the area. The area already has a high risk rating for fires and this proposal is contrary to good orderly planning.

Voting Requirements: Simple Majority

Officer Recommended Resolution

- A. The application to amend the adopted Subdivision Guide Plan for Lot 24 Beenypup Road Byford (contained in Amendment 137 to Town Planning Scheme No. 2) be refused for the following reasons:
1. Increasing the number of lots to 7 will result in a significant loss of existing remnant native vegetation from the lot compared to the three lot proposal contained in the adopted Subdivision Guide Plan.
 2. The amended Subdivision Guide Plan shows a reduced area of the lot being set aside for the Priority Conservation Area compared to the adopted guide plan.

3. The 7 battleaxe legs to the seven lots will reduce the ability for vegetation along the western boundary to be retained and enhanced.
4. The increased loss of remnant native vegetation is contrary to the objectives of the Landscape Protection Policy contained in Town Planning Scheme No. 2 (TPS 2) and may impact the scenic value of the Scarp.
5. The Water Corporation cannot guarantee a reticulated water supply can be provided or maintained to Lots 4-7.
6. The applicant has not provided adequate justification for allowing Lots less than 2 hectares in area without connection to the Water Corporation's reticulated water supply.

B. The submitters being advised of Council's decision.

SD040/10/08 COUNCIL DECISION/Committee Recommended Resolution

Moved Cr Harris, seconded Cr Brown

That item SD040/10/08 be deferred until a future Committee meeting to allow for additional information to be provided by Officers as a result of a request from the proponent.

CARRIED 10/0

Committee Note: The Officer Recommended Resolution was changed to defer the item to allow for additional information to be provided to Officers for presentation to Council.

| SD041/10/08 FINAL ADOPTION OF SCHEME AMENDMENT NO.157 – LOT 1254 ABERNETHY ROAD, OAKFORD (P04118) | | |
|---|--|---|
| Proponent: | Landvision | In Brief Report on outcome of public consultation with regard to Scheme Amendment No. 157 to rezone Lot 1254 Abernethy Road, Oakford from 'Rural' to 'Rural Living A' under the provisions of Shire of Serpentine - Jarrahdale Town Planning Scheme No. 2. It is recommended that the Amendment be adopted subject to modification to the scheme text. |
| Owner: | S & J Kargotich | |
| Officer: | Michael Daymond - Senior Planner | |
| Signatures Author: | N/A | |
| Senior Officer: | Brad Gleeson - Director Development Services | |
| Date of Report | 19 September 2008 | |
| Previously | SD120/06/07 | |
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act | |
| Delegation | Council | |

| | |
|-----------------------------|--------------------------------|
| Date of Receipt: | 19 July 2006 |
| Advertised: | Yes |
| Submissions: | Yes |
| Lot Area: | 24.25 ha |
| L.A Zoning: | Rural |
| MRS Zoning: | Rural |
| Rural Strategy Policy Area: | Rural Living A |
| Rural Strategy Overlay: | Road side Conservation Overlay |
| Date of Inspection: | February 2007 |

Background

At the Ordinary Council Meeting held on 25 June 2007, Council resolved to initiate Amendment No.157 subject to modifications. The modifications were undertaken and the scheme amendment was advertised including referrals to government agencies and service authorities. The outcome of the advertising and referral process is included in this report.

A copy of the approved subdivision guide plan is with attachments marked SD041.1/10/08

Sustainability Statement

Effect on Environment: Rezoning of the property to Rural Living A will enable the preservation, rehabilitation and enhancement of the property. The limited areas of remnant vegetation can be protected and additional revegetation can be undertaken on the property. This will assist in biodiversity and enable the protection of existing animal habitats and provision of additional habitats.

The requirement for the preparation and implementation of a Local Water and Management Strategy will enable the protection of existing watercourses on the property. This will assist in reducing the potential for nutrient input from the property directly into the watercourse. The proposal will enable controls to be placed on land uses able to be carried out on the land, which will provide additional protection for groundwater and surface water.

Resource Implications: Scheme water is not available in the area and rainwater tanks will be required when lots are developed for residential purposes from the development. The subject site is within the Mundijong Drainage District within which drainage outfalls from development are limited. As such, a drainage basin will be required to be constructed prior to discharging to outfall drains.

Economic Viability/Benefits: The proposal will attempt to address its external costs through the preservation and enhancement of biodiversity (through revegetation and weed management) and reduction to land and waterway pollution (through better drainage management, the use of alternative systems for effluent disposal and the implementation of land use controls).

Social and Environmental Responsibility and Social Diversity: The rezoning and subsequent subdivision will enable improvement to the existing road network through road upgrading contributions. The larger lots will provide an alternative to the smaller lifestyle lots in the local area.

Statutory Environment:

Planning & Development Act 2005
Town Planning Regulations
Town Planning Scheme No.2
Rural Strategy

Policy/Work Procedure Implications:

LPP 4 - Revegetation
LPP 6 - Water Sensitive Design
LPP 9 - Multiple Use Trails
SPP2.1 Peel-Harvey Coastal Plain Catchment Policy
SPP2.5 Agricultural and Rural Land Use Planning

Financial Implications:

All costs are paid by the applicant.

Strategic Implications:

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

2. Environment

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

Strategies:

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

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

Strategy:

1. Implement known best practice sustainable natural resource management.

3. Economic

Objective 1: A vibrant local community

Strategy:

3. Integrate and balance town planning and rural planning to maximise economic potential.

Objective 3: Effective management of Shire growth

Strategy:

3. Integrate and balance town and rural planning to maximise economic potential.

4. Governance

Objective 3: Compliance to necessary legislation

Strategy:

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

Environmental Protection Authority (EPA)

Prior to the commencement of public advertising, the scheme amendment was referred to the EPA under section 48A of the Environmental Protection Act. The EPA advised in writing that the proposed scheme amendment did not warrant assessment under Part IV Division 3 of the Environmental Protection Act 1986.

Community Consultation

The amendment was advertised for public comment and referred to relevant government authorities for 42 days. Adjacent landowners were advised in writing of the proposed scheme amendment and notices were placed on Council's notice boards. An advertisement was also placed in the Examiner newspaper on 12 August 2008 with the advertising period closing on 22 September 2008. Resulting from this, three submissions from government referral authorities and one public submission were received.

A schedule of submissions is with the attachments marked SD041.2/10/08

Water Corporation

Comment provided relating to Acid Sulfate Soils and the requirement for the developer to be advised to have management procedures in place to prevent the potentially unacceptable impacts associated with the disturbance of the Acid Sulfate Soils. To help address this issue that future purchasers be advised of the presence of acid sulfate soils and to minimize any disturbance to this soil during the development stage of the property. As such the following additional special provision is recommended:

The subdivider is to place a notification on the title of each lot advising potential purchasers that their property is located within an area that has been recognised as posing a "moderate to low" acid sulfate soils risk. Therefore, any proposal that may lead to the disturbance of

acid sulfate soils associated with future development of the site should be planned and managed to avoid adverse effects on the natural and built environment, including human health and activities.

Department of Water

A late submission was received containing the following comments:

Consistent with the Department of Planning and Infrastructures (DPI's) Better Urban Water Management (BUWM) document and the policy measures outlined in State Planning Policy 2.9 the proposal should be supported by a Local Water Management Strategy (LWMS) prior to approval of this Scheme Amendment.

Though the proposed amendment is not an urban rezoning, the site is located in an area of high groundwater levels and constrained discharge to Water Corporation infrastructure, hence an LWMS is required to ensure all matters relating to water are adequately addressed.

The LWMS should demonstrate how the subject area will address water use and management. It should contain a level of information that demonstrates the site constraints and the level of risk to the water resources. The LWMS should include, but not be limited to;

- *Site characteristics, constraints and opportunities;*
- *Capacity of land to support proposed land use;*
- *Fit-for-purpose water use strategy;*
- *Issues to be determined at time of subdivision; and*
- *Recommended monitoring and implementation framework.*

Provision 10 has been substantially modified to address the above comments.

The Department of Water provided the following comments with regard to the implications of the subdivision being located within the Peel-Harvey Coastal Plain Catchment:

The proponent is advised that the proposal is located within the Peel-Harvey Coastal Plain Catchment where the provisions of the Statement of Planning Policy No.2 (SPP No.2) apply. In accordance with Provision 6.2.1, the use of conventional on-site effluent disposal systems will only supported where it can be demonstrated that there is at least a 2 metre vertical separation between the base of the leach drain and the highest known groundwater level and a 100m horizontal separation between the disposal system and the nearest water body. It is recommended that the existing remnant vegetation be retained and clearing should be restricted, to the building envelopes only. Animal stocking rates also apply.

The comment from the DoW relates to separation distances between conventional effluent disposal systems and the highest known groundwater level. However, as conventional systems are not supported in this area as the Shire requires alternative systems, this comment is not applicable. In further discussion with the Shire's Heath Services Department it is recommended that draft provision 2 be reworded to reflect the requirement for alternative effluent disposal systems to be installed and removes all reference to separation distances, these are determined at the building licence stage. Provisions 4. and 6 adequately deal with the issues of retention of vegetation and stocking rates.

Other Government Agencies

No comments were received from the Department of Environment and Conservation, Alinta Gas, Western Power, Department of Health, Department of Indigenous Affairs or the Fire and Emergency Services Authority (FESA).

Comment:

Drainage Management

The main outstanding issue with respect to this rezoning application has been related to drainage management. The subject site is located within the Mundijong Drainage District within which drainage outfalls from developments are limited. A compensating basin is therefore needed prior to storm water discharging to outfall drains. The Subdivision Guide Plan (SGP) was required to be modified to show a compensating basin to the satisfaction of the Director Engineering. The SGP has been modified to show this requirement. In addition and to help identify any major drainage issues upfront, part G of the previous Council resolution stated that:

- G. *Prior to Council granting final approval to the scheme amendment, a Drainage Management Plan shall be prepared for review and approval by the Director Engineering.*

Since the amendment was initiated by Council, Porter Consulting Engineers have been liaising closely with the Shire's Engineers to prepare the necessary plan that meets the intention of Council's previous requirements.

Officer Comment

The Shire's Manager Subdivisions advised that the Council's Engineering Services Department is satisfied that all the required drainage information has been submitted in accordance with past Council resolutions to allow for the rezoning of Lot 1254 Abernethy Road to be finalised. In addition, a Local Water Management Strategy will be required to be submitted at the time of application for subdivision of the land.

Due to other recent drainage issues within the Shire, it is recommended that at the time of Subdivision and notification be put on the title of each lot advising potential purchasers that the land may be subject to flooding and that direct connection of dwellings to roadside drainage is not permitted. This will avoid the potential for any issues to arise down the track after the land is purchased and people build on the land.

Conclusion

It is recommended that the scheme amendment to rezone Lot 1254 Abernethy Road, Oakford be adopted by Council subject to modifications.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

- A. Council endorses the schedule of submissions in Attachments SD41.2/10/08 prepared in respect of Amendment No. 157 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.
- B. The amendment be modified as follows:
1. Modifying provision 2. as follows:

No dwelling shall be approved by the Council unless it is connected to an alternative effluent disposal system as approved by the Department of Health within an adequate phosphorus retention capacity, as determined by the Department of Environment and Conservation.
 2. Deleting provision 10. and replacing it with the following:

10. Notwithstanding the obligations of the subdivider under Clause 5.12.9(e) of the Scheme, the subdivider shall drain the land and provide detention areas generally in accordance with a Local Water Management Strategy (LWMS) prepared for the subdivision at the time of application for subdivision to the satisfaction of the Council and the Department of Water.

The LWMS should demonstrate how the subject area will address water use and management. It should contain a level of information that demonstrates the site constraints and the level of risk to the water resources. The LWMS should include, but not be limited to:

- a. A Geotechnical Report
 - b. Site characteristics, constraints and opportunities;
 - c. Capacity of land to support proposed land use;
 - d. Fit-for-purpose water use strategy; Issues to be determined at time of subdivision;
 - e. Recommended monitoring and implementation framework.
 - f. Building and effluent disposal envelopes and minimum pad heights.
 - g. Any reserves or easements required
3. Including an additional provision 16 as follows:

The subdivider is to place a notification on the title of each lot advising potential purchasers that their property is located within an area that has been recognised as posing a “moderate to low” acid sulfate soils risk. Therefore, any proposal that may lead to the disturbance of acid sulfate soils associated with future development of the site should be planned and managed to avoid adverse effects on the natural and built environment, including human health and activities.

4. Including an additional provision 17 as follows:

The subdivider is to place a notification on the title of each lot advising potential purchasers that their property may be subject to periodic inundation in storm and flood events. In addition, purchasers are to be advised that direct stormwater connection into the Shire's roadside drainage system is not permitted.

- C. Subject to B above, to the satisfaction of the Director Development Services, Council resolves pursuant to Section 72 of the Planning and Development Act 2005 that the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 be amended as described below:

1. Rezoning Lot 1254 Abernethy Road, Oakford from “Rural” to “Rural Living A”.
2. Amending the Scheme Map by delineating Lot 1254 Abernethy Road, Oakford within the Rural Living A Zone and identifying it as A26.
3. Including Lot 1254 Abernethy Road, Oakford in Appendix 4A – Rural Living A Zone and including the appropriate details in Appendix 4A of the Scheme as follows:

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| 26. | Lot 1254 Abernethy Road, Oakford | <p>1. Within the Rural Living A zone the following land uses are permitted, or are permitted at the discretion of the Council:</p> <p>Use classes permitted (P)</p> <ul style="list-style-type: none"> Single House Public Recreation Public Utility <p>Discretionary Uses (AA)</p> <ul style="list-style-type: none"> Ancillary Accommodation Home Occupation Rural Use Stables (refer clause 6 below) <p>All other uses are prohibited.</p> <p>In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management shall only permit such uses when it is satisfied following consultation with government agencies that the land use does not involve excessive nutrient application or clearing of land.</p> <p>2. No dwelling shall be approved by the Council unless it is connected to an alternative effluent disposal system as approved by the Department of Health with an adequate phosphorus retention capacity, as determined by the Department of Environment and Conservation.</p> <p>3. The subdivider shall undertake topsoil stripping, proof rolling and elevation of the land with a minimum of 1.2 metres of free draining, engineered sand fill, for the entire building envelope of each lot in order to achieve a suitable site classification and meet the requisite building and environmental requirements for residential development and effluent disposal.</p> <p>4. No indigenous vegetation shall be cleared, except where such vegetation is dead or diseased, or where the clearing is required for the purpose of firebreak, dwelling, outbuilding, fence, drainage system, driveway or to accommodate discretionary (AA) uses listed in Special Provision 1. Prior to any such clearing, the developer of the landowner shall seek and obtain the written consent of the Council.</p> <p>5. The subdivider shall place notifications on the certificates of title for each lot advising prospective purchasers of the restrictions relating to the keeping of horses.</p> <p>6. The keeping of horses is restricted to a maximum of one (1) horse per lot and such horse shall be</p> |
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| | | <p>required to be stabled overnight to the satisfaction of the Shire. Planning approval is required for this land use prior to commencement.</p> <p>7. The subdivider shall prepare and implement a Landscape/Revegetation Plan in accordance with the endorsed Subdivision Guide Plan for this estate including the planting of indigenous trees and shrubs of a species and at a density and distribution to the satisfaction of the Council, prior to the transfer of a lot(s) to a new owner.</p> <p>8. The subdivider shall either maintain the trees and shrubs planted until the land is sold, or shall plant sufficient numbers of trees and shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement of those trees and shrubs planted by the subdivider to the satisfaction of the Council.</p> <p>9. The subdivider shall prepare and implement a Fire Management Plan, including construction of the emergency access ways, the strategic firebreaks/multiple use network depicted on the endorsed Subdivision Guide Plan, water supplies and equipment and any other fire management requirements deemed necessary, to the specification and satisfaction of Council and the Fire and Emergency Services Authority of Western Australia.</p> <p>10. Notwithstanding the obligations of the subdivider under Clause 5.12.9(e) of the Scheme, the subdivider shall drain the land and provide detention areas generally in accordance with a Local Water Management Strategy (LWMS) prepared for the subdivision at the time of application for subdivision to the satisfaction of the Council and the Department of Water.</p> <p>The LWMS should demonstrate how the subject area will address water use and management. It should contain a level of information that demonstrates the site constraints and the level of risk to the water resources. The LWMS should include, but not be limited to:</p> <ol style="list-style-type: none"> A Geotechnical Report Site characteristics, constraints and opportunities; Capacity of land to support proposed land use; Fit-for-purpose water use strategy; Issues to be determined at time of subdivision; Recommended monitoring and implementation framework. |
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| | | <p>f. Building and effluent disposal envelopes and minimum pad heights.</p> <p>g. Any reserves or easements required</p> <p>11. At the time of the building application for each lot, a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, proposed pad level, existing trees and strands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting and maintenance.</p> <p>The site plan and proposal shall demonstrate that the development and use of the land will not compromise the implementation of the overlay subdivision, as depicted on the endorsed Subdivision Guide Plan.</p> <p>12. The Council shall not support any application for subdivision of the land into Rural Living A lot sizes unless the subdivision is consistent with a Subdivision Guide Plan endorsed by Council and the Western Australian Planning Commission for whole or part of the area.</p> <p>13. A Subdivision Guide Plan for the subdivision of land into Rural Living A lot sizes, shall have regard to the objectives set out in this Scheme for the zone or zones affected by it and the requirements of clause 5.9.3.</p> <p>14. The Subdivision Guide Plan referred to in Clause 12 shall include and be accompanied by Technical Guidelines that provide a prescription for development and the implementation of subdivision in areas of planning, road works, drainage, effluent disposal, water, bushfire control, protection of the environment, landscaping, easements, landowner coordination, infrastructure cost sharing, controlling developments, or generally regulating or prescribing the use or development of land to overcome problems which would occur, should the land be developed.</p> <p>15. The subdivider shall upgrade by widening and sealing Abernethy Road along the full length of the property and construct the proposed road junctions at Abernethy Road and Kargotich Road, including preparation of design drawings, to the satisfaction of Council.</p> <p>16. The subdivider is to place a notification on the title of each lot advising potential purchasers that their property is located within an area that has been recognised as posing a “moderate to low” acid sulfate soils risk. Therefore, any proposal</p> |
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| | | <p>that may lead to the disturbance of acid sulfate soils associated with future development of the site should be planned and managed to avoid adverse effects on the natural and built environment, including human health and activities.</p> <p>17. The subdivider is to place a notification on the title of each lot advising potential purchasers that their property may be subject to periodic inundation in storm and flood events. In addition, purchasers are to be advised that direct stormwater connection into the Shire's roadside drainage system is not permitted.</p> |
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D. The amendment documentation be signed and sealed and submitted to the Western Australian Planning Commission along with the endorsed schedule of submissions and steps taken to advertise the amendment with a request for the endorsement of final approval by the Minister for Planning.

E. The submitters be advised of the Council's decision.

SD041/10/08 COUNCIL DECISION/Committee Recommended Resolution:

Moved Cr Brown, seconded Cr Harris

A. Council endorses the schedule of submissions in Attachments SD041.2/10/08 prepared in respect of Amendment No. 157 to Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2.

B. The amendment be modified as follows:

1. Modifying provision 2. as follows:

No dwelling shall be approved by the Council unless it is connected to an alternative effluent disposal system as approved by the Department of Health within an adequate phosphorus retention capacity, as determined by the Department of Environment and Conservation.

2. Deleting provision 10. and replacing it with the following:

10. Notwithstanding the obligations of the subdivider under Clause 5.12.9(e) of the Scheme, the subdivider shall drain the land and provide detention areas generally in accordance with a Local Water Management Strategy (LWMS) prepared for the subdivision at the time of application for subdivision to the satisfaction of the Council and the Department of Water.

The LWMS should demonstrate how the subject area will address water use and management. It should contain a level of information that demonstrates the site constraints and the level of risk to the water resources. The LWMS should include, but not be limited to:

- a. A Geotechnical Report**
- b. Site characteristics, constraints and opportunities;**
- c. Capacity of land to support proposed land use;**
- d. Fit-for-purpose water use strategy; Issues to be determined at time of subdivision;**

- e. Recommended monitoring and implementation framework.
- f. Building and effluent disposal envelopes and minimum pad heights.
- g. Any reserves or easements required

3. Including an additional provision 16 as follows:

The subdivider is to place a notification on the title of each lot advising potential purchasers that their property is located within an area that has been recognised as posing a “moderate to low” acid sulfate soils risk. Therefore, any proposal that may lead to the disturbance of acid sulfate soils associated with future development of the site should be planned and managed to avoid adverse effects on the natural and built environment, including human health and activities.

4. Including an additional provision 17 as follows:

The subdivider is to place a notification on the title of each lot advising potential purchasers that their property may be subject to periodic inundation in storm and flood events. In addition, purchasers are to be advised that direct stormwater connection into the Shire’s roadside drainage system is not permitted.

C. Subject to B above, to the satisfaction of the Director Development Services, Council resolves pursuant to Section 72 of the Planning and Development Act 2005 that the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 be amended as described below:

- 1. Rezoning Lot 1254 Abernethy Road, Oakford from “Rural” to “Rural Living A”.
- 2. Amending the Scheme Map by delineating Lot 1254 Abernethy Road, Oakford within the Rural Living A Zone and identifying it as A26.
- 3. Including Lot 1254 Abernethy Road, Oakford in Appendix 4A – Rural Living A Zone and including the appropriate details in Appendix 4A of the Scheme as follows:

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| 26. | Lot 1254 Abernethy Road, Oakford | <p>1. Within the Rural Living A zone the following land uses are permitted, or are permitted at the discretion of the Council:</p> <p>Use classes permitted (P)</p> <ul style="list-style-type: none"> Single House Public Recreation Public Utility <p>Discretionary Uses (AA)</p> <ul style="list-style-type: none"> Ancillary Accommodation Home Occupation Rural Use Stables (refer clause 6 below) <p>All other uses are prohibited.</p> <p>In exercising its discretion in respect to AA uses, the Council having regard to the Planning Guidelines for Nutrient Management shall only permit such uses when it is</p> |
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| | | <p>satisfied following consultation with government agencies that the land use does not involve excessive nutrient application or clearing of land.</p> <ol style="list-style-type: none"> 2. No dwelling shall be approved by the Council unless it is connected to an alternative effluent disposal system as approved by the Department of Health with an adequate phosphorus retention capacity, as determined by the Department of Environment and Conservation. 3. The subdivider shall undertake topsoil stripping, proof rolling and elevation of the land with a minimum of 1.2 metres of free draining, engineered sand fill, for the entire building envelope of each lot in order to achieve a suitable site classification and meet the requisite building and environmental requirements for residential development and effluent disposal. 4. No indigenous vegetation shall be cleared, except where such vegetation is dead or diseased, or where the clearing is required for the purpose of firebreak, dwelling, outbuilding, fence, drainage system, driveway or to accommodate discretionary (AA) uses listed in Special Provision 1. Prior to any such clearing, the developer of the landowner shall seek and obtain the written consent of the Council. 5. The subdivider shall place notifications on the certificates of title for each lot advising prospective purchasers of the restrictions relating to the keeping of horses. 6. The keeping of horses is restricted to a maximum of one (1) horse per lot and such horse shall be required to be stabled overnight to the satisfaction of the Shire. Planning approval is required for this land use prior to commencement. 7. The subdivider shall prepare and implement a Landscape/Revegetation Plan in accordance with the endorsed Subdivision Guide Plan for this estate including the planting of indigenous trees and shrubs of a species and at a density and distribution to the satisfaction of the Council, prior to the transfer of a lot(s) to a new owner. 8. The subdivider shall either maintain the trees and shrubs planted until the land is sold, or shall plant sufficient numbers of trees and |
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| | | <p>shrubs to allow for natural loss. Thereafter, the owners of the subdivided lots shall be responsible for the maintenance and replacement of those trees and shrubs planted by the subdivider to the satisfaction of the Council.</p> <p>9. The subdivider shall prepare and implement a Fire Management Plan, including construction of the emergency access ways, the strategic firebreaks/multiple use network depicted on the endorsed Subdivision Guide Plan, water supplies and equipment and any other fire management requirements deemed necessary, to the specification and satisfaction of Council and the Fire and Emergency Services Authority of Western Australia.</p> <p>10. Notwithstanding the obligations of the subdivider under Clause 5.12.9(e) of the Scheme, the subdivider shall drain the land and provide detention areas generally in accordance with a Local Water Management Strategy (LWMS) prepared for the subdivision at the time of application for subdivision to the satisfaction of the Council and the Department of Water.</p> <p>The LWMS should demonstrate how the subject area will address water use and management. It should contain a level of information that demonstrates the site constraints and the level of risk to the water resources. The LWMS should include, but not be limited to:</p> <ul style="list-style-type: none"> a. A Geotechnical Report b. Site characteristics, constraints and opportunities; c. Capacity of land to support proposed land use; d. Fit-for-purpose water use strategy; Issues to be determined at time of subdivision; e. Recommended monitoring and implementation framework. f. Building and effluent disposal envelopes and minimum pad heights. g. Any reserves or easements required <p>11. At the time of the building application for each lot, a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, proposed pad level, existing trees and strands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting and</p> |
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| | | <p>maintenance.</p> <p>The site plan and proposal shall demonstrate that the development and use of the land will not compromise the implementation of the overlay subdivision, as depicted on the endorsed Subdivision Guide Plan.</p> <p>12. The Council shall not support any application for subdivision of the land into Rural Living A lot sizes unless the subdivision is consistent with a Subdivision Guide Plan endorsed by Council and the Western Australian Planning Commission for whole or part of the area.</p> <p>13. A Subdivision Guide Plan for the subdivision of land into Rural Living A lot sizes, shall have regard to the objectives set out in this Scheme for the zone or zones affected by it and the requirements of clause 5.9.3.</p> <p>14. The Subdivision Guide Plan referred to in Clause 12 shall include and be accompanied by Technical Guidelines that provide a prescription for development and the implementation of subdivision in areas of planning, road works, drainage, effluent disposal, water, bushfire control, protection of the environment, landscaping, easements, landowner coordination, infrastructure cost sharing, controlling developments, or generally regulating or prescribing the use or development of land to overcome problems which would occur, should the land be developed.</p> <p>15. The subdivider shall upgrade by widening and sealing Abernethy Road along the full length of the property and construct the proposed road junctions at Abernethy Road and Kargotich Road, including preparation of design drawings, to the satisfaction of Council. The Casuarina trees lining both sides of Abernethy Road and Kargotich Road, shall be preserved from removal or damage. The subdivider shall be responsible for ensuring that no damage occurs to the Casuarina trees through works done by all service providers and contractors.</p> <p>16. The subdivider is to place a notification on the title of each lot advising potential purchasers that their property is located within an area that has been recognised as posing a “moderate to low” acid sulfate soils risk. Therefore, any proposal that may lead to the disturbance of acid sulfate soils associated with future development of the</p> |
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| | | <p>site should be planned and managed to avoid adverse effects on the natural and built environment, including human health and activities.</p> <p>17. The subdivider is to place a notification on the title of each lot advising potential purchasers that their property may be subject to periodic inundation in storm and flood events and dwellings should therefore be designed with flexibility and consideration for possibilities such as dwellings on stumps. In addition, purchasers are to be advised that direct stormwater connection into the Shire's roadside drainage system is not permitted.</p> |
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- D. The amendment documentation be signed and sealed and submitted to the Western Australian Planning Commission along with the endorsed schedule of submissions and steps taken to advertise the amendment with a request for the endorsement of final approval by the Minister for Planning.
- E. The submitters be advised of the Council's decision.
- F. That as part of the assessment of a future subdivision application on this land that the WAPC be requested that a condition be imposed on the subdivision requiring a bond and photographic evidence of existing vegetation on Abernethy Road and Kargotich Road prior to works commencing.

CARRIED 10/0

Committee note: The Officer Recommended Resolution was amended by including:

- 1. "The Casuarina trees lining both sides of Abernethy Road, shall be preserved from removal or damage. The subdivider shall be responsible for ensuring that no damage occurs to the Casuarina trees through works done by all service providers and contractors" to point 15,
- 2. "and dwellings should therefore be designed with flexibility and consideration for possibilities such as dwellings on stumps" to part 17; and
- 3. Part F "That as part of the assessment of a future subdivision application on this land that the WAPC be requested that a condition be imposed on the subdivision requiring a bond and photographic evidence of existing vegetation on Abernethy Road and Kargotich Road prior to works commencing".

Council note: Council requests that officers ensure that the engineering drawings for Abernethy Road incorporate necessary shoulder treatments, road seal and edge markers to preserve the tunnel effect of the Casuarina trees.

| SD043/10/08 INITIATION OF SCHEME AMENDMENT – BYFORD BY THE SCARP – PORTIONS OF LOTS 9010 SOUTH WESTERN HIGHWAY AND 103 NETTLETON ROAD, BYFORD (P07543) | | |
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| Proponent: | Taylor Burrell Barnett Planners | In Brief To initiate a scheme amendment to modify areas of land zoned for future primary school and public open space. It is recommended that the amendment be initiated. |
| Owner: | Aspen Group & N Sorbello | |
| Officer: | Meredith Kenny - Co-ordinator Planning Services | |
| Signatures Author: | N/A | |
| Senior Officer: | Brad Gleeson - Director Development Services | |
| Date of Report | 25 September 2008 | |
| Previously | Nil | |
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act | |
| Delegation | Council | |

Date of Receipt: 15 August 2008
 Lot Area: Lot 103 – 14.8565 hectares; Lot 9010 – 33.403 hectares
 L.A Zoning: Lot 9010: Residential R20, Public Open Space and Public and Community Purposes.
 Lot 103: Urban Development
 MRS Zoning: Urban
 Bush Forever: Bush Forever Area 271 abuts eastern boundary

Background

The subject land comprises a portion of the Byford by the Scarp estate and a portion of the Cohunu Wildlife Park site.

Since the 1990's, a primary school site has been part of the planning in this area, on portion of the Byford by the Scarp estate and portion of Lot 103 Nettleton Road. Amendment 77 to Town Planning Scheme No. 2 (gazetted 19 November 1999) rezoned the land comprising the Byford by the Scarp estate to enable the residential and associated development currently occurring in the estate. Under Scheme Amendment 77 the portion of the future primary school site on Lot 9010 was zoned Public and Community Purposes.

Lot 103, including the remainder of the land identified as future primary school site, was zoned Urban Development in 2001.

Proposal

The purposes of the proposed scheme amendment are:

1. To rezone the 2 hectare portion of the primary school site on Lot 103 from Urban Development to Public and Community Purposes.
2. To provide a more regular shape to the future primary school site.
3. To rezone a portion of land at the southern end of the school site from Public Open Space to Public and Community Purposes.
4. Modification of an area of land zoned Public Open Space west of Military Pass to fit within latest proposed design of subdivision of Stages 7 and 8 of Byford by the Scarp

and to take into account some Aboriginal heritage sites that were impacted upon by the previously proposed subdivision design.

A plan showing the existing and proposed zoning is with the attachments marked SD043.1/10/08.

The applicant provided the following information in support of the proposed zoning changes:

The Western Australian Planning Commission's (WAPC) Development Control Policy 2.4 (DC 2.4) requires a minimum primary school site size of 4ha. The current school site designation relies on its co-location with adjoining public open space to allow for a reduced school site area of 3.5ha.

The current planning for future stages of the Estate proposes to relocate the area of POS adjoining the school southwards so that it forms part of a contiguous north-south open space link that fully retains a series of indigenous heritage sites and maximises tree retention. At the same time the school site shape has been refined.

It is therefore necessary to rezone a portion of land from Residential and Public Open Space to Public Purpose to reflect these changes. Such rezoning will provide greater certainty to the Department of Education and Training (DET) by creating a 2ha portion of the school within Byford by the Scarp that does not rely on adjoining open space to meet size requirements. The remaining 2ha will be provided on adjoining Lot 103.

This is particularly so given Byford by the Scarp does not rely on the school site to satisfy its minimum 10% public open space requirement. Across the Estate in excess of 18% open space will be provided (subject to detailed design). In light of this, additional open space adjacent to the school would be surplus to requirements.

The school site provided for by existing zoning is irregular in shape, which is more difficult to integrate with the surrounding land. The proposed amendment would facilitate the creation of a more uniformly shaped school site, that accords with the requirements of DC2.4 and can be better incorporated into an overall road and lot layout for the locality.

The current school site is subject to two separate zonings across two properties (Public Purpose and Development). The rezoning proposed would result in a singularly zoned school site that would not rely on future local structure planning of Lot 103 before it can be created. This would allow the school site to be subdivided from the existing properties and acquired by the DET earlier in the planning process. This outcome offers a greater degree of certainty to the DET.

The Estate was subject to ethnographic and archaeological Aboriginal heritage surveys conducted by McDonald, Hales and Associates in April 1996. The surveys identified a number of archaeological sites and isolated artefacts. The original subdivision design incorporated three areas containing significant archaeological sites in Public Open Space. An application was made to use the remaining land for residential purposes under Section 18 of the Aboriginal Heritage Act 1972 (AHA).

Later archaeological surveying (combined with a review of the Town Planning Scheme mapping) revealed that the perimeter of one of the three significant archaeological sites is partially located outside the zoned POS site as shown in Figure 2. This was not the intent of the original planning for the land, which sought to protect the sites in open space.

To accord with the requirements of the Aboriginal Heritage Act 1992 and the Aboriginal Management Plan for the Estate, it is proposed to marginally realign public open space to wholly contain all three archaeological sites.

A plan showing the location of the Aboriginal heritage sites in relation to the proposed and existing Public Open Space zone is with the attachments marked SD043.2/10/08.

Sustainability Statement

Effect on Environment: Modification of the portion of land zoned public open space will enable better protection of identified significant archaeological Aboriginal heritage within the estate.

Despite the removal of the public open space abutting the southern boundary of the school site and the reduction in the area of the zoned public open space area containing the aboriginal heritage sites the overall amount of public open space provided for the estate will exceed the 10% required for residential subdivisions. The public open space provided in currently approved stages of the estate and the future stages 6-9 is approximately 11.39 hectares or 14.6% of the site.

As the current provision of public open space over Stages 7 and 8 and the entire estate well exceeds the 10% POS requirement, the Council can be confident that sufficient public open space will be provided, even if an Urban Water Management Strategy identifies greater land requirements for drainage purposes.

A plan showing the ultimate subdivision design including existing and future stages and existing and future public open space areas is with the attachments marked SD043.3/10/08.

Social – Quality of Life: Finalising the location of the school site will allow the DET to acquire the land for a new primary school on the eastern side of South Western Highway. This is particularly important given the only other school site (Byford Primary School) on this side of the highway is less than half the size required for school sites today (1.9 hectares), is already experiencing overcrowding and has limited options for expansion. In addition, it is important that another school site on this side of South Western Highway is able to be developed in the near future. The school within the Byford by the Scarp estate will serve children not only within the estate but also children in the residential areas north of Nettleton Road.

Statutory Environment:

Planning and Development Act 2005
Town Planning Regulations 1967

Policy/Work Procedure Implications:

Nil

Financial Implications:

All costs will be paid by the proponent.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation

If the proposed Scheme Amendment is initiated, it will require advertising for a period of not less than 42 days.

Conclusion

The proposed location of the Primary school encroaches into a portion of the Lot 103 Nettleton Road. Planning approval was granted by Council for this property to be development as a Public Amusement - Wildlife and Amusement Park. The proposed future school site only encroaches over a small portion of the proposed development, being part of an existing shed and some of the proposed walk trails. The landowner will be required to remove this shed and redesign a small portion of the park, once this portion of the land is purchased by the DET.

The proposed scheme amendment will allow for the clear identification of the school site and enable its subdivision and disposal to the DET. Although the area of zoned public open space is being reduced the overall POS provision throughout the estate will remain well above 10%.

Voting Requirements: Simple Majority

SD043/10/08 COUNCIL DECISION/Committee/Officer Recommended Resolution

Moved Cr Geurds, seconded Cr Kirkpatrick

That:

- A. Council, pursuant to Section 72 of the Planning and Development Act 2005 amends the Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2 by:
 1. Rezoning portions of Lot 9010 South Western Highway Byford from “Public Open Space” to “Public and Community Purposes”, from “Residential R20” to “Public Open Space”, from “Public Open Space” to “Residential R20”.
 2. Rezoning portion of Lot 103 Nettleton Road Byford from “Urban Development” to “Public and Community Purposes”.
 3. Amending the Scheme Map accordingly.
- B. The applicant be required to prepare the Scheme Amendment documentation and payment of all necessary fees.
- C. Subject to the Scheme Amendment documentation being submitted to the Shire and determined to be adequate to meet the requirements of the Town Planning Regulations 1967, the amendment be referred to the Environmental Protection Authority as required by Section 81 of the Act.
- D. Subject to the advice of the Environmental Protection Authority under Section 48A of the Environmental Protection Act that the amendment is not subject to formal environmental assessment, advertise the amendment in accordance with the requirements of the Town Planning Regulations 1967 (as amended) for a period of 42 days.

CARRIED 10/0

| SD044/10/08 AMENDMENTS TO DEVELOPMENT SERVICES DELEGATED AUTHORITY (A1047) | | |
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| Proponent: | Serpentine Jarrahdale Shire | In Brief It is recommended that additions / alterations be made to the existing Delegation of Authority for the Development Services Directorate to include the Executive Manager Planning. |
| Owner: | Serpentine Jarrahdale Shire | |
| Officer: | Meredith Kenny - Co-ordinator Planning Services | |
| Signatures Author: | N/A | |
| Senior Officer: | Brad Gleeson - Director Development Services | |
| Date of Report | 29 September 2008 | |
| Previously | CGAM064/02/08; OCM027/03/08 | |
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act | |
| Delegation | Council | |

Background

At its Ordinary Council meeting of 25 February 2008 it was resolved to adopt a review of delegations made by the Council in accordance with section 5.46(2) of the Local Government Act 1995.

At the Ordinary meeting of the Council held on 25 March 2008 a number of minor amendments were made to the adopted delegations to bring the delegations into line with current practice (OCM027/03/08).

Comment

Since the previous delegations were adopted a new position has been created in Development Services, being the Executive Manager Planning. Accordingly, the relevant Development Services delegations need to be amended to incorporate this senior officer of the Council. It is proposed to add the Executive Manager Planning as an officer who can carry out the specified actions under the following delegations:

1. DS01 - Making Recommendations to the Western Australian Planning Commission on Subdivision/Amalgamation Referrals
2. DS02 Detailed Area Plans
3. DS05 Variations to Residential Design Codes
4. DS06 Outbuildings
5. DS07 Setback Variations in Industrial and Commercial Zones
6. DS-08 Power of Approval and Refusal for some land uses and development
7. DS-09 Applications within the Urban Development zone
8. DS-10 Determination of applications for some minor land uses
9. DS-11 Amendments or Extension/Additions to Planning Approvals
10. DS-12 Dealing with Subdivision Clearances
11. DS15 Building Envelopes

A copy of all of the reviewed delegations as listed above are with the attachments marked SD044.1/10/08

Sustainability Statement

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

Statutory Environment:

The Local Government Act 1995:

- Provides power to delegate
- Requires annual review
- Places some limits on what can be delegated

Other legislation includes:

- Bushfires Act 1956
- Health Act 1911
- Freedom of Information Act 1995

Town Planning Scheme No. 2 also provides a power to delegate.

Policy/Work Procedure Implications:

The delegations of Authority are an integral part of the Shire's governance framework. They are supported by and conditioned by policies adopted by Council.

Financial Implications:

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

Strategic Implications:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

4. Balance resource allocation to support sustainable outcomes.

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

Strategies

1. Improve coordination between Shire, community and other partners.
2. Improve customer relations service.

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Not required

Comment:

In order for these delegations to be enacted by the relevant officers it is recommended that Council authorise their use.

Voting Requirements:

ABSOLUTE MAJORITY

SD044/10/08 COUNCIL DECISION/Committee/Officer Recommendation Resolution

Moved Cr Kirkpatrick, seconded Cr Price

That having reviewed the delegations made by the Council in accordance with section 5.46(2) of the *Local Government Act 1995*, Council authorises and grants the delegations of authority, powers and duties as listed and detailed in the schedule at *attachment SD044.1/10/08* and entitled:

DS-01 Making Recommendations to the Western Australian Planning Commission on Subdivision/Amalgamation Referrals

DS-02 Detailed Area Plans

DS-05 Variations to Residential Design Codes

DS-06 Outbuildings

DS-07 Setback Variations in Industrial and Commercial Zones

DS-08 Power of Approval and Refusal for some land uses and development

DS-09 Applications within the Urban Development zone

DS-10 Determination of applications for some minor land uses

DS-11 Amendments or Extension/Additions to Planning Approvals

DS-12 Dealing with Subdivision Clearances

DS-15 Building Envelopes

CARRIED 10/0

| | | |
|---|--|--|
| CGAM028/10/08 PROPOSED EXTENSION OF LEASE AGREEMENT MUNDIJONG THOROUGHBRED AND STANDARDDBRED TRAINERS ASSOCIATION AND SERPENTINE JARRAHDAL SHIRE (RS0071) | | |
| Proponent: | Mundijong Thoroughbred and Standardbred Trainers Association Incorporated | In Brief For Council to approve an extension to lease with the Mundijong Thoroughbred and Standardbred Trainers Association and the Shire for Reserve 2166 (Webb Road Reserve). |
| Owner: | Serpentine Jarrahdale Shire | |
| Officer: | Alan Hart - Director Corporate Services | |
| Signatures Author: | Not Applicable | |
| Senior Officer: | Not Applicable | |
| Date of Report | 23 September 2008 | |
| Previously | Not Applicable | |
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act | |
| Delegation | Council | |

Background

Council has a lease agreement with the Mundijong Thoroughbred and Standardbred Trainers Association Incorporated on Reserve 2166 Webb Road (known as the Webb Road Reserve). The current lease agreement has been in-place since July 1994 and expired in April 2008.

Prior to the expiry date, the association invoked the renewal option in the lease agreement which extends the current lease until 1 May 2013.

The draft deed of extension has now been prepared for endorsement by Council.

A copy of the Draft Deed of Extension and area map is with attachments marked CGAM028.1/10/08 (IN08/12362).

Sustainability Statement

Economic Viability: The lease requires the association to maintain the property which minimises Council costs in relation to maintenance of the reserve.

Economic Benefits: The horse training industry features prominently in the Shire and is an employment generator attracting and retaining people in the area. This lease promotes the industry through providing a facility for use by the members of the association.

Social – Quality of Life: Council activities: The provision of this facility in the shire supports the local community involved in this industry.

Social and Environmental Responsibility: There has been a partnership with this association over the past 26 years. The facility binds the association as they have a common interest in the development of the reserve for the purpose of training horses.

Statutory Environment: N/A

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

Financial Implications: N/A

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

1. People and Community

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

Strategies:

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

Objective 3: High level of social commitment

Strategies:

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

3. Economic

Objective 1: A vibrant local community

Strategies:

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

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

1. Improve coordination between Shire, community and other partners.
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 is not required.

Comment:

The proposed deed of extension of lease will give the Mundijong Thoroughbred and Standardbred Trainers Association use of the Webb Road Reserve until 2013.

The extension of the lease agreement is an option that can be exercised by the association and in accordance with the lease and this has occurred. The terms and conditions of the extension are consistent with the lease.

Strategically, this reserve is ideally located to provide a multipurpose horse training/equestrian centre because of the residential development that surrounds the reserve, its location close to the future Mundijong Urban Cell and its very close proximity to the future Tonkin Highway. During the lease period, opportunities exist to explore more flexible arrangements with the association, incorporating future development to maximise the use of the reserve to the benefit of the wider community.

It is recommended that Council approve the proposed lease and authorise the Chief Executive Officer to sign the document.

Voting Requirements:

ABSOLUTE MAJORITY

CGAM028/10/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Geurds, seconded Cr Randall

That;

- 1. Council endorse the Deed of Extension of Lease between Serpentine Jarrahdale Shire and the Mundijong Thoroughbred and Standardbred Trainers Association, Reserve 2166 for a period of 5 years and one day, expiring on 1 May 2013.**
- 2. Council authorise the Chief Executive Officer to sign the lease agreement.**

CARRIED 9/1

| | | |
|------------------------|--|--|
| CGAM032/10/08 | PALCON GROUP - OVERSIZE VEHICLE APPLICATION TO SERVICE LOT 12 BIRD ROAD, OLDBURY (A0512-03) | |
| Proponent: | Palcon Group | In Brief An application has been made by the Palcon Group for Council consent to use long vehicle (road trains) to cart approximately 3000 tonnes of Timber Product from South Western Highway along Watkins Road, Mundijong Road, King Road, Jackson Road and Bird Road to Lot 12 Bird Road, Oldbury. It is recommended that the application be refused. |
| Owner: | Not Applicable | |
| Officer: | Debra Swadling - Manager Subdivisions | |
| Senior Officer: | Not Applicable | |
| Date of Report | 1 October 2008 | |
| Previously | CGAM002/10/06 | |
| 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 | |
| Delegation | Council | |

Background

By letter dated 11th September, 2008 the Shire is requested to reconsider the use of oversize vehicles up to 27.5m in length to cart approximately 3000 tonnes of Jarrah Sawlogs (Timber Product) along the following roads, within the Serpentine Jarrahdale Shire:

Mundijong Road (South Western Highway to King Road), King Road (Mundijong Road to Jackson Road), and Jackson Road (King Road to Bird Road). A new private access has been created to access Lot 12 Bird Road from the intersection of Jackson Road and Bird Road.

A copy of the correspondence from JDSI Consulting Engineers dated 11 September 2008 is with the attachments marked CGAM032.1/10/08 (IN08/11444).

The proposed number of trips will be two (2) per day. The proposed days of operation will be from Monday to Saturday. A report by JDSI Consulting Engineers on behalf of Jarrah Select Pty Ltd outlines various reasons why the applicant feels the application should be reconsidered and approved. This report focuses mainly on a perception that motor vehicle crash risk and the condition of Jackson Road were the main reasons why the previous application was refused. This is not the case.

The Shire's Engineering Officers have reviewed the roads proposed for use in this application. The applicant is correct in stating that the condition of Jackson Road has been upgraded such that it could potentially withstand the traffic loadings proposed in this application.

However, the construction and condition of Watkins Road is not to a standard that would enable safe use of the road by oversized vehicles. In addition, the intersection of Watkins Road with South Western Highway has not been designed or constructed to enable safe traffic movements where oversized vehicles are present. This presents a much greater hazard than any potential for crashes on Jackson Road as traffic volumes and speeds on South Western Highway are much higher than on the proposed internal roads. Turning vehicles (oversized loads) into and out of South Western Highway will potentially block both north and south-bound movements on the highway at this location and will create a large safety risk to all road users.

The condition of Watkins Road is such that it will require re-sealing within the next two to three years. Additional traffic loadings from heavy oversized vehicles will exacerbate this and lead to a need to upgrade the road in advance of when the funds are currently

scheduled to be available. The road's width and geometry also do not favour such traffic movements.

It should be noted that at its meeting of 13 September 2004 Council endorsed the following roads for inclusion in the Main Roads Western Australia (MRWA) Notice Network for oversize vehicle use.

| ROAD | SECTION | CONDITIONS |
|----------------|---|---|
| King Road | Mundijong Road to Thomas Road. | No vehicles greater than 27.5m in length. School bus curfews to apply. |
| Mundijong Road | Western Boundary to Lightbody Road. | No vehicles greater than 27.5m in length. School bus curfews to apply. |
| Mundijong Road | King Road to Watkins Road. | No vehicles greater than 27.5m in length. School bus curfews to apply. Livestock carriers only. Delivery to only. Monday – Friday only. Daylight hours only. |
| Watkins Road | Mundijong Road to South Western Highway | No vehicles greater than 27.5m in length. School bus curfews to apply. Livestock carriers only. Delivery to only. Monday – Friday only. Daylight hours only. |

As shown in the above table, Jackson Road and Bird Road are not included in the Notice Network for oversize vehicle use. Watkins Road is only approved for use by Livestock Carriers, and then only for deliveries into the area, not removal of stock (or freight) from the area.

Sustainability Statement:

Effect on Environment: The proposal would reduce Greenhouse Gas Emissions by allowing oversize vehicles to carry out this transport service. The use of medium sized trucks would be minimized resulting in less vehicle trips.

Resource Implications: Properly managed permit vehicle operations would minimize road resource use. However, the proposed use may cause damage to existing roads in the Shire.

Use of Local, renewable or recycled Resources: The proposal utilizes regionally available resources.

Economic Viability: This proposal may cause the Shire to incur extra costs for the subject roads for Council over and above currently scheduled routine maintenance.

Economic Benefits: Properly managed permit vehicle operations have potential sustainability benefits in reduced transport costs.

Social – Quality of Life: By creating endorsed heavy haulage routes, while retaining the ability to issue permits for other routes, the movement of freight vehicles can be controlled and, in the case of as-of-right vehicles, encouraged onto fit for purpose routes. This will assist in ensuring the local road network is safer for general traffic movements.

Social Diversity: This proposal does not directly affect any social or community groups.

Statutory Environment:

Motor Vehicle Act and Regulations
Local Government Act 1995

Policy/Work Procedure Implications:

Delegation AS-3 *B-double and Long Vehicle Permits* allows the Chief Executive Officer authority to grant or refuse approval for permits for roads in the district where current permits are in place.

Financial Implications:

The proponent would be made responsible for costs in regard to the maintenance of the all subject roads under the care and control of the Shire.

Strategic Implications:

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

2. Environment

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

Strategies:

5. Reduce green house gas emissions.

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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

Strategies:

1. Improved freight, private and public transport networks.

4. Governance

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

There has been no community consultation for this proposal.

Comment:

Watkins Road extends through a relatively built-up section of Mundijong and is not suitable for the continuous use of road trains up to 27.5m in length due to its current pavement width and condition, which is deteriorated. However Watkins Road is currently able to be used by vehicles no greater than 27.5 metres in length but by livestock carriers only.

The intersection of Watkins Road with South Western Highway is not designed to cater for large (oversized) vehicle movements and presents a particular road safety hazard for such traffic entering and exiting the Highway at this location.

It is therefore not recommended that Council support the use of road trains or B-doubles along these roads.

Voting Requirements: Simple Majority

Officer Recommended Resolution:

That;

1. Council does not endorse the use of oversize vehicles (B-doubles or Road Trains up to 27.5m in length) by the Palcon Group to cart jarrah logs (timber product) from South Western Highway to Lot 12 Bird Road, via Watkins Road and Mundijong Road (between the South Western Highway and Lightbody Road) and Jackson Road Oldbury.
2. Council endorses the use of “As of Right” vehicles only to cart approximately 3000 tonnes of timber from South Western Highway to Lot 12 Bird Road, Oldbury
3. Main Roads WA to be advised in writing of the Council's decision to the use of oversize vehicles (B-Doubles and Road Trains up to 27.5m in length) by the Palcon Group on Jackson Road and Bird Road.

Advice Notes:

1. The South Western Highway and Thomas Road are approved B-Double and Road Train routes.
2. Mundijong Road between Lightbody Road and King Road, is able to be utilised by B-Doubles and Road Trains.

Committee Recommended Resolution:

1. That item CGAM032/10/08 be deferred to the Ordinary Council meeting of 27 October 2008.
2. Council officers prepare a report for the October Ordinary Council meeting with a revised recommendation based on an assessment of the route applied for by Palcon Group in correspondence of 11 September 2008.

SUPPLEMENTARY REPORT

A review report prepared by JDSI Consulting Engineers in support of the application by Palcon Group for an oversize vehicle permit has been reviewed.

The route proposed for use has now changed to include the following roads:

- Thomas Road (South Western Highway to King Road)
- King Road (Thomas Road to Jackson Road)
- Jackson Road (King Road to access point for Lot 12 Bird Road)

This proposed route eliminates the previous proposal to use Watkins/Mundijong Roads.

King Road is a sealed road with an average 6.0 metre wide bitumen surface. The road forms a major link between Thomas Road and Mundijong Road. The road is included in the Main Roads Western Australia Network Notice list of roads approved for use by vehicles up to 27.5 metres in length provided they observe curfews during school bus times. The applicant is proposing to comply with the school bus time curfews.

Given the above it is now considered that the application for a heavy vehicle permit using the above route may be approved.

CGAM032/10/08 COUNCIL DECISION/Revised Officer Recommended Resolution:

Moved Cr Brown, seconded Cr Kirkpatrick

1. Council endorses the use of oversize vehicles (B-doubles or Road Trains up to 27.5m in length) by the Palcon Group to cart jarrah logs (timber product) from South Western Highway to Lot 12 Bird Road, Thomas Road (between the South Western Highway and King Road), King Road (from Thomas Road to Jackson Road) and Jackson Road (King Road to the access point to Lot 12 Bird Road) in Oldbury.

2. Council requests the truck movements be restricted to periods outside of school bus times in accordance with the guidelines for Main Roads Western Australia's Network Notice List.
3. Main Roads WA to be advised in writing of the Council's decision to the use of oversize vehicles (B-Doubles and Road Trains up to 27.5m in length) by the Falcon Group on Jackson Road and Bird Road.

Advice Note: The South Western Highway and Thomas Road are approved B-Double and Road Train routes.

CARRIED 10/0

| | | | |
|------------------------|--|--|--|
| CGAM034/10/08 | | LIGHTBODY ROAD MARDELLA – ROAD SAFETY AUDIT REPORT AND CORRECTIVE ACTION REPORT (R0038) | |
| Proponent: | Not Applicable | In Brief A Road Safety Audit has been conducted on Lightbody Road Mardella. This report summarizes the recommendations of that report and the Corrective Action Report and advises of actions proposed by the Shire's Engineering Services. | |
| Owner: | Not Applicable | | |
| Officer: | Debra Swadling - Manager Subdivisions | | |
| Senior Officer: | Not Applicable | | |
| Date of Report | 6 October, 2008 | | |
| Previously | CGAM033/11/07 | | |
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act | | |
| Delegation | Council | | |

Background

Lightbody Road Mardella is a 5.2 kilometre long road that runs from Mundijong Road (north) to Lowlands Road (south). The two terminating ends of the road are sealed for less than 500 metres, with the remainder of the road having a gravel surface.

For some time the residents of Lightbody Road have been making appeals to the Shire for the road to be upgraded (sealed) to improve its safety performance. The road had 12 police-reported crashes during the period 1 January 2003 to 31 December 2008. Only two of these crashes involved more than one vehicle, and the residents assert that sealing the road will address the remaining run-off-road crashes.

At the February 2008 OCM (024/02/08) Council agreed to the establishment of a Lightbody Road Working Party to work with the residents to find solutions to the perceived safety problems along the road. The Shire's Engineering Services department was then asked to arrange for a formal Road Safety Audit to be performed on the road.

The Road Safety Audit was conducted in May and June 2008.

A copy of the Road Safety Audit Report is with attachments marked CGAM034.1/10/08 (IN08/12321).

The Road Safety Audit Team carefully examined the entire length of road, including surface conditions, all road features, roadside objects, property boundaries, individual crossovers, drainage and signage. The Team then reviewed the crash details for all police-reported crashes along the road to determine causality and the impact (if any) of the road and its environment on the crashes.

A Corrective Action Report which outlines the recommendations of the Road Safety Audit Report and provides room for the road authority to respond was also included with the Audit

Report. The Shire's Leadership Team and Engineering Officers reviewed this document and completed the necessary sections of the Corrective Action Report.

A copy of the completed Road Safety Audit Corrective Action Report is with attachments marked CGAM034.2/10/08 (IN08/12322).

Policy/Work Procedure

Implications:

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

Financial Implications:

Acceptance by Council of the Road Safety Audit Report's recommendations will result in additional costs to the Shire to enable undertaking the signage, delineation and changes to road surface outlined in the report's recommendations.

The extent of the cost is as yet only estimated. Short-term modifications to the road surface (addressing crossfall only) are estimated to cost in the region of \$65,000. Modifications to signage and delineation could be achieved for less than \$10,000.

Any future decision to re-surface the road with a two coat seal would cost an estimated \$5,000,000. To asphalt the road would add approximately an extra \$460,000 to that cost.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

6. Ensure a safe and secure community.

Objective 3: High level of social commitment

Strategies:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

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

Strategies

1. Improve coordination between Shire, community and other partners.
2. Improve customer relations service.

Community Consultation:

No community consultation was included during the preparation of the Road Safety Audit Report. Such reports are designed to review only the road and facts related to the road's performance (e.g. crash statistics) and do not include consultation with other parties. While resident's concerns are a factor in determining Council actions to any issue, they do not impact on the performance of the road from a safety perspective.

Comment:

The Road Safety Audit Report makes nineteen (19) recommendations to improve the operation and safety of Lightbody Road. These are included in the Road Safety Audit Report and the Corrective Action Report. The Corrective Action Report provides Engineering Services response to the recommendations and undertakings by that department to address the most critical of the Audit Report's recommendations.

In short, the Road Safety Audit report asserts that the road is operating *relatively* safely. The road has a very low daily traffic volume (only 71 vehicles per day), but 85% of all drivers are travelling at a speed of over 85 km/hr, which the report states is not appropriate for a gravel road surface with several horizontal curves. This is especially the case on a road which is frequented by large vehicles, many of which are slow-moving and transporting cattle or horses. The majority of the police-reported crashes on this road (ten of twelve in a five-year period) are single vehicle crashes which may be attributable to loss of control of a vehicle on a gravel surface.

The Shire's Engineering officers agree almost entirely with the recommendations. The recommendation relating to the conduct of an education campaign to remind drivers to drive to conditions would be very difficult to design such that it appropriately targets the appropriate parties, and would not be cost-effective. The recommendation about providing a trail for equestrian users is not felt necessary at this time as such users have not been involved in reported incidents on this road in the past.

In summary, the actions to be taken in the short to medium term by the Shire's Engineering Services to address safety on Lightbody Road include the following:

1. Install roadside guide posts at frequent intervals along the full length of Lightbody Road to clearly delineate the road's edges and to give all road users advance warning of approaching curves or roadside hazards (estimated cost \$7,800).
2. Install blue coloured guide posts at locations where drainage culverts exist to highlight their location to drivers (indicating the presence of a drain and headwall).
3. Install guide posts at a horizontal separation distance of 6.2 metres to effectively reduce the width of the road and therefore reduce travel speeds.
4. Modify the road's superelevation (crossfall) to address issues related to horizontal curves (estimated cost \$ 65,000 – works to be conducted during 2009–10 financial year).
5. Install road narrows signage at the bridge near the boundary of Lots 1 and 20.
6. Write to Main Roads Western Australia, the authority for all regulatory and advisory signage, requesting:
 - a) They undertake an investigation to determine whether the curves in Lightbody Road meet the warrants for the installation of advance curve warning signs, and if so, install such signage;
 - b) The installation of a 70 km/hr speed zone (including signage) for the full length of Lightbody Road.

A reduction in the road's trafficable width is aimed at reducing the travel speed of vehicles on the road. The installation of advance warning signage and guide posts, combined with a reduction in the road's speed limit should significantly reduce the crash incidence on Lightbody Road.

In addition to the above actions, the Engineering Department will closely monitor on an annual basis the crash figures and locations for Lightbody Road, with a view to applying for funding under State and Federal Black Spot Programs to eventually upgrade the road's surface to a two-coat seal in those locations where the crashes are occurring.

Road Re-Surfacing Option – Discussion

The road may be re-surfaced (re-sealed) only at significant cost. The entire road would need to be excavated to a depth of 300-350 mm, all material removed and stockpiled. The surface would have to be provided with sub-soil drainage to protect the pavement surface. A 200 mm thick limestone sub-grade would need to be laid and compacted, followed by a 100 mm deep layer of road base (laid and compacted). This would then be followed by the two-coat seal. Recent estimates of road construction costs for a 6.0 metre wide pavement (estimated to assist in the preparation of the Byford Developer Contribution Scheme) indicate that at current rates, a rate of \$1,000,000 per linear kilometre would not be unreasonable. It is also worth noting that this estimate does not include earthworks, drainage, removal of spoil materials, signage, line marking, or street lighting.

In light of the above information, it is considered that re-sealing Lightbody Road is not the most cost-effective option for addressing the perceived safety issues. The Shire's Engineering Services Officers will undertake the options outlined above in the first instance and will monitor the road's performance over time to determine whether additional action is warranted.

Road Closure Option (cul-de-sac) – Discussion

The Shire's Engineering Officers have reviewed the resident's proposal to close the road by creating a cul-de-sac, or placing a gate across the road to prevent use of the road by through traffic. This option is not favoured by Engineering services for the following reasons:

1. The road width is such that a cul-de-sac head would need to be constructed across the two roadside table drains, creating a need for extensive pipe installation, which increases both construction and maintenance costs.
2. The road reserve is not wide enough to permit the construction of a cul-de-sac head (turning circle) that would be trafficable by the types of vehicles currently using the road. The road is used to access horse and cattle properties and trucks with multiple trailers would be unable to turn around at a cul-de-sac if one were to be created.
 - a) In order to create the necessary turning circle, the Shire would need to reclaim land from property owners which would need to be gazetted to form part of the road reserve. As a temporary option this is unsatisfactory.
3. The road forms an essential access route for emergency vehicles between Mundijong Road and Lowlands Road. Closing this access will lead to delays in access to fire or other emergency vehicles in case of an emergency. It also acts as a flood access route, and the same restrictions would then apply to State Emergency Service vehicles.
4. The area proposed by residents for cul-de-sac closure has high conservation value and it is very unlikely that approval could be obtained to remove the vegetation in the road reserve as would be required to construct the cul-de-sac. Environmental issues such as these are extremely difficult to overcome.
5. Alternative locations for the cul-de-sac have medium to low conservation value and while it may be possible to obtain approval to remove the vegetation in such locations, points 1, 2 and 3 above could not be satisfactorily addressed to make this option feasible.
6. The proposal for a cul-de-sac is put as a temporary fix, with a gate provided for access to residents. The issues with such a proposal as outlined in a resident's proposal dated 23-5-08 appear to indicate that the gate is to be left open for at least a part of each day. Through traffic will therefore still be able to use the road at these times.

Voting Requirements:

Simple Majority

Officer Recommended Resolution:

That;

1. Council accepts the Road Safety Audit Report for Lightbody Road and generally agrees to the actions and responses as outlined in the completed Corrective Action Report.
2. Council undertakes modifications to signage and delineation along Lightbody Road, to be funded from the existing Roads Maintenance Budget.
3. Council will consider an allocation of funds in the draft 2009/10 financial year budget to address the superelevation issues along Lightbody Road as outlined in the Road Safety Audit Corrective Action Report.
4. The Lightbody Road Working Group be advised of the Road Safety Audit Report, its recommendations and the Shire's response and the outcomes of this meeting.

New Motion:

Moved Cr Geurds, seconded Cr Twine

1. Council accepts the Road Safety Audit for Lightbody Road.
2. Lightbody Road should be cul de saced as soon as possible.

LOST 2/5

During debate Cr Brown foreshadowed that she would move that the item be referred to Council to consider the outcomes for a decision to cul de sac Lightbody Road.

New Motion:

Moved Cr Brown, seconded Cr

That item CGAM034/10/08 be referred to Council to consider the outcomes for a decision to cul de sac the road.

LAPSED FOR WANT OF SECONDER

During debate Cr Harris foreshadowed that she would move the Officer Recommended Resolution with the addition of a part 5 that Lightbody Road should be cul de saced as soon as is possible.

Committee Recommended Resolution:

Moved Cr Harris, seconded Cr Twine

1. Council accepts the Road Safety Audit Report for Lightbody Road and generally agrees to the actions and responses as outlined in the completed Corrective Action Report.
2. Council undertakes modifications to signage and delineation along Lightbody Road, to be funded from the existing Roads Maintenance Budget.
3. Council will consider an allocation of funds in the draft 2009/10 financial year budget to address the superelevation issues along Lightbody Road as outlined in the Road Safety Audit Corrective Action Report.
4. The Lightbody Road Working Group be advised of the Road Safety Audit Report, its recommendations and the Shire's response and the outcomes of this meeting.
5. Lightbody Road should be cul de saced as soon as is possible.

CARRIED 7/0

CGAM034/10/08 COUNCIL DECISION:

Moved Cr Murphy, seconded Cr Brown (proforma)

1. Council accepts the Road Safety Audit Report for Lightbody Road and generally agrees to the actions and responses as outlined in the completed Corrective Action Report.
2. Council undertakes modifications to signage and delineation along Lightbody Road, to be funded from the existing Roads Maintenance Budget.

3. Council will consider an allocation of funds in the draft 2009/10 financial year budget to address the superelevation issues along Lightbody Road as outlined in the Road Safety Audit Corrective Action Report.
4. The Lightbody Road Working Group be advised of the Road Safety Audit Report, its recommendations and the Shire's response and the outcomes of this meeting.
5. Lightbody Road be closed to through traffic.
6. The arrangements necessary relating to approval and advertising periods etc are to be initiated immediately.
7. A workshop between elected members and engineering division staff is to be convened to discuss the possibilities of a low cost barrier to through traffic being constructed.

CARRIED 7/3

Cr Randall voted against the motion

Cr Randall foreshadowed that she would move the Officer Recommended Resolution with the addition of a part 5 if the motion under debate is defeated.

1. Council accepts the Road Safety Audit Report for Lightbody Road and generally agrees to the actions and responses as outlined in the completed Corrective Action Report.
2. Council undertakes modifications to signage and delineation along Lightbody Road, to be funded from the existing Roads Maintenance Budget.
3. Council will consider an allocation of funds in the draft 2009/10 financial year budget to address the superelevation issues along Lightbody Road as outlined in the Road Safety Audit Corrective Action Report.
4. The Lightbody Road Working Group be advised of the Road Safety Audit Report, its recommendations and the Shire's response and the outcomes of this meeting.
5. Once the Corrective Action Report recommendations are carried out and Lightbody Road is still not a safe road, Council should then consider closing the road.

Cr Price foreshadowed that he would move the Officer Recommended Resolution with the addition of a part 5 and 6 if the motion under debate is defeated.

1. Council accepts the Road Safety Audit Report for Lightbody Road and generally agrees to the actions and responses as outlined in the completed Corrective Action Report.
2. Council undertakes modifications to signage and delineation along Lightbody Road, to be funded from the existing Roads Maintenance Budget.
3. Council will consider an allocation of funds in the draft 2009/10 financial year budget to address the superelevation issues along Lightbody Road as outlined in the Road Safety Audit Corrective Action Report.
4. The Lightbody Road Working Group be advised of the Road Safety Audit Report, its recommendations and the Shire's response and the outcomes of this meeting.
5. Lightbody Road be closed to through traffic.
6. The arrangements necessary relating to approval and advertising periods etc are to be initiated immediately.

Cr Geurds declared a conflict of interest in item CGAM029/10/08 and left the meeting at 9.38pm.

| | | |
|------------------------|--|--|
| CGAM029/10/08 | | PROVISION OF REAL ESTATE SERVICES FOR THE MARKETING AND SALE OF FOUR (4) RESIDENTIAL LOTS IN STAFF STREET, JARRAHDAL RFT013/2008 (A1505) |
| Proponent: | Serpentine Jarrahdale Shire | In Brief Council is requested to accept the tender submitted by Professionals Byford Property Team to supply Real Estate Services to Council in relation to the marketing and sale of four(4) residential lots in Staff Street, Jarrahdale. |
| Owner: | Not applicable | |
| Officer: | Alan Hart – Director Corporate Services | |
| Signatures Author: | Not Applicable | |
| Senior Officer: | Not Applicable | |
| Date of Report | 22 July 2008 | |
| Previously | Not Applicable | |
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act | |
| Delegation | Council | |

Background

In May 2008, Council resolved to dispose of Lots 816, 819, 820 and 821 Staff Street, Jarrahdale by public tender to enable the works to begin at the Jarrahdale Heritage Park (JHP).

It is a requirement of the Local Government Act that tenders be called for the supply of services is the consideration under the contract is or is expected to be in excess of \$100,000.00.

Therefore in accordance with the Local Government Act and the Serpentine Jarrahdale Shire Purchasing Policy, Tender RFT013/2008 was advertised in June and one submission was received.

A copy of the Evaluation Matrix for supply of Real Estate Services is with attachments marked CGAM029.1/10/08 (E08/4247).

Statutory Environment:

Part 4 of the Local Government (Functions and General) Amendment Regulations 2007 requires that Tenders be publicly invited for the supply of goods or services if the consideration under the contract is, or is expected to be, more than \$100,000.00.

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

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

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

Policy/Work Procedure

Serpentine Jarrahdale Shire Purchasing Policy 'Procurement of Goods and Services through Direct Purchasing and Public Tendering' as adopted by Council on 27 May 2007 (CGAM120/05/07).

Financial Implications:

Costs are included 2008/2009 budget.

Strategic Implications:

The proposal incorporates the following 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:

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.
3. Encourage protection and rehabilitation of natural resources.

3. Economic

Objective 1: A vibrant local community

Strategies:

3. Develop tourism potential.

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

Community Consultation:

No community consultation is required for this item.

Comment:

Since Council adopted the Jarrahdale Heritage Park and Precincts Business and Marketing Plan, work has commenced on implementing the plan. Whilst this is at an infancy stage, it is necessary to commence raising the funds required to commence the work on developing the Park. The sale of the Cottages is an integral part of financing the first stage of the works as outlined in the 2008/2009 budget.

Council engaged the services of a consultant to investigate the best method to dispose of these properties, given the constraints on Council by the Local Government Act. The recommended process to dispose of the properties is by tender process.

With the assistance of a successful real estate agent, a comprehensive marketing campaign can be undertaken to ensure maximum exposure of the properties to potential purchasers.

In order to ensure the progression of the project, it is proposed that Council accept the Tender submitted by Professionals Byford Property Team.

The marketing plan will need to consider the location of the properties land use, zoning and possible uses of the properties. The plan will also need to recommend the best method of disposal given the potential land use of these properties.

Voting Requirements: Simple Majority

Manager Subdivisions left the meeting at 9.39pm.

CGAM029/10/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Twine, seconded Cr Brown

That;

- 1. Council accepts the Tender submitted by Professionals Byford Property Team RFT013/2008 for the Supply of Real Estate Services in relation to the marketing and sale of Lots 816, 819, 820 and 821 Staff Street, Jarrahdale.**
- 2. A marketing plan is to be prepared on the best method of disposal for Council consideration prior to the properties being listed for sale.**

CARRIED 9/0

Cr Geurds was not present and did not vote

Cr Geurds returned to the meeting at 9.40pm.

| | | |
|--|--|---|
| CGAM030/10/08 WEST AUSTRALIAN CLUBMAN CUP RALLY – PROPOSAL TO USE JARRAHDALE HERITAGE PARK AS A SERVICE PARK (P05576/44) | | |
| Proponent: | Light Car Club of WA (Inc) | In Brief Council is requested to give consent to Light Car Club of WA for use of part of the Jarrahdale Heritage Park for a service park for the final round of the West Australian Clubman Cup Rally. |
| Owner: | Shire of Serpentine Jarrahdale | |
| Officer: | Alan Hart - Director of Corporate Services | |
| Signatures Author: | Not applicable | |
| Senior Officer: | Not applicable | |
| Date of Report | 6 October 2008 | |
| Previously | Not applicable | |
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act | |
| Delegation | Council | |

Background

Light Car Club of WA (Inc) seeks Council consent to utilise a section of the Jarrahdale Heritage Park as a service park for one day over the period of the West Australian Clubman Cup Rally.

A copy of the proposal to conduct the final round of the W.A Clubman Cup Rally Championship is included in the attachments and marked CGAM030.1/10/08 (E08/4963).

The Light Car Club of WA is proposing to conduct a car rally in the area to the east of Jarrahdale on Saturday 15th November 2008 as the final round of the West Australian Clubman Cup Rally Championship (Darling 200 Rally). They held the same event at the Jarrahdale Heritage Park last year and the event was a success with no negative feedback from the community and no incidents recorded.

A copy of the proposed routes planned to be used for the competition is included in the attachments and marked CGAM030.2/10/08 (E08/4964).

Given the geographic location and the resources available for the race, the event organisers have identified an area of Jarrahdale Heritage Park and access to the old office building as being suitable for a service park. The service park would entail a headquarters management centre, servicing of vehicles, and a refuelling station.

Last year the license fee of \$200 was given to the Serpentine Jarrahdale Landcare Centre for their verge tree planting program to offset carbon emissions. The West Australian Clubman Cup Rally organisers have requested that last years bond of \$2,000 to remain at this amount as a result of their good record from past events.

Sustainability Statement

Effect on Environment: Servicing of any of the vehicles will be carried out on tarpaulins within the Jarrahdale Heritage Park.

Resource Implications: Infrastructure such as roads under the care and control of the Shire are required to be reinstated satisfactorily following the event.

Use of Local, renewable or recycled Resources: The proposal would likely involve the use of local stores by event organisers, participants and spectators.

Economic Viability: There will not be ongoing costs or funding required for the Shire in the future.

Economic Benefits: The proposal will provide economic benefits to the community such as employment creation and tourism, where event organisers, participants and spectators would utilise businesses such as the General Store.

Social – Quality of Life: All servicing and refuelling of vehicles will be in a central controlled area. The quality of life would not be hindered from this proposal.

Social and Environmental Responsibility: The applicant is required to obtain necessary approvals from relevant state government agencies including the WA Police service, Department of Conservation and Land Management, Department of Water and Water Corporation of WA.

Social Diversity: The proposal does not disadvantage any social groups within the community. It aims to cater for all sectors of the community.

Statutory Environment:

Planning and Development Act 2005 (as amended)
Shire of Serpentine-Jarrahdale Town Planning Scheme
No. 2.
Metropolitan Region Scheme

Policy/Work Procedure

Implications:

Rural Strategy

Financial Implications:

The proposal does not have an impact on budgeted income or expenditure in the current year. The event will have indirect benefits to the Shire through tourism and media exposure.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

4. Respect diversity within the community.
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.

Objective 3: High level of social commitment

Strategies:

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

3. Economic

Objective 1: A vibrant local community

Strategies:

1. Attract and facilitate appropriate industries, commercial activities and employment.
3. Develop tourism potential.
4. Promote info-technology and telecommuting opportunities.

4. Governance

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

Strategies:

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Required: No

The applicant would however be required to notify effected land property owners.

Comment:

The endorsement of this application for road closures has been undertaken by the Chief Executive Officer under delegated authority.

A copy of the License is included with the attachments and marked CGAM030.3/10/08 (IN08/12363).

Voting Requirements:

ABSOLUTE MAJORITY

Moved Cr Price, seconded Cr Brown that the meeting be adjourned at 9.43pm.
CARRIED 10/0

All those present at the start of the meeting were present in the room after the adjournment except Manager Subdivisions. The meeting reconvened at 9.48pm.

Manager Subdivisions returned to the meeting at 9.49pm.

CGAM030/10/08 COUNCIL DECISION/Committee /Officer Recommended Resolution:

**Moved Cr Price, seconded Cr Kirkpatrick
That;**

- 1. Council gives its consent to enter into a license agreement for the use of Lot 814 Jarrahdale Road (Jarrahdale Heritage Park) as a service park on the 15th November 2008 for the final round of the West Australian Clubman Cup Rally.**
- 2. A license fee of \$220 (GST inclusive) be charged and provided to Serpentine Jarrahdale Landcare to use in the verge tree planting program to offset carbon emissions.**
- 3. A bond of \$2,000 to be lodged by the organisers of the West Australian Clubman Cup Rally.**
- 4. The Chief Executive Officer and Shire President be authorised to sign the license attached with this report.**

CARRIED 10/0

Council note: Council wishes to advise the organisers of the event that they wish to have three months advance notice regarding any future events and that Council will be reviewing the quantum of the licence fee to ensure appropriate levels of offsets are achieved.

| CGAM031/10/08 | | DARLING DOWNS BRIDLE TRAILS AGREEMENT (A0038-02) | |
|------------------------|--|---|--|
| Proponent: | Darling Downs Residents Association (Inc). | In Brief Council is requested to endorse the Darling Downs Bridle Trails Agreement for use of reserves 35603, 42696, 35706, 35701, 35702, 38830, 35601, 35701 and 46631 for bridle trails, horse training arena and track. | |
| Owner: | Shire of Serpentine Jarrahdale | | |
| Officer: | Alan Hart - Director Corporate Services | | |
| Senior Officer: | Not Applicable | | |
| Date of Report | 30 September 2008 | | |
| Previously | Not Applicable | | |
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act | | |
| Delegation | Council | | |

Background

The Darling Downs Residents Association (Inc.) was originally formed as a result of a public meeting held by Council at the Byford Hall on 18 February 1987. The public meeting was called due to the developer not completing the development; instead the developer paid a contribution per lot to Council in lieu of the completing the development. Council called the public meeting, seeking input and direction from the local community on how the Darling Downs area should be further developed. It was agreed at the Public Meeting that a Committee should be formed to assist the Council with the development of the area.

Since then, the Darling Downs Residents Association (Inc.) has been formed and this association is seeking formal management responsibility of the bridle trails, horse training arena and track. The proposed license agreement formalises the management of these reserves and clearly defines the responsibilities of both Council and the Association.

A copy of the licence agreement is with the attachments marked CGAM031.1/10/08.

Sustainability Statement

Effect on Environment: The proposed licence gives the residents of the area management of the bridle trails, horse training arena and track as the Darling Downs Residents Association (Inc.) have agreed to maintain the area in conjunction with Council to Councils specifications. This will ensure that the area is developed with proper consultation with all stakeholders and it will be sympathetic with the natural environment.

Biodiversity: The proposed licence agreement allows Council to set the minimum standard in relation to maintenance of the general area. Rehabilitation of the landscape, including protection of indigenous flora and fauna will form part of the standards that are set by Council.

The bridle trails in the area form part of the trails network within the shire and ensuring their ongoing maintenance is essential to the wider trails network. The use of the trails by the equine community protects the natural flora and fauna as it is not damaged by horse traffic.

Economic Viability: The roles and responsibilities outlined in the draft license agreement will value add to the ongoing maintenance of the license area. The maintenance work that will be undertaken by the residents association is completed on a voluntary basis, therefore minimizing Councils input into the maintenance of the license area.

Social – Quality of Life: The proposed license agreement allows the local Darling Downs community to be involved in the provision of the maintenance of the public open space that adjoins their properties and it formalises the support of the Association.

Statutory Environment:

S 3.58 Local Government Act 1995 - Disposing of Property

The Local Government Act requires the Shire to fully disclose the details of the licence and the consideration received from the licence fee.

Reg 30 (2) (e) Local Government (Functions and General) Regulations 1996 – Dispositions of Property to which section 3.58 of the Act does not apply

This regulation states that S 3.58 does not apply if the period of the licence is less than 2 years and the licence does not grant the licensee exclusive use of the property.

This draft license is an exempt licence under Regulation 30 (2) of the Local Government (Functions and General) Regulations 1996.

**Policy/Work Procedure
Implications:**

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

Financial Implications:

There is an annual allocation of \$8,000 for the general maintenance of the horse training arena track. This is funded through the developer contribution which was paid by the developer in lieu of completing the landscaping of the POS in the Darling Downs development. This expenditure has no impact on the Municipal Surplus of the Shire as the payment in lieu is retained in a reserve account.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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

Strategies:

1. Increase information and awareness of key activities around the Shire and principles of sustainability.
4. Foster a strong sense of community, place and belonging.
5. Protect built and natural heritage for economic and cultural benefits.

Objective 3: High level of social commitment

Strategies:

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

2. Environment

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

Strategies:

1. Increase awareness of the value of environmental requirements towards sustainability.

3. Economic

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

Strategies:

1. Improved freight, private and public transport networks.

4. Governance

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.
2. Develop a risk management plan.

Community Consultation:

The Darling Downs Residents Association has been consulted in the process of developing the Draft Licence agreement. The draft licence has the consensus of the committee and Shire Officers.

Comment:

The proposed licence agreement has been developed in conjunction with the Darling Downs Residents Association and addresses specific issues in relation to the maintenance of the arena and trails within the Darling Downs estate. The proposed agreement defines the roles and responsibilities of both the committee and Council and it also ensures that the work that is undertaken by the committee is completed to Council's specifications.

It is intended that the licence will be renewed yearly. This gives Council and the Darling Downs Residents Association an opportunity to review the effectiveness of the licence and improve where it is deemed necessary. It is also an opportunity for Council to assess the funds available in the Darling Downs Management Reserve and ensure that Council will not be bound to fund the operations of the Committee should funds not be available in the reserve.

It is therefore recommended that the Shire President and the Chief Executive Officer be authorised sign this agreement on behalf of Council.

Voting Requirements:

ABSOLUTE MAJORITY

CGAM031/10/08 COUNCIL DECISION/Committee/Officer Recommended Resolution:

Moved Cr Murphy, seconded Cr Brown

That;

1. Council endorse the licence agreement between Serpentine Jarrahdale Shire and the Darling Downs Residents Association, for the use of reserves 35603, 42696, 35706, 35701, 35702, 38830, 35601, 35701 and 46631 for bridle trails, horse training arena and track for a period of 1 year.
2. Council authorise the Shire President and Chief Executive Officer to sign the lease agreement.

CARRIED 10/0

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN:

| | | |
|--|--|--|
| OCM008/10/08 APPOINTMENT OF A MEMBER AND DEPUTIES TO SUSTAINABLE DEVELOPMENT COMMITTEE (A1258) | | |
| Proponent: | Shire of Serpentine Jarrahdale | In Brief To elect a Member and Deputies to Council's Sustainable Development Committee. |
| Owner: | N/A | |
| Officer: | Brad Gleeson – Director Development Services | |
| Signatures Author: | | |
| Senior Officer: | Joanne Abbiss - Chief Executive Officer | |
| Date of Report | 22 October 2008 | |
| Previously | SCM010/10/07 | |
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act | |
| Delegation | Council | |

Background

Council at its meeting held on 22 October 2007 resolved as follows:

“SCM010/10/07 COUNCIL DECISION

Moved Cr Kirkpatrick seconded Cr Harris

That in accordance with Section 5.10 of the Local Government Act 1995, Council makes the following appointments to Council's Standing Committees:

Sustainable Development Committee

Member: Cr Kirkpatrick

Cr Price

Cr Randall

Cr Brown

Cr Geurds

Cr Murphy

Cr Twine

Deputy: Cr Harris (1)

Cr Needham (2)

Cr Buttfield (3)

CARRIED 10/0”

Councillor Price has tendered his resignation on Tuesday, 7 October 2008 as a Member of and as the Presiding Member of the Sustainable Development Committee “Committee”. It is necessary for Council to elect a new Member and Deputies to this Committee.

Sustainability Statement

Not applicable

Statutory Environment:

Local Government Act 1995,
Council's Standing Orders Local Law 2002.

S5.10 (2) “Appointment of committee members” states -
at any given time each council member is entitled to be a member of at least one committee referred to in section 5.9 (2) (a) or (b) and if a council member nominates himself or herself to be a member of such a committee or

committees, the local government is to include that council member in the persons appointed under subsection (1) (a) to at least one of those committees as the local government decides.

S5.10 (4) “Appointment of committee members” further states – *If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*

S5.12 “Election of presiding members and deputies” states – (1) *The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule. (a) to “office” were references to “office of presiding member”; (b) to “council” were references to “committee”; and (c) to “councillors” were references to “committee members”.*

(2) *The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule – (a) to “office” were references to “office of a deputy presiding member”; (b) to “council” were references to “committee”; (c) to “councillors” were references to “committee members”; and (d) to “mayor or president” were references to “presiding member”.*

S5.13 “Functions of deputy presiding members” states – *If, in relation to the presiding member of a committee – (a) the office of presiding member is vacant; or (b) the presiding member is not available for is unable or unwilling to perform the functions of presiding member, t Then the deputy presiding member, if any, may perform the functions of presiding member.*

S5.14 “Who acts if no presiding member” states – *If, in relation to the presiding member of a committee – (a) the office of presiding member and the office of deputy presiding member are vacant; or (b) the presiding member and the deputy presiding member, if any, are not available or are unable or unwilling to perform the functions of presiding member.*

Then the committee members present at the meeting are to choose one of themselves to preside at the meeting.

Policy/Work Procedure
Implications:

CSWP11 – Disclaimer & Terms of Reference for use of Delegation by Committee – Committee Meetings

Financial Implications:

Annual sitting fee allowances will be incurred by Council in relation to the members appointed and attending Committee meetings, in accordance with Local Government Act 1995.

Strategic Implications:

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

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

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

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Not required.

Comment:

To ensure compliance with section 5.9, 5.10 and 5.11 of the Local Government Act 1995 and Part 17 of the Council's Standing Orders Local Law 2002, the membership of the committee is to be seven (7) elected members and three (3) elected members as deputies.

Councillors Kirkpatrick, Randall, Brown, Geurds, Murphy and Twine remain as members of the Committee. Council is required to consider the appointment of one new Councillor to the Committee.

Councillors Harris, Needham and Buttfield are the current Deputies to this Committee. Council is required to consider the appointment of Deputies to the Committee.

Presiding Member

In accordance with sections 5.12 of the Local Government Act 1995, the members of Committee are to elect a Presiding Member from amongst themselves. This will need to occur at the next Committee meeting on 18 November 2008.

Voting Requirements:

ABSOLUTE MAJORITY

Officer Recommended Resolution:

1. In accordance with Section 5.10 of the Local Government Act 1995, Council appoints Councillor to Council's Sustainable Development Committee.
2. In accordance with Section 5.10 of the Local Government Act 1995, Council appoints the following Deputies to Council's Sustainable Development Committee:

Deputy: Cr.....(1)
Cr.....(2)
Cr.....(3)

OCM008/10/08 COUNCIL DECISION:

Moved Cr Murphy, seconded Cr Twine

1. In accordance with Section 5.10 of the Local Government Act 1995, Council appoints Councillor Harris to Council's Sustainable Development Committee.
2. In accordance with Section 5.10 of the Local Government Act 1995, Council appoints the following Deputies to Council's Sustainable Development Committee:

Deputy: **Cr Price (1)**
 Cr Needham (2)
 Cr Buttfield (3)

CARRIED 10/0

| | | |
|---|---|--|
| OCM009/10/08 COUNCIL MEETINGS AND SERVICES OVER THE CHRISTMAS AND NEW YEAR PERIOD (A0023-02) | | |
| Proponent: | Serpentine Jarrahdale Shire | In Brief Confirm the schedule for Committee/Council meetings and arrangements for the Council Administration, Operations and Library in Mundijong over the Christmas and New Year period. |
| Owner: | Not applicable | |
| Author: | Joanne Abbiss - Chief Executive Officer | |
| Senior Officer: | | |
| Date of Report | 24 October 2008 | |
| Previously | CGAM016/09/07 | |
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act. | |
| Delegation | Council | |

Background

The following dates have previously been circulated for Committee and Council meetings for the month of December 2008:

16/12/08 Sustainable Development & Corporate Governance & Asset Management
22/12/08 Ordinary Council Meeting

It is proposed that Council advertise the following changes to the above dates to accommodate the Christmas and New Year period.

9/12/08 Sustainable Development & Corporate Governance & Asset Management
15/12/08 Ordinary Council Meeting

Office Hours over the Christmas Period:

This year the Christmas Public Holidays will be Thursday, 25 December 2008, Friday, 26 December 2008 and Thursday, 1 January 2009.

With regard to the Mundijong Administration and Operations Team offices and the Mundijong Library, in 2007 all offices were closed from Monday, 24 December 2007 to Tuesday, 1 January 2008 (inclusive).

It is suggested that this year the office close over the Christmas period being 25 December 2008 to 2 January 2009 (inclusive) with staff taking accrued leave entitlements for these seven (7) days and that Council advertise the closing of the office for this period.

Council's endorsement of closing the Shire office for this period is sought.

Sustainability Statement

It is not anticipated that customer service will be unduly impacted by the proposed closure as this period has been very quiet historically. With the office remaining open on Monday, 22 December to Wednesday, 24 December 2008 this will allow residents to complete any last minute business prior to the Christmas break. It is believed that this closure will be an active demonstration to staff of the family friendly workplace and recognition of their efforts during another year of hyper-growth.

Statutory Environment:

Local Government Act

Policy Implications:

CSP22 Family Friendly Workplace

Financial Implications:

Staff leave has been included in the 2008/2009 budget.

Strategic Implications:

4. Governance

Objective 1: An effective continuous improvement program

Strategies:

4. Balance resource allocation to support sustainable outcomes.

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

Strategies

2. Improve customer relations service.

Objective 3: Compliance to necessary legislation

Strategies:

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

Community Consultation:

Dates are to be advertised in accordance with the Local Government Act, at the Administration Centre, Library and a local newspaper.

Comments

♦ Committee and Council

The Committee and Council dates as follows will be advertised for December 2008:

- 2 x Committee meetings 9 December 2008
- 1 x Ordinary Council meeting 15 December 2008

The Committee and Council dates as follows will be advertised for January 2009:

- 2 x Committee Meetings – Tuesday, 20 January 2009
- 1 x Ordinary Council Meeting – Tuesday, 27 January 2009 (as Monday, 26 January is the Australia Day Public Holiday)

♦ Christmas Period

It is intended that the variations to opening hours for the Mundijong Administration Centre, Operations Team office and Mundijong Library will be advertised and the offices will be well signed to indicate the closure over this period.

Over the Christmas period, as per previous years, it will again be the responsibility of the Chief Executive Officer to ensure that staff coverage is in place over this period in the case of an emergency.

Voting Requirements: Simple Majority

OCM009/10/08 COUNCIL DECISION/Officer Recommended Resolution

Moved Cr Brown, seconded Cr Harris

1. Council agrees to the following meeting and administrative arrangements over the month of December 2008 and January 2009 and that they be advertised accordingly to the public:

a) The meetings for December 2008 will be as follows:

| | |
|----------|---|
| 9/12/08 | Sustainable Development & Corporate Governance & Asset Management |
| 15/12/08 | Ordinary Council Meeting |

b) The Mundijong Administration Centre, Operation Team offices and the Mundijong Library to be closed from Thursday, 25 December 2008 to Friday, 2 January 2009 (inclusive).

c) The meetings for January 2009 will be as follows:

| | |
|----------|---|
| 20/01/09 | Sustainable Development & Corporate Governance & Asset Management |
| 27/01/09 | Ordinary Council Meeting |

2. Council notes that over the Christmas period it will be the responsibility of the Chief Executive Officer to ensure that staff coverage is in place over this period in the case of an emergency.

CARRIED 10/0

9. CHIEF EXECUTIVE OFFICER'S REPORT

| OCM010/10/08 | | INFORMATION REPORT |
|------------------------|---|-------------------------------------|
| Proponent | Joanne Abbiss - Chief Executive Officer | In Brief Information Report. |
| Officer | Lisa Fletcher – Personal Assistant to the Chief Executive Officer | |
| Signatures - Author: | | |
| Senior Officer: | Joanne Abbiss - Chief Executive Officer | |
| Date of Report | 21 October 2008 | |
| Previously | | |
| Disclosure of Interest | | |
| Delegation | Council | |

OCM010.1/10/08 COMMON SEAL REGISTER REPORT – SEPTEMBER 2008

The Common Seal Register Report for the month of September 2008 as per Council Policy CSP30 Use of Shire of Serpentine Jarrahdale Common Seal is with the **attachments marked OCM010.1/10/08.**

OCM010.2/10/08 POLICY FORUM – 7 OCTOBER 2008

The following items were discussed at the 7 October 2008 Policy Forum:

| Topic / Subject |
|--|
| SJ Shire Community Perceptions Survey Presentation by Catalyse |
| Council Actions Report |
| Report on progress of Council and Committee resolutions Report on Councillor correspondence: <ul style="list-style-type: none"> Currently Outstanding Received in September 2008 CEO to detail how Councillor Requests are captured as a record |
| Development Concept |
| Presentation of modified plans for the Byford IGA Shopping Centre |
| Strategic Planning |
| Overview and pre-reading for two day workshop |
| Hot Topics |
| "How Green is my Council"? www.howgreen.net.au/council |
| Community Safety & Crime Prevention Project Brief |
| Terms of Reference for Council Meetings |
| Policy Development |
| Discussion on banning plastic bag availability in shops/supermarkets within the Shire |
| Presentation |
| Brickwood Reserve Management Plan |

OCM010.3/10/08 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION
STATE COUNCIL MINUTES – 1 OCTOBER 2008 (A1164)

In the attachments marked OCM010.3/10/08 (IN08/12434) is the summary minutes of the State Council held on 1 October 2008.

OCM010.4/10/08 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION
SOUTH EAST METROPOLITAN ZONE MINUTES – 24 SEPTEMBER 2008 (A1164)

In the attachments marked OCM010.4/10/08 (IN08/12181) is the minutes of the South East Metropolitan Zone Meeting held on 24 September 2008.

OCM010/10/08 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Randall, seconded Cr Brown
The Information Report to 23 October 2008 is received.
CARRIED 10/0

| | | |
|--------------------|---|--|
| OCM011/10/08 | RESCISION MOTION REGARDING COUNCIL'S CONTRIBUTION TOWARD THE REMOVAL OF PINE TREES FROM GOORALONG PARK (RS0117) | |
| Proponent: | Cr Sheila Twine | In Brief Cr Twine has submitted a motion of which notice has been given to rescind Council's motion of 22 February 2008 offering \$50,000 to the Forest Products Commission |
| Owner: | Not Applicable | |
| Officer: | Joanne Abbiss – Chief Executive Officer | |
| Signatures Author: | | |
| Senior Officer: | | |
| Date of Report | 24 October 2008 | |

| | | |
|------------------------|---|--|
| Previously | CGAM029/10/07 OCM022/02/08 | towards the removal of pine trees from Gooralong Park. |
| 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

In October 2007, Council resolved to negotiate with the Forest Products Commission (FPC) to facilitate the removal of the mature pine trees in the camping area at Gooralong Park, which has been closed for some time due to the trees dropping branches in and around the camp sites.

It has been Council's desire to have semi-trailers, rather than B-Doubles, used to remove the trees due to the safety aspects of having large trucks through the Jarrahdale township and on Jarrahdale Road.

Further to this, Council resolved at their Ordinary Council Meeting of 25 February 2008 to commit \$50,000 towards covering the FPC's increased transport costs as a result of Council's request to use semi-trailers:

"OCM022/02/08 COUNCIL DECISION:

Moved Cr Kirkpatrick, seconded Cr Twine

- 1. Council accepts the proposal from the Forest Products Commission to remove the pine trees from the Gooralong Park camping area up to a cost of \$50 000.*
- 2. Council ensures the Forest Products Commission notify all residents in Jarrahdale of the works prior to commencement of the works.*
- 3. Council declare \$50 000 as authorised expenditure for the removal of the pine trees from the Gooralong Park camping area.*
- 4. Council obtains a firm date for the removal of these trees.*

CARRIED 7/1

Council Note: The Officer Recommended Resolution was amended by adding 'up to a cost of \$50 000' to part 1 and adding part 4 that Council obtains a firm date for the removal of the trees."

A meeting was then held on 31 March 2008 between the FPC, the Department of Environment and Conservation (DEC) and the Shire to discuss the upcoming harvesting. At this meeting the FPC raised their concern at the \$50,000 cap on the Shire's contribution and stated that the FPC would like to see the Shire be responsible for the total additional expenditure.

On 18 April 2008 the FPC advised that the removal of pines would not be going ahead in April due to the inability of their customer to take that volume of logs until October/November 2008. The nearest alternate customer able to take the logs was in Dardanup and, given Council's cap on the expenditure, the FPC did not want to incur the increased operational expenditure to transport them over that distance. The FPC were also concerned that with the unexpected rainfall in April there was going to be an increased risk of turbidity entering the stream zones if felling continued into May. The FPC were also of the understanding that Council wanted the trees felled in April to allow the debris to be burnt and reduce the fuel loading around the Jarrahdale townsite which would not be able to occur if the trees were felled in October/November. It was then suggested that if the risk of the increased fuel loading was going to be too high then it was likely that the operation would be delayed until March or April 2009.

Officers were negotiating through Minister Templeman's office to resolve the issue of costs via the Minister for Agriculture. Following the State election, officers contacted local member Tony Simpson MLA to see if he could progress the issue of costs with the relevant Minister and he is currently seeking information in this regard.

Sustainability Statement

Economic Benefits: The camping ground has been closed since 2005 and it is recognised widely as a tourist attraction. Being close to the city it is ideally located for individuals and family groups to escape and enjoy the natural surroundings of the forest. Local business and tourism operators benefit from this facility.

Statutory Environment:

Approval will require an absolute majority of the Council to vote in support of the Councillor's recommendation.

Policy/Work Procedure Implications:

Council has consistently maintained its position not to support the use of B doubles on Jarrahdale Road.

Financial Implications:

The \$50,000 for the removal of the pine trees is provided for within the 2008/2009 budget.

Strategic Implications:

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

1. People and Community

Objective 1: Good quality of life for all residents

Strategies:

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

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

Strategies:

1. Develop compatible mixed uses and local employment opportunities in neighbourhoods.
3. 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. Encourage protection and rehabilitation of natural resources.
4. Value, protect and develop biodiversity.

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

Strategies:

1. Implement known best practice sustainable natural resource management.

3. Economic

Objective 1: A vibrant local community

Strategies:

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

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

Strategies:

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

Objective 3: Effective management of Shire growth

Strategies:

1. Enhance economic futures for Shire communities.

4. Governance

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

Strategies

1. 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:

Given the time available to the officer to prepare this report, the officer has not had the opportunity to consult with the Forest Products Commission.

Officer Comment:

Whilst it is acknowledged that the delay in the removal of the pine trees is frustrating, it is the officer's recommendation that Council allow the FPC the opportunity to remove the trees in April 2009, making it clear that this is their last opportunity to do so, and if they fail to do this then the Shire's contribution of \$50,000 toward the increased transport costs would no longer be available.

Voting Requirements:

ABSOLUTE MAJORITY (for Councillor Recommended Resolution only)

Officer Recommended Resolution:

Council advises the Minister for Agriculture and the Forest Products Commission that unless the pine trees are removed from Gooralong Park by June 2009 the Shire's contribution of \$50,000 towards the increased transport costs, resulting from Council's requirement for only semi trailers to be used, will no longer be available.

Manager Health and Ranger Services left the meeting at 10.20pm and returned at 10.21pm.

OCM011/10/08 COUNCIL DECISION/Councillor Recommended Resolution

Moved Cr Twine, seconded Crs Randall, Kirkpatrick, Brown

That Council seeks to rescind Council Decision OCM022/02/08 from the Ordinary Council Meeting held on 25 February 2008.

CARRIED 7/3

OCM011A/10/08 COUNCIL DECISION/Councillor Recommended Resolution

**Moved Cr Twine, seconded Crs Brown, Murphy, Kirkpatrick
That Council Decision OCM022/02/08 from the Ordinary Council Meeting held on
25 February 2008 be rescinded.
CARRIED 8/2**

Cr Price foreshadowed that he would move the Officer Recommended Resolution if the motion under debate is defeated.

10. URGENT BUSINESS:

Cr Kirkpatrick advised that the Serpentine Jarrahdale Youth Activity Group Inc, who work from the Depot each Saturday, celebrated their 10th anniversary and presented the Shire with a Certificate of Appreciation for the Shire's assistance over this time.

Cr Murphy raised the issue of the agreement between the Shire and Darling Downs Residents Association and congratulated the Director Corporate Services for his work on this matter. Relationships between the Darling Downs Management Committee and later the Darling Downs Residents Association have improved as a result of this agreement. Cr Murphy regularly attends these resident meetings and noted that the atmosphere between the groups and Council has vastly improved. These lease negotiations by the Director Corporate Services will only improve this further.

Cr Twine congratulated the Oakford Fire Brigade for winning the overall Seniors Award at the recent Volunteer Firefighter Games and the Mundijong Cadets for winning the overall Cadets Award.

11. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

Cr Randall

- Q. When will the Road Safety Audit be carried out for the Byford Trotting Complex?
- A. A commitment was previously provided to Council by officers to conduct the Road Safety Audit utilising in house resources within this financial year.

12. CLOSURE:

There being no further business, the meeting closed at 10.25pm.

I certify that these minutes were confirmed at the
Ordinary Council meeting held on 24 November 2008.

.....
Presiding Member

.....
Date

13. INFORMATION REPORT – COMMITTEE DELEGATED AUTHORITY:

| SD033/10/08 BUILDING INFORMATION REPORT | | |
|---|--|------------------------------------|
| Proponent: | N/A | In Brief Information report |
| Owner: | N/A | |
| Officer: | Jason Robertson - Manager Building Services | |
| Signatures Author: | N/A | |
| Senior Officer: | Brad Gleeson – Director Development Services | |
| Date of Report | October 2008 | |
| Previously | Nil | |
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act | |
| Delegation | Committee – in accordance with resolution CGAM064/02/08 | |

SD033/10/08 Committee Decision/Officer Recommended Resolution

**That Council accepts the August and September 2008 Building Information Report.
CARRIED 7/0**

| SD034/010/08 HEALTH INFORMATION REPORT | | |
|--|--|------------------------------------|
| Proponent: | N/A | In Brief Information report |
| Owner: | N/A | |
| Officer: | Tony Turner – Manager Health & Ranger Services | |
| Signatures Author: | N/A | |
| Senior Officer: | Brad Gleeson – Director Development Services | |
| Date of Report | 30 September 2008 | |
| Previously | Nil | |
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act | |
| Delegation | Committee – in accordance with resolution CGAM064/02/08 | |

SD034/10/08 Committee Decision/Officer Recommended Resolution

**That Council accepts the September 2008 Health Information Report.
CARRIED 7/0**

| SD045/10/08 PLANNING INFORMATION REPORT | | |
|---|--|------------------------------------|
| Proponent: | N/A | In Brief Information report |
| Owner: | N/A | |
| Officer: | Simon Wilkes - Executive Manager Planning | |
| Signatures Author: | N/A | |
| Senior Officer: | Brad Gleeson - Director Development Services | |
| Date of Report | 25 September 2008 | |
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act | |
| Delegation | Committee – in accordance with resolution CGAM064/02/08 | |

SD045/10/08 Committee Decision/Officer Recommended Resolution

**That Council accepts the September 2008 Planning Information Report.
CARRIED 7/0**

Committee Note: The Planning Information Report was amended by:

- 1. Removing the duplicated item “L321 Kentish Road, Keysbrook – Machinery Shed” in the Delegated Authority Determinations – Development Applications, Subdivisions, Detailed Area Plans Register; and**
- 2. By changing L9002 Wungong South Road, Darling Downs in the Subdivision Application Determinations by WAPC table Lot size from “Rural – 647m2 minimum” to “Rural – 6470m2 minimum”.**

| CGAM024/10/08 MONTHLY FINANCIAL REPORT – AUGUST 2008 (A0924/07) | | |
|---|---|--|
| Proponent: | Local Government Act 1995 | In Brief To receive the Monthly Financial Report as at 31 August 2008 |
| Owner: | Not Applicable | |
| Officer: | Casey Mihovilovich - Manager Finance Services | |
| Senior Officer: | Alan Hart - Director Corporate Services | |
| Date of Report | 15 September 2008 | |
| Previously | Not Applicable | |
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act 1995 | |
| Delegation | Committee in accordance with resolution CGAM064/02/08 | |

CGAM024/10/08 Committee Decision/Officer Recommended Resolution:

**Council receives the Monthly Financial Report, as at 31 August 2008, in accordance with Section 6.4 of the Local Government Act 1995.
CARRIED 7/0**

| CGAM025/10/08 CONFIRMATION OF PAYMENT OF CREDITORS (A0917) | | |
|--|--|--|
| Proponent: | Alan Hart - Director Corporate Services | In Brief To confirm the creditor payments made during September 2008. |
| Owner: | Not Applicable | |
| Author: | Donna Colum - Finance Officer | |
| Senior Officer: | Alan Hart - Director Corporate Services | |
| Date of Report | 1 October 2008 | |
| Previously | Not Applicable | |
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act | |
| Delegation | Committee in accordance with resolution CGAM064/02/08 | |

CGAM025/10/08 Committee Decision/Officer Recommended Resolution:

That Council notes the payments authorised under delegated authority and detailed in the list of invoices for the month of September 2008, presented per the summaries set out above include Creditors yet to be paid and in accordance with the Local Government (Financial Management) Regulations 1996.
CARRIED 7/0

| CGAM026/10/08 SUNDRY DEBTOR OUTSTANDING ACCOUNTS (A0917) | | |
|--|--|--|
| Proponent: | Alan Hart - Director Corporate Services | In Brief To receive the sundry debtor balances as at 30 September 2008. |
| Owner: | Not Applicable | |
| Author: | Melissa Armitage - Finance Officer (Debtors) | |
| Senior Officer: | Alan Hart - Director Corporate Services | |
| Date of Report | 2 October 2008 | |
| Previously | Not Applicable | |
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act | |
| Delegation | Committee in accordance with resolution CGAM064/02/08 | |

CGAM026/10/08 Committee Decision/Officer Recommended Resolution:

That Council receive and note the report on Sundry Debtor Outstanding Accounts as at 30 September 2008.
CARRIED 7/0

| CGAM027/10/08 RATE DEBTORS REPORT (A0917) | | |
|--|--|--|
| Proponent: | Alan Hart - Director Corporate Services | In Brief To receive the rates report as at 30 September 2008. |
| Owner: | Not Applicable | |
| Author: | Kellie Bartley - Rates Officer | |
| Senior Officer: | Alan Hart - Director Corporate Services | |
| Date of Report | 4 August 2008 | |
| Previously | Not Applicable | |
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act | |
| Delegation | Committee in accordance with resolution CGAM064/02/08 | |

CGAM027/10/08 Committee Decision/Officer Recommended Resolution:

**That Council receive and note the report on the Rate Debtors accounts as at 30 September 2008.
CARRIED 7/0**

| CGAM035/10/08 | | INFORMATION REPORT | |
|------------------------|--|---|--|
| Proponent: | Alan Hart - Director Corporate Services | In Brief To receive the information report to 30 September 2008. | |
| Owner: | Not Applicable | | |
| Author: | Various | | |
| Senior Officer: | Alan Hart - Director Corporate Services | | |
| Date of Report | 3 October 2008 | | |
| Previously | Not Applicable | | |
| Disclosure of Interest | No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act | | |
| Delegation | Committee in accordance with resolution CGAM064/02/08 | | |

CGAM035/10/08 Committee Decision/Officer Recommended Resolution:

**That the Information Report to 30 September 2008 be received.
CARRIED 7/0**